

T.C
UNIVERSITY OF GAZİANTEP
GRADUATE SCHOOL OF SOCIAL SCIENCES
DEPARTMENT OF INTERNATIONAL RELATIONS

**THE ROLE OF UNITED NATIONS SECURITY COUNCIL ON THE
SOLUTION OF INTERNATIONAL PROBLEMS AFTER THE POST-COLD
WAR PERIOD AND REFORM DEBATES IN THE UNITED NATIONS**

MASTER'S OF ART THESIS

Burcu GÜRBÜZ

GAZİANTEP
JULY 2019

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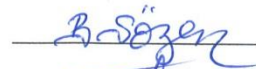
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**SOĞUK SAVAŞ SONRASI DÖNEMDE BİRLEŞMİŞ MİLLETLER GÜVENLİK
KONSEYİ'NİN ULUSLARARASI SORUNLARIN ÇÖZÜMÜNDEKİ ROLÜ VE
BİRLEŞMİŞ MİLLETLER'DE REFORM TARTIŞMALARI**

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ETİK BEYAN

Gaziantep Üniversitesi Sosyal Bilimleri Enstitüsü Tez Yazım Kurallarına uygun olarak hazırladığım bu tez çalışmada;

Tez içinde sunduğum verileri, bilgileri ve dokümanları akademik ve etik kurallar çerçevesinde elde ettiğimi,

Tüm bilgi, belge, değerlendirme ve sonuçları bilimsel etik ve ahlak kurallarına uygun olarak sunduğumu,

Tez çalışmada yararlandığım eserlerin tümüne uygun atıfta bulunarak kaynak gösterdiğimi,

Kullanılan verilerde herhangi bir değişiklik yapmadığımı,

Bu tezde sunduğum çalışmanın özgün olduğunu, bildirir, aksi bir durumda aleyhime doğabilecek tüm hak kayıplarını kabullendiğimi beyan ederim.

Burcu GÜRBÜZ

TEMMUZ 2019

DEDICATION

In the world formed by a perfect system, while a mother exists a human being, humanity disappears when a Mother dies. As Brigham Young said '' If you train a boy, you train a man but if you train a woman, you train a generation.'' I would like to thank my mother, Bilge Gürbüz for her support to my life and education. In addition, I would like to thank my father.. Since the first day I started school, he has been with me for his all effort and moral support. My mother and father's sacrifices are not payable. That's why I dedicate this work to my precious family.

*A man cannot leave a better legacy to the world
than a well-educated family.*

Thomas Scot

ABSTRACT

THE ROLE OF UNITED NATIONS SECURITY COUNCIL ON THE SOLUTION OF INTERNATIONAL PROBLEMS AFTER THE POST-COLD WAR PERIOD AND REFORM DEBATES IN THE UNITED NATIONS

GURBUZ, BURCU

M.A. Thesis, Department of International Relations

Supervisor: Asst. Prof. Dr. Mesut SOHRET

July 2019, 107 pages

This study allows us to make a journey to the United Nations Security Council from the past to the present. After two great brutal battles witnessed by the Earth, mainly in USA and UK who are from war-winning countries established the International Power Organization which is named as the United Nations in order to ensure peace and security to avoid a third world war full of destruction in the future. The Security Council which is one of the six main organs of the United Nations and has the only privileged position in terms of the binding of its decisions consists of the United States, England, France, China and Russia which are permanent members. This study provides information on the structure, functioning and functionality of the United Nations. Also after the Cold War period, from the 2000s to the present day, the study tried to identify the key points by revealing the successful and unsuccessful situations of the Security Council due to its decision-making and veto power to ensure security. The fact that the permanent members are among the countries producing the most arms has started to question the confidence of the United Nations in the international framework. Also, the Security Council lost prestige due to the failures of members of the Security Council, particularly the use of veto in the international area. The Security Council confronted of suggestions and demands from some individuals and institutions for reform. Although, the United Nations wants to carry out these reforms, The Security Council members reject many reform requests in their own interests. Also, this academically examined study has attempted to assess why the Security Council is still seen as the center of international problems today and how the Security Council is pursuing the reform demands proposed to overcome these problems.

Key words: Post-Cold War, United Nations, Security Council, Veto, Reform Proposals, Reform Demands

ÖZET

SOĞUK SAVAŞ SONRASI DÖNEMDE BİRLEŞMİŞ MİLLETLER

GÜVENLİK KONSEYİ'NİN ULUSLARARASI SORUNLARIN

ÇÖZÜMÜNDEKİ ROLÜ VE BİRLEŞMİŞ MİLLETLER'DE REFORM

TARTIŞMALARI

GURBUZ, BURCU

Yüksek Lisans Tezi, Uluslararası İlişkiler (İngilizce) Bölümü

Tez Danışmanı: Dr.Öğr.Üyesi Mesut SOHRET

Temmuz 2019, 107 sayfa

Birleşmiş Milletler Güvenlik Konseyi üzerine geçmişten günümüze bir yolculuk yaptıran bu çalışma, Dünya'nın şahit olduğu iki büyük vahşet saçan savaşlar sonrasında, savaşa galip gelen Ülke'lerden başta ABD ve İngiltere olmak üzere, gelecekte yıkımlarla dolu üçüncü bir dünya savaşına maruz kalınmaması için, Uluslararası alanda, ulusların barış ve güvenliğinin sağlanması ve korunması adına Birleşmiş Milletler adının verildiği örgütü kurmuşlardır. Birleşmiş Milletler'in altı ana organından olan fakat kararlarının bağlayıcılığı noktasında tek ayrıcalıklı konuma sahip olan Güvenlik Konseyi daimi üyeleri: ABD, İngiltere, Fransa, Çin ve Rusya Ülke'lerinden oluşmaktadır. Bu çalışma Birleşmiş Milletler örgütü'nün yapısı, işleyişi ve işlevselliği hakkında bilgi verirken, aynı zamanda Soğuk Savaş dönemi sonrası, 2000'li yıllardan itibaren günümüze kadar, Güvenlik Konseyi'nin güvenliğinin sağlanmasına yönelik sahip olduğu karar verme ve veto yetkisinden kaynaklı başarılı ve başarısız olunan durumları ortaya koyarak, kilit noktalar belirtilmeye çalışılmıştır. Daimi üyelerin en çok silah üretimi yapan Ülke'ler arasında yer alması, uluslararası çerçevede Birleşmiş Milletler'e olan güveni sorgulatmaya başlamıştır. Güvenlik Konseyi üyelerinin özellikle veto kullanımının neden olduğu başarısızlıkları ile uluslararası alanda prestij kaybederken, bazı kişi ve kurumların reform için öneri ve talepleriyle karşı karşıya kalmıştır. Her ne kadar Birleşmiş Milletler örgütü bu reformları gerçekleştirmek istese de, Güvenlik Konseyi üyeleri kendi çıkarları doğrultusunda birçok reform talebini reddetmektedir. Akademik olarak incelenen bu çalışma, neden bugün hala Güvenlik Konseyi'nin uluslararası alanda yaşanan problemlerin merkezi olarak görüldüğünü ve problemlerin aşılabilmesi için önerilen reform talepleri doğrultusunda, Güvenlik Konseyi'nin nasıl bir yol izlediğini değerlendirmeye çalışmıştır.

Anahtar kelimeler: Soğuk Savaş Sonrası, Birleşmiş Milletler, Güvenlik Konseyi, Veto, Reform Önerileri, Reform Talepleri

ACKNOWLEDGEMENT

A teacher is a student's compass and if you have a good compass, there is no success beyond reach. I would like to thank my professor Dr. Mesut ŞÖHRET who is a shining compass for me on the way to completion my thesis.



Only the Teachers and educators are the saviors of nations. A nation wanting of these cannot yet be called a nation. It may be called an ordinary mass but not a nation.

M. Kemal Atatürk

DECLARATION

As a research requirement, original narration and objective data should be used. This study has not been done to support any ideology or an institution and has been described in an objective perspective.



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LIST OF ABBRIVIATIONS

The following abbreviation have been used in this thesis

ARSA	The Arakan Rohingya Salvation Army
AU	African Union
CAR	Central African Republic
ECOSOC	Economic and Social Council
EU	European Union
IAEA	International Atomic Energy Agency
ICC	International Criminal Court
ICJ	International Court of Justice
ISIS	Islamic State of Irak and Syria
LNU	League of Nations
MDGs	Millennium Development Goals
MINURSO	United Nations Mission for the Referendum in Western Sahra
MINUSCA	United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic
MINUSMA	United Nations Multidimensional Integrated Stabilization Mission in Mali
MONUSCO	United Nations Multidimensional Integrated Stabilization Mission in the DR Congo
MINUJUSTH	United Nations Missions for Justice Support in Haiti
NATO	the North Atlantic Treaty Organization
OCHA	United Nations Office for Humanitarian Affairs
OEWG	Open Ended Working Group
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN	United Nations

UNAMET	United Nations Mission in East Timor
UNAMID	United Nations – African Union Hybrid Operation in Darfur
UNAMSIL	United Nations Mission in Sierra Leone
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNMIK	United Nations Mission in Kosovo
UNMISS	United Nations Mission in South Sudan
UNISFA	United Nations Interim Security Force for Abyei
UNPROFOR	United Nations Protection Force
UNSC	United Nations Security Council
US	United States
USA	United States of America
USSR	Union of Soviet Socialist Republics
PKK	Kurdistan Worker's Party
RPF	Rwandan Patriotic Front
SC	Security Council
SIPRI	Stockholm International Peace Research Institute
WFP	World Food Program

*In the absence of law and justice, human beings are the worst
because nothing can be wilder than an armed injustice.*

Aristoteles //



CHAPTER 1

INTRODUCTION

The United Nations has a very important and privileged position in the history of humanity is an international organization established to serve world peace and security. Although the League of Nations, which was the pioneer of the idea of United Nations, came into life after the World War I, in line with idealistic principles. It has not been successful due to some negative developments in the world conjuncture and the organization was founded under the leadership of the states that won the Second World War to solve the post-war conflicts. The name of this organization was registered as United Nations. The United Nations Security Council was established in 1945 as an organization in accordance with the rules applicable to each country from a specific center; to ensure international peace and security of nations on the earth, maximizing the living standard of society, promote human rights against all kinds of injustice, protect of territorial integrity, ensure the sovereignty of people and the state, to protect state rights against other states and ensure the peace and prosperity.

The purpose of its establishment can be better understood by the following words in the preamble of United Nations Charter as ‘*We The People of The United Nations Determined: to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom*’¹ In accordance with these words, the Security Council created six organs to carry out its purposes but one of

¹ V. Charter of The United Nations. (2019). *Statute of The International Court of Justice, June 6, 1945*, <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>, (20.05.2019)

the organs is very powerful and significant than others. It calls as the Security Council. Why is the Security Council more powerful than other organs because of its decision making mechanism and the veto rights of members? The Security Council has 5 permanent and 10 non permanent members but only the Security Council's permanent members decisions are binding for all countries. Then, question is starting in that the world is bigger than P5. All countries in the world are experiencing problems due to many reasons such as cultural differences, conditions which brought by their geographical region and when these problems cannot be solved they go to war. The Security Council authorized by The United Nations General Assembly to solve these problems and prevent wars. Even if the Security Council tried to be a part of the solution of international problems, it eventually becomes part of the problems but how?

The resulting ideological division which was occurred after the Second World War, it caused the emergence of a two-pole system called as the Cold War. The Western and Eastern blocky bipolar system has emerged in one of the American and the other under the leadership of Soviet Union. As a result of the clashes of the two blocs, the demolition of the Berlin Wall and the dissolution of the Soviet Union led to the end of the Cold War in 1991. Even if the winner side in the war, states which were entered to the war, they have lost as different quantities in terms of economical, political and psychological.

After the Cold War Period, some countries started to continue to conflicts because of ethnic reasons, the desire to seize the land and the reasons for having underground resources. Human needs to be met in order to survive and security is the most necessary need for the survival of the triad of individuals, society and the state. Maslow's hierarchy of needs as follows: Physiological needs, safety or security needs, love and belonging needs or social needs, esteem and prestige needs or ego needs, self-actualization needs or self-realization needs, understanding needs and aesthetic needs, explains the necessary needs and demonstrates how people and the state can survive.² Not only conflict starts where needs are not met, but also often starts where needs are not adequately met.

²V. E. O. Aruma and Dr. Melvins Enwuesi Hanachor. (2017). Abraham Maslow's Hierarchy of Needs and Assessment of Needs in Community Development. *International Journal of Development and Economic Sustainability*, 5(7):18-19

Upon this, some studies have been done on security. According to the security studies, which carried out from the 1960s to the 1990s, the problems changed in 2000s as: poverty, infectious diseases and including deterioration, economic and social threats, interstate conflicts, internal conflicts, the threat of weapons of mass destruction; internationally accused, such as nuclear, biological and chemical, terrorism, drug trafficking. The Security Council tried to find solutions to solve these problems with some operations as: Preventive Diplomacy, Peace Building, Peace Making and Peace Keeping. Then, The Security Council started to operations and interventions on some countries as Somalia, Yugoslavia, Rwanda, Haiti, East Timor, Sierra Leone, Srebrenica, Syria, Iraq, Idlib, Rachine, The Israeli-Palestina and more.. As a result of these, while many people lost their lives, many people had to leave their country because The Security Council also used of veto rights in wrong way but why?

Statistics and reviews shows that there has not been any noticeable improvement until today because some of The Security Council members as United States of America to act out of the rules against some countries as situation of Israel-Palestine, Iraq, Syria, Idlib and Rakhine. While The Security Council is the only national and international organ capable of making decisions for possible conflicts, permanent members of The Security Council are among the most arms producing countries in the world and also they are among the countries that help the terrorist organizations. These kinds of manners are against to the purposes and principles of The United Nations. In this respect, the policies and actions of the UN started to be questioned because when intervention is required for a country, The Security Council did not do any operation or intervene significantly against countries because of their own interests. For instance: Afghanistan, Iraq, Syria, Libya, Myanmar, Yemen are the countries where the United Nations abstain from where to intervene. That's why the United Nations lost confidence in the international field due to the decisions taken and implemented by the Security Council against the international problems.

After all these problems, reform debate begins to emerge on the Security Council by United Nations. Some of regulations and reform demands is foreseen in the structure of the Council as: Razali Plan, Reform Proposals of the Elective Group, Decision Draft of G4, Decision Draft of African States, Union Group for

Reconciliation, The S-5, The L-69, Requests for some organs of the UN, Removal of Veto, The US Decision on Reform of Veto and New Millennium Declaration. The Security Council did not exactly apply proposals of reform until today because of their own interests. Even The United Nations put the New Millennium Declaration to have a reliable identity and ensure peace and prosperity throughout the world, the Security Council's permanent members continue to act in line with self interest and the United Nations Security Council did not demonstrate stable behavior in its own organic structure and they become part of the security problems by losing confidence in the international field due to unfunctionalities.

According to all informations, this study is focus on those questions as,

- ✓ Why while P5 members entered a position that endangers the security of countries and people, even though Council tried to be a part of the solution of the international security problems?
- ✓ Why decisions that binding to all countries are not made by unanimity and majority vote of all members of the United Nations?
- ✓ The right to veto only belongs to the permanent members of the Security Council, why it is not made democratically by a majority of all members of the United Nations?
- ✓ Why they are still not reforming on the veto right and in the organic and functional structure of the council?
- ✓ Why the Security Council members are sanctioning to some countries only with decisions of 5 permanent members?
- ✓ Why the Security Council did not intervenes where it should intervene and intervenes where it should not intervene?
- ✓ Why do the five permanent members appointed to ensure peace and security provides arms assistance to terrorist organizations?

Therefore, this study is trying to explain the role of the UNSC on the solution of international problems after the Post-Cold War period and reform debates in the UN. The research lays in its effort to explain the reason why there are still a lot of insoluble securities problems exist in the area of the UNSC, and what tactics are being applied to solve the problems in the UN. In this study, the goals of the United Nations Organization, the structure and functionality of the Security Council, the

actions and inaction of the Security Council in the ongoing conflicts after the Cold War period, the reform proposals taken against these actions and the reform demands that were tried to be realized were presented objectively with the available statistical data.



CHAPTER 2

A BRIEF INQUIRY INTO THE UNITED NATIONS

2.1. HISTORY OF THE UNITED NATIONS

International organizations are organizations in which states have come together in order to protect the interests of their own and political parties and political views in the international area, to increase their power against the dangers and threats that may come from other states, to establish the demands of the state as a member of the international relations and to establish the demands of the other members.³ The International Organizations officially captured their actual existence in the 19th century. The change in the nature of wars and the development of solidarity in the economic sphere as a result of the heavy destruction following World War II has been the reason for the political organization of the states.⁴ Organizations have tried to address the concept of security in different dimensions as a way of protecting states from possible threats, incidents and sudden losses.⁵ Established by the Treaty of Westphalia in 1648, sovereign and equal states political system, the development of trade and the treaty began to take place in the world, with the emerging needs of society and the state, to meet their arrangements among states, international organizations have shown the setup of a defining feature. States' desires to attract an international order and the collaborations for this have been made possible by international organizations.⁶

³ Uğur Özgöker. (2014). *Uluslararası Siyasi, Askeri ve Ekonomik Örgütler*. 3.Baskı, Der Kitabevi Yayınevi ve Dağıtım Paz. Ltd. Şti, İstanbul, s.1.

⁴ Cengiz Başak. (2012). *Uluslararası Örgütler*. 2.Baskı, Seçkin Yayıncılık, Ankara, ss.30-48.

⁵ Çağrı Erhan, (2001). ABD'nin Ulusal Güvenlik Anlayışı. *Ankara Üniversitesi Siyasal Bilgiler Fakültesi Dergisi*, 56(4):78

⁶ Çınar Özen ve Özgür Tonus. (2013). *Uluslararası Örgütler*. TC Anadolu Üniversitesi Yayını, Eskişehir, ss.4-6.

The first step taken by the intergovernmental cooperation to protect peace is the great powers in Europe after 1815. The great powers are Austria, England, Prussia, Russia⁷ it is the European Harmony, consisting of periodic meetings, but not an organization. And the La Haye Conferences, which took place between 1899 and 1907, were the first to be universal in the question of international peace and security.⁸ As a result of the collapse of the empires after World War I, the differentiation of the borders, and the loss of the lives of the civilian population and a large number of soldiers, the notion of collective security has become a topic that has been emphasized more frequently.⁹

US President Woodrow Wilson, at the US Congress, announced the 14 principles which were called Wilson principles on 14 January 1918 and he showed limited the terms of the agreement between the parties in order to end of the World War I and prevent future conflicts.¹⁰ The 14th point of Wilson's principles defined as Fourteen Points, envisaged the establishment of an organization that encompasses all nations without distinction between small or large states. Thus, every state would guarantee its territorial integrity and political independence within its borders on the international area.¹¹ The first official meeting of the organization, which was to be established under the name of the League of Nations, with the commissions of the France, the United Kingdom and USA including distinguished academicians was held on 12 January 1919 in Paris.¹² Not only America rejects the Treaty of Versailles as it contradicts Wilson principles at the Paris Peace Conference but also refused to become a member of the League of Nations. Considering the situation of countries after World War I, it is seen that the League of Nations has an unsuccessful attitude in the international area. One of the reasons for this failure is that America is not a

⁷ V. Adam Augustyn. et.al. (2019) *Congress of Vienna*. September 1814- June 9, 1815, <https://www.britannica.com/event/Congress-of-Vienna>, Erişim (28.05.2019)

⁸ Geoffrey Best. (1980). *Humanity in Warfare*, The Modern History of the International Armed Conflicts, New Pr, Methuen, London, p.12.

⁹Doğan Şafak Polat. (2016). *Uluslararası Güvenlik;Yeni Politikalar, Stratejiler ve Yaklaşımlar*, Hasret Çomak, Caner Sancaktar ve Sertif Demir, (Ed.). 1.Baskı, Beta Basım Yayım Dağıtım A.Ş., İstanbul, s.333.

¹⁰ V. Andrey Kortunov. et.al. (2018) Center For Strategic Research. Foreign and Security Policy, *Woodrow Wilson's Fourteen Points 100 Years On: Rethinking The Liberal World Order*, Moscow, January 2018, p.4.,<https://www.google.com/url?sa=t&source=web&rct=j&url=http://tun.rs.gov.ru/uploads/document/file/4479/Report-Wilson-Web-EN.pdf&ved=2ahUKEwifLecmLLhAhUlxYUKHc3iCS4QFjADegQIAhAB&usg=AOvVaw24sSPXNcjdBizfNoWo8lu&cshid=1554235334818>, (02.04.2019).

¹¹ Selman Ögüt. (2017). *21.Yüzyılda Uluslararası Hukuk Çerçevesinde BM Güvenlik Konseyi'nin Yeniden Yapılandırılması*, 2.Baskı, Bilimevi Basım Yayın, İstanbul, s.21.

¹² Ruth Henig. (1974). *The League of Nations*. Haus Publishing, London, p.12.

member of the League of Nations. The fact that the important states that are members are later removed from membership, the instability in the number of members and the difficulties in the decision-making mechanism of the organization are included. Such problems affected the power of the League of Nations and led to the emergence of the World War II. Although, the aims of LNU are to ensure peace and security on the world, to prevent possible wars and to have a stable attitude with the decisions taken for a new world order by reason of have insufficient power in the face of problems.¹³ The League of Nations community has decided to dissolve itself and transfer operation signed on 18 April 1946 with the last meeting in Geneva by Sean Lester who is the last Secretary General of the League of Nations. The League of Nations lost its legal existence with these words: '' *The Union is dead, long live United Nations* '' that words said by Lord Robert Cecil who was one of the founders of the UN.¹⁴ At the end of World War II, Japan attacked Pearl Harbor¹⁵

The United States of America (USA) threw an atomic bomb to Japan and led to the deaths of 220,000 people in Japan.¹⁶ After World War II, The victory of the US and after the collapse of the Soviet Union, the division of the State of Yugoslavia into five, the German regaining power within itself and the withdrawal of the states of Romania, Bulgaria, Albania, Poland, Hungary and Czechoslovakia from communism, the Cold War period ended and the post-Cold War period began.¹⁷ Great powers have begun to focus on issues such as: social welfare, better living conditions and economic development.¹⁸ England and US are the allied countries that won the Cold War. The victorious countries decided to establish an organization that encompasses all nations in order to ensure peace and prosperity and to cooperate safely with all states.¹⁹ US President F. Roosevelt and England Prime Minister Churchill met in August 1941 on the Prince of Wales and in Augusto warships in

¹³Bkz. Melda Sur. (2012). Birleşmiş Milletler Örgütünün Gelişimi ve Geleceği; The Development and the Future of The United Nations. *Yaşar Üniversitesi Dergisi*, 8: 2536-2538.

¹⁴ V. History of the League of Nations. (2019). *UNOG Library*, Registry, Records and Archives Unit, 1919-1946, pp.13-14.,[https://www.unog.ch/80256EDD006B8954/\(httpAssets\)/36BC4F83BD9E4443C1257AF3004FC0AE/%24file/Historical_overview_of_the_League_of_Nations.pdf](https://www.unog.ch/80256EDD006B8954/(httpAssets)/36BC4F83BD9E4443C1257AF3004FC0AE/%24file/Historical_overview_of_the_League_of_Nations.pdf), (28.05.2019)

¹⁵ Mark Mazower. (2013). *No Enchanted Palace; The End of Empire and the Ideological Origins of the United Nations*, Princeton University Press, ISBN 978-0- 691-13521-2, New Jersey, p.38.

¹⁶ Berdal Aral. (2019). *Birleşmiş Milletler ve Uluslararası Eşitsizlik* 2013. Seta, Ankara, s.8.

¹⁷ Kemal Girgin. (2002). *21.Yüzyıl Perspektifinde Dünya Siyaseti*. 1.Baskı, Okumuş Adam Yayıncılık, İstanbul, s.29.

¹⁸ John Lewis Gaddis. (2008). *Soğuk Savaş: Pazarlıklar, Casuslar, Yalanlar, Gerçek*. Dilek Cenkçiler. (Çev), Yapı Kredi Yayınları, İstanbul, ss.36-37.

¹⁹ Berdal Aral. a.e., (2019)

Placentia Cove of New Foundland in the Atlantic Ocean. At the end of World War II, they set out their goals for the new world order with the Atlantic Charter. The Atlantic Charter is reminiscent of Wilson's 14 principles, but the most important point is that the Atlantic Charter was introduced before the war.²⁰ These calls, which were declared by the US President F. Roosevelt within the scope of Four Freedoms by the Atlantic Declaration on January 6, 1941, were confirmed and the USA's post-war policies were outlined.²¹ This concept of ‘Four Freedoms’ defined as fundamental human freedoms, its contents are organized as follows; ‘*Freedom of speech and expression, Freedom of worship, Freedom from want, Freedom from fear*’,²²

Representatives of 26 Allied countries were fighting against Axis countries on 1 January 1942 have declared support for Atlantic conditions by signing the United Nations Declaration for the United Nations organization.²³ Along with the Atlantic Declaration, exactly six meetings were held on the road to the founding of the United Nations.

