A COMPREHENSIVE APPROACH

TO THE POST-COLD WAR INTERNATIONAL POLITICAL STRUCTURE

COŞKUN AYTULUĞ

YEDİTEPE UNIVERSITY

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A COMPREHENSIVE APPROACH

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18 OCTOBER 2017

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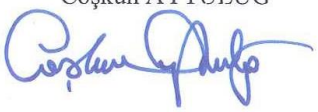

ÖZET

Bu çalışmada UA sistemin bir sistemik bütün olduğu ve bu sistem içinde yer alan belirli aktörlerin sahip oldukları tüm kapasite ve politik yönelimlerine dayanarak belirledikleri önceliklerinin UA düzenin şekillenmesini sağladığı varsayımı dikkate alınmaktadır. Dolayısıyla devletlerin UA sistemin farklı dönemlerdeki güç ve çıkar ilişkilerinin genel UA ilişkileri ve UA toplumu nasıl şekillendiğinin belirlenmesi için çalışılmıştır. İkinci Dünya savaşından sonra UA sistemde gelişen güç dengesi koşulları, farklı kutupsallaşma yapılanmaları meydana getirmiştir. Soğuk savaş döneminin iki kutuplu yapısı, Sovyetlerin yıkılmasından sonra ABD hegemonyası ve 2000'li yılların ortasından itibaren çok kutupluluk en iyi örneklerdir. Tüm bu süreçlerde UA sistemde hakim olan ve değişmeyen tek şey ağır bir anarşi anlayışıdır. Buna rağmen devletlerin belirli bir düzeyde UA hukuk ve normlara dayanan bir UA toplum anlayışını birlikte yaşamanın öncelikli koşulu olarak benimsediklerini görebiliyoruz. UA krizler bağlamında devletlerin güç ve güvenlik ihtiyaçlarının-arayışlarının hem müdahale sürecinin, hem de sonrasında yapılandırılan politik düzenin şekillendirilmesinde etkin faktörler olduğu görülmektedir. Bu nedenle Soğuk savaş sonrası UA krizler; UA Otorite, UA aktörler (devletler ve UA kurumlar), Force (coercion and/or persuasion), ve Hegemony-Multilateralism alanları kapsamında incelenmiştir. Bu sayede UA toplumun (büyük güçler ve UA kurumlar) bu krizlerin ele alınması ve çözümünde geliştirdiği çözüm ve müdahale süreçlerinin değerlendirilmesinin devletler sistemde gelişecek eğilimleri anlamamızı sağlayacak önemli veriler sağlayacağı öngörülmektedir. Öte yandan, Soğuk savaş sonrasının tüm belirsizliklerine karşın, yaşanan krizlerde UA sistemin evrimsel bir dinamik gösterdiği ve yapısal dönüşümlere de izin vererek daha kurumsal çözümler bulmaya yöneldiği belirlenmiştir. O nedenle UA sistemin sahip olduğu açık sistem özelliği kendini yenileyebilme ve bu sayede sistemsel işlevlerini sürdürmesine imkân sağladığı iddia edilebilir. Bu kapsamda bu çalışma, 2000'li yıllardan önce ve sonraki süreçte belirleyici olan tüm faktörleri dikkate alarak; büyük devletlerin uluslararası kurumlar ile işbirliği vasıtasıyla UA alanda artırdığı etkinliklerinin oluşturduğu yeni eğilimlerin Grotian tarzda bir UA toplumun gelişmesine imkân sağlayıp sağlamayacağı sorusuna cevap bulmayı hedeflemektedir.

ANAHTAR KELİMELER: Uluslararası Anarşi, Uluslararası Sistem, Uluslararası Hukuk, Egemenlik, Uluslararası Toplum, Grotian Toplum, Neorealizm, Hegemonya, Çok taraflılık, Yumuşak Dengeleme

ABSTRACT

This study takes into account the assumption that the international system is a systemic whole and the priorities certain actors of this system determined on the basis of their overall capacities and political orientations shape the international order. Therefore, the study elaborates on determining the way how the pursuit of power and interests of the states in different periods have shaped the international relations. The changing conditions of balance of power after the Second World War have brought about particular polarity formations: Best examples are the bipolarity during the Cold War, US hegemony right after the collapse of the Soviet Union and multi-polarity after 2000s. The only factor that remained unchanged during all those particular periods has been the heavy anarchic understanding that dominated the international system. Nevertheless, it can be seen that the states adopted the understanding of an international society based on international law and norms at a certain level as the precondition of coexisting. It was observed in the context of international crises that the needs-pursuits of states for power and security are significant factors in shaping both the intervention processes and the political order established after the related crises. For this reason, the post-Cold War international crises are analyzed in the context of International Authority, International Actors (states and international organizations), Force (coercion and/or persuasion) and Hegemony-Multilateralism. By this means, it is envisioned that the evaluation of the solution and intervention processes developed by the international society (major states and international organizations) for these crises will provide significant data with regard to understanding the tendencies that may develop within the system of states. Despite all the uncertainties present after the Cold War period, on the other hand, the international system has been determined to show an evolutionary dynamic during the crises experienced and it has opted for finding more institutional solutions by allowing structural transformations. Therefore, it can assertively be argued that the open system feature of the international system allows for self-renewal and thus, sustaining its systemic functions. Finally, this study, by taking into account all determinative factors before and after 2000s, will try to find an answer whether the increasing effectiveness of the major states in cooperation with the international organizations will create new trends which is expected to give an opportunity for development of Grotian style International Society within the current international system.