If conferences are classified;

- ✓ 2nd meeting; In 1943, it was made in Cairo and Tehran.
- ✓ 3th meeting; The Moscow Conference made on 30 October 1943, in which decisions were taken to establish the existence of the UN in a concrete sense.
- ✓ 4th meeting; It was the Bretton & Woods Conference that was held on 1/22 July 1944. The US Treasury Secretary Henry Morgenthau demanded drastic changes in the economic and financial sphere that will affect all nations on earth with 3R: ‘*Relief – Recovery – Reform*’ which is including in New Deal Policy has launched its initiative through a conference.
- ✓ 5th meeting; Dumbarton Oaks Meetings held between 21 August and 7 October 1944. In this meeting, the UK and the US demanded that the organization should include social and economic issues, and the USSR demanded that states could be a problem because of their ideological differences, and that the organization should only deal with international

²⁰ Oral Sander. (2018). *Siyasi Tarih*, 26.Baskı, İmge, Ankara, ss.162-163.

²¹ Erdem Denk. (2015). *Uluslararası Örgütler Hukuku: Birleşmiş Milletler Sistemi*.1.Baskı , Siyasal Kitabevi, Ankara, s.137.

²² V. Franklin D.Roosevelt. (2019). *FDR Presidential Library*, Freedom From Fear FDR Commander In Chief, September 2, 2005 – November 5, 2006, <https://www.fdrlibrary.org/documents/356632/390886/freedomguide.pdf/ea490e73-0143-4a61-a06b-615ed4ad19c4> (06.04.2019)

²³ Uğur Özgöker, a.e., s.15.

peace and security. In order to accept this proposal as a common point, it was accepted as the main organ of the organization (ECOSOC).

- ✓ 6th meeting; Yalta Conference was conducted between W.Churchill, F.Roosevelt and J.Stalin in the Crimea on 4-11 February 1945. In this conference, the political and military aspects of the new order to be established internationally were shaped around the five founding members and the main structure of the UN organization has been finalized.²⁴
- ✓ 7th and the last meeting; It was **San Francisco Conference**, In 1942, the UN Declaration approved and signed and 1 March 1945, the treaty was signed on 26 June 1945 by a total of 50 states and members of all states that are the defenders of peace declaring war on the Axis Powers. Due to the Polish government's domestic problems signed the agreement two months later and the treaty on the official recognition of the existence of the United Nations organization, which have 51 founding members. It entered into force on 24 October 1945.²⁵ The first General Assembly of the United Nations took place in London on 10 January 1946 with the participation of 51 countries.²⁶

Some countries organized meetings from time to time for a better world order. With the emergence of World War I, the idea of establishing an organization for the peace and security of the countries was an important step for the establishment of unity and solidarity. Although the organization of the national community has made efforts to ensure peace and security, the organization has failed to overcome countries wishes as countries' search for land, interest races and desire to have more resources and League of Nations closed because of its failures and The United Nations organization established by great powers after the 2nd World War with the same purpose but with a different structure. The United Nations organization stated the purpose of the establishment in the first article of the UN Charter and assigned the duty of protection of peace and security to The Security Council. From the first years of the establishment of the Security Council to the present day, it would not be wrong to say that The Security Council is a mixture of the balance of power and the Wilsonian idealism to ensure peace and security in the

²⁴ Erdem Denk, a.e., ss.139-142.

²⁵ V. United Nations Department of Public Information. (2019). The United Nations Today 2008. Printed by the Publishing Section/DGACM, New York, p.3, <https://www.un.org/ar/geninfo/pdf/UN.today.pdf>, (08.04.2019)

²⁶ Uğur Özgöker, a.e., s.16.

international area. According to these informations, it can be said that The UN have a political structure due to structure and has included political actions. Although The Security Council takes legal principles into account in its actions and decisions, it is not affiliated with the International Court of Justice, which is the organ of The United Nations. It is possible to see this dualist approach in the attitude of The Security Council in the face of emerging international problems.²⁷

2.2. STRUCTURE OF THE UNITED NATIONS

The UN, which did not identify a center at the outset, was decided to conduct the UN work based in New York after the first General Assembly meeting in London. Thus, Rockefeller, a family business has financially supported the UN and built a building in 1952 for the UN's working area in New York. For this, Rockefeller is a family business supported the UN financially and built a building in 1952 in New York for the UN's work.²⁸ The official language of the UN is not only English, but also ‘‘Arabic (18 December), Chinese (20 April), Spanish (23 April), English (23 April), French (20 March) and (June 6) Russian’’ languages have been included in the official languages and since 1946, each of the six official languages has been official. This information is available in the New York-based Dag Hammarskjöld library named after the UN Secretary General.²⁹ The UN treaty signed by the Allied States. These states are mainly as: China, France, USA, Soviet Union and the United Kingdom. Also, treaty was formed by 111 articles.³⁰ As of today, The UN has 193 member states with South Sudan becoming a member of the UN in 2011.³¹ Instead of a disordered world, such issue as peace, security, justice, social equality and economic development, The UN included six basic organs with in

²⁷ Bkz. Mesut Şöhret. (2014). BM Güvenlik Konseyinin Uluslararası Güvenlik Sorunlarının Çözümünde Rolü ve BM Teşkilatının Geleceği. *Uluslararası Güvenlik Kongresi*, 1.Baskı, Kocaeli, s.10.

²⁸ Doç.Dr. Erdem Denk, a.e., s.147.

²⁹ V. United Nations Official Languages. (2019). *United Nations Publications*, <https://www.un.org/en/sections/about-un/official-languages/>, (12.04.2019)

³⁰ Bkz. Osman Ağır ve Zehra Aksu. (2017). Birleşmiş Milletler'in Suriye Krizine Yönelik Politikalarının Değerlendirilmesi; Evaluation of United Nations Policies for Syria Crisis. *Assam Uluslararası Hakemli Dergi (Assam – Uhad) Assam International Refereed Journal*, 4(9):46,

³¹ Nejat Doğan vd. (2014). *Birleşmiş Milletler: BM Sistemi ve Reformu*, Siyasal Kitabevi, Ankara, s.110.

which it can carry out its activities to ensure prosperity between society and countries in a systematic order.³²

2.3. PURPOSE OF THE UNITED NATIONS

The four main objectives of the UN Article 1 of the Charter of the United Nations as;

- ✓ “To ensure international peace and security,
- ✓ To develop friendly relations between nations respecting the principle of equal rights and the principle of self-determination of peoples,
- ✓ To cooperate in solving international economic, social, cultural and humanitarian problems and respecting human rights and fundamental freedoms,
- ✓ To be a center for harmonizing the movements of nations in achieving these common goals.”³³

Whereas, The United Nations acts according to the basic principles was contained in Article 2 of the Regulation. These basic principles are as follows;

- ✓ “ It is based on the sovereign equality of all its members,
- ✓ All members must fulfill their statutory obligations in good faith,
- ✓ To solve international disputes with peaceful roads and solve international peace and security and justice without endangering,
- ✓ Threat or use of force should be avoided against any other state.”³⁴

People confronted with serious problems such as hunger, poverty, death, and abandoning their homes due to wars. The United Nations organizations have put forward their aims in the United Nations Charter which can give confidence to societies in terms of the peace, welfare, justice and equality. The United Nations became questionable in 70 years about what extent the objectives have been achieved or not achieved for the protection of human rights and for the safeguarding of states by security.

³² Osman Ağır ve Zehra Aksu, a.g.m., (2017). Birleşmiş Milletler’in Suriye Krizine Yönelik Politikalarının Değerlendirilmesi; Evaluation of United Nations Policies for Syria Crisis. *Assam Uluslararası Hakemli Dergi (Assam – Uhad) Assam International Refereed Journal*, 4(9):46,

³³The American Historical Review. (2019). A History of the United Nations Charter: The Role of The United States 1958. Brookings Institution Press, Washington, p.672.

³⁴ V. Basic Fact About The United Nations. (2019). *United Nations Department of Public Information*, April 2011, <http://munkiconference.weebly.com/uploads/1/5/4/2/15422056/basic-facts-about-the-un.pdf>, (12.04.2019)

2.3.1. Principles of the United Nations

The UN has set a number of principles in the UN Charter on the protection of peace and security in the international area.³⁵

Determined principles are as follows;

- 1) All Members shall provide all necessary assistance to the UN for any action it has taken in accordance with this Charter and avoid providing assistance to states where the UN provides preventive or practical interventions for peace and security.
- 2) To ensure that non-member states of the United Nations act in accordance with the principles contained in the bylaws, as necessary, for the continuity of international peace and security.
- 3) No policy contained in this Charter shall permit the United Nations to intervene in any matter within the jurisdiction of any State for domestic purposes or it shall require members to submit such cases in order to achieve this principle. However, this principle shall not harm the implementation of enforcement measures under Section VII.³⁶

The expressions put forward by the United Nations in the principles section are those principles that respect and protect the rights of states. The decisions here are for justice and equality for states. In particular, there have been certain judgments on non-interference in the internal affairs of states. Even if the principles imposed a major duty on all members and in particular P5 members, to ensure collective security and peace. It was observed that in many events, not only during the Cold War, but also in the post-cold war period, the P5 members had not taken into account the principles, and even did not even apply them.

2.4. MAIN ORGANS OF THE UNITED NATIONS

The organs established for the systematic implementation of the aims and principles of the United Nations are as follows:³⁷

These main organs;

- ✓ ‘ ‘ *General Secretary*,
- ✓ *General Assembly*

³⁵ V. Charter of the United Nations. *United Nations*, <https://www.un.org/en/sections/un-charter/chapter-i/index.html>, (12.04.2019)

³⁶ Charter of the United Nations, *ibid.*,

³⁷ V. United Nations. (1945). *About the UN: Main Organs*, <https://www.un.org/en/sections/about-un/main-organs/index.html>, (16.04.2019)

- ✓ *Security Council*
- ✓ *Trusteeship Council (dysfunctional nowadays)*
- ✓ *International Court of Justice*
- ✓ *Economic and Social Council.*''³⁸

2.4.1. Secretary General

Due to the diversity of international problems, The UN has established different divisions within itself and the secretariat is organized throughout the departments by reason of each unit and office of the General Secretariat has different actions and responsibilities. Secretariat Office and Unit Employee help to carry out daily tasks and ensure inter-center coordination together with UN-designated centers worldwide. The Secretary-General is head of the UN Secretariat.³⁹ UN staff work on peacekeeping missions in international and local areas.⁴⁰

Characteristics of the Secretary General;

- ✓ It is recognized as the UN center for its functions.
- ✓ It is appointed by the General Assembly on the proposal of the Security Council and is the general administrative director of the UN.
- ✓ The term of office is elected for 5 years and may be re-elected.
- ✓ The Secretary General and the Deputy Secretary-General shall have the right to appoint their own personnel and to determine their own work.

‘The Deputy Secretary-General is the second highest ranking officer of the UN.’''⁴¹

2.4.2. General Assembly

The General Assembly is a body that enables the representation of the UN in the world objective, the determination of its policies and the establishment of negotiations with international states.⁴² All of 193 UN member states have equal rights to representation and they are represented at the General Assembly to discuss and work together on international issues are as: peace, welfare, international law

³⁸ V. Natural Justice: Lawyers for Communities and the Environment. (2019). Introduction to The United Nations Human Rights System w.date. w.place. South Africa, p.5.

³⁹ V. United Nations. *Secretariat*, <https://www.un.org/en/sections/about-un/secretariat/>, (18.04.2019)

⁴⁰ United Nations, Main Organs, *ibid.*,

⁴¹ V. Vinodh Reddy. (2019). Six Principle Organs of United Nations (UN), *The Sekretariat*, February 3, 2015, <https://edugeneral.org/blog/general-knowledge/six-principle-organs-of-united-nations-un/>, (18.04.2019)

⁴² United Nations. Main Organs, *ibid.*,

and security as well under the UN Charter.⁴³ *''The UN General Assembly meeting is held at least once a year and the session starts on the third Tuesday of September.''*

The General Assembly gives the task of taking decisions about international problems to The Security Council.

In addition to routine meetings, the Assembly may also meet for special and emergency sessions. Presidency of the Assembly which the five geographical groups divided as centers of the UN; Latin America, other states and Western Europe, Eastern Europe, Asia, Africa. The general assembly may appoint the secretary general of the UN secretariat on the recommendation of the Security Council and ensure the recruitment of new members.⁴⁴

2.4.3. The Security Council

The Security Council have the most important role among the six organs of the UN, has a leading responsibility for ensuring and protecting peace and security. UNSC is a body in which all UN decisions are mobilized and their decisions are binding for all members. The UNSC have five permanent members, including the United Kingdom, China, Russia, the United States and France. The General Assembly elects a two-thirds majority of the members for a specified period and ten non-permanent members who rose from six to ten in 1965. Also permanent members of SC have the right to veto in accordance with the decisions taken.⁴⁵

2.4.4. Trusteeship Council

The UN Charter established the delegation of Trustees in order to the supervision of the management of Trust zones internationally, to ensure the political, economic, social and educational development of the residents of the Trust Zones and to promote progressive progress towards democracy and independence. The delegation of Trustees consists of France, China, the USA, England and Russia who are the consisting of five permanent members of the United Nations.⁴⁶ After the independence of many countries that gained their independence, Palau which is the Pacific Island also gained independence by Trusteeship Council. It joined the

⁴³ V. General Assembly of The United Nations. (2019). <https://www.un.org/en/ga/>, (18.04.2019)

⁴⁴ Vinodh Reddy, *ibid.*,

⁴⁵ Fakiha Mahmood. (2019). Power Versus the Sovereign Equality of States: The Veto, the P-5 and United Nations Security Council Reforms. *Stratejik Araştırmalar Merkezi*. XVIII(4) Winter 2013, pp.117-118. http://sam.gov.tr/wp-content/uploads/2014/03/Fakiha_Mahmood.pdf, (19.04.2019)

⁴⁶ V. United Nations. (2019). *Trusteeship Council*, May 25, 1994, <https://www.un.org/en/sections/about-un/trusteeship-council/index.html>, (20.04.2019)

organization as the 185th member of the United Nations. With the independence of Palau, the Guardianship Council has completed all its duties and On 1 November 1994, the council became dysfunctional.⁴⁷

2.4.5. International Court of Justice

The International Court of Justice (ICJ) is the international judiciary established by the UN to resolve economic disputes between states. The ICJ headquarters are located in The Hague. The ICJ members are composed of fifteen judges elected by the General Assembly and the Security Council for a term of nine years. In the court, each member must be from a different country. The ICJ elects the chairman and vice-chairman for three years. The official languages of the ICJ are English and French.⁴⁸ Genocide, crimes against humanity, war crimes and offenses are crimes that fall within the jurisdiction of the court.⁴⁹

2.4.6. Economic and Social Council

The Economic and Social Council (ECOSOC), which carries out its activities under the authority of the General Assembly consists of 54 members in total to ensure social cooperation such as international economy and better living standards. Eighteen members of the UN are elected by the General Assembly for three years. Each member also has one representative. A retired member may be elected for the required election immediately. ECOSOC functions are carried out by commissions. Functional commission includes nine, regional commission five and a series of permanent commissions.⁵⁰

The principal functions and powers of the Economic and Social Council are as:

- ✓ To initiate or make studies and reports internationally about educational, social, health, culture, economic and related issues,
- ✓ To give an advice to expert organizations members, to the United Nations and to the General Assembly for these issues,

⁴⁷ Bkz. Birleşmiş Milletler Teşkilatı Vesayet Konseyi. (2019). *Diplomasi.net*. Ocak 15, 2017, <https://www.diplomasi.net/birlesmis-milletler-teskilati-vesayet-konseyi/>, (20.04.2019)

⁴⁸ V. Mr. Pemmaraju S. Rao. (2019) United Nations Conference on Trade and Development; Dispute Settlement. *General Topics; 1.2. International Court of Justice*, 2003, New York and Geneva, pp.1-7.

⁴⁹ Bkz. Uluslararası Ceza Mahkemesi (UCM). (2019). *Dış İlişkiler ve Avrupa Birliği Genel Müdürlüğü*. 2018,

http://www.uhdigm.adalet.gov.tr/uluslararasi_isbirligi/uluslararasi_mahkemeler/ucm.html, (21.04.2019)

⁵⁰ Vinodh Reddy, *ibid.*,

- ✓ To respect rights of human and fundamental freedoms for everyone and to make recommendations to comply with them,
- ✓ To prepare draft agreements on matters within its jurisdiction for submission to the General Assembly,
- ✓ In accordance with the rules prescribed by the United Nations, to organize international conferences on issues within its jurisdiction.⁵¹

These six main bodies were established for the realization of the main objectives and duties of the United Nations organization. Each of these bodies plays an important role in the resolution of international problems and conflicts. At the same time, they realize the works undertaking different tasks to solve the problems that may occur in the structure of the United Nations. Non binding decisions of The General Assembly and that many decisions which taken by The Security Council cause serious problems nationwide led started to emerge to criticism of the structure of The United Nations in international area.

2.5. HISTORY OF THE SECURITY COUNCIL

The Security Council has a privileged position among the six main organs of the UN in terms of binding powers and decisions also, it is an organ that enables the political decisions to be taken and implemented within the UN organization.⁵² At the same time, to examine the situations that determine the existence of an international security threat and have the right to make decisions by appropriate methods to prevent various economic sanctions and threats.⁵³ This privileged structure of the members of the Security Council can be described in the words of George Orwell's book which is called 'Animals Farm' as: '*All animals are equal but some animals are more equal than others*', that is to say, '*All states are equal, but some states are more equal than others.*'⁵⁴

The Security Council held its first session on 17 January 1946 at the Westminster Church in London, and at its first meeting, the New York City took

⁵¹ V. IV. The Economic and Social Council. (2019). *Yearbook of the United Nations*, 1947-48, <https://www.unhcr.org/uk/4e1ee75f0.pdf>, (21.04.2019)

⁵² Dan Sarooshi. (2000). *The United Nations and the Development of Collective Security: The Delegation by the UN Security Council of Its Chapter VII Powers*. Oxford University Press, 0198268637, Clarendon Press Oxford, Oxford, pp.1-14.

⁵³ V. Saleh Al. (2017). The Security Council's Veto in The Balance. *Journal of Law, Policy and Globalization*, Vol.58, p.135.

⁵⁴ George Orwell. Çev.Celal Üster. (2001). *Hayvan Çiftliği*. 58.Baskı, Can Yayınları, İstanbul, s.147.

permanent residence at the United Nations Headquarters.⁵⁵ As set out in Article 103 of the UN, the Security Council's decisions for the protection of international peace and security are binding on all UN member states.⁵⁶ During the Cold War, problems between the East and West blocs showed an attitude towards human rights. The Universal Declaration of Human Rights (UDHR), which was voted on in 1948 abstained by the bloc of the Socialist States and this has clarified the problems of human rights.

In this case, two agreements signed in 1966. These are as: The UN Convention on Civil and Political Rights and the Convention on Economic, Social and Cultural Rights have not been a bridge in solving problems between the two blocs. After the Cold War period ended with the fall of the Berlin Wall, problems arising from conflicts of opinion between the eastern and western blocks ended and a window was opened in front of the Security Council's work on the protection of human rights.⁵⁷

2.6. THE SECURITY COUNCIL MEMBERS

The concept of membership which applies to all international organizations, the reasons that require the candidate States to come together it realized in relation to the fact that it is important for the states. Based on the UN organization, the State's potential for membership must be in line with the founding treaty.⁵⁸ The acceptance of the membership of the candidate States takes place with the approval of the Security Council and the General Assembly within the rule of Article 4 of the UN Charter.⁵⁹ In 1963, The Security Council increased the number of temporary members from six to ten. Thus, increased in the total number of members to 15 by the number of 1991 regulation was adopted by the UN General Assembly.⁶⁰ The five of permanent members are the United Kingdom, Soviet Union, France, China and USA.⁶¹ Other ten members are elected by the UN General Assembly for two years.

⁵⁵ Bkz. Change The World Model United Nations. *Security Council B; The Reform of The Security Council*. Barcelona, 2019, p.4., <http://www.cwmun.org/wp-content/uploads/2018/12/BGG-Security-Council-B-Reform-of-the-security-council.pdf?x13564> , (14.05.2019)

⁵⁶ Erdem Denk, a.g.e., s.241.

⁵⁷ Mahmut Göçer.(2009). *İnsan Haklarının Korunması ve Birleşmiş Milletler*. 1.Baskı, Nobel Akademik Yayıncılık, Ankara, ss.1-2.

⁵⁸ Cengiz Başak, a.g.e., s.118.

⁵⁹ Cengiz Başak, a.e.,

⁶⁰ Mesut Şöhret vd. (2016). *Uluslararası Güvenlik; Yeni Politikalar, Stratejiler ve Yaklaşımlar*. Beta, İstanbul, s.357.

⁶¹ P.Sands Q.C and Pierre Klein. (2009). *Bowett's Law of International Institutions*. 6th ed. Sweeth & Maxwell, London, pp.38-39.

Five permanent members of the UN Security Council have the right to veto possible international military operations to ensure security and blocking authority.⁶² Whereas the permanent members will be composed by the treaty, ten temporary members are elected by the General Assembly. The General Assembly takes into consideration three rules in the election of temporary members.

These are as follows:

- ✓ To observe the contribution of the members of the United Nations in the protection of peace and security in the international area with all the objectives of the organization,
- ✓ To observe the contribution of the UN organization to the other aims of Article I of the UN Charter,
- ✓ Considering a geographic distribution equally.⁶³

At the same time, as provided for in Article XXIII of the UN Charter, as temporary members are elected for a period of two years, it is not possible to re-elect a member whose term has expired. According to the Charter, each member of the Security Council was required to have one representative.⁶⁴ Admission of a state to membership carried out with the recommendations of The Security Council and decisions of the General Assembly. For this, the Security Council should make a positive decision with a 9/15 vote without a veto and a 2/3 majority vote of the General Assembly. Security Council recommendation and 2/3 majority vote of the General Assembly required to suspend membership. Expulsion from membership performed in the same way with the suspension of membership.⁶⁵

Within the Security Council, duly made the number of valid votes in each transaction is nine. In the voting for issues that constitute important parts of the work of the Security Council, no veto should be used by any permanent member and reach nine votes without a veto.⁶⁶ The rationale for the veto of the five permanent members entitled to veto is based on unanimity. It is said that unanimity leads to the success of

⁶² Nejat Doğan vd. (2007). *Birleşmiş Milletler: BM Sistemi ve Reformu*. 1.Baskı. Siyasal Kitabevi, Ankara, ss.36-39.

⁶³ V. Nico Schrijver. (2007). Reforming the UN Security Council in Pursuance of Collective Security. *Journal of Conflict & Security Law*, 12 (1):1, p.131.

⁶⁴ Charter of the United Nations, ibid.,

⁶⁵ Bkz. Birleşmiş Milletlerin Amaçları, İlkeleri ve Örgüte Üyelik. (2019). Uluslararası Hukuk Çalışmaları. Ocak 17, 2017, <https://uluslararasıhukukcalismalari.wordpress.com/2017/01/17/birlesmis-milletlerin-amaclari-ilkeleri-ve-orgute-uyelik/>, (14.06.2019)

⁶⁶ V. Brian Cox. (2009). United Nations Security Council Reform: Collected Proposals and Possible Consequences. *South Carolina Journal of International Law and Business*, 6(1):92

the United Nations in terms of functional and realization of its objectives.⁶⁷ Five permanent members explain that the concept of veto plays a key role in ensuring peace and security.⁶⁸

The regional distribution of temporary members are as follows: three from the African group, two from the Western European and Others group, two from Caribbean and the Latin American group, and with one member of the Eastern European group and two of the Asia Pacific group, a total of ten temporary members were elected.⁶⁹

Table 2.1 Current Years of Non-Permanent Members

	Countries	Years
1	Equatorial Guinea	2019
2	Cote d'Ivoire	2019
3	Kuwait	2019
4	Peru	2019
5	Poland	2019
6	Belgium	2020
7	Dominican Republic	2020
8	Germany	2020
9	Indonesia	2020
10	South Africa	2020

Reference: V. United Nations Security Council-Current Members.⁷⁰

Table 2.2 Countries which have never been elected as members of the SC since 1946

Countries which have never been elected
• Afghanistan, Albania, Andorra, Antigua and Barbuda, Armenia • Bahamas, Barbados, Belize, Bhutan, Brunei Darussalam • Cambodia, Central African Republic, Comoros, Cyprus • Democratic People's Republic of Korea, Dominica • El Salvador ,Eritrea, Estonia • Fiji • Georgia, Grenada • Haiti • Iceland, Israel • Kiribati, Kyrgyzstan

⁶⁷ V. Saleh Al Shraideh. (2017). The Security Council's Veto in The Balance. *Journal of Law Policy and Globalization*. 58:135

⁶⁸ V. Richard Butler. (2012). Reform of The United Nations Security Council. *Penn State Journal of Law and International Affairs*. 1(1):28

⁶⁹ Brian Cox, *ibid.*, at.92

⁷⁰ V. United Nations Security Council-Current Members. (2019) <https://www.un.org/securitycouncil/content/current-members>, (15.06.2019)

Table 2.2 (cont.)

- Lao People's Democratic Republic, Latvia, Lesotho, Liechtenstein
- Malawi, Maldives, Marshall Islands, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Mozambique, Myanmar
- Nauru, North Macedonia
- Palau, Papua New Guinea, Republic of Moldova
- Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Serbia, Seychelles, Solomon Islands, South Sudan, Suriname, Swaziland, Switzerland
- Tajikistan, Timor-Leste, Tonga, Turkmenistan, Tuvalu
- Uzbekistan
- Vanuatu

Reference: V.Countries Never Elected Members⁷¹

In many organizations, if founding members of the organization and members which joined later are considered that they acts contrary to the aims, principles and policies of the organization, various sanctions are envisaged for these states. These sanctions are as follows: “*warning and coercion, suspend membership, expulsion or extraction from membership.*” Expulsion status realizes two years after the request is made. If the state takes an attack action before the end of two years, no legal actions can be taken. In time, this situation led to the end of the League of Nations. That is why the United Nations has been distant about expulsion from membership.⁷² While the members of the United Nations Security Council making such decisions to prevent countries from acting on their own by unjust attacks, it has been seen that they have caused other countries to experience difficulties because of their veto right. That is why the Security Council began to receive unfavorable responses.

2.7. PURPOSES OF THE UNITED NATIONS SECURITY COUNCIL

The Security Council has adopted a functional structure with the main objectives set out in Article I of the UN Charter. However, when hostilities arise from a cross-country conflict, which contradicts the fundamental goals of the UN organization, the main task of the Council is to end these disputes ⁷³ because in

⁷¹V.Countries Never Elected Members. (2019), <https://www.un.org/securitycouncil/content/countries-never-elected-members-security-council>, (15.06.2019)

⁷² Erdem Denk, a.g.e., ss.64-68.

⁷³ V. United Nations Association of Sweden. (2019). *Security Council* 2016. Brundi Consultations Sweden, p.4.

accordance with Article 24 (1) of the Charter, The Security Council has primary responsibility for the protection of international peace and security.⁷⁴

The powers brought by this responsibility are as follows;

- ✓ Help to prevent dispute escalation by issuing cease-fire instructions.
- ✓ To reduce tensions, dissociate opposing forces and send military observers or peacekeeping forces to peaceful settlements to help establish calmness in areas.
- ✓ Besides, Council chooses measures such as: *‘‘Including arms embargoes, economic sanctions, financial penalties and restrictions and travel bans; collective military action or blockade.’’*⁷⁵

The aims of the United Nations Security Council are to create a completely safe living space for people and states. For these purposes, it is seen that the actions of the Security Council in the face of possible problems and conflicts have often failed. Among the reasons of failures, it is thought that the United Nations Security Council members did not act of their responsibilities because of their self interests.

2.8. DECISION MAKING MECHANISM IN THE UN SECURITY COUNCIL

The fact that UN Security Council resolutions are binding on all member states is a serious responsibility for the Security Council.⁷⁶ According to the UN regulation, decision-making steps are as follows: In case of any decision, each member has one vote (Article 27/1). In the case of a decision meeting, if it is established that the subject of the meeting also concerns the interests of a non-member State, non-member States may also attend meetings of the Security Council without voting rights (Article 31). At a meeting with the subject of the disagreement, states that are parties to the disagreement but are not members of the UN they may be invited by the Council on condition that they do not have the right to vote (Article 32). In case of any disagreement in the Security Council in national or international area, states parties to the disagreement shall not be entitled to vote in all decisions to be taken in a peaceful manner (Article 27/3). Where the disputes are brought to court, the concept that the person cannot judge in their case is rejected by permanent

⁷⁴ V. Hitoshi Nasu. (2011). The UN Security Council's Responsibility and the "Responsibility to Protect. *Max Planck Yearbook of United Nations Law*, Vol.15:390

⁷⁵ United Nations Association of Sweden, op.cit., pp.4-5.

⁷⁶ Dan Sarooshi, op.cit., pp.1-14.

members who are specifically veto authorized.⁷⁷ The Soviet Union embodied in the 1975 Helsinki Final Act; decline against the US caused the USA to move to the first position among the great powers. The temporary hazy period that started with the dissolution of the USSR and the Eastern Bloc had its first impact in the UN context veto authority was described as a problem. Veto started to be defined as a legal problem that should not exist since the post-Cold War period. Members who do not attend the Security Council meetings or abstain from the decisions shall be deemed to have not exercised their veto power. The members of the Security Council make a decision by checking its compliance with the principles or procedures when deciding on a matter, they can also block the decision with double veto power because they take the decision that determines the merits or the suitability of the problem. As of 2014, they took decisions as issues, issues and situations because the possible interpretation of the limitation referred to in Article 27/3 of the UN Charter, members have the right to exercise their voting and veto power without any limitation on the disagreement to which they are party.⁷⁸

2.9. VETO RIGHTS OF THE SECURITY COUNCIL MEMBERS

Veto indicates that implementation of an offer or law is prevented.⁷⁹ After the Second Cold War, US which is the leader of super powers wanted to create a structure to ensure world peace. In this new international management system of the superpowers one of the key points reflecting the agreement was the right to veto within the Security Council.⁸⁰ P5 members needed veto for unanimity in the facing of interstate problems and P5 members acts according with the unanimity rule of Article 27/3 of the UN Charter. Any transaction performed in accordance with the procedure results in a total of 9 votes. The key issues that make up the majority of the work of the Security Council should reach a majority of 9 votes without the veto of any of the permanent members.⁸¹ Based on the concept of unanimity of the veto, P5 explains that veto is a key factor for the success of the UN in the context of its functionality and objectives, and for the sustainability of peace and security.⁸²

⁷⁷ Erdem Denk, a.g.e., s.174.

⁷⁸ Erdem Denk, a.g.e., ss.179-189.

⁷⁹ V. The Web's Largest Research for Definitions and Translations. (2019). <https://www.definitions.net/definition/veto>, (05.06.2019)

⁸⁰ Anna Spain, a.g.m., (2013). The U.N. Security Council's Duty to Decide. 4 *Harvard National Security Journal*, p.322.

⁸¹ Brian Cox, *ibid.*, p.92.

⁸² Dr.Saleh Al Shraideh, *op.cit.*, p.136.

Table2.3 Years of Veto use by the P5

Period	America	Rusia	China	France	England	Total
1946-1955	-	80	1	2	-	83
1956-1965	-	26	-	2	3	31
1966-1975	12	7	2	2	10	33
1976-1985	34	6	-	9	11	60
1986-1995	24	2	-	3	8	37

Source: Global Policy Forum.⁸³

1996-2005	10	1	2	-	-	13
2006-2018	4	18	8	-	-	30

Source: Security Council – Veto List.⁸⁴

In every period, the Security Council P5 members used veto rights to termination of conflicts and prevent that problems do not turn into conflicts. Countries which were applying to The United Nations were often faced veto decisions by permanent members of The Security Council. Most of the time, the Security Council veto decisions was often against the interests of other countries. Therefore, the United Nations organization which is trusted to ensure international security has been criticized for its rights, which will lead to problems such as veto.

2.10. USE OF FORCE IN THE COUNCIL

In the 21st century, to resort to armed force is the term used in the regulation of the United Nations Charter defined as the use of force, not war. The term war was used only once throughout all articles of the UN Charter. This term is included in the introduction of the UN regulation. Those words are as: *''UN peoples decided to protect the generations from the war disaster where twice bringing unmistakable pain to humanity.''* The term of war was not used in any of the articles

⁸³ V. Global Policy Forum. *Chancing Patterns in the Use of the Veto in the Security Council*, at <https://www.globalpolicy.org/component/content/article/102-tables-and-charts/32810-changing-patterns-in-the-use-of-the-veto-in-the-security-council.html>, (05.06.2019)

⁸⁴ V. Security Council – Veto List. (2019). http://www.un.org/depts/dhl/resguide/scact_veto_en.shtml, (06.07.2019)

of the UN Charter. The term of war is defined as the term of the use of force in Article 2/4. In Article 39, the terms threat to peace, harm to peace and attack preferred. There are a number of important reasons for regulating the definition of terms. First of all, it is intended to prevent states from using the terms in their own interests in order to get rid of the restrictions of the Pact of the League of Nations and the Briand-Kellogg Pact. In these two documents, using the term of war prevented the realization of ways of using force that could prevent war and states did not call their conflicts as war.

Thus, they have attempted to get rid of these responsibilities. The fact that key concepts are not defined in these documents, it has caused states to exhibit attitudes towards their own interests. Although, the League of Nations and the Briand-Kellogg Pact were failed to protect peace and security in the international area, they did not prevent deadly wars such as World War II. The term of war, which was not fully defined and becomes a complex concept, it has been abandoned and a period in which more comprehensive and objective terms preferred. These reasons are not only for the term of war, but also for unwarranted ways of using force includes the term that must be defined. Thus, the necessity of defining the term of war is eliminated.⁸⁵

During the preparation of the UN treaty, defining the term of war would create serious problems and there has been a definite judgment that UN members cannot agree on these definitions. Even in today's conditions defining this term is a matter of risk and doubt. Therefore, any kind of armed conflict between states in the international area, no matter how it is called across countries, this situation is evaluated under the name of using force. The term force use refers to the following concepts: blockade, embargo, bombardment, such as extensively spread over a large area, mutually damaging moves and all actions in cases of legitimate defense. Not only countries use of force but also regional and universal international organizations can use force. Each organization has its own founding agreement and the use of force is determined by this agreement. This idea has emerged in line with the UN agreement. For the first time, as specified in the UN Charter, the authority to use force under certain circumstances was entrusted to the United Nations. While states can only resort to the use of force for legitimate defense, the UN organization can

⁸⁵Subhas C. Khare. (1985). *Use of Force Under the UN Charter*. 1st ed. Metropolitan Book, New Delhi, India, pp.13-14.

resort to the use of force as a sanction option if necessary. The term use of force does not apply to states' internal conflict situations because in Article 2/4 of the UN Charter, prohibits states use of force or threatening to use of force within the scope of international relations.

Rules governing the option of applying for force by states evolved in the process of developing world order. First times, it is foreseen that if the state has a justifiable reason, the State can resort to force. Since the 15th century, the concept of state justification has come to the fore. In 17th century, if the state considers it necessary, there was no obstacle to the use of force. As of the 19th century, some restrictions were envisaged on this right and unilateral use of force by states was forbidden by the beginning of the 20th century. Even its forbidden, permanent members of the Security Council continue to use of force. Weapons are needed to use military force. According to Amnesty International's report, 70 percent of arms exports are carried out by the five permanent members of the Security Council.⁸⁶ Besides of five permanent members, Israel, Germany, Italy, Spain and North Korea also are among the top 10 countries in arms production.⁸⁷

This power has given the members the support they can use at any time and the power to enter into conflict countries without the permission of the Security Council. While use of force was necessary in a conflict, P5 members identified conflicts as civil war and avoided intervention. To use of force or use of the wrong force has caused people to confront of security threats. The fact that the security of the states has been compromised has started to suggest that some of security studies and reforms should be made regarding the structure and functioning of the Council.

⁸⁶ Bkz. Silah ticareti yapan ülkelerin yüzde 70'i BM üyesi. TIMETURK. (24.05.2012)

⁸⁷ V. The top ten arms exporting countries in 2018. (2019). *Army Techonology*, May 8, 2019, <https://www.army-technology.com/features/arms-exports-by-country/>, (24.06.2019)

CHAPTER 3

THE CHANGING NATURE OF SECURITY ISSUE AND ROLE OF THE UNITED NATIONS SECURITY COUNCIL

Term of security is within certain limits, societies of human communities divided into specific geographies their social customs and changing living conditions as a result of its spread to a historical process, it has become a fundamental issue in human survival adventure.⁸⁸ In order to protect the existence of states, the presence of international actors established under the auspices of the state. It ensures the prevention of internal and international external threats. In this context, the threat can be defined as the existence of negative facts about the objective and subjective values of the individual, society and the state.⁸⁹ The United States, which was started to focus on the concept of National Security with the Second World War was expanded its own security systems. National Security system's military armament in the 1930s took place in a different military armament and they used it to justify a serious transformation, such as the militarization of the minds of famous politicians.⁹⁰

*'Grotusian thinkers argued that it was possible to develop rules and norms to reduce the excess of violence and war, even though they thought it was very difficult but not impossible to completely eliminate the violence and war.'*⁹¹

*'Arnold Wolfers who was a member of the Council on International Security Studies, defines the 'security concept' in two basic points. Objectively, Security examines threats to acquired values. Subjectively Security; there is no fear that these values will be attacked.'*⁹²

⁸⁸ V. Hans Günter Brauch. (2008). Güvenliğin Yeniden Kavramsallaştırılması: Barış, Güvenlik, Kalkınma ve Çevre Kavramsal Dörtlüsü. *Uluslararası İlişkiler (SSCI) Dergisi*, 5(18):2.

⁸⁹ Elke Krahmann vd. (2005). *New Threats and New Actors In International Security*. Palgrave Macmillan, US, p.4.

⁹⁰ Prof.Dr. Hans G. Braunch, op.cit., s.4.

⁹¹ Martin Wight. (1979). *Power Politics*, Londra, Penguin, p.71.

⁹² V. Arnold Wolfers. (1952). National Security as an Ambiguous Symbol. *Political Science Quarterly*, 67(4):485.

Security is expressed for individuals, states and many social values. These values include to physical security, economic welfare, autonomy, and psychological well-being but the main value to be maintained in the concept of National Security is political independence and territorial integrity.⁹³

If it is to be further expanded, the main threats of the State in the context of security are as follows;

1. Threats to the ideological structure of the state,
2. To the society constituting the physical existence of the state and threats to its main sources,
3. Threats to the international identity and political structure of the state.⁹⁴

States have sovereign rights in the face of such threats. States have also included the right to war between sovereign rights.

In order for a State to declare war, it must have concrete and serious problems such as:

- ✓ ‘ ‘ *A threat to their own existence,*
- ✓ *Self-defense against threat,*
- ✓ *Use of the obligation if there are no other options,*
- ✓ *A vital situation and protection of interests,*
- ✓ *Violation of social and political acquired rights,*
- ✓ *Damage to national identity.’ ’⁹⁵*

The right to war has also brought with it the right of states to exercise unlimited force.⁹⁶ This situation transforms the rules of customary law into a spider web due to the differences in the political and cultural structure of the states; it has led to the study of different definitions on the causes of war in the security practices of states.⁹⁷ From the first half of the 20th century, it was tried to put forward the limiting rules for the use of force returning to chaos. On the other hand, the damage caused by wars has reached a deadly level. It has opened a door leading to changes in the understanding of security. At the US convention in January 1917, this door aimed

⁹³ V. David A. Bladwin. (1997). The Concept of Security. *Review of International Studies*, 1997, 23, 5-26:13.

⁹⁴ Barry Buzan. (1991). *People, States and Fear: An Agenda for International Security Studies in the Post Cold War Era*. 1st ed. Harvester Wheasheaf, London, p.65.

⁹⁵ V. Ian Brownlie. (1961). The Use of Force in Self Defence. *British Year Book of International Law*. Vol.37, p.184.

⁹⁶ Sertaç H. Başeren. (2003). *Uluslararası Hukukta Devletlerin Münferiden Kuvvet Kullanmalarının Sınırları*. 1.Baskı. Ankara Üniversitesi Basımevi, Ankara, s.22.

⁹⁷ Ian Brownlie, *ibid.*, p.184.

to advance the chaos of the use of force through the peace line with US President Woodrow declaring the 14 principles of the Wilson principles.⁹⁸

In order to ensure security, as of World War II, it is possible to examine the development of the security studies carried out during the cold war period and towards the end of the period. Accurate identification of threats and hazards to security is a solution-oriented movement but misrepresentations can lead cause millions of people to lose their lives and may damage the identity of states. Therefore, security studies were important for ensuring the correct security.

3.1. Security Studies in (1960's until 1990's)

Security studies have been carried out in certain periods as (1960s–1970s–1980s–1990s) in order to find solutions to conflicts and conflicts between countries. These studies were an important key to the prosperity and peace of society and states because before to solve a problem, primarily people need to understand the problem. Security studies were carried out to be a light at the point of understanding. In 1960s–1970s, studies were tried to explain of peace. In 1980s, Scholars was conducted research on the fact of structural violence and in 1990s, Scholars was conducted research on the factors affecting the state and society.

3.2. First Period of Security Studies (1960-70's)

Academic peace studies, which began in the early 1960s, have intensified their research on the concept of war because of the conflicts between countries. The fear of a third world war surrounding countries was that nuclear wars could begin due to psychological and physical damage caused by world wars. In the peace studies of this period, peace was defined with the expression *“Peace is the absence of war”*. In retrospect, it is seen that the term of war only used for conflicts between big states and the experiences of the small states have been ignored. Therefore, studies were performed on wars in local regions by Istvan Kende in 1971 and 78. The Robbery Relations Project at the University of Michigan revealed that war is a concept among the great powers.⁹⁹ *“Traps into which the war centered and state centered early peace studies became increasingly concrete in the 1960s and early 70s. The emergence of the North-South problem as the urgent global issue and uses of force*

⁹⁸ Doğan Şafak Polat, a.g.e., ss.333-334.

⁹⁹ V. Masatsugu Matsuo. (2001). Whither Peace Studies? Fragmentation to a New Integration?. *Journal of International Development and Cooperation*, 7(2):2

as in the Vietnam War, the Spring of Prague or asymmetric wars, seemed to undermine the implicit assumptions of the early peace studies.’’

Sugata Daskupta who was the one of the peace researcher has raised the issue of Southern people worrying about the definition of peace for developing states and he has adressed as moot point of whether peace can be imposed on the lives of poor people.¹⁰⁰ Developing countries have discussed the war not only because of poverty but also because of the deaths and hunger of people. Thus, peace studies entered intoa conflict environment focusing on two separate issues related to war and structural violence.

3.3. Second Period of Security Studies (1980's)

One of the second term researchers was Norwegian Scholar Johan Galtung presented an article supporting the theory of structural violence from the first period peace studies in 1969. Galtung was aimed with this study to solve the negative effects of conflicts stemming from the concepts of war and poverty on peace studies.¹⁰¹ Galtung described the concept of peace as *'the absence of violence and war'*. Galtung was tried to express violence with a few definitions;

Firstly, According to structural violence; inability to act with free will in poverty due to oppression and failure to identify actors in underdeveloped states. Secondly, violence is related to local and international political, economic and social structure. Thus, he succeeded in his theoretical approach towards both war and poverty. In this period studies, in addition to Johan Galtung, Kenneth Boulding (1977) was another person who tried to make a point of view. Galtung focused more on the concrete situation and its consequences while Kenneth worked on the sources of the problem (structural violence) and argued that this should be emphasized because the facts such as war and poverty stems from a corrupt structure.

Therefore, he has recommended that the studies focus on structural violence and these studies have managed to gain sympathy for this period. Researches concluded that human rights are the most important factor in understanding and ensuring peace. Also, factors such as *'' environmental degradation, disease, poverty war, conflict, discrimination, inequality, social injustice and political pressure''*

¹⁰⁰ V. Sugata Dasgupta. (1968). Proceedings of the International Peace Research Association Second Conference. *Peacelessness and Maldevelopment: A New Theme for Peace Research in Developing Nations*. Vol.2, The Netherlands

¹⁰¹ V. Johan Galtung. (1969). Violence, Peace, and Peace Research, *Journal of Peace Research*, 6(3):167-191

should be the subject of research studies. Whereas, In the 1980s, some researchers in Western Europe were explained that the main issues to be addressed so far have not been studied on issues such as ecological balance, economic equality, economic development, feminist perspectives, governance of global commons, peace education and people's movements and so they stated that the problems of different traditions brought together and that no general information could be reached.¹⁰² This caused a crisis in the second period security studies and became a dark area where every social problem disappeared.¹⁰³

3.4. Third Period of Security Studies (1990's)

In the post-Cold War period, it was seen that military power lost its importance compared to other periods. Only by questioning the security understanding made for the identity of the state, it has begun to make security definitions for the individual who constitutes the society. According to Buzan who was one of the researchers of this period, it should be examined within the context of threats is not only to the military threats but also to social, political, environmental and economic security.¹⁰⁴ After the world wars, the security studies was started to search on '*conflict, war and security issues.*' Not only security studies will focus on the prevention of violence but also will focus on economic development, environmental preservation, realization of social justice.¹⁰⁵ Although the studies conducted according to the periods did not give many results in the changing world order, there was an experience about what to do in the face of the problems that arise for the near future.

3.5. Security Problems in 2000s

After the security studies, some new problems started to show itself in 2000s. Yasushi Akashi who was former administrator of the United Nations explained the content of these problems in the High Level Panel report in December 2004 as follows: '*economic and social threats, interstate conflicts, poverty, including deterioration, infectious diseases, internal conflicts, the threat of weapons*

¹⁰² V. Ho-Won Jeong. (1999). The New Agenda for Peace Research, Jeong and Chadwick F.Alger (Ed.). 1st Press. Routledge Revivals, US, pp.13-42.

¹⁰³ Masatsugu Matsuo, op.cit.,

¹⁰⁴ Barry Buzan, ibid., p.65.

¹⁰⁵ Ho-Won Jeong, op.cit., pp.3-11.

of mass destruction; internationally accused, such as biological, chemical, drug trafficking and nuclear terrorism.''¹⁰⁶

According to all these problems, The UN Security Council starts work on security problems for the solution to protect of peace and security with some methods as peaceful solution and solution by compelling methods.¹⁰⁷ These methods are Method of Peaceful Solution on Security Problems and Solving Security Problems with Compelling Methods.

3.5.1. Method of Peaceful Solution on Security Problems

Since the Peace Conference in The Hague in 1899, many international problems resulted with the agreements made by peaceful methods. These peaceful methods are listed as follows; '*Good Offices*¹⁰⁸, *Negotiations*¹⁰⁹, *Judicial settlement, Mediation, Enquiry, Conciliation, Arbitration,*' by permanent courts''. These methods were trying to provide solutions to avoid conflicts within the framework of peace.¹¹⁰

3.5.2. Solving Security Problems with Compelling Methods

At the request of the members of the Security Council, to maintain international peace and to ensure continuous security, Former UN Secretary-General Boutros B.Ghali,¹¹¹ was prepared '*An Agenda for Peace*'¹¹² report on 31 January 1992.¹¹³ The Security Council's the general theme of the three methods within the scope of compelling methods has been identified in Articles 41 and 42 of the UN treaty. These three methods are as; '*military sanctions, economic sanctions and diplomatic sanctions.*'

If there were security problems which are not solved by the peaceful methods, the Security Council can apply to the diplomatic and economic sanctions.

¹⁰⁶ V. Yasushi Akashi. (2019). *The Public Forum*, Keynote Speech, <http://www.nira.or.jp/past/newse/paper/japan-eu/pdf/akashi-e.pdf>, (22.05.2019)

¹⁰⁷ Mesut Şöhret, a.g.e., ss.363-364-368.

¹⁰⁸ Mesut Şöhret, a.g.e., s.365.

¹⁰⁹ V. Ernst-Ulrich Petersmann. (2019). Proposals for Strengthening the UN Dispute Settlement System. *Max Planck UNYB 3-Lessons from International Economic Law*, 1999, p.109.,http://www.mpil.de/files/pdf2/mpunyb_petersmann_3.pdf, (22.05.2019)

¹¹⁰ Ernst-Ulrich Petersmann, *ibid.*, p.109.

¹¹¹ Bkz. Ülku D. Demirdöğen. (2006). Birleşmiş Milletler Barışı Koruma Operasyonları ve Güç Kullanma Olgusu- (1946-1996)'', *The United Nations Peacekeeping Forces and The Use of Force-* (1946-1996), *Akdeniz İ.L.B.F. Dergisi*, (11):242.

¹¹² Ülku D. Demirdöğen, a.e., s.242.

¹¹³ V. United Nations and The Rule of Law. (2019). *An Agenda For Peace; Preventive Diplomacy, Peacemaking and Peace-Keeping June 17, 1992.*,https://www.un.org/ruleoflaw/files/A_47_277.pdf, (29.05.2019)

Although these sanctions do not get any results then they can apply to military sanctions.¹¹⁴ The report reported by Ghali to the Security Council on 17 June 1992. Addressing international peace operations within the scope of military sanctions realizes within the framework of four main concepts. These Operations are as follows; ‘*Preventive Diplomacy, Peace Building, Peacekeeping, Peace Making.*’¹¹⁵

3.5.3. Preventive Diplomacy

Preventive Diplomacy is an effortful security method to preventing conflicts between states, to prevent these disputes from returning to conflict and prevent other states from being affected. Preventive Diplomacy is an organ of security methods showing data collection and engine brain characteristics. It takes information about problems that cause disagreements in order to take confidence based on measures and requires early warning for formal or informal research solves the problems. Fundamental organs were playing the role of the operating system to achieve Preventive diplomacy. These organs as: Secretary General, Security Council, General Assembly or regional organizations. They cooperate with the UN, specialized institutions and programs.¹¹⁶

3.5.4. Peace Building

There is no clear definition of the concept of peace because each society has a different cultural structure, different history but many definitions have been tried to be expressed. In Definition of Peace; ‘*Peace is the absence of war or violence*’ that sentence is the most general expression.¹¹⁷ Norwegian academician and Peace Doyen Johan Galtung who approaches the concept of peace from a broad perspective, he examines the term of peace in two aspects as negative and positive peace. According to the two aspects, negative peace means that the disappearance of personal violence and positive peace means that the structural violence and lack of social justice.¹¹⁸ Peacebuilding is a diplomatic process that plays an alliance role in ending the

¹¹⁴ Mesut Şöhret, a.g.e., ss.370-371.

¹¹⁵ Ülku D. Demirdöğen, a.e., s.242.

¹¹⁶ Bkz. Hasan Duran, ‘‘Birleşmiş Milletler ve Müdahale’’, Süleyman Demirel Üniversitesi, İ.İ.B.F., Y.2001, C.6, S.2., s.134., <https://dergipark.org.tr/download/article-file/195117>, Erişim (25.05.2019)

¹¹⁷ Bkz. Katharina Schilling, ‘‘Peacebuilding & Conflict Transformation’’, A Resource Book, 2012, Berlin, s.21., <https://www.ziviler-friedensdienst.org/sites/ziviler-friedensdienst.org/files/anhang/publikation/zfd-peacebuilding-conflict-transformation-54114.pdf>, Erişim (25.05.2019)

¹¹⁸ Bkz. Johan Galtung, ‘‘Violence, Peace and Peace Research’’, International Peace Research Institute, Oslo; *Journal of Peace Research*, Vol. 6, No. 3 (1969), pp.168-183., http://www2.kobe-u.ac.jp/~alexroni/IPD%202015%20readings/IPD%202015_7/Galtung_Violence,%20Peace,%20and%20Peace%20Research.pdf, Erişim (17.05.2019)

conflicts of negative and positive values in the concept of National Security.¹¹⁹ This alliance role utilizes to provide mutual agreement between the states that are in disagreement according to the peaceful paths envisaged in the UN Charter.¹²⁰ The most basic activities to be carried out to build peace as establishing contact between the military and diplomacy and providing the necessary security assistance with the exercises and preventive measures.

3.5.5. Peace Making

It is a diplomatic process that plays an active role in ending an existing conflict. Peace is performed through mediation and negotiation which are peaceful methods of security problems. Thus, it is tried to reach agreement between the countries in conflict.¹²¹ In the section (VI) of UN Charter is provided detailed information on peaceful settlement of disputes. If a conflict between states did not result in a settlement, it is not because the methods of settlement were not sufficiently provided or unknown. One of the reasons is the problematic states do not have the political will to implement peaceful methods laid down in the statutes. The other is about lack of necessary and sufficient facilities of third party. In international relations, the silence of societies in the face of a problem or failure to address the problem as a priority makes it difficult to realize the necessary solution opportunities.¹²² Subsidiary activities for peace can be listed as follows; ensuring communication between armies, required security assistance, exercises and preventive installations. This means seeking deterrence against violence caused by the increase of tension between conflicts by putting intermediate force in the field of conflict.¹²³

3.5.6. Peacekeeping Operations after Cold War

Peacekeeping operations began operations in 1988. Peacekeeping operations are military operations without the use of arms and with the consent of the conflicting states. It is an operation in which police, military and civilian personnel are assigned to stop and end conflicts between countries. These transactions are carried out at the request of the Security Council and are carried out under the

¹¹⁹ Hasan Duran, a.g.e., s.135.

¹²⁰ Bkz. United Nations, "Charter of The United Nations", Chapter VI; Pasific Settlement of Disputes, <https://www.un.org/en/sections/un-charter/chapter-vi/index.html>, Erişim (25.05.2019)

¹²¹ Hasan Duran, a.g.e., s.135.

¹²² Butros Gali, "Bir Barış Gündemi", Ankara, BM Enformasyon Merkezi, 1993, p.20.

¹²³ Butros Gali, op.cit., p.11.

leadership of the Secretary General. Operations aim to provide peace and quiet between the conflicting states and to bring the parties into an agreement. This is the case if there is not enough political action in situations that endanger international peace and security in the face of conflicts. Recently, the increasing number of conflicts and the change in the dimensions of the conflict show that these operations go beyond traditional boundary lines. Therefore, new responsibilities were brought to peacekeeping operations. These responsibilities include: humanitarian aid, protection of civilians, disarmament of fighters, creation of human rights observers and election officials.¹²⁴

The United Nations created such methods to act with peaceful solutions to solve international problems and to prevent problems from reaching conflicts. Based on these methods, it is possible to say that most of their peace operations have failed. One of example of this is the Rwandan Genocide. France was sent to Rwanda to calm the conflicts but France was supported to perpetrators and clearly helped the massacre. Therefore, this kind of peace operations frightened the people and caused some countries to ask the missions of the United Nations to leave the country.

The United Nations works to ensure that a peaceful methods to reach a solution without conflict between the countries which are in the face of the problems and taking necessary measures and ensuring legitimacy by the Security Council and the General Assembly for the disarmament of local forces, as well as for the equal distribution of forces. The United Nations is engaged in the deployment of soldiers and policemen in every region of the world. They do this under the name of peace operations.¹²⁵ The peacekeeping operations carried out after the Post-Cold War. These operations are as follows; Somalia, Yugoslavia, Rwanda, Haiti, East Timor, Sierra Leone.

3.5.6.1. January 1992 - Somalia;

Somalia established by British and Italian founder and Somalia became independent in 1960. In 1991, The collapse of central government due to the problems in Somalia by President Siad Barre,¹²⁶ internal conflicts due to hunger and

¹²⁴ Hasan Duran, a.g.e., ss.135-136.

¹²⁵ V. United Nations Peacekeeping. (2019). *United Nations*, <https://peacekeeping.un.org/en>, (07.06.2019)

¹²⁶ V. Security Situation in Somalia. (2019). *Austrian Centre for Country of Origin and Asylum Research and Documentation*, May 14, 2019, <https://www.ecoi.net/en/countries/somalia/featured-topics/security-situation/>, (07.06.2019)

drought problems¹²⁷ and clan wars between competitor, it have caused famine and death throughout the state. After the breakdown of central authority with the attack on Mohamed Siad Barre, the Old British declared Somaliland unilateral independence.¹²⁸ UN Security Council was stating that could organize an embargo on Somalia and adopted unanimously the resolution of 733 and the arms embargo decision. For this reason, the UN established Operation United Nations in Somalia, which was a civilian operation, in order to reach consensus and to provide all humanitarian assistance but the problems in Somalia did not diminish and continued to deteriorate. Therefore, in December 1992, the Security Council adopted resolution 794. Article VII of the UN Charter, based on the authority of its members, the United States caused the emergence of a multinational force in Somalia by using all necessary tools to provide humanitarian assistance.

In February 1993 - Somalia;

In order to provide humanitarian aid to Somalia with UN resolution 794, nearly 17,000 US soldiers were assigned by President Bush. A legal draft prepared for Return of Hope Operation. For the problem of famine caused by conflicts in Somalia, not only the US government but also 38,000 soldiers from 23 different countries and representatives from 49 different humanitarian operations carried out studies for the scarcity problem. But the deteriorating order of the country endangered of independence and humanitarian aid operation for the challenges of the civilian population has trouble because of the so-called mission creep. Mohammed Aided killed 24 Pakistan soldiers in June 1993, and the US Special Forces began to search for Aided as a result of the killing of 16 armed patrols on 3-4 October 1993. Bill Clinton, who was the President of the United States of America at the time, turned to the internal structure of America and acted withdraw the American army in Somalia because he thinks he should be with the Somalia people. Due to the failure of the US military operating in Somalia on behalf of the UN, the presence of the United Nations in Somalia was wounded and the country soon became chaotic.¹²⁹

In 1993, former Secretary-General of the United Nations Boutros Ghali tried to identify who caused the war. *“Somalia has more weapons than food. These weapons were not produced by the Somalis. They were given by the external forces*

¹²⁷ Bkz. Somali'de en büyük sorun açlık ve iç savaş MOGADIŞU (A.A). Dünya. (21.01.2012)

¹²⁸ Security Situation in Somalia, ibid.,

¹²⁹ V. John Van Oudenaren. (2019). *Istituto Affari Internazionali*. November 30, 2009, <https://www.iai.it/sites/default/files/iai0930.pdf>, (26.05.2019)

*to serve the interests of the external forces. Those who supply these weapons are also partners in the crimes committed today.”*¹³⁰

People of Somalia were going to Mogadishu which was the only safe place in Somalia. By the way, The UN and US accused the Union of Islamic Courts of cooperating with al-Qaeda. In 2005, when radical Islamists took power, The US and its partners supported Ethiopia and invaded Somalia. Hundreds of thousands of Somalis took refuge in Kenya.¹³¹

3.5.6.2. In February 1992 – Yugoslavia;

After the World War I, Germany and Bulgaria attacked Serbia. After the war, Austrian and Hungarian Empire collapsed and the first foundation was laid for the establishment of Yugoslavia with the unification of Slavs who left the empire with Serbia. As a result of this merger, 1 December 1918 constitutional governance state established as Croatian, Slovenian Kingdom and Serbian. The king was Serbian and the dominance of Slovians and Croats by Serbs led to internal conflicts. As a solution to these problems, king Alexander abolished the constitution, established his dictatorship and changed the name of the country to the Kingdom of Yugoslavia. Adolf Hitler who was the Germany dictator occupied Yugoslavia in 1941 with Germany, Bulgaria, Hungary and Italy to sovereignty all the world. After the occupation, the king of Yugoslavia and his government left the country. The people of Yugoslavia and especially Muslims suffered because of occupations and the country suffered great destruction. In 1980s, Slovenian, Macedonian, Serbian, Croatian, Bosniak, Montenegrin and Yugoslav people lived together in Yugoslavia. Recognized rights to Kosovo and Vojvodina taken back, radical Serbs fought against liberalization and freedoms granted to autonomous republics and Slobodan Milosevic became head of Serbian government. All of these had put the communist party under Yugoslavia into a process of disintegration. The state of Yugoslavia began to disintegrate together with the party. Serbia began attacks against separatist elements in Yugoslavia by under the leadership of Milosevic who the leadership of Yugoslav army. As a result of these, in 1991, Croatia took independence decision under the leadership of Franjo Tudman, Serbia has not accept Croatia's

¹³⁰ Bkz. Somali'de Yaşanan Kıtık ve Sebepleri. (2019). *Bilgesam*. Ağustos 11, 2011, <http://www.bilgesam.org/incele/50/-somali'de-yasanan-kitlik-ve-sebepleri/#.XSIO6z8zZdg>, (07.07.2019)

¹³¹Bkz. İşte Somali Gerçeği. Vatan. (23.08.2011)

independence, Slovenia leaved from Yugoslavia, Serbia rebels against Serbian population for refusing to accept Croatia's independence and invaded Croatia but Croatia regained control over its territory with the support of European states. The Croats and Serbs opposing the independence of Bosnia and Herzegovina with confidential agreements between them, they shared Bosnia and Herzegovina and they have caused various massacres here. The war between Croatia and Bosnia and Herzegovina ended with the Washington Treaty signed in 1994. The war with Serbs ended with the Dayton Treaty signed in 1995. In 17 September 1991, when Macedonia declared its independence from Yugoslavia, Yugoslavia was completely disintegrated. In 2003, Serbia changed its name from Yugoslavia to Serbia Montenegro and the State of Yugoslavia was erased from the stage of history. Seven states emerged with the dissolution of Yugoslavia. These states are: ‘‘Montenegro, Croatia, Serbia, Bosnia and Herzegovina, Macedonia, Kosovo, Slovenia and Macedonia.’’¹³²

The Security Council obliged the establishment of the UN Protection Force in order to hold peace talks in the former Yugoslavia and to ensure security in the safe zones designated by the Security Council. These safe zones are including Sarajevo airport in the former Republic of Yugoslav, other regions of Croatia and Regions in Bosnia and Herzegovina.

UNPROFOR – Yugoslavia;

UNPROFOR; It was the first United Nations Preservation Force to maintain peace in Bosnia and Herzegovina and Croatia during the Yugoslavia wars. The US has failed to prevent violence in former Yugoslavia and it became a serious point of contention between England and France, which played a major part in the peacekeeping force. In the summer of 1995, the UN peacekeeping forces failed to prevent the killing of Bosnian children and men in Srebrenica¹³³ because of Russia and China opposed military intervention in Kosovo, it is thought that they could also block any decision to use force by the UN for Yugoslavia.¹³⁴ This situation has led to a crisis environment throughout the country. As the crisis continued, NATO air

¹³² Bkz. Yugoslavia’nın Dağılışı: Bir Devrin Sonu. (2019). *Stratejik Ortak*, Aralık 16, 2016, <https://www.stratejikortak.com/2016/12/yugoslavyanin-dagilisi-2.html>, (13.06.2019)

¹³³ John Van Oudenaren, op.cit.,

¹³⁴ Bkz. BM ve Eski Yugoslavia İç Savaşı – 2. (2019). Tuiç Akademi. Şubat 3, 2011, <http://www.tuicakademi.org/bm-ve-eski-yugoslavya-ic-savasi-2/>, (07.07.2019)

forces took over the operation and entered into conflict.¹³⁵ NATO is an organization which is an alliance of 28 countries bordering the North Atlantic Ocean. NATO's purpose is to ensure peace with to protect the freedom of its members against weapons of mass destruction, terrorism and cyber attacks and all perilous problems.¹³⁶ With the calm of the environment, the Dayton peace conference was held in December 1995 and UNPROFOR organizations in the former Yugoslavia were joined with NATO-led Implementation Force. The United States and NATO carried out operations outside the UN because of Russia and China could use veto. Marti Ahtisari who was former President of Finland, in the absence of any results, he drew up a plan for the conditional independence of Kosovo and submitted it to the UN Security Council. Russia and Serbia reject report. However, the UN Delegation was sent to Kosovo. As a result of this process, Kosovo declared its independence on 17 February 2008. This independence break calm in the Balkans after the Dayton Treaty and the debate has flared up again. Russia and Serbia have reacted strongly to countries that recognize Kosovo.¹³⁷

3.5.6.3. October 1993 - Rwanda;

Disputes between Hutus and minority Tutsis people who have ethnic problems in Rwanda, problems were increased with the Belgian colony. Belgian Colonists produced identity cards in 1916 for discrimination of ethnic origin. The Belgians considered the Tutsis superior to the Hutus. The Tutsis who did not disagree with this idea, succeeded in capturing better education and job opportunities in the future than their neighbors. However, the Hutus became even angrier and started a rebellion in 1959. Due to the operation of the Hutus which led to the deaths of more than 20,000 Tutsi people, the people of Brundi, Tanzania and Uganda returned to their countries. In 1962, Belgium gave up the government and led the Hutus to gain independence in Rwanda, and the Tutsis were seen as the cause of all the bad events. Tutsis who fled to Uganda, they were supported by the moderate Hutus who formed the Rwandan Patriotic Front (RPF) led by Mr. Kagame.¹³⁸ The purpose

¹³⁵ John Van Oudenaren, op.cit.,

¹³⁶ V. Kimberly Amadeo. (2019). NATO, Its Purpose, History, and Members. *The Balance*, December 12, 2018, <https://www.thebalance.com/nato-purpose-history-members-and-alliances-3306116>, (08.04.2019)

¹³⁷ BM ve Eski Yugoslavya İç Savaşı, a.e.,

¹³⁸ V. Rwanda : How the genocide happened. BBC News. (17.05.2011)

of this is to overthrow Rwandan President Juvenal Habyarimana¹³⁹ to provide the right of the Tutsis to return to their homeland. Habyarimana attracted Hutus to his side and accused the RPF because of cooperating with the Tutsis. After many conflicts, the peace agreement between Habyarimana and the RPF in August 1993 hoped to end the problems, Habyarimana's plane was shot down in April 1994. The President, Brundi and the Chief of General Staff were killed. In Kigali, the President official began massacres to avenge this incident and killed the political leaders and Tutsis and the moderate Hutus who supported him. Eventually, the RPF seized Kigali, the government was dissolved and the RPF declared a ceasefire.¹⁴⁰ The UN gave the task of stopping the war to the French. The French soldier, who came to Rwanda to protect the Tutsi, acted in favor of the ruling Hutus and watched the massacres of hundreds of thousands of Tutsi. France has made it clear that it supports the genocide, provides weapons aid to the perpetrators and trains them.¹⁴¹

Although the United Nations, which had knowledge of the Rwanda genocide planned for 1994, prepared a Relief Mission for Rwanda, the Security Council could not prevent the Hutus from being massacred. Due to the failure of the UN, nearly one million members of the Tutsi minority died. The UN Security Council established the International Criminal Court which is located in the Arusha region of Rwanda. The court judged to 93 people as guilty and all senior officials in the former regime were convicted of genocide. The fast court established for the criminal community known as Gacaca in Rwanda and about 10,000 people reportedly killed before being brought justice.¹⁴²

3.5.6.4. In September 1994 – Haiti;

In January and September 1994, The US Commission on Human Rights reported numerous human rights violations in Haiti. These violations carried out under a regime of repressive and illegal acts to organizations that support the people and the democratic regime while remaining in power.¹⁴³ In September 1994, the worsening of internal problems in Haiti led to intervention by US to Haiti. Next month, the government has been restored to get power President Jean Bertrand

¹³⁹ Bkz. Ruanda'da soykırımın 25.yıldönümü. CNN TÜRK. (08.04.2019)

¹⁴⁰ BBC News, ibid., (17.05.2011)

¹⁴¹ Ruan'da Soykırımı ve Fransa'nın Rolü. Aydınlık. (08.04.2019)

¹⁴² V. Rwanda Genocide: 100 days of slaughter. BBC NEWS. (04.04.2019)

¹⁴³ V. Report on The Situation of Human Rights in Haiti. (2019). *Inter – Human Commission on Human Righths*, January 1995, <https://www.cidh.oas.org/countryrep/EnHa95/eh95int.htm>, (07.06.2019)

Aristide. In March 1995, US Soldiers transferred their authority to the UN peacekeeping force. The elections were held in December 1995 and it was the first time in February 1996 that a leader was held in charge of the government by holding democratic elections in Haiti. Due to ongoing concern in Haiti, Haitian authorities wanted the UN mission to continue for a while, but The UN had difficulty raising funds to keep troops from Bangladesh and Pakistan in place.

The failure of these UN operations, towards the end of the 1990s, it led to UN to withdraw from its peacekeeping operations and lost international credibility to the political identity of the UN and the Security Council. Consequently, UN Ambassador and then US Secretary of State Madeleine Albright and Secretary General Boutros Boutros Ghali launched a campaign of criminalize on the United States, particularly due to failure of peacekeeping operations in the early years of Clinton. This chaos dramatically reduced the number of UN peacekeeping missions and deployed forces. Traditional blue helmeted missions; blue helmet, military suit are soldiers who thought are the members of different nationalities. They are thought to work more for humanitarian aid in conflict areas of the world such as the Middle East, Africa and the Balkans.¹⁴⁴ The Security Council replaced the blue helmeted missions with actions that led to a leading country receiving assistance from other countries to overcome certain problems on behalf of the international community.

In March 1997, the UN Security Council decided to extend the task for 45 days to create a secure environment and a multinational force of 115 people under Italian rule succeeded in stabilizing Haiti. The Security Council replaced the blue helmeted missions with actions that led to the authorization of a leading country receiving assistance from other countries in order to overcome certain problems on behalf of the international community. In March 1997, the UN Security Council extended its mandate for another 45 days to create a safe environment for humanitarian assistance and under the Italian administration, a multinational force of 115 people had success in stabilizing Haiti.

3.5.6.5. September 1999 - East Timor;

East Timor Democratic Republic is an island state located between Australia and Indonesia. East Timor remained in the colony of Portugal for many years and it was named the Portuguese Timor, not as East Timor. It was exist until

¹⁴⁴Report on The Situation of Human Rights in Haiti, *ibid.*,

1999 under the sovereignty of Indonesia.¹⁴⁵ In May 1999, Portugal and Indonesia signed an agreement to allow East Timorese to vote on their future. UN ratified this agreement. On 30 August in the UN referendum, almost 99% of the 450,000 voters voted favorably for the vote of the East Timor. In September, the referendum was concluded and 78% of votes demonstrated independence.¹⁴⁶ It is said that approximately 1,400 people lost their lives due to the clashes during the independence movements in East Timor.¹⁴⁷ According to decision of 1264, Security Council allowed a multinational force to be sent to East Timor to more practical provision of humanitarian activities, peace and security in the region and The United Nations mission in East Timor is committed to the protection and support of UNAMET. A small United Nations mission of civilians for the country that lives its independence under the Indonesian government went to the region to oversee the entry into force of the agreement between Portugal and Indonesia. Australia gave necessary support by leading the management of the peacekeeping force (UNAMET) because of the country's contribution to the achievement of welfare and independence.¹⁴⁸ East Timor became independent on 20 May 2002 with the help of soldiers of New Zealand, Australia, Britain and US. Also, during this period, Australia, the European Union, England and the United States imposed military embargo on Indonesia. After independence, the United Nations were supporting East Timor and the United Nations integrated mission of East Timor served in East Timor between 2002 and 2012.¹⁴⁹ America, France and the United Kingdom pleased to see this result.¹⁵⁰ Russia and China expected to support.¹⁵¹

3.5.6.6. In October 1999 – Sierra Leone;

The civil war in Sierra Leone ended with the signing of the Lomé Peace Agreement. Security Council has made it mandatory to establish a United Nations unit in Sierra Leone to ensure the execution of this agreement. The UN mission in Sierra Leone is called UNAMSIL. In 2000, England helped UN force to suppress internal conflict in Sierra and planned to make the country more organized and

¹⁴⁵ Bkz. Doğu Timor. AA. (03.10.2017)

¹⁴⁶ V. East Timor Profile – Timeline. BBC News. (26.02.2018)

¹⁴⁷ Doğu Timor. AA, a.e.,

¹⁴⁸ Bkz. Doğu Timor'a müdahale emri verildi. (2019). *Evrensel*. Eylül 15, 1999, <https://www.evrensel.net/haber/117835/dogu-timor-a-mudahale-emri-verildi>, (07.07.2019)

¹⁴⁹ Doğu Timor. AA, a.e.,

¹⁵⁰ Bkz. Timor'da Müslüman Avı. Yeni Şafak. (05.09.1999)

¹⁵¹ Doğu Timor'a müdahale emri verildi, a.e., (2019)

balanced. Thereupon, it was imposed a national force on Sierra Leone. During this period, Russia and China approached with suspicion against the movements of the Security Council. While the Albanian government does not oppose power distribution, according to The UN Charter, China was mentioned that states should not intervene in the internal affairs of states. China preferred to remain silent against (1997) decision of approving Italy's power distribution to Albania. The Western powers rejected the Russian and Chinese State's final and clear decision on vetoing in the Security Council. Russian and Chinese opposition, the attitudes of other countries towards interference in the internal affairs became clear in the Kosovo crisis of 1998 and 1999. On 31 March 1998, with UNSC Resolution 1160 and Resolution 1199 of 23 September, Security Council expressed discomfort in Kosovo's conflict and excessive use of Serbian military force and calls for the termination of interventions. However, Russia or China did not have the right to vote to allow foreign intervention in conflict in the province of a UN member state.

Therefore, NATO which is an international military alliance carried out an intervention not only legitimate but also unlawful.¹⁵² NATO's military intervention was a bridge to a solution with the Security Council adopted resolution of 1244 on 10 June 1999. This gave de facto legitimacy to NATO movement by UN and it has enabled NATO to become a de facto UN executive in the eyes of the UN. Russia and China were primarily concerned about the Security Council's mobilization of Western powers and continued to question the actions of the Security Council. These concerns ensured that the UN Peace Operations Panel met in March 2000 and Panel with concrete proposals to ensure the future implementation of all UN operations on peace operations. Panel's report named after former Algerian foreign minister Lakhdar Brahimi. Brahimi Report contains advice as peace building, creation of financial resources for disarmament, building democratic institutions for the rehabilitation of civil society for nation-building for increase the welfare of communities and to live in peace in an order.¹⁵³

¹⁵² V. Adam Roberts. (1999). Survival Global Politics and Strategy: NATO's 'Humanitarian War' over Kosovo. *The International Institute for Strategic Studies*. 41(3):102-123

¹⁵³ V. Siret Hürsoy. (2006). Birleşmiş Milletler Barış Operasyonlarının Yeniden Yapılandırılması Çerçevesinde Avrupa Birliği ve Türkiye'nin Sivil Katkıları. *Ankara Üniversitesi SBF Dergisi*, 61(1):204.

The principles of duty support to ensure peace in the Member States are as follows:

- ✓ To make sure that operations were carried out due to military necessity.
- ✓ There is a particular need for an open chain of command and unity of effort.
- ✓ Secretariat must say to Security Council what they need to hear, not what they want to know when formulate or modify task instructions.
- ✓ Most of the operations carried out by the United Nations are confused with those carried out by regional organizations such as the AU and the EU.¹⁵⁴

Complex peace building activities in the 1990s started to be conducted in a certain discipline with the Brahimi exercise in the early 2000s. According to the data for the first period of 2009, 80,000 military personnel and 12,000 civilians supplied for the task at 18 missions of the United Nations.¹⁵⁵

Table 3.1 Peace Keeping Operations after Cold War

Countries	Name of Missions	Foundation Years	Headquarters
Western Sahara	MINURSO	April 1991	Laayoune
Kosovo	UNMIK	June 1999	Pristina
Darfur	UNAMID	July 2007	El Fasher
Congo	MONUSCO	July 2010	Kinshasa
Abyet	UNISFA	June 2011	Abyei Town
South Sudan	UNMISS	July 2011	Juba
Mali	MINUSMA	April 2013	Bamako
Central African Republic	MINUSCA	2014	Bangui
Haiti	MINUJUSTH	October 2017	Port-au-Prince

“These operation’s details are provided by Department of Peace Operations.”¹⁵⁶

Latest responsibilities added to the operations. These responsibilities are: humanitarian aid, protection of civilians, disarmament of fighters, creation of human rights observers and election officials. If these responsibilities will be evaluated in terms of operations, it is possible to sort in this way;

- ✓ When Somalia is examined, it is seen that there is no disarmament and more arms are given to the country than food.

¹⁵⁴ V. Report of the Panel on United Nations Peace Operations (Brahimi Report). (2019). UNGA, August 21, 2000, <https://www.un.org/ruleoflaw/files/brahimi%20report%20peacekeeping.pdf>, (08.06.2019)

¹⁵⁵ V. Bruce Jones. a.o. (2019). Building on Brahimi: Peacekeeping in an era of Strategic Uncertainty, *NYU Center on International Cooperation*, April 1, 2009, <https://www.alnap.org/help-library/building-on-brahimi-peacekeeping-in-an-era-of-strategic-uncertainty>, (08.06.2019)

¹⁵⁶ V. United Nations Peacekeeping. (2019). *United Nations*. <https://peacekeeping.un.org/en/where-we-operate>, (08.06.2019)

- ✓ When Yugoslavia is examined, it is seen that civilians are damaged by the veto decisions of Russia and China.
- ✓ When Rwanda is examined, it is seen that there was no humanitarian assistance there: civilians unprotected, France is on the side of terrorists by helping perpetrators and human rights violations.

According to all peace keeping operations, it appears that the Security Council is having difficulty in fulfilling its newly added responsibilities and is acting in the opposite direction.

3.6. SUCCESS OF THE UNITED NATIONS

United Nations are responsible for preventing and reducing wars due to the purpose of appearance and they have taken some steps on the way to success. In this chapter, mortality rates due to the wars, punishing some of the leaders who have caused atrocities by supporting the war, programs which are created for countries that are starving due to wars, agreements on the prohibition of large arms such as nuclear to prevent wars and steps for the dangerous island of Galapagos will be explained briefly. Although the United Nations Organization has stated that they have achieved success in these matters. According to recent data, it is not possible to say that they have achieved a success completely.

3.6.1. Peace

Since the existence of humanity, the United Nations Security Council has been tried to prevent lost lives from becoming lost in the future due to conflict and wars. Until the 20th century, there was no difference in the number of deaths but according to the approaches in the 21st century, mortality rates were observed to be less.¹⁵⁷ The question of whether peace and security can be ensured sufficiently continues to be criticized by experts and society.

¹⁵⁷ V. Margaret MacDonald. (2015). Early Childhood Education and Sustainability: A Living Curriculum. *Childhood Education*, 91(5):332-341

Table 3.2 Ongoing Conflicts in Current Day.¹⁵⁸

Moreover, when we look at the 2019 data, it is seen that the wars that started many years ago are still going on.

3.6.2. Prosecutions of Charles Taylor and Slobodan Milosevic

The main reason and main culprit of Africa's brutal civil wars,¹⁵⁹ Charles Taylor was the first African president to be tried in an international court. He was accused of helping and abetting war crimes and crimes against humanity to support the rebels in Sierra Leone. Hearings were continued for four years in special court in Sierra Leone in The Hague. Taylor convicted because of 11 charges as murder, rape, sexual slavery and including mandatory amputations.¹⁶⁰ However, Liberian and Serbian countries leaders judged by the United Nations courts due to the war crimes

¹⁵⁸ V. IRC Emergency Watch List 2019. (2019). *International Rescue Committee*. December 17, 2018, <https://www.rescue.org/report/irc-emergency-watchlist-2019>, (10.07.2019)

¹⁵⁹ V. Milosevic, Saddam, Taylor. Who's next?. (2019). *Human Rights Watch*. March 31, 2006, <https://www.hrw.org/news/2006/03/31/milosevic-saddam-taylor-whos-next>, (07.07.2019)

¹⁶⁰ V. Charles Taylor Found Guilty of aBetting Sierra Leone War Crimes. (2019). *The Guardian*. April 26, 2012, <https://www.theguardian.com/world/2012/apr/26/charles-taylor-guilty-war-crimes>, (07.07.2019)

and Charles Taylor were sentenced to 50 years in prison.¹⁶¹ Slobodan Milosevic¹⁶² passed away without a court decision and the court took precedent on behalf of dictators and provided justice.¹⁶³ After the civil war in Liberia between 1999 and 2003, hundreds of thousands of people had to migrate abroad. UNMIL which was founded in Liberia in 2003, they were sent 16 thousand 475 soldiers and police to Liberia from Ukraine, Nigeria and Pakistan. That countries aim was to follow the truce. All of the peacekeepers in the United Nations mission to the United Nations (UNMIL) have successfully completed their duties and withdrew from Liberia.¹⁶⁴

3.6.3. Ending Famine

Majority of the people living on Earth unfortunately lives with a system where big fish benefit from small fish. That is why thousands of people who struggle for poverty and hunger die every year for not being able to meet their nutritional needs.

Table 3.3 Rates of Most Hunger Countries

Line	Countries	2000	2005	2010	2018
1	Timor-Leste	-	41,8	42,4	34,2
2	Afghanistan	52,3	43,2	35,0	34,3
3	Sudan	-	-	-	34,8
4	Haiti	42,7	45,2	48,5	35,4
5	Sierre Leone	54,4	51,7	40,4	35,7
6	Zambia	52,0	45,8	42,8	37,6
7	Madagascar	43,5	43,4	36,1	38,0
8	Yemen	43,2	41,7	34,5	39,7
9	Chad	51,4	52,0	48,9	45,4
10	Central African Republic	50,5	49,6	41,3	53,7

Despite all these improvements, it is seen that many countries that serious struggle for hunger continue in the world. The Sustainable Development Goal does

¹⁶¹ V. Shadi A.Alshdaifat. (2018) The Unmapped Road of the Security Council: Exaggeration vs. Factuality. *Special Supplement, Shaban*, 3(1):226

¹⁶² V. Judith Armatta. (2019). Twilight of Impunity: The War Crimes Trial of Slobodan Milosevic. *Durham: Duke University Press*, June 2010, <http://www.juditharmatta.com/docs/Armatta.pdf>, (10.06.2019)

¹⁶³ Dr. Shadi A.Alshdaifat, ibid., (2018)

¹⁶⁴ Bkz. Birleşmiş Milletler Liberya Misyonu'na (UNMIL) bağlı olarak bu ülkede görev yapan barış güçlerinin tamamının geri çekildiği bildirildi. Sputnik. (30.03.2018)

not provide clear information on ending hunger worldwide by 2030.¹⁶⁵ More than 70 million people lost their lives when an intervention for hunger wars was carried out to resolve such inequality but the UN's World Food Program (WFP), the Food and Agriculture Organization and the United Nations got the support of emergency management and numbers declined in the 21th Century and mortality rates decreased more than 20th century¹⁶⁶

3.6.4. South Africa and Kazakhstan, the Case of Nuclear Weapons

For armed conflicts, sought unknown resources, more land needs and wealth has always become a method that yields strong countries and never before has a country decided to voluntarily give up the weapon because it is more attractive to get through it. But when South Africa, Kazakhstan and the Soviet Union disintegrated, they decided to give up voluntarily at the end of a certain period. However, some other countries have decided to terminate their nuclear weapons research programs and have been put to the audit by the UN International Atomic Energy Agency. As of 2017, 122 UN members agreed not to produce or own nuclear weapons. But this step does not lead the world to a life without nuclear weapons, it led to the production of less but more modern nuclear weapons. According to reports of Stockholm International Peace Research Institute (SIPRI), nowadays there are 14,465 nuclear weapons and not only five permanent members of the UN have these weapons but also Israel, North Korea, India and Pakistan have these weapons.¹⁶⁷ Several agreements were concluded on the termination of nuclear weapons, and the third New Start agreement between the US and Russia was signed on 31 July 1991. There has been hesitations about the renewal of the agreement which will be ending in 2020. According to the experts' opinion, strong countries will not accept this agreement again.¹⁶⁸ Early July 2019, Russian President Vladimir Putin signed draft to withdraw country from Middle-Range Nuclear Forces Agreement.¹⁶⁹

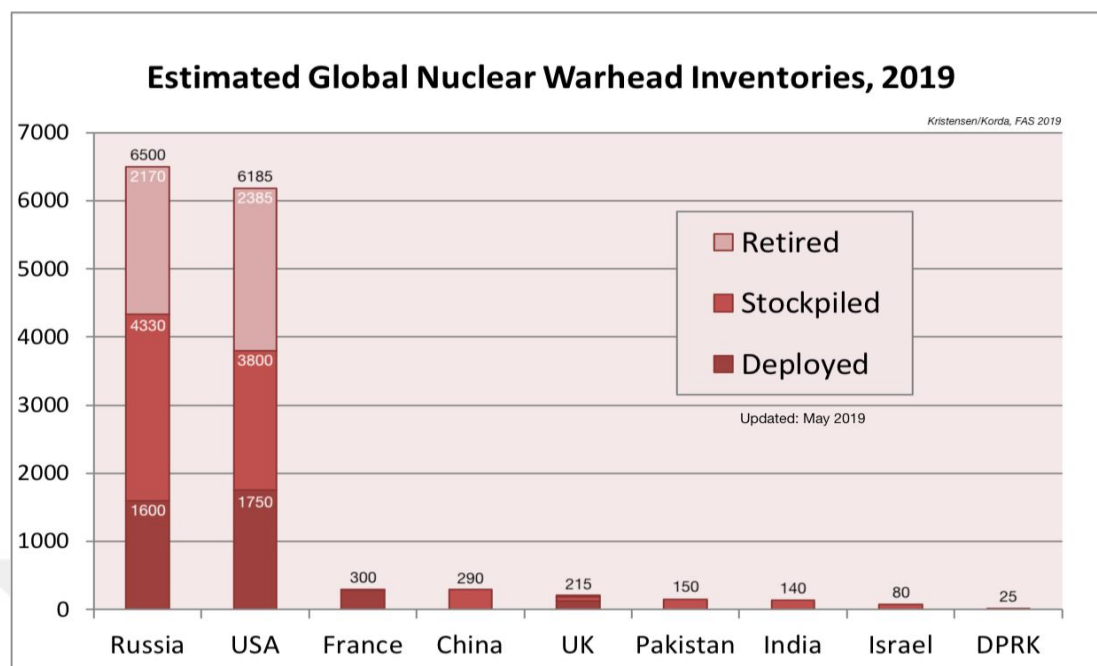
¹⁶⁵Bkz. Dünyanın En Çok Açlık Yaşanan Ülkeleri| Küresel Açlık Endeksi. (2019). Gezegem. Ocak 17, 2019, <https://egezegem.com/yasam/dunyanin-en-cok-aclik-yasayan-ulkeleri-kuresel-aclik-endeksi/>, (07.07.2019)

¹⁶⁶*Global Warning*. (2007). (Ed.) Hindson by Tim LaHaye, US, p.76.

¹⁶⁷ Bkz. SIPRI: Nükleer Silah Üretimine Devam Ediliyor. (2019). *Deutsche Welle*, Mayıs 18, 2018, <https://www.dw.com/tr/sipri-n%C3%BCkleer-silah-%C3%BCretimine-devam-ediliyor/a-44274845>

¹⁶⁸ Bkz. ABD ile Rusya arasında imzalanan START anlaşmaları nedir?. (2019). Dünya. Ocak 4, 2018, <https://www.gzt.com/dunya-politika/abd-ile-rusya-arasinda-imzalanan-start-anlasmalari-nedir-2932809>, (10.06.2019)

¹⁶⁹ Bkz. Son dakika: Rusya, 'nükleer kuvvetler anlaşması'ndan çekildi!. Haber Türk. (03.07.2019)

Table 3.4 Estimated Global Nuclear Warhead Inventories, 2019.¹⁷⁰

Even though the United Nations sought to impose prohibitions on nuclear weapons production, it is seen that these prohibitions were violated by the members of the United Nations Security Council.

3.6.5. Protecting the Galápagos Islands

Galapagos islands which are on the list of Dangerous Islands with the activities started in 1978 by UN Cultural Organization (UNESCO)¹⁷¹ Since 2007, the region has been removed from the list of endangered places and the region has been open to visits. Today, ‘‘ Galapagos Island consists of 14 large islands, 8 islets and 40 tiny islets.’’ Island separated from danger list and has become an international benchmark for the preservation of the world's most important natural and historical sites. Thus, tourism and economic benefits can be improved step by step.¹⁷²

3.7. FAILURES OF THE UNITED NATIONS

The United Nations pursued erroneous interventions in conflicts and wars between a country itself and more than two countries. This led to failure in that areas such as Rwanda, South Sudan, Haiti, Iraq Oil program, Srebrenica, Israel and Palestine. When the United Nations' failures considered faulty interventions by the

¹⁷⁰ V. Nuclear Weapons: Who Has What at a Glance. (2019). *Arms Control Association*. July 2019, <https://www.armscontrol.org/factsheets/Nuclearweaponswhohaswhat>, (13.07.2019)

¹⁷¹ Shadi A. Alshdaifat, op.cit., p.227.

¹⁷² Shadi A. Alshdaifat, op.cit., p.227.

Security Council, some member of the Security Council was acting on the side of the perpetrators instead of suppressing the conflict. Some diseases spread and deaths increased due to carelessness of United Nations relief missions. They made illegal financial transactions. Some members of the Security Council allow accurate identification of conflicts in some countries at risk and The United Nations remained as spectators in the place where they needed to intervene. All these negative reasons are seen as the cause of failure of the Security Council. The events of failure of the United Nations Security Council are as follows; Genocide of Rwanda, Civilians Abuse in South Sudan, Spreading Cholera in Haiti, Iraq Oil for Food Program, Srebrenica, The Israeli-Palestinian Conflict.

3.7.1. Genocide of Rwanda

France's support for the Hutu gangs in the ongoing conflicts has brought the war to different dimensions. As a result of the war spread all over the country in the events lasting three months. According to UN report, 800,000 Tutsi and dissident Hutu were killed but at the same time, according to the official authorities of Rwanda, this number is more than 1 million. In April 1994, after the killing of ten Belgian soldiers by Rwandan Soldiers, most of UNAMIR's 2,500 soldiers withdrew from Rwanda by clearing the genocide movement. Rwandan Genocide damaging the structure and international identity of the United Nations. So, this was the biggest failure of the UN. In addition, this caused an official mistake to be made by the Security Council in 2000.¹⁷³

3.7.2. Civilians Abuse in South Sudan

During the clashes in South Sudan, it is reported that Union of the United Nations remain unresponsive in the face of sex and rape. In February, an armed group expelled 30 victims from their country. The UN's ability to protect civilian components failed to protect the South Sudanese population in the town of Malakal in the Northwest and the group killed more than 120 people. In the Central African Republic (CAR), In September 2016, the UN mission (Minusca) accused of inaction because more than 75 people were killed as a result of violence in the north. At the same time, Jean-Serge Bokassa who was Minister of Internal Affairs of the Central African Republic made accusations in the direction of cooperation of UN forces.

¹⁷³ V. Rwanda Genocide: 100 days of slaughter. BBC NEWS. (04.04.2019)

Later reports revealed similar claims in countries from Cambodia to Bosnia and Haiti.¹⁷⁴

3.7.3. Spreading Cholera in Haiti

As a result of a major earthquake in 2010, UN officials who came to Haiti to provide disaster relief during the measures taken, an epidemic was started to spread in Haiti due to pollution of the Artibonite Meye River by the officers who thought to have caught the disease in Nepal. The UN organization, which cannot provide adequate assistance, caused nearly 10,000 people to die due to the contagiousness of the disease.¹⁷⁵

3.7.4. Iraq Oil for Food Program

Iraqi oil for cooking program, it was a program that would provide relief from international sanctions by selling assets to be obtained as a result of food and medical distribution through the UN and the oil to be inspected. However, as a result of research conducted in 2004, an Iraqi newspaper published a list of approximately 270 people, including UN officials, politicians and companies alleged to have benefited from illegal sales of Iraqi oil during the closed program where large amounts of money were used in private spending during the program. Program with the US attack on Iraq¹⁷⁶ it is considered the worst financial scandal in UN history.¹⁷⁷

3.7.5. Srebrenica

During the civil war in the former Yugoslavia, Serbs killed more than 8,000 Bosnian Muslims in the town. In 1992, the Serbs captured Srebrenica but a few months later, Bosniak took the town away from the Serbs. The population of Srebrenica increased to 60,000 as a result of the migration of Bosnia who fled from neighboring regions. That's why, food, medical supplies and water scarcity started to emerge in the region. The UN Peacekeeping Force dispatched soldiers to these areas and stopped the Serbian attacks. However, Serbs around Srebrenica continued the clashes and allowed only a small number of humanitarian convoys to enter the town in the next 2 years. The weapons that Muslims possess to protect

¹⁷⁴ V. The UN Peacekeeping Nightmare in Africa. BBC NEWS. (05.01.2017)

¹⁷⁵ Bkz. BM kolera salgını için Haiti'den özür diledi. Medimagazin. (02.12.2016)

¹⁷⁶ Bkz. Soru-cevap Yemek Yağı Skandalı. BBC News. (07.09.2005)

¹⁷⁷ V. Robert M.Mahon. (2019). The impact of the UN Oil-For-Food Scandal. May 11, 2006, <https://www.cfr.org/background/impact-un-oil-food-scandal>, (23.06.2019)

themselves were gathered for protection by the UN Peacekeeping Force. For this reason, Bosniaks left weak and before Mladic, many of Bosnian people lost their lives because of hunger. Serbs launched 95 operations to Kriván to confiscate the town. The Serbs attacked the surveillance positions of Dutch soldiers in the UN peacekeeping force and held about 30 Dutch soldiers hostage. Serbs who under the command of Ratko Mladic appealed to take back the collected weapons of the Muslims, but Dutch commander Thom Karremans rejected the application. Against this situation, Serbian army threatened them resuming of the clashes in the village and to kill the hostage Dutch soldiers. Dutch forces also informed Serbs that NATO will launch an air strike if they do not retreat until morning. On 11 July 1995, NATO warplanes bombed Serbian tanks around Srebrenica. The UN was only able to make two F16 planes fly over the city. UN Peacekeeping Force in Bosnia left the city by order of the Dutch general. The UN soldiers who taken prisoner were extradited and camps were handed over to Mladic.¹⁷⁸ Bosnian Serb commander Radco Mladic contributed to the genocide in Srebrenica, killing more than 2,000 Bosnian men. *“Not only that, but also he led to the mass rapes of Bosnian women and daughters, beat Bosnia prisoners and left them hungry and thirsty, bombing civilians in Sarajevo, forcibly gathering Bosnians and destroying Bosnians' homes and mosques.”*¹⁷⁹ The Dutch court ruled that the Netherlands was responsible for the killing of Bosnians. In war period, Bosnian Serb leader Radovan Karadzic and General Ratko Mladic was judged at United Nations court in The Hague.¹⁸⁰ In total, more than 8,000 Muslims massacred and The International Court of Justice in The Hague and its decision in 2007 described what happened in Srebrenica and its around, defined as genocide. While Serbian commander Ratko Mladic convicted to life imprisonment, other accomplices was convicted of various penalties.¹⁸¹ Even though US, Russia, England and France knew that Muslims will be attacked but they preferred remain silent.¹⁸² Even the court accepted this situation as genocide, in the voting of the United

¹⁷⁸ Bkz. Srebrenica soykırımı nedir? Srebrenica kurbanları katliamın yıl dönümünde anılıyor. Sözcü. (11.07.2017)

¹⁷⁹ V. Ratko Mladić, Bosna savaşı soykırımı yüzünden ömür boyu hapse girdi. BBC News. (22.11.2017)

¹⁸⁰ Bkz. Hollanda, Srebrenitsa katliamından 'kısmen sorumlu'. BBC News. (16.07.2014)

¹⁸¹ Bkz. Utanç Tablosu: Srebrenitsa. Yeni Asya. (11.07.2018)

¹⁸² V. How Britain and the US decided to abandon Srebrenica to its fate. (2019). *The Guardian*. July 4, 2015, <https://www.theguardian.com/world/2015/jul/04/how-britain-and-us-abandoned-srebrenica-massacre-1995>, (06.07.2019)

Nations Security Council on 8 July 2015, the Srebrenica problem was not accepted as genocide because of Russia's veto. China declined to vote. Samantha Power who was former US Permanent Representative to the United Nations and Peter Wilson who was former United Nations Permanent Represent to the United Nations, they criticized Russia's veto of the draft and not only they stated that genocide was committed in Srebrenica but also that this was a legal fact.¹⁸³ This was a more specific failure for the UN because they did not take any action.

3.7.6. The Israel-Palestine Conflict

Palestine is the center of years of struggle for life. Palestine had to face a constant problem of having the region between the Mediterranean Coast and the Jordan River. The Palestine Liberation Organization established in Jerusalem in 1964 in order to provide a solution to the military interventions and exile brought by the colony due to Palestinian land sovereignty. The Arab States which are the first to recognize the existence of the organization, wanted the organization to have its control but Yasser Arafat who heads the organization, does not accept it for an independent organization. As a result of the six-day war with Israel (1967) with neighboring Arab states, Israel seized the Gaza and Sinai Peninsula in Egypt and the Golan Heights in Syria. According to The UN Security Council with Resolution 242, one country cannot win land by waging war on another and Security Council wanted Israel to withdraw from the areas, it had acquired through intervention.¹⁸⁴ Within section VII of the UN regulation, in the face of conflicts between Israel and Palestine, the UN Security Council failed to respond to Israel-Palestine conflict so far due to the US position, which uses veto power to support Israel. The reason behind the Security Council's failure to respond adequately and effectively is the idea that there may be restrictions imposed by the United States. Therefore, it becomes difficult to approve decisions against Israel.¹⁸⁵ The period of the right and left events continued until 2010 and Palestine applied to UN Secretary General Ban Ki Mun for full membership on 23 September 2011 in order to end all the games on Palestine.

¹⁸³ Bkz. BM'deki Srebrenitsa Tartışmalarıyla Ortaya Çıkan Çelişkiler. (2019). *AVİM*. July 9, 2015, <https://avim.org.tr/tr/Yorum/BM-DEKI-SREBRENITSA-TARTISMALARIYLA-ORTAYA-CIKAN-CELISKILER>, (07.07.2019)

¹⁸⁴ Bkz. İsrail – Filistin Sorunu'nun Tarihçesi: 1897'den 2018'e. BİA Haber Merkezi. (07.12.2017),

¹⁸⁵ BİA Haber Merkezi, a.g.e., (07.12.2017)

On 31 October 2011, Palestine elected as the 194th member of UN. Egypt, Syria, Lebanon, Gaza, Hamas, right and left events took place until 2010 and on 23 September 2011, the Palestinian Authority applied to UN Secretary-General Ban Ki Mun for full membership in order to end all the games on Palestine. Therefore, The United States announced that it has given up its \$ 60 million payment to the UN in 2011, which accepted Palestine as a member. At the same time, the United Nations voted to give Palestine observer status in the General Assembly and China, France and Russia supported this decision, while Britain remained silent and the United States vetoed the decision. In 1980, Israel has stated in its laws that Jerusalem is the capital of Israel. US President Barack Obama fully supported the Israeli occupation of East Jerusalem in 1967. He kept the Embassy of Jerusalem in Tel Aviv. Looking at the reports published by the UN in 2015, Israel reportedly killed 170 Palestinian people, injured 15,377 people and destroyed 539 houses and facilities belonging to Palestinians living in the West Bank and Jerusalem.

On 23 December 2016, a session was held to stop all activities that were illegal and fast for the Palestinian people, which could not wait any longer. In this session, 14 of the 15 member states approved the decision positively while the United States voted abstainingly without veto. Israel reacts to US abstention, they continued to carry out clashes in Al-Aqsa Mosque instead of ending the conflict. On 6 December 2017, US Prime Minister Donald Trump reported that they accepted Jerusalem as the capital of Israel as a result of the conflict that killed several people. On 14 May 2018, the US decided to move the embassy in Tel Aviv to Jerusalem. The preparations for the protests due to the opening, Israeli soldiers attacked Palestinian demonstrators and 59 Palestinians lost their lives. During the Security Council session between 1945 and April 2018, 49 decisions were taken unanimously for the Israel-Palestine crisis, but the United States vetoed 49 Security Council resolutions. The Israel-Palestine crisis was seen by one member (US) as one of the most vetoed issues among the Security Council resolutions.¹⁸⁶ These problems and conflicts still seem to continue somehow. In addition to these problems, international data reported that there are still ongoing conflicts in many countries.

¹⁸⁶ BİA Haber Merkezi, a.e., (07.12.2017)

3.8. INVASIONS ON IRAQ, SYRIA, RAKHINE IN THE LAST PERIOD

In 21th century, the wars are still continuing in the world and Iraq, Syria and Idlib, Rakhine wars are some of them. These countries are often in conflict because of ethnic-based problems. Inadequate and erroneous interventions of the United Nations caused millions of deaths and wars are still going on somehow. In this senction, how wars emerged and the situation of civilian people as a result of conflicts and the ways of The United Nations are tried to be shown in the face of all these.

3.8.1. Iraq

Saddam Hussein, who was the Iraqi dictator in 1990, was victorious in the conflict with Iran, and he thought that the time had come for him to settle his dealings with Kuwait at the head of the Persian Gulf. Saddam thought he would show that he was working with a comprehensive and well-armed army across the world with an uncontrolled intervention for additional oil revenues. Therefore, he declared that he had invaded the small country. The Western region, the Soviet Union, and most Arab countries reacted strongly to Saddam's movement. The Iraqi dictator reacted negatively to calls for a backward step, albeit in response. The United States carried out strong air and ground attacks on Iraq in 1991 to withdraw from the intervention of Iraq with great losses such as the situation in the Gulf War. Saddam was forced into an agreement to destroy stocks of chemical, biological and nuclear weapons but he continued to try all possible ways of opposing the agreement. Appeals to former US President George H. W. Bush, he only made the Iraqis move away from using force. The Bush administration did not support the Shiites in the south of Iraq and the Kurds in the north, which rebelled against Saddam in 1991 and 1992, they caused thousands of people to be killed in gas attacks and air strikes, which lost confidence in the US.¹⁸⁷ When the Saddam regime fails to get the support his wants from Iraqi citizens, he had to leave the government and escape. He escaped to Tikrit which is 140 km northwest of Baghdad. On 30 December 2006, he captured and executed by US soldiers.¹⁸⁸

¹⁸⁷ Philip J.Adler and Randall L.Pouwels. (2010). *World Civilizations*. 6th ed. Wadsworth Cengage Learning, Ohio, pp.697-698.

¹⁸⁸ Emine Zeynep Daban ve Cihan Daban, a.g.m., (2018). Saddam Hüseyin Dönemi Irak Dış Politikası: Irak-İran Savaşı, Kuveyt'in İşgali ve ABD'nin Irak'a Müdahalesi. *AEUİİBFD*, 2(1):101

In 1990, the Security Council enacted sanctions against Iraq. After the Gulf War in 1991, sanctions were left in force in order to show tolerance to the weapons investigations in Iraq and to put pressure on the Iraqi government. However, the necessary inspections prevented by the Iraqi government many times and the Security Council condemned this situation. In 1997, the Council imposed travel restrictions on Iraqi authorities which hampered the inspections. These restrictions were the only sanctions imposed on the individual during the interventions.¹⁸⁹ In March 2003, the United States, England and several other countries launched an attack on Iraq, despite the absence of a UN mandate. When the crimes of humanity are examined legally, it is seen that the USA and England committed crimes against humanity and war crimes in the Iraq attack.¹⁹⁰ Although the US and England cited only the use of weapons of mass destruction in the intervention in Iraq. When the data of 2003 are examined, it showed that the main causes of interventions were that oil in Iraq and abundance of textile and chemical resources.¹⁹¹

The Chilcot Report was published on 6 July 2016 by John Chilcot, a retired bureaucrat in London. After the collapse of Iraq, the report contains general findings that terrorist organizations in the region emerged as a result of this war. The report also noted that military operations were not the last option. There was ample evidence for the prosecution of England and American rulers at the International War Crimes Court. Among these proofs, unjust deprivation of liberty, torture, bombing of mosques, massacre of civilians, unlawful destruction of property or confiscation, illegal killing by extrajudicial executions provides sufficient reasons for the judge.¹⁹² While USA and England supported of sanctions, embargos and interventions. France, Russia and China wanted to be removed all of them.¹⁹³

3.8.2. Syria

Many groups and Alawite - Sunni and French groups of the country disturbed the Syrian people with their efforts to have autonomy in Syria due to Syria's underground resources and geopolitical position. The Alawite and Sunni groups which led the Ba'ath Party together in the 1947s, with the increasing number

¹⁸⁹ V. Noah Birkhäuser. (2019). *Sanctions of the Security Council Against Individuals – Some Human Rights Problems*, <https://esil-sedi.eu/wp-content/uploads/2018/04/Birkhauser.pdf>, (11.06.2019)

¹⁹⁰ Bkz. Uluslararası Hukukta Irak İşgali ve Batı'yı Yargılamak. (2019). *İnsamer*. Ekim 29, 2016, https://insamer.com/tr/uluslararasi-hukukta-irak-ısgali-ve-batiyi-yargilamak_391.html, (04.06.2019)

¹⁹¹ Emine Zeynep Daban ve Cihan Daban, a.g.e., s.102.

¹⁹² Uluslararası Hukukta Irak İşgali ve Batı'yı Yargılamak, a.e., (2019).

¹⁹³ Emine Zeynep Daban ve Cihan Daban, a.g.e., s.100.

of Alawite people in the party and the death of Syrian President Hafez Assad in the 2000s, his son Bashar al-Assad took over him place and the tension increased because Bashar al-Assad was of Alawite origin. As a result, the Sunnis established a group called the Muslim Brotherhood and the Alevi groups brought the necessity of the president to be a Muslim as a constitutional clause in order to give a friendly message in order to calm the environment and ensure peace. However, the French Mandate carried out a coup in Syria and suppressed the groups and tried to establish an autocracy. A state of emergency was declared throughout Syria. Although Bashar al-Assad made promising speeches to the public but he failed and people began to rebel against the deteriorating social and economic order.¹⁹⁴ The first uprisings took place in Tunisia on 17 December 2010 and other Arab countries as¹⁹⁵ ‘‘ Yemen, Syria, Bahrain, Libya, Jordan, Egypt, ’’ were affected by this incident and started rebellions. These rebellions were called the Arab Spring.¹⁹⁶ This was a turning point for the Arab Spring in Syria and in 2011; demonstrations took place in Dera, demanding the release of political criminals due to the imprisonment of children who wrote political graffiti. This was not welcomed by the government and caused a civil war throughout the country as it was violently suppressed.¹⁹⁷ This repression regime of the government was restrictive of human freedom and violated human rights.¹⁹⁸ Russia and Iraq show support for the anti-people regime, US, Turkey and the Western States gave support to the people. In the face of these riots, Assad dissolved the government to complete the State of Emergency status for 48 years and starting to implement some reforms, released many of criminal offenses punished for political crimes. To summarize the reasons of this civil war in Syria, these reasons are as; ‘‘ *Global Powers on Civil War, Sunni-Alawite Conflict, Political Pressure of the Regime, Economic Causes, Impact of Regional* ’’ These reasons can be defined as the main causes of the Syrian problem.¹⁹⁹

After the past eight years, Islamist opposition groups (Ishid, Al-Nusra), who participating in the civil war in Syria clashed with the Syrian Government. Upon this,

¹⁹⁴ Bkz. Çağatay Özdemir. (2016). Suriye’de İç Savaş’ın Nedenleri: Otokratik Yönetim mi, Bölgesel ve Küresel Güçler mi?. Dergipark, 33:82-83

¹⁹⁵ Bkz. Arap Baharı Nedir. (2012). *Tuic Akademi*. <http://www.tuicakademi.org/arap-bahari-nedir/>, (20.06.2019)

¹⁹⁶ Bkz. Arap Baharı. (2019). *Tarihi Olaylar*, t.y. <https://www.tarihiolaylar.com/tarihi-olaylar/arap-bahari-1304>, (20.06.2019)

¹⁹⁷ V. Syria Profile: Timeline. BBC News. (06.02.2016)

¹⁹⁸ Çağatay Özdemir, a.g.e., s.92.

¹⁹⁹ Çağatay Özdemir. a.g.e., s.90.

opposition groups with the aim to stop its attacks, " *the US, Russia, Turkey, Iran and Israel*" as well as countries involved in this conflict. Countries forming a coalition for Isid's operation, they took back all the places seized by ISIS in Syria of acting under the leadership of the United States.²⁰⁰ The ever-changing balance in the Syrian state caused the PKK terror organization to increase the activities. Who wish to advance in the direction of the conciliatory sessions held talks in Astana as Turkey, Iran and Russia states led to war has further fueled due to the competition between America and Russia. In the face of human rights violations against the Syrian people, the UN organization failed to perform successfully with the effect of veto. In the face of increasing violence in Eastern Guta, " *Jens Laerke who was spokesperson for the UN Office for Humanitarian Affairs (OCHA), at a press conference on 6 March, Jens Laerke reports that 10 out of 46 trucks with humanitarian supplies sent to the Eastern Guta by United Nations should return before they can be taken to Eastern Guta. Also, He said half of four trucks were unloaded and expressed his despair about this help.*" This last step resulted in failure. The UN Security Council, which cannot stop the war requested a session in the line with human rights violations but Russia opposed it. Upon this, The UN opened the unofficial " *Arria Formula*" session. Russia says human rights violations in Syria should be discussed at the Geneva-based UN Human Rights Council requested to be submitted for voting. While Russia, China, Kazakhstan and Bolivia vote to reject, Ethiopia, Equatorial Guinea and Ivory Coast abstained. Russia's decision concluded negatively because of Lack of nine votes in total. Therefore, the meeting was not held as the required number of votes could not be reached.²⁰¹

After that The UN accepted ten draft resolutions about Syria. On 24 September 2014, the United States unanimously adopted the draft envisaging the struggle against "foreign fighters" in Syria and Iraq. The draft envisaged prevents the travel of terrorists to the region and the punishment of those who provided weapons and logistical support. China and Russia vetoed four draft resolutions at UNSC. They both vetoed four Syrian drafts submitted to the UNSC since 2011. Many draft and presidential declarations could not be brought to the Council due to the veto threat of China and Russia. These countries generally vetoed the drafts criticizing the Assad

²⁰⁰ Bkz. Suriye'de İç Savaş Dokuzuncu Yılına Girdi. VOA. (16.03.2019)

²⁰¹ Bkz. Yedi Yılın Ardından Suriye Başarısızlığı. (2019). *Tuğ Akademik*. Nisan 3,2018, <http://www.tuicakademi.org/7-yilin-ardindan-suriye-basarisizligi/>, (20.06.2019)

regime and envisaging sanctions against the government.²⁰² Kofi Annan held an Action Group conference on 30 June 2012 in Geneva due to ongoing conflicts with the participation of Russian Foreign Minister Sergey Lavrov, representatives of the permanent members of the UNSC and the countries of the region and US Secretary of State Hillary Clinton. In this meeting, although the articles in the declaration called Geneva declaration was accepted. In this declaration, some decisions accepted as multi-party and fair election, initiating a comprehensive dialogue process and establishment of a transitional government. Ingredients adopted unsuccessful efforts at the United Nations Security Council, this situation led to resignation of Kofi Annan and he announced his resignation on 2 August 2012. UN and Arab League sent diplomat al-Ahdar al-Ibrahimi as special envoy to Syria on 17 August. Al-Ahdar al Ibrahimi struggles to hold a Geneva meeting for the second time. The conference has been postponed continuously since 2013 due to the problem of the establishment of a transitional government and there has been a chemical weapon attack near Damascus in August. Following this attack, the United States stated that it was necessary to intervene. Russia stepped in and Syrian chemical weapons started to be destroyed.

Al Ahdar al-Ibrahimi did not give up his efforts and held the 2nd Geneva Conference in Montreux on 22 January 2014 with the participation of 40 countries. In the negotiations that lasted about two weeks, Assad's assignment was inconclusive. The conference ended without a solution. Upon this, İbrahimi reported his resignation at the UN Headquarters on 14 May 2014. Staffan de Mistura was appointed to replace Abraham on 10 July 2014. De Mistura appointed only as UN representative. De Mistura has stated that he will work on freezing the conflicts but no progress has been reported yet.²⁰³

The Syrian problem is that still continues today. According to the latest data, 400 thousand people lost their lives due to failure of the UN and civil defense organizations. 3 million people injured, 1 million people disabled, and millions of people had to migrate to other countries.²⁰⁴ While Russia and China vetoed the interventions to Syria, the United States, France and Britain supported Syrian

²⁰² Bkz. Suriye'deki İç Savaşta BM'nin Rolü. (2019). *Haberler.com*. Mart 18, 2015, <https://www.haberler.com/suriye-deki-ic-savasta-bm-nin-rolu-7088592-haberi/>, (19.06.2019)

²⁰³ Suriye'deki İç Savaşta BM'nin Rolü, a.e., (2019).

²⁰⁴ Yedi Yılın Ardından Suriye Başarısızlığı, a.e., (2019).

intervention and they reported that they could intervene even without permission from parliament.²⁰⁵

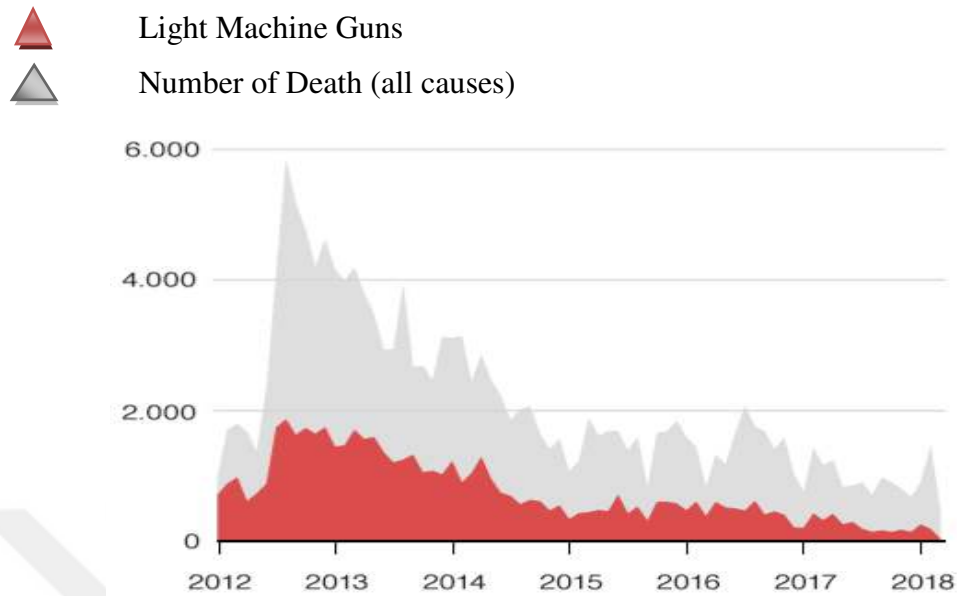


Figure 1 Chart of Light Machine Guns. 8th year war in Syria.²⁰⁶

Death rates after violence in Syria with ligh machine guns, gunfire and air strikes.

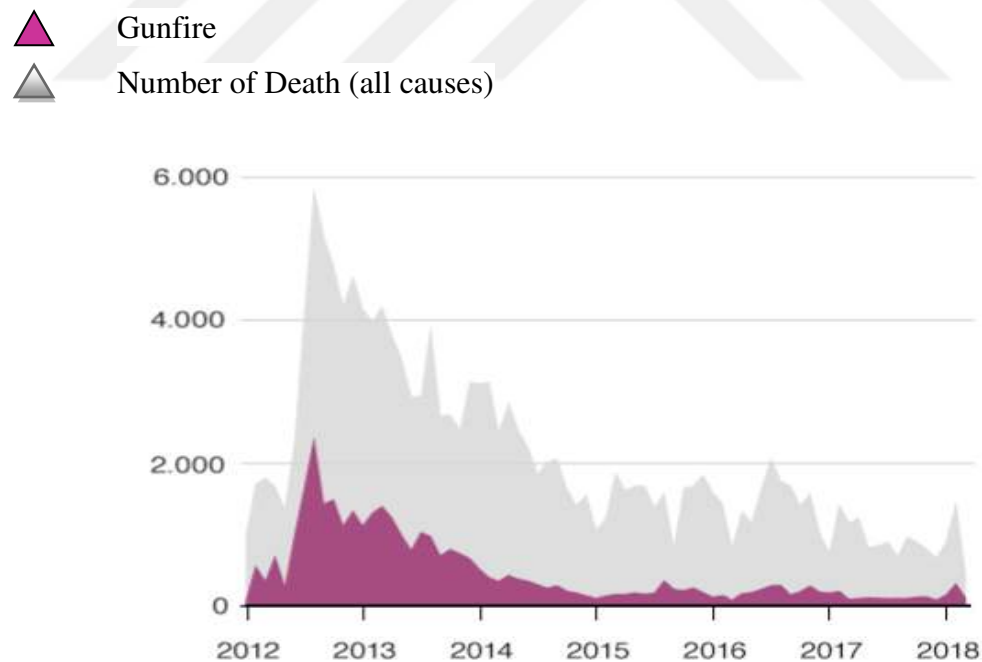


Figure 2 Chart of Gunfire. 8th year war in Syria²⁰⁷

²⁰⁵ Bkz. Suriye'ye askeri müdahaleyi destekleyen ve ona karşı çıkan ülkeler. BBC News. (13.04.2018)

²⁰⁶ Bkz. Grafikler: Suriye'de 8.yılına giren savaş. BBC News. (15.03.2018)

²⁰⁷ BBC News, a.e., (15.03.2018)

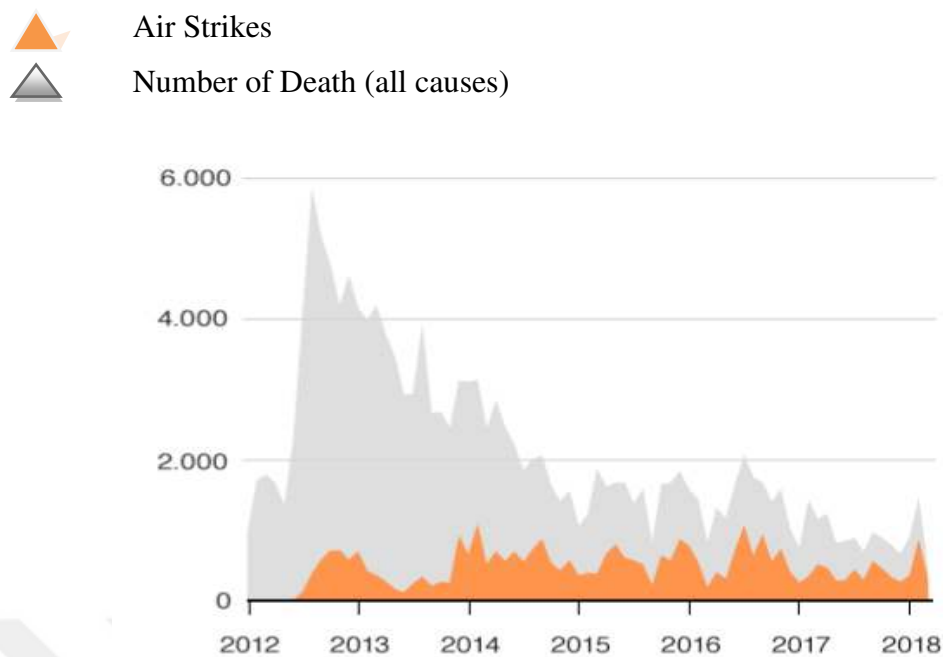


Figure 3 Chart of Airstrikes. 8th year war in Syria.²⁰⁸

After all these deaths, as of 2017, all terrorist groups and organizations expelled from the region due to the civil war in Syria. Terrorist groups and organizations have settled in Idlib. Idlib is located in the northwest of Syria. Idlib is a line frequently used by foreign forces to carry out war. That's why it became a region that triggers war by filling its military ammunition, logistics and human resources.²⁰⁹ The terrorist organizations in Idlib consist of the delegation of Tahrir-al Damascus which is an extension of Syria and later the Hurashiddin, radical jihadist groups (Isid, Chechen, Dagestan groups) and 4,000 "*Turkish Islamic Party*" members. Turkey, Russia, the United States, China, Iran and Syria was approached the conflict with different theories against terrorist organizations in Idlib.²¹⁰ Turkey, Russia and Iran declared of Idlib and its surroundings as Tension Reduction Zone at the Astana meeting on May 4-5, 2017. But the regime forces repeatedly violated the ceasefire. That's why On 17 September 2018, Turkey and Russia signed an additional agreement in Sochi.²¹¹ Towards the end of 2018, Russia performed air operations West of Idlib and the Northern part of Hama in order to the independence of the Syrian State and to the return of the nomadic Syrian citizens who were trying to

²⁰⁸ BBC News, a.e., (15.03.2018)

²⁰⁹ Bkz. 7 soruda İdlib: Türkiye ne yapıyor, neyi amaçlıyor?. BBC News. (08.10.2017)

²¹⁰ Bkz. Özetle İdlib Meselesi. Yeniçağ. (11.09.2018)

²¹¹ Bkz. İdlib'in merkezinde bombalı araç saldırısı. SABAH. (25.06.2019)

survive.²¹² Iran supported Russia because it feared that its territorial integrity would be compromised. China supported Russia's intervention, not to end the violent events in Syria, but to fear that if the war cannot be stopped members of the ‘‘Turkish-Islamic Party’’(terrorist organization) will return to China. The United States which is Israel's supporter opposed the operations carried out to save Syria not only to protect Israel but also to make it easier for itself to reach the Mediterranean. Turkey did not want an operation in Idlib because too many civilians living in idlib could be harmed. Turkey submitted two different proposals out of it.

These proposals are as follows;

- ✓ Ensuring the participation of terrorist groups in opposition groups.
- ✓ To perform point operations for terrorist groups who refuse to join the opposition groups.

In order to realize these suggestions, it is necessary to be in agreement with Assad and Damascus administration. In line with the powers of the UN, Turkey, Russia and Iran can not take this decision alone. Therefore, The United States and its supporters must agree on the same decision.²¹³ Nevertheless, conflicts are still continuing today. According to The Syrian Human Rights Network (SNHR) report which is under the title of 24 June 2019, they reportedly attacked of Idlib in Tension Zone by Bashar Assad and his supporters between 26 April and 23 June. After this attack, 487 civilians were killed and 495 civilians were injured in Tension Zone.²¹⁴

3.8.3. Rakhine

Myanmar Country which is took place in Southeast Asia,²¹⁵ the ethnic problems between the Muslim minority Rohingya which living in Rakhine was called as Rakhine problem. Since 1948, the Buddhist State of Myanmar which ignored human and citizen rights was accepted the citizenship of all ethnic groups in the Country except for the Rohingyas and Rohingyas are seen as people without homeland. The Myanmar government refused to accept the citizenship of the Rakhine people, claiming that Rakhin, who fled the British colony in the 1800s, came to Myanmar and was of Bangladesh origin. In May 2012, ethnic problems was in Rakhine by raping and murdering a woman from Myanmar. It became a conflict

²¹² Bkz. Son dakika...Rus Savaş Uçakları İdlib'i Vurdu. CNN TÜRK. (04.09.2018)

²¹³ Yeniçağ, a.e., (11.09.2018)

²¹⁴ SABAH, a.e., (25.06.2019)

²¹⁵ Bkz. Mynmar Arakan Nerede? Arakan'da neler oluyor (Harita da nerede?). Sözcü. (30.08.2017)

between Buddhist and Muslim groups. On August 25, the efforts of Muslims to establish a state to be governed by Islam. The Rakhine Rohingya Salvation Army which was established to defend the rights of Muslims launched an attack on the military base and police station on the border with Bangladesh. Following these attacks, the Myanmar army launched an operation for the entire people of Rakhine was causing more than a thousand people to leave the country.²¹⁶ Independent International Fact-Finding Mission on Myanmar established by UN Human Rights Council for Myanmar operations which has got many time condemned by the UN and NGOs on 23 March 2017. As a result of research in the published report; *‘The Myanmar army and radical Buddhists have violated many human rights, including murder, rape, torture and arbitrary arrests of Arakanese Muslims. At the same time, Myanmar Chief of General Staff Min Aung Hlaing and many senior generals were reported to have committed genocide against Rakhine Muslims, and it was emphasized that the commanders who committed genocide crimes should be judged in a court to be established at the ICC.’*

In this report, it is officially defined that the Rakhine problem is a genocide committed by the Myanmar Government. Britain submitted a draft resolution to the Security Council for the immediate end of ongoing conflicts but China vetoed the draft and Britain withdrew its draft.²¹⁷ Radhika Coomaraswamy who was a member of Independent International Fact-Finding Mission on Myanmar, said that since 2017 the ongoing operations began to intensify instead of resting and in ongoing studies, they reported that the children are thrown into the fire alive and they had been tortured. Coomaraswamy states that these data can use such evidence in ICC. At the same time, she was stated that they request an investigation for six generals whom thought to be related with the genocide. She was reported that 250-300 thousand Arakanese people lived in Myanmar in the face of this painful event.²¹⁸ The United Nations called many times for the end of the conflicts in Rakhine but no concrete steps have been taken for the solution. England sent a draft resolution to the Security Council were demanding the condemnation of violence in Rakhine and the immediate end of military operations but this decision was vetoed by China.²¹⁹ Rakhine has rich underground and aboveground resources. Many countries are

²¹⁶ Bkz. 9 Soru da Arakan sorunu nedir?. BirGün. (31.08.2017)

²¹⁷ Bkz. ‘Arakan Krizi’ BM özel oturumuyla birlikte tekrar dünya gündeminde. Hürriyet. (27.09.2018)

²¹⁸ Bkz. ‘Myanmar ordusu Arakan’da çocukları canlı canlı ateşe attı’. Milliyet. (12.02.2019)

²¹⁹ Bkz. ‘Arakan krizi’ BM özel oturumuyla tekrar dünya gündeminde. AA. (27.09.2018)

eyeing to Myanmar as due to the strategic location of the country and its coasts. Russia, China and America wanted to anchor in ports of Myanmar. That's why they remain silent against to the problem of Rakhine.²²⁰ Not only England but also France considers that urgent steps should be taken for the problem.²²¹

Table 3.5 Countries where the United Nations abstain from where to intervene.

Countries		Start Years
1	Afghanistan	07.10.2001
2	Iraq	20.03.2003
3	Syria	15.03.2011
4	Libya	15.02.2011
5	Myanmar	2012
6	Yemen	26.03.2015

These conflicts are still ongoing because of UN can not do enough intervention to the countries.²²² These countries are supporting of terror organizations with some weapons and training.²²³ The United States, a permanent member of the Security Council, promised to take back military machines given to terrorist organizations on 24 November 2017.²²⁴ In early 2019, America sent 5.000 trucks to the YPG and PKK who is another terrorist organization via NATO.²²⁵ Therefore, people still kill each other in these countries, civilians migrate to other countries and many people continue to suffer hunger and poverty.

²²⁰ Bkz. Arakan'da Katliam Var. (2019). *Uluslararası Politika Akademisi*. Eylül 9, 2017, <http://politikaakademisi.org/2017/09/09/arakanda-katliam-var/>, (03.07.2019)

²²¹ Bkz. İnsanlığa karşı işlenen suç soruşturulsun. *Yeni Şafak*. (27.09.2018)

²²² Bkz. BM'nin gözlerini yumduğu, şu anda mazlumların katliama uğradığı 6 Ülke. *Dünya*. (16.08.2017)

²²³ Bkz. Pkk'ya destek veren ülkeler. *SABAH*. (06.01.2016)

²²⁴ Bkz. O silahlar ne olacak?. *Yeni Şafak*. (22.12.2018)

²²⁵ Bkz. Teröristlere 5 Bin TIR Silah Gönderen Amerika, Suriye'ye Yardım Paralarını Kesti. (2019). *Haberler.com*. Ağustos 19, 2018, <https://www.haberler.com/teroristlere-5-bin-tir-silah-gonderen-amerika-11161772-haberi/>, (20.06.2019)

CHAPTER 4

REFORM DEMANDS FOR THE UNITED NATIONS SECURITY COUNCIL

4.1. REFORM DEMANDS OF THE SECURITY COUNCIL

As a result of some failures of The United Nations Security Council, some groups or institutions revealed the some reform reasons. According to reasons of reform, not only Secretaries General of the United Nations but also countries and institutions tried to put forward of reform proposals to have better structure and functioning of the Security Council. Also, these reform proposals are as follows; ‘Razali Plan, Reform Proposals of The Ellective Group, Decision Draft of G-4, Decision Draft of African States, Union Group Proposal for Reconciliation, The S-5, The L-69, Request for some organs of the UN, Removal of Veto, The US Decision on Reform of Veto, New Millennium Decleration.’

4.1.1. The Reasons for Reform

Reform means making problems in a system more positive with easy and conciliatory methods.²²⁶ Almost all UN member states agree that the structure and functioning of the Security Council is not in line with the economic and political reality of the 21st century. But in case of a possible reform, members are concerned about the possibility of harm to their interests.²²⁷ The Security Council structure and decision-making methods attracted criticism for its non-democratic nature and lack of legitimacy.²²⁸ The Council decides on any issue without making enough research. The continents of Asia, the Caribbean, Africa and Latin America have 2/3 of the

²²⁶ V. Merriam Webster. (2019). *Reform*, <https://www.merriam-webster.com/dictionary/reform>, (11.06.2019)

²²⁷ The UN Security Council. (2004). (Ed.) David M.Malone, US, pp.341-355.

²²⁸ V. S. Graf von Einsiedel. (2019). Vision mit Handlungsanweisungen. Das High-level Panel und die Reformagenda der Vereinte Nationen, *Vereinte Nationen*, Dezember 2, 2004, https://zeitschrift-vereintenationen.de/fileadmin/publications/PDFs/Zeitschrift_VN/VN_2005/Heft_1_2005/Standpunkt_Zumach_VN_1_05.pdf, (12.06.2019)

world's population, but they are not represented in the Security Council.²²⁹ Although India is a large country but it is not represented in the Security Council. France and England are one of the five permanent members, also have the right to be represented in the Security Council with three members belonging to the European continent. 1/3 of the members of the Security Council, 25% of the members of the General Assembly and 10% of the world's population are European states. Another point criticized is that, this is the case of Article 27, which determines the structure and voting procedure of the Security Council, and Article 2/1, which determines the fundamental basis of the Charter are in conflict with each other. Priority of voting in Article 27, furthermore, the sovereign equality of member states has been abolished from the statute without any valid reason, it was repeatedly stated at the General Assembly meeting in 1970. The last point reached in the criticism, the fact that the Security Council is acting selectively in fulfilling its mandate to ensure and maintain international peace and security.²³⁰

The aim of the Security Council is to be a functioning organization based on the concept of collective security²³¹ which means the security of a state and its allies.²³² Iraq's attack on Kuwait, The United Nations organized an operation to force peace in Iraq. Although this intervention was successful but later the international prestige of the United Nations shaken because they did not intervene in such conflicting countries due to the interests of its members or unsuccessful actions like in Somalia. In 1999, NATO intervened in Kosovo without a Security Council resolution. In 2003, multinational forces which under the leadership of America, they intervened in Iraq. It has shown that not only the Security Council, but also the United Nations have problems with the legitimacy. If a state attacks another state without permission of The Security Council, this is not seen as self-defense but each intervention carried out by the Security Council was included in the scope of self-defense. United Nations has faced problems that need reform towards their own structure because of such reasons.²³³

²²⁹ Bkz. Naim Demirel. (2013). Birleşmiş Milletler Güvenlik Konseyi'nde Reform Arayışları. *TAAD*, 12:137

²³⁰ Naim Demirel, a.g.e., s.138.

²³¹ Mesut Şöhret, a.g.e., s.263.

²³² Bkz. KGAÖ'nün Kolektif Güvenlik Sistemi. (2019). *TASAM*. Aralık 4, 2013, [http://www.tasam.org/tr-TR/Icerik/26764/kgaoonun_kolektif_guvenlik_sistemi,\(06.07.2019\)](http://www.tasam.org/tr-TR/Icerik/26764/kgaoonun_kolektif_guvenlik_sistemi,(06.07.2019))

²³³ Mesut Şöhret. a.g.e., s.265.

The reasons of reform are as follows;

- ✓ The structure of The UNSC; they can follow the non-democratic path because of their own interests. America, England, France, Russia and China who are the five permanent members of the Security Council planned to meet with 46 other countries to form an international power organization. However, they were stated that the right of permanent membership and veto shall belong only to these five countries. Although 46 countries opposed this and they threatened that the organization would not be established if they would not accept an agreement. They accepted this unfair agreement to have the reputation of the founding member in the future and with the idea of abolishing these rights of the founding members. Although the number of non-permanent members increased from 6 to 10 in 1963, they continued to move forward without changing the rights and decision-making mechanisms granted to them.
- ✓ Loss of Prestige of the Security Council and The United Nations; The Security Council's decision and decisions they did not take due to the veto. Examples include not intervening in Kosovo and unauthorized interventions in Iraq. Therefore, it can be said that the Security Council suffered a serious loss of legitimacy and prestige.
- ✓ Structural and institutional problems; political determination and decision making, budget problem; less payment or nonpayment by members, the Security Council's inability to accurately identify threats to security. For instance, to describe the genocide in Rwanda as an internal problem. This was the big mistake to identify threats to security.
- ✓ Permanent membership and veto mechanism;²³⁴ particularly during the Cold War period, world peace and security were put aside and they were used these unlimited rights many times by caring their own political interests. Throughout the UN history, it appears that a limited number of veto rights have indeed been used for the vital issues of the Security Council. Veto is more than a goal of peace and security to realize the power policies of the countries with veto in the international area and used to protect the interests

²³⁴Mesut Şöhret, a.g.e., ss.273-284..

of the country. This situation prevents the Security Council from fulfilling its mandate in the UN Convention.²³⁵

- ✓ Permanent members of the Security Council are the most arms trading countries. The emergence of 5 permanent members as leading states in the international arms market has led to questions as to how the council can secure security or cause insecurity.

All these became a problem in the UNSC and some groups and countries try to put some reform proposals to solve the problems of The UNSC.²³⁶

4.1.2. The Reform Demands

The need to reform of the UN structure and working methods has been finalized as a common decision in international politics. Considering what kind of reform work should be, it seems that a long time is needed. Studies show complexity in terms of subject matter. With the end of the Cold War Era, the fundamental change of the political structure in the world and the significant increase in the number of UN member states created a new topic for reform demands. Therefore, it was deemed necessary to regulate the number of members of the Security Council with reform. It was decided that reform would be shaped according to three main objectives as follows: the ability to represent all countries; productivity, making practical decisions on the subject and making decisions through democratic methods. For all these reasons, the UN started to work hard and make serious efforts to implement the reform.²³⁷

4.2. REFORM PROPOSALS OF THE SECURITY COUNCIL

After the Cold War Era, in 1992 with the increase of criticism towards reform, The Secretary-General of the UN was conducted research between permanent and temporary members of the UN to learn what the UN needs to do with the reform needed to gain its former prestige. Boutros B. Ghali analyzed the common ideas on the way to reform. The classifications of the proposed Reform Works are as follows;

²³⁵ V. Thomas Dörfler and Madeleine O. Hosli. (2013). *Routledge Handbook of International Organization*. (Ed.) Bob Reinaldo, New York, pp.385-386.

²³⁶ Mesut Şöhret. a.g.e., ss.273-284.

²³⁷ Nejat Doğan, a.g.e., ss.19-20.

4.2.1. The Razali Plan

Since the 1990s, the idea of reform became a subject that has been studied. In the Conference of Non-Aligned in Jakarta in 1992, The UN Security Council expressed its wish for reform. Upon this, in 1993, UN General Assembly Resolution 48/26 established an Open-Ended Working Group (OEWG) for reform. The main objectives of this working group are as: to carry out studies and submit proposals on the amendment of the methods related to the structure, functioning and veto rights of the Security Council. This working group will be open to the participation of all member states by providing a democratic space and will carry out the work of all members on the principle of unanimity in making decisions. Extensive interviews were conducted in this working group but no conclusions were reached due to the unanimity principle.²³⁸ In 1997, the first concrete reform proposal was made by the Malaysian Ambassador Razali, who was the Chairman of the General Assembly. Since the proposal came from Razali, this reform was called the Razali Plan. Razali revealed this reform plan by taking the majority's preference after detailed discussions with the representatives of 165 UN member states. The main idea in the Razali Plan is the creation of five new permanent members, apart from the existing permanent members. Two of the five permanent members could from industrialized countries, and the other three could from Latin America, including Asia, the Caribbean and Africa regions. The Caribbean, Africa and Asia regions will also have three non-permanent members. Thus, the Security Council would have 24 members in its structure. The Razali Plan did not grant any member of the Security Council the right to veto. The United States argued that the number of Security Council members should be no more than 22. This led to Razali Plan was not submitted to the vote.²³⁹

4.2.2. The Reform Proposal of the Elective Group

After the crisis in Iraq in 2003, the UN Security Council's reform efforts have come up again.²⁴⁰ Kofi Annan asked to High Level Group who is internationally renowned politicians and diplomats, analyze serious ones of

²³⁸ V. As Reform Negotiations Reach Fever Pitch, Germany & Japan Push for Permanent Security Council Seats. (2019). *Global Policy Forum*. March 7, 1997, <https://www.globalpolicy.org/component/content/article/200/41360.html>, (15.06.2019)

²³⁹ V. New Security Council Enlargement. (2019). *Global Policy Forum*. March 20, 1997, <https://www.globalpolicy.org/component/content/article/200/41311.html>, (15.06.2019)

²⁴⁰ V. Katja Wiesbrock. (2003). Vereinte Nationen. *Zeitschrift für die Vereinten Nationen und ihre Sonderorganisationen*, 51:215.

international security threats and to prepare a report showing the content of the methods that should be taken to prevent and eliminate these threats. This report will also indicate of what formal reforms Kofi Annan needs to achieve its security objectives. The report, which was prepared to prevent security threats was published in December 2004 with that slogan ‘*A Safe World - Our Common Responsibility.*’ The report includes the idea that the number of members of the Security Council will be increased by nine members. Two suggestions were presented for this idea. The proposals were named as Model A and B, in the suggestion of Model B; six permanent members and three non-permanent members were proposed. Proposal A stated that none of the members will be given the right to veto. According to Model A, two permanent members are proposed to be from African countries.

Table 4.1 Member Distributions Recommended by Kofi Annan for Model A.²⁴¹

Region	Number of Countries	Ongoing membership	Number of States Recommended for Permanent Membership	Number of new States Proposed for Non Permanent Membership	Total
Afrika	53	0	2	4	6
Asya-Pasifik	56	1	2	3	6
Avrupa	47	3	2	1	6
Amerika	35	1	1	4	6
Total	191	5	6	13	24

According to Model B, it is foreseen that there will be no permanent membership in the Security Council and that only nine non-permanent members and members will be increased. There was no change for the remaining eight members.

²⁴¹ Mesut Şöhret, a.g.e., s.291.

Table 4.2 Member Distributions Recommended by Kofi Annan for model B.²⁴²

Region	Number of Countries	Ongoing membership	Number of States Recommended for Permanent Membership	Number of new States Proposed for Non Permanent Membership	Total
Afrika	53	0	2	4	6
Asya-Pasifik	56	1	2	3	6
Avrupa	47	3	2	1	6
Amerika	35	1	2	3	6
Total	191	5	8	11	24

Elections of the members of the Security Council held for a period of four years and the expired member is given the right to be re-elected but looking at the current UN membership system, non-permanent members were elected for a period of only two years and they were not entitled to re-election after two years. In the report, the UN members to be elected for a period of four years, report specified qualifications and it is stated that the members should have the status of middle class state. In the report, it was proposed to renewal regional grouping system in membership elections and to unite the East-West European Group. These measures to be taken, it will severely limit the chances of European states to elect non-permanent members in member elections. According to reform Models A and B, he did not work on a radical change in the system, but on the logic of editing and renewing the system. These two models have been subject of discussion for years. Secretary General Kofi Annan's report dated 21 March 2005 with the words as *'Broader Freedom, Development for Everyone, on the Way to Security and Human Rights'*,²⁴³ the elite group have included both reform models in its field of study. Before the end of 2005, Annan invited all member states to take a joint decision on the reform draft. Kofi Annan argued that these reform proposals will remove the passivity of the UN's actions and that the actions will be carried out more firmly

²⁴²Mesut Şöhret, a.g.e., s.291.

²⁴³ V. United Nations General Assembly. (2019). *Report of the Secretary General*. May 26, 2005, <https://www.ohchr.org/Documents/Publications/A.59.2005.Add.3.pdf>, (16.06.2019)

within the legal framework.²⁴⁴ Submission of reform requests by the Former Secretary General of the United Nations in person, it was a proof of the need for reform on the structure and functioning of the Security Council. Although Kofi Annan wanted to establish an equal and fair decision-making system with these reform proposals, the proposals not yet accepted. It has been a concrete support for realization of Council reforms.²⁴⁵

4.2.3. The Decision Draft of G-4

Japan, Germany, England, France and The USA held several meetings to approve the Razali plan which was submitted in 1997. Although the interviews enabled them to carry out a useful work for the parties but these studies could not go beyond diplomatic words.²⁴⁶ India, Germany, Brazil, Japan and with the other 23 States submitted to the General Assembly a draft resolution which called as G-4 for Security Council's reform on 6 July 2005.²⁴⁷ The G-4 Draft was for the Council's number of members and recommends that six more members be added to the permanent membership. Two of these six permanent members will be selected from African countries, one from Latin America and the Caribbean, two from Asia and one from the Western States. In the reform draft for the number of members stated that the number of members should be increased except for non-permanent members. For non-permanent members, it was recommended to hold membership elections from four regions as: one member from the African region, one member from Asia, one member from Latin America and the Caribbean, and one member could be from Eastern Europe. Decisions to be taken for member's right to veto will be discussed at the 15th anniversary meeting which is including the amendments to the agreement. At same time, the Draft G-4 has included the recommendations on the development of working methods of the Security Council.²⁴⁸ Countries of Germany and Japan thought that the Security Council can provide its power with legitimacy but the current position of the Security Council is not considered sufficient to ensure this. It

²⁴⁴ V. Maren Becker. (2019). UN-Reform, Zwei unterschiedliche Stimmen in der Debatte in den USA. *American Institute for Contemporary German Studies*, April 15, 2005, https://www.kas.de/c/document_library/get_file?uuid=18a093b8-9b5c-5085-a688-0a0d5bb39914&groupId=252038, (18.06.2011)

²⁴⁵ Mesut Şöhret., a.g.e., s.292.

²⁴⁶ L. Andreae, Reformen der Warteschleife. Ein deutscher Sitz im UN-Sicherheitsrat?, Berlin 2002, p. 184.

²⁴⁷ V. Bernhard Hofstötter. (2019). Einige Anmerkung zur Reform des Sicherheitsrates der Vereinte Nationen. 2006, http://www.zaoerv.de/66_2006/66_2006_1_b_143_166.pdf, (11.06.2019)

²⁴⁸ Bernhard Hofstötter, op.cit., p.150.

is thought that the important regional and powerful actors that have emerged recently can join the UN organization to ensure legitimacy.

In addition to the French and Russian, Germany and Japan States supported the draft G-4. Suggestions of Brazil, Germany, India, and Japan approved which were about temporarily renouncing the right to veto. New yields for the structure and activities of the Council and proposals for representation from different regions were also positively received by the Council.²⁴⁹ ‘‘G-4 states (India, Brazil, Japan, Germany), industrial countries, developing countries, countries in the South and North’’ was reported that they received a large-scale support armor from permanent members of the Security Council. These supports proved that the G-4 Reform Draft was an endorsable draft in the Security Council. Both permanent ambassadors stand behind this plan and stated that it is the only reform plan that has provided comprehensive support. At the same time, it was stated that this draft complies with the report of ‘Elite Group’.²⁵⁰

4.2.4. The Decision Draft of African States

On 14 July 2005, African countries submitted to their decision draft which was similar to the G-4 draft to the General Assembly but unlike the G-4 draft, this draft also granted the right to veto the new permanent members. Also, another non-permanent member recommended for the African region. On July 25, 2005, the G-4 draft was reached by agreement between the G-4 London Foreign Ministers and representatives of the African Union. Issues such as implementation of the veto right as defined in G-4, creation of non-permanent memberships of 26 countries alternately among Latin America, including Africa, Caribbean, Asia, was rejected at the African Union summit on 4 August 2005.²⁵¹

4.2.5. The Union Group Proposal for Reconciliation

This group created by Italy and incorporated in Canada, Spain, Mexico, South Korea, Turkey, Argentina, Pakistan and Malta. Union Group was also called as Coffee Club. On 21 July 2005, proposal of Unity for Reconciliation group was introduced by Turkey and a group of member States. This proposal was aimed at increasing the number of temporary members in the Security Council to 12 and

²⁴⁹ Naim Demirel, a.g.e., s.145.

²⁵⁰ Naim Demirel, a.g.e., s.146.

²⁵¹ Bernhard Hofstötter, op.cit., p.151.

forbidding the right to re-election. Also, they propose to replace the veto with the principle of majority in decision-making. Any of these proposals was not accepted because increasing the number of permanent members with these proposals showed that it would be difficult to make an easy and fair decision.²⁵²

4.2.6. The S-5

Switzerland, Lihtenstein, Costa Rica and Singapore made another suggestion at the 60th General Assembly session. These countries were called their proposal S-5 proposal. The S-5 proposal only mentions changes related to the working methods of the Security Council. This proposal was not rated like any other proposal. After many reform proposals, criticisms and discussions on reform stopped. Therefore, until better solutions are found and an agreement has been reached for a period of interruption until the next session as a temporary solution.

Then, the 61st General Assembly chairman²⁵³ Haya Rashed Al Khalifa²⁵⁴ formed a group called facilitators. The tasks undertaken by this group for that purposes as: *‘‘The number of members, member categories, veto, regional representation, the relations between the Security Council and the General Assembly, and the way these boards will work with them on how to proceed.’’* According to the report submitted by the Group in April 2007, towards the reform of the group with these purposes, it is foreseen that there would be solutions to be overcome in terms of the proposed reforms for the Security Council. Considering all proposals for the UN Security Council, almost all states supported the proposal for a temporary solution.²⁵⁵

4.2.7. The L-69

The L-69 is a group that aims to implement long-term and wide-ranging reforms to improve the systemic, structural and functional problems of the UN Security Council. The L-69 is a regional group of 42 developing countries which are participating from Africa, Latin America and the Caribbean, Asia and the Pacific.²⁵⁶

²⁵² Mesut Şöhret, a.g.e., s.293.

²⁵³ V. Johannes Varwick und Andreas Zimmermann. (2006). *Die Reform der Vereinte Nationen*. Duncker & Humblot, Bilanz und Perspektiven: Veröffentlichungen des Walther-Schücking-Instituts für Internationales Recht an der Universität Kiel, Berlin, p.16.

²⁵⁴ Bkz. Gül, BM 61.genel Kurul Başkanı ile Bir Araya Geldi. Haberler.com. (09.07.2007)

²⁵⁵ Volker Rittberger/Heiko Baumgaertne, ibid.,

²⁵⁶ V. Aman Y.Thakker. (2019). ORF Occasional Paper. *Observer Research Foundation*, March 2018, https://www.orfonline.org/wp-content/uploads/2018/03/ORF_Occasional_Paper_148_India-UN.pdf, (25.06.2019)

The division began after discussions on shifting the Security Council reform agenda from the Working Group to intergovernmental negotiations. In fact, the issue of negotiation involves only a draft decision. Although this draft decision was taken by the sponsors as of 2008, L-69 was established as a new group among the previously formed groups.

“The L-69 group members are as: Barbados, Benin, Bhutan, Brazil, Burundi, Cape Verde, Fiji, Grenada, Guyana, Haiti, India, Jamaica, Liberia, Mauritius, Nauru, Nigeria, Palau, Papua New Guinea, Rwanda, Saint Vincent and the Grenadines, Seychelles, Solomon Islands, South Africa, Tuvalu and Vanuatu Grup.”

The L-69 was formed by the alliance of some states wishing to have permanent membership in the Security Council. The L-69 group members promised to better represent the Security Council, along with some Muslim states of the developing world, including the developing countries of South Africa, Nigeria, India and Brazil. The L-69 was demanded from The Security Council to increase in the number of both permanent and non-permanent memberships.

Also, they promised that Muslims and Island countries can be better represented on all issues with the rights of membership and representation to developing countries, so that they can be developed in line with new ideas for the working methods of the Security Council and that they can have a good representation on all geographical regions of the world. The group stated that the ideas had a decisive level with confidence. They tried to get support from some of the Muslim countries as African country to realize their existence. The Security Council apparently seemed to be open to reform, but did not have the appropriate conditions for changing its structural arrangements in the background.²⁵⁷ The permanent members of the Security Council represent more than 2.2 billion Christians in the world. Among these members, it is seen that approximately 42% of China's population is atheist and 30% adopts the belief in Taoism. It would not be wrong to say that the permanent members of the Security Council have a Christian majority. This reform seems difficult for the time being, since the right to represent for religious groups such as Africa would lead them to claim religious rights in other religious groups, such as Hindus and Buddhists.²⁵⁸ Therefore, it is seen that

²⁵⁷ Fakiha Mahmood, *op.cit.*, p.130.

²⁵⁸ Mesut Şöhret, *a.e.*, s.293.

individuals, groups or institutions who wants to make a reform proposal for the Security Council should take into account the P-5 perspective before taking steps on the reform. It was also a clear detail that the groups that emerge for reform have always emphasized the issue of veto and permanent membership. On the other hand, it can be said that only for G-4 and Consensus, the Union groups on the opposite sides. While the right to veto and increase in the number of permanent members are important for G-4, the increase in the number of non-permanent memberships in the Union strongly demanded for consensus. The reform proposals of L-69 can call of a mixture of G-4 and African countries because it contains many subjects.²⁵⁹

4.2.8. The Reform Requests for some Organs of the United Nations

The loss of prestige of the United Nations in the international area has foreseen the necessity of reforms in the internal structure in line with the decisions of the member states. Some of reform proposals were about the organs of the United Nations. These organs are as follows; ECOSOC, Secretary General and General Assembly. According to reform demand for ECOSOC, it is seen that there is a serious lack of transparency and accountability. The Security Council acts to benefit of the rich countries. The Security Council takes its decisions mainly in the interests of the states such as Germany, France, England, Japan and America. They are the most powerful states in the political and economic sphere among the member states of the United Nations. Therefore, it seems unlikely that the Security Council's decision-making mechanism will work for the benefit of poor countries. According to reform demand for Secretary General, election of the Secretary General is determined by the Security Council and proposed to the General Assembly. It is thought that the elections are not conducted transparently and that the elections are held in the interests of the members of the Security Council. The veto right of the Security Council is an obstacle to fair elections. According to reform demand for General Assembly, the fact that the General Assembly, which holds the nature of the world council, was ineffective in the face of the Security Council that democracy could not be ensured sufficiently due to the determination of the Secretary General elections by the Security Council, and over-prolongation of the decisions to be taken in a short time caused criticism about the structure of the General Assembly. The proposed reforms to the problems of the organs of the United Nations are as follows:

²⁵⁹ Fakiha Mahmood, op.cit., p.130.

- Recommended for ECOSOC: The Security Council should make its work more transparent and demonstrable.
- Recommended for Secretary General: For these reasons, it is recommended that the General Assembly should be decisive for the election of the General Secretary and that the General Secretary would be elected with a more open election within democratic methods.
- Recommended for General Assembly: The role and authority of the General Assembly should be increased. The General Assembly should take decision of who will be the Secretary General and the Security Council should approve the decision of the General Assembly and bureaucratic procedures should be reduced in order for members to make faster decisions, and working committees should be made more functional.²⁶⁰

These organs are very important as others but decision making mechanisms are identifying the faith of countries. Just a mistake not only can jeopardize everything as inter-country peace and welfare of societies but also the existing of The United Nations. The implementation of these proposals could be beneficial both for the countries and for the United Nations.

4.2.9. The Removal of Veto Power

The right to veto plays a major role in rendering the UN Security Council actions ineffective. Therefore, the claim that there is an increase in the number of member states with veto power would not make much sense. P5 members exercised veto right not for the protection of civilians' rights, but for the recognition and protection of their political personal presence or geopolitical interests. Therefore, P5 members which use the right of veto for its own interests, not for the peace and prosperity of international communities, elected by Amnesty International as a group posing a threat to human rights.²⁶¹ While the weak should be protected by the strong, the privileged position of the members with the veto, it disrupts the realization of this argument in agreement. P5's misappropriation of the right to veto led to a negative impact on the amendments to the UN Charter, including the appointment of the UN Secretary-General. P5's selfish characteristic stance made the activities of the UN system away from formalism and legality. It has made an impressive reform in the

²⁶⁰ Mesut Şöhret, a.g.e., ss.296-298.

²⁶¹ V. Amnesty calls on UN powers to lose veto on genocide votes. *BBC World New*. (25.02.2015)

number of the UN Human Rights Council, the Economic and Social Council (ECOSOC) and other UN agencies and organizations.²⁶² The veto problem introduced since 1945 and it has continued to be discussed with the same effect. Most of United Nations members agree that the veto should be abolished because it is incompatible with the principle of sovereign equality of States. Veto seems to prevent the UN structure from remaining within a democratic framework. Who argues that veto should exist, they are states that have power or desire to gain power.²⁶³

However, it was observed that thoughts decreased of limiting veto power in the Security Council or on the abolition of the right to veto. And the issue of reform is directed towards increasing the members of the Security Council. The P5 members did not want to give up veto rights and it caused a strong reaction against this issue. UK and France have only suffered and complained of serious discomfort in the abolition of veto power and made a complaint. Among the groups, G-4 (Japan, Germany, India and Brazil) had no difficulties in vetoing, as it examined earlier reform proposals. Against this, the Consensus Union opposed the continuous of veto power. Although some African countries have an acknowledge that the veto right is in principle incorrect and Africa has put forward their thoughts requesting a permanent chair for the full rights and privileges of African permanent members. They argued that as long as veto exists, the Security Council should grant this right to all its permanent members in order to achieve common justice.

The more objective reform proposals for veto and the structure of the Security Council in the face of different proposed reform demands are as follows:

- ✓ Demonstrate their support for reform by giving up veto rights of P-5,
- ✓ Increasing the activities of the Security Council for structural strength,
- ✓ Increasing the number of memberships in order to fully impose legitimacy,
- ✓ The participation of the countries that will be among the great powers of the future in the Security Council membership,
- ✓ For Africa, Europe and other states to group,
- ✓ The coalitions within the Security Council should treat them as they wish,

²⁶² V. Jakkie Cilliers. (2019). The UN Security Council: From a 20th century relic to effective security governance. *Global Trend Analysis*, 02, 2018, https://electthecouncil.org/wp-content/uploads/2018/03/GT-A_2018-02_en.pdf, (03.06.2019)

²⁶³ Fakiha Mahmood, op.cit., pp.130-131.

- ✓ Reform movements that have progressed in the Security Council, progress of power with changes,
- ✓ To take procedural measures based on the International Court of Justice to prevent the contentious problems of reform within the Council,
- ✓ Regular review of a particular system.²⁶⁴

The Security Council member elections, number of memberships, decision-making mechanisms, and future delegation of some members and the resolution of the decisions have based on international court of justice procedures will allow the Security Council to be improved from now on. So to speak, ambition of power and interests should set aside and each member should put their hands under the stone. Thus, they could help restore of the trust which the Security Council has lost.

4.2.10. The United States Decision on Reform of Veto

After World War II, the United States assumed the responsibility for organizing the intergovernmental organization. As of 1939, US Department of State officials were started to work by getting a draft of the League of Nations for intergovernmental organization preparations.²⁶⁵ The Security Council closed to the vision of Franklin D. Roosevelt who was the former American President and has privileged in line with reminiscent of the idea of the US, Britain, the Soviet Union, France and China and decisions on the use of force.

During the Cold War, although the United States was the second most frequently used veto right after the Soviet Union. In Post-Cold War era, it has become the State that uses the veto power most among the permanent members of the Security Council. As an example, in the clashes between Palestine and Israel, the US has often preferred to use veto power to support Israel.²⁶⁶ Although the United States does not oppose any possible reforms for the Security Council, it does not support a reform proposal that it considers appropriate. US explained some of the general principles he wants to achieve in the reform dimension:

- ✓ No reform action should harm the Security Council.
- ✓ In the reform proposals to be submitted, it is necessary to specify the names of the proposed countries in order to be a member of the Security Council.

²⁶⁴ Jakkie Cilliers, op.cit.,

²⁶⁵ V. Mary Ellen O'Connell. (2005). The United Nations Security Council and the Authorization of Force: Renewing the Council through Law Reform. *Public Law and Legal Theory: Working Paper Series*, No.31:4

²⁶⁶ Fakiha Mahmood, *ibid.*, p.131.

- ✓ In order for a Country to have permanent membership, the contribution of the requesting State to international peace and security is a criterion for permanent membership.
- ✓ The right to veto should be protected without structural change.
- ✓ The proposed reforms should be adopted on the basis of the existing UN Charter with the approval of two-thirds of the US Senate.²⁶⁷

America generally rejected the requested reforms. Upon this, they chose to present reform proposals that they had created. The first three of these proposals seem logical and peaceful but America opposes of veto removal and request that the reform proposals to be taken should be made by the majority of the US Senate. These decisions are not covering to the interests of the majority and contradict democracy.

4.2.11. The New Millennium Declaration

The UN Millennium Development Goals (MDGs) were adopted in September 2000 with the affirmative vote of 189 countries in order to bring developed countries and developing countries closer to each other and ensure their cooperation, poverty reduction worldwide, to improve development of living conditions.²⁶⁸ Since the establishing of United Nations, every country have been in problems caused by wants and fears as poverty, education, employment, health, peace and justice. In order to solve existing problems according to wants issues that need to be addressed are as follows: *'Achieving sustained growth, generating opportunities for the young: education, employment, promoting health and combating (HIV/AIDS), upgrading the slums, building digital bridges, demonstrating global solidarity: trade access, debt relief.'*²⁶⁹ In order to solve existing problems according to fears issues that need to be addressed are as follows: *'Preventing deadly conflicts, protecting the vulnerable, addressing the dilemma of intervention, strengthening peace operations, targeting sanctions, pursuing arms reductions:*

²⁶⁷ V. Kara C. MacDonald and Stewart M. Patrick. (2019). Council on Foreign Relations, Special Report. *UN Security Council Enlargement and US Interests*, December 2010, US, p.13.

²⁶⁸ Bkz. Ufuk Tepebaş. (2019). Milenyum Kalkınma Hedefleri (MKH) Zirvesi ve Afrika. *TASAM*, Eylül 17, 2010, http://www.tasam.org/trTR/Icerik/1318/milenyum_kalkinma_hedefleri_mkh_zirvesi_ve_afrika, (26.06.2019)

²⁶⁹ V. Kofi A. Annan. United Nations. (2019). *We The Peoples*, Department of Public Information New York, NY 10017, 2000, pp.19-40.

small arms, nuclear weapons''²⁷⁰ According to them, The UN determined of sustainable development goals.

These goals are as follows;

- ✓ No Poverty
- ✓ Zero Hunger
- ✓ Good Health and Well-Being
- ✓ Quality Education
- ✓ Gender Equality
- ✓ Clean Water and Sanitation
- ✓ Affordable and Clean Energy
- ✓ Decent Work and Economic Growth
- ✓ Industry, Innovation and Infrastructure
- ✓ Reduced Inequalities
- ✓ Sustainable Cities and Communities
- ✓ Responsible Consumption and Production
- ✓ Climate Action
- ✓ Life Below Water
- ✓ Life on Land
- ✓ Peace, Justice and Strong Institutions
- ✓ Partnerships for the Goals.²⁷¹

In the face of years of wars, people suffered great suffering. The United Nations organization, which is the main institution in ensuring peace and security for the reduction and prevention of threats and dangers created a list of improvements in the reform. It is called as the New Millennium Declaration in order to prevent further losses to people and states. When the New Millennium Declaration is examined, it is seen that there are constructive, healing and unifying decisions that give serious hope to humanity. Three of the most important issues included in the declaration are poverty, education and Peace, Justice and Strong Institutions.

²⁷⁰ V. Kofi A. Annan, op.cit., pp.43-53.

²⁷¹ V. About The Sustainable Development Goals. (2019). *United Nations*, <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>, (25.06.2019)

4.2.11.1. Poverty

A quality education brings that welfare to the countries. If a country has a good educate system, there unemployment rates also decline but if a country does not have education and quality education system, there should be poverty. However, diseases, deaths and economic crises may increase with falling living standards. It is thought that these rates will decrease with social programs.

Table 4.3 Poverty Rate from 2016 to 2018

Poverty Rate	2016-2017	2017-2018
On Workers	Since 2016, 38% of workers are below the poverty line	11% of the world's population is below the extreme poverty line
Worldwide	Poorment Limit in International area is \$ 1.90	The proportion of workers living with their families decreased from 26.9% in 2000s to 9.2% in 2017
Poorest Countries	The countries with the poorest people are: Sub-saharan Africa, South Asia	Many countries in the US and the Caribbean are among the highest losses with 3 major hurricanes
Loss Amounts	Annual loss due to disasters is \$200 million and 18.000 child die of poverty	In 2017,economic losses caused by disasters exceed \$ 300 billion

Besides this information, the problem of poverty, which continued since 2002 has fallen from 26% to 13% in 2016. In order to bring people to prosperity in the social sense in countries, it is thought that problems can be reduced with social protection programs. Therefore, Sub-Saharan African and South Asian people receive 15% social protection assistance. It is stated that the natural disaster risk should be minimized in order to solve the poverty. In 2016-2017, 45% of the world's population is severely protected by the social protection system. In 2016, 68% of people over the retirement age received a pension. In Oceania, except Australia and New Zealand, in sub-Saharan Africa, the proportions of people receiving such pensions are between 10% and 22%. Persons with disabilities received 28%

disability allowance. The unemployed people received 22% of unemployment benefit people in world wide and 41% of women who give birth receive birth assistance.²⁷²

4.2.11.2. Education

In order to development of a society by bringing social status, quality of life, welfare and independence to the highest levels, seen as one of the main factors of education. It is stated that the ability of people to come up with new ideas and solutions in the face of national and international problems of the countries is related to receiving quality education. When the data of countries are examined, it is determined that the level of literacy increases. It was observed that girls and adult female students could enroll more in schools. Although equality between girls and boys in education has been realized in the primary school section worldwide and very few countries have imposed this equality on every stage of education. Quality education is determined by the knowledge of the educator and the conditions of the environment. People who are in poverty and who have to live in rural areas have difficulty in getting education and getting quality education. For these reasons, more than half of the children who cannot enroll in school are in sub-Saharan Africa.

Looking at the data in the field of education, when the developing countries are examined, it is seen that the enrollment rate has reached 91 percent but also 57 million primary school children left out of school. An estimated 50 percent of children who do not enroll in primary school live in conflict zones and 617 million adult people around the world lack literacy and basic mathematics skills. Some goals have been set for improving such educational problems.

Goal 4 Targets are as follows;

- ✓ Training in safe environments,
- ✓ Equality between boys and girls in education,
- ✓ Preschool education for child development,
- ✓ Eliminating gender inequality and ensuring that vulnerable people (children, disabled, indigenous people) have access to education,
- ✓ Literacy education for children and adult girls,
- ✓ Free primary and secondary education,
- ✓ Affordable of university fees,

²⁷² Sustainable Development Goal 1, op.cit., (2019)

- ✓ Facilitation of transition to technical, vocational and higher education,
- ✓ Increasing the number of young people who have technical and professional skills,
- ✓ Granting scholarships to students on a larger scale in less developed countries such as the small island, developing States and Africa until 2020,
- ✓ Establishment of scientific programs in developed and developing countries until 2020,
- ✓ To ensure that teachers receive training in international cooperation for the acquisition of qualified teachers.

The United Nations was specified “*Goal 4 Targets*” to ensure development in the field of education.²⁷³ Reform decisions on education have been a fair and secular plan for the delivery of education and quality education to all people without discrimination between children, adults, age, sex, country and people. However, there are still many children who cannot go to school in countries that are still in poverty and not in the safe zone.

4.2.11.3. Peace, Justice and Strong Institutions

In societies with unconscious people, crimes and crime rates are much higher such as “*murder threats, violence against children, human trafficking and sexual violence.*” Despite positive progress made on murder and smuggling, murder is still an ongoing problem in the countries as *Sub-Saharan, Latin America, Asia and Africa*. For such crimes, countries that react to violated children's rights and also they have expressed their discomfort due to insufficient data.

Table 4.4 Rate of Violence against Children

Violence against Children	
Types of Violence	Rate of Violence
Any Violence	50% children worldwide
Any Violence	A child is killed every 5 minutes
Sexual Abuse	1 out of 10 children before the age of 18
Child online Sexual Abuse	It has grown from 1 million in 2014 to 45 million in 2018
School related Violence	246 million children worldwide
Cyberbullying	At least 1 in 10 children

²⁷³ Sustainable Development Goal 1, op.cit., (2019)

United Nations published ‘*Goal 16 Targets*’ in order to reduce and eliminate these crimes which have developmental problems at the base. The Goal 16 Targets are as follows;

- ✓ To reduce violence and mortality due to violence,
- ✓ Abandonment of child rights violations (abuse, exploitation, human trafficking),
- ✓ To ensure equality in justice and the rule of law,
- ✓ Fighting with organized crime arising from smuggling,
- ✓ To reduce corruption and bribery,
- ✓ To develop transparent institutions at all levels,
- ✓ Ability to make sensitive representative decisions at all levels.²⁷⁴

For many years innocent people lost their lives because of conflicts. The people of the countries of whose land was invaded were exposed to hunger, poverty, death and migration. Most of the migrants were abducted and trafficked, and all forms of violence and rape were committed against children and women. The decision-making bodies of the United Nations could not show transparency in the decisions taken to find solutions to the problems among the countries. This has often given rise to doubts as to whether fair decisions have been made. Even though these suggestions show humanity a way out, it is not possible to say that the recent actions and agreements of the United Nations are very heartwarming.

²⁷⁴ Sustainable Development Goal 1, op.cit., (2019)

CHAPTER 5

CONCLUSION

While The United Nations organization established for the purpose of protecting international peace and collective security, the organization committed to working with an equal, fair and democratic structure. After the 2nd World War, The victorious states registered themselves as permanent members of the United Nations Security Council and they elected 10 countries as non-permanent members. The remaining countries are selected only as members of the United Nations. Article 1 of the principles laid down in the bylaw for the United Nations decision on its actions is as follows; “*Based on equal sovereignty of all members*”.²⁷⁵ Despite this legally stated decision, only the decisions of The Security Council are binding for all countries in The United Nations. Although the second article of the purposes section of the Charter of the United Nations Organization, it is decided to develop friendly relations between nations by respecting the principles of equality of rights and the determination of peoples own future.

Although decisions are taken by a majority of nine positive votes, the decision is canceled with one negative vote of one of the permanent members. Only five permanent members are allowed to make a veto decision in the face of problems faced by countries. In this case, do not you think that the world is ruled by the decision of only five countries? In Article 3, purposes section of the United Nations Charter contains the following rules as: “to cooperate in the solution of international economic, social, cultural and humanitarian problems and to promote respect for fundamental human rights and freedoms.”²⁷⁶

The Security Council produced peaceful and compelling methods to prevent conflicts between countries. Therefore, the Security Council organized peace

²⁷⁵Charter of The United Nations, op.cit., (2019).

²⁷⁶Charter of The United Nations, op.cit., (2019).

operations to Yugoslavia, Somalia, Rwanda, Haiti, East Timor, and Sierra Leone. The Security Council failed to put an end to the problems and often withdrew. Looking at the interventions made; In the Iraq problem, it is seen that America and England attacked Iraq without the permission of the United Nations and Security Council. John Chilcot who was retired bureaucrat reported that although the military intervention was not a last resort but these countries have chosen to intervene.²⁷⁷ The United Nations Charter stated that if founding members of the organization and later participating members are considered that they acts contrary to the aims, principles and policies of the organization, various sanctions are envisaged for these states but the United Nations stay away from decision of extraction from membership decision which is the one of sanction decisions because if the state makes an attack to a country, it will not be able to take legal action within two years from the date of decision.

While the aim of the United Nations to stay away from this sanction decision is to prevent unauthorized and unwarranted wars, why they didn't prevent unauthorized interventions by countries like America and England or why they did not enforce other sanctions decisions on them? Russia and China vetoed the genocide on the issue of Syria. In the Idlib problem, USA who supporter of Israel opposed the operations carried out to save Syria not only to protect Israel but also to make it easier for itself to reach the Mediterranean.

In the Rakhine problem, Russia, China and America wanted to anchor in ports of Myanmar. That's why they remain silent against to the problem of Rakhine.²⁷⁸ Not only England but also France considers that urgent steps should be taken for the problem.²⁷⁹ Except these Countries, where the United Nations Security Council abstain from where to intervene are as follows; "Afghanistan, Libya, Myanmar, Yemen." Yugoslavia and Sierre Leon realized by NATO intervention. According to Israel-Palestine conflict, America was the only country which used veto to intervention in Israel. This is because Israel's lobby and strategic position. Article 4 of the principles section of the Charter is as follows: "All members should refrain from threatening another state or using force against another

²⁷⁷ Uluslararası Hukukta Irak İşgali ve Batı'yı Yargılamak, a.e., (2019).

²⁷⁸ Bkz. Arakan'da Katliam Var. (2019). *Uluslararası Politika Akademisi*. Eylül 9, 2017, <http://politikaakademisi.org/2017/09/09/arakanda-katliam-var/>, (03.07.2019)

²⁷⁹ Bkz. İnsanlığa karşı işlenen suç soruşturulsun. Yeni Şafak. (27.09.2018)

state.’’²⁸⁰ Not only these actions contradictory of article 3, but also article 4 of the principles section of the Charter. Right of self defence brought exceptionally to this situation in The United Nations Charter. If the state has a justifiable reason, the state can resort to force. This rule is shaped according to the description of the threat. They are also permanent members of the Security Council who decide what the problem is. An example of this is the Rwandan Genocide. Although 800,000 people died in Rwanda and The Security Council was called this situation as an internal problem, not genocide. The United Nations gave the task of stopping the war to France but France was supported the genocide and did not prevent Tutsis. Also, to provided weapons aid and training to perpetrators of genocide. The same situation was happened in Srebrenica. The court described the problem of Srebrenica as genocide, but the Srebrenica problem was not called as genocide by the Security Council because of Russia's veto. Therefore, The Security Council failed to prevent deaths and problems. Depending on these situations can be said that the members of The Security Council acts beyond the purpose of the United Nations organization in accordance with their interests.

The United Nations attempted to intervene to find solutions in many wars. It is possible to say that decisions are taken in line with the interests of the members, the right to veto and unauthorized sanctions. The Security Council became one of the causes of deaths, impoverishment and hunger problems in many countries rather than solving problems. In line with these attitudes, it is clearly visible why the United Nations became the focal point of problems when trying to solve problems. Although members of The Security Council need to pursue common interests, they often pursued its own interests. Therefore, they lost of prestige and confidence in the international arena.

Thus, some groups and countries, including the United Nations have foreseen the reform of the Council. Reform have been required because since 2000s, economic and social threats, interstate conflicts, poverty, including deterioration, infectious diseases, internal conflicts, the threat of weapons of mass destruction, crimes of biological and chemical, drug trafficking and nuclear terrorism continues. Although members of the UNSC rejected reform requests from groups and countries for their number of members, the right to veto, the decision-making structure, the way of governing and functioning. They set up reform drafts which planned to be

²⁸⁰Charter of The United Nations, op.cit., (2019).

realized by 2030 under the name of the New Millennium Declaration. In accordance with the concept of this study, three drafts which in the New Millennium Declaration have great importance. These drafts concern with poverty, education and peace, justice and strong institutions. Unemployment occurred in societies where education is not adequately provided. People became confronted with poverty and hunger because of unemployment. These reasons led to migration and problems between countries. As a result of these, mostly wars occurred. The United Nations organization and member states find the actions of the Security Council as wrong and unjust in terms of to provide equality, justice and peace. They consider that the problems experienced can be minimized or ended in line with their wishes for reform. This shows that the reform demands initially rejected by the Security Council were justified. Awareness of a person depends on education. Community awareness depends on educated people. Where the education is well provided, the working rates are high and where working rates are high, poverty rate, disease and hunger rates may decrease to a minimum level. There is prosperity where unemployment, poverty and hunger are low. Peace, justice and strong institutions which are the one of goals added in New Millennium Declaration to promote peaceful and inclusive societies for sustainable development. Peace, justice and strong institutions addressed issues such as murder threats, violence against children, human trafficking and sexual violence. These rates were higher in countries where wars took place as Syria and Rakhine.

According to statistical data, permanent members of the Security Council identified as the world's largest arms-producing countries. The USA, Russia, China and England not only produce weapons but also they are trading of weapons to countries and terrorist organizations. According to these, it can be said that many wars and international problems continue because of their unfair policy. Therefore, The United Nations banned unilateral use of force in 20th century and also as of 2017, 122 members of the UN made an agreement not to produce nuclear weapons. But this step does not lead the world to a life without nuclear weapons, it led to the production of less but more modern nuclear weapons. Upon this, Early July 2019, Russian President Vladimir Putin signed draft to withdraw country from Middle-Range Nuclear Forces Agreement.²⁸¹ Are these all appropriate to the structure and

²⁸¹ Haber Türk, a.e., (03.07.2019)

functioning of The United Nations? Can it be said The United Nations exhibited stable behavior in own their internal structure and in their actions according to the decisions of the statute?

Being ruled / governed by some members of weapons trading, an organization which is to sustain peace and security now causes insecurity internationally because they are trading of weapons to help terrorist organization. In spite of human suffering, members of the United Nations Security Council do not implement reforms and agreements due to their interests and they are still continue in the same way. Based on all this information can be said that identification of problems between countries, making veto decisions, sanction decisions, intervention methods, production and trade of weapons, contradict their own aims and principles and implementation of reforms are serious problems that have not been solved by The Security Council. It is possible to list the possibilities that the United Nations will develop positively and negatively for future periods as follows;

- ✓ Positive prospects: UN can become an internationally determinant organization by increasing its institutional effectiveness and gaining the trust of all its members.
- ✓ Hopeless prospect: The current structure of the United Nations may not change and if it goes on like this, the existence of the organization may end completely. In this case, all rules of the organization can be ignored and the US can continue to intervene in security issues to solve problems, as it has done many times to solve problems.
- ✓ Negative prospect: The United Nations may disappear in the future. But even though the UN failed to solve the problems, they became the main cause of the problem. The United Nations are the only organizations in the world that can gather all countries under one roof. Therefore, unless there is a war that cannot be prevented, this possibility seems difficult to realize.
- ✓ Possible prospect: If the legal-based trust crises within the UN do not disappear, countries as Italy, Brazil, South Korea, India, Germany and Japan may establish a new international organization. If not for now, these countries are likely to establish a third organization, including Russia and China in the future.²⁸²

²⁸²Mesut Şöhret, a.g.e., s.302.

Reforming the two issues that are the most important and the most critical of the problems will be beneficial for the United Nations and all countries. As regards the national interests of the permanent members, even if the issue concerns world peace, members do not take steps and do not allow the UN to take action. The Security Council members were often unable to solve the problems themselves. Also, they head off the United Nations from taking action for a solution. The veto power allows them to do this kind of behavior comfortably. That's why decision-making on the basis of unanimity between permanent members and the exercise of the veto power in the line of national interest will help to prevent problems and wars.

The disproportionate weight of the Permanent Members within the UN is one of the issues that need to be reformed. The veto power plays a role in the election of the UN Secretary-General and the amendment of the UN Treaty. This resulted in the disproportionate power of the five permanent members over the entire UN organization. Subsequently, proposals such as an increase in the number of members were put forward, but these proposals are thought to blur the environment, because even with five members it was difficult to decide. Some countries have offered suggestions to solve these problems. One is the limitation or abolition of veto power. These proposals include proposals from at least two or three permanent members to use a veto to reject a decision or to limit issues where the veto right may be exercised.

The decisions taken by the countries on reform proposals are as follows; Japan and America stated that India can accept permanent membership and that a small number of temporary memberships may increase. England and France stated they were able to accept the permanent membership of the G-4 and were positive about the expansion of the Council to a number of African countries, including some countries. China and Russia expressed their support for the permanent membership of India. England and France proposed an interesting interim solution to find an interim solution to the problems. According to this solution, it is proposed that the candidate countries to be accepted for permanent membership should be included in a certain trail process in the Security Council and this process will be assessed and a decision will be made on their permanent membership. The purpose of this proposal is, in part, to meet the growing demands for reform and to observe the efforts of

countries seeking permanent membership before beginning permanent membership.²⁸³

In this respect, as long as the UN do not solve these dilemmas, the demands for reform will continue to increase and if the reform is not done, the organization may disappear and become dysfunctional in time like its predecessor League of Nations that existed before it. All these demands for reform are quite reasonable, democratic and possible. If they act not only for their own interests, but for the interests of all nations, the Security Council can reach the purpose of formation being a protector of international peace and security means protecting common interests because security is the place where the nations unite, not where the forces collide. It seems that the UN organization will never be completely dissolved but, it may lose its centrality due to the structural and functional disturbances. To be able create a better world order somebody must start peace, just like it started the war.

Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate; only love can do that.

Martin Luther King Jr.

²⁸³Mesut Şöhret, a.g.e., ss.303-308.

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