KEY WORDS: International Anarchy, International system, international law, Sovereignty, International Society, Grotian Society, Neorealism, Hegemony, Multilateralism, Soft balancing.

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List of Abbrevations

AI…… Amnesty International

BIS……Bank For International Settlements

CPA ……Coalition Provisional Authority

EC……European Community

ESDP……European Security and Defense Policy

EU……European Union

EUPM…… European Union Police Mission

IAEA……International Atomic Energy Agency

ICAO……International Civil Aviation Organization

ICC……International Criminal Court

ICFY……International Conference on the Former Yugoslavia

ICCK……Independent International Commission on Kosovo

ICRC……International Committee of the Red Cross

ICTR……International Criminal Tribunal for Rwanda

ICTY……International Criminal Tribune for the former Yugoslavia

IFOR……Implementation Force

IMF……International Monetary Fund

IMO……International Maritime Organization

INGO……International Non- Governmental Organization

IPCC……Intergovernmental Organization on Climate Change

IPTF……International Police Task Force

JCPOA……Joint Comprehensive Plan of Action

KFOR……Kosovo Force

KLA……Kosovo Liberation Army

KVM……Kosovo Verification Mission

NAC……North Atlantic Council

NGO……Non- Governmental Organization

NPT……Treaty on the non-Proliferation of Nuclear Weapons

OECD……Organization for Economic Cooperation and Development

ORHA……Office for Reconstruction and Humanitarian Assistance

OSCE……Organization for Security and Cooperation in Europe

SCOR……Scientific Committee on Oceans Research

SFOR……Stabilization Force

UNAMI……UN Assistance Mission for Iraq

UNEP……UN Environmental Program

UNESCO……UN Educational, Scientific and Cultural Organization

UNFCCC……UN Framework Convention on Climate Change

UNHCR……UN High Commissioner for Refugees

UNMIBH……UN Mission in Bosnia and Herzegovina

UNITAF……Unified Task Force

UNMIK……UN Mission in Kosovo

UNMOVIC……UN Inspection and Supervision Commission

UNOSOM…… United Nations Operations in Somalia

UNPROFOR……United Nations Protection Force

UNSCOM……UN Special Commission

UNSMIL……United Nations Support Mission in Libya

WEU……Western European Union

WHO……World Health Organization

WMD……Weapons of Mass Destruction

WMO……World Meteorology Organization

INTRODUCTION

This study dwells upon the assumption – as asserted previously in the dissertation statement – that the great powers in the world will retain their positions in the future as the general determinant powers of the international order. Yet, the questions whether there will be major changes in the roles of these countries, how these countries as well as the US will shape the new order, and particularly whether the anarchic international structure will evolve into a more consensus-based structure are still lingering questions craving for answers.

As is known, the unipolar actions of the US prevailed after the Cold War ever since its emergence as the leader of the international arena. Yet, whether a uni-multi polar system that emerged after the mid-1990s, which has proved to be a new balanced system consisting of the new great powers, will prevail or transform into another type of order is also a lingering question for the upcoming period. The major aim of hereby study, within this line, is to explore the orientation toward an international society model from inter-state anarchy through expanding the global efficiency of basic principles such as international law and the UN guidelines to establish balance in the international order. Professor Conway Henderson (1998, pp. 16-17) from University of South Carolina argues that a more peaceful world community with a high level of welfare can be attained through common universal values, provided that the minimum conditions for forming such a world society are fulfilled. This study advocates for the assumption that major changes that can lead to

a world society will be created by certain trends that will also enable the transformation of the international system. To achieve associated refinements of such trends, particular changes in certain criteria, which were envisaged by Henderson and other political scholars, enabling to conceive the international developments, will be elaborated in accordance with the facts of the recent crises of the post-Cold War.

Within the frame of this goal in the study, the principal determinants of the international anarchical structure such as international authority, international actors, force (coercion and/or persuasion) as well as hegemony-multilateralism are analyzed within the scope of the crises emerging after 1990. In this context, the changes observed in the recognized norms of international relations during the invasion of Kuwait - which occurred rigt after the post-Cold War - are taken as reference to evaluate the following consequences with repercussions in the international domain. It is firmly believed that developments such as crises and conflicts harboring nearly all organizations and actors interacting within the system will definitely provide significant hints for two different issues. First is that such hints will evidently yield a better understanding of the relevant period with comparable differentiations and the second is that they will produce profound amount of facts to enable us determine whether there has been any development towards an international society or not. Moreover, the changes in the international domain are not considered solely as foreign policy behaviors of the states; on the contrary, they are considered as the eventual refinement of all actors' cumulative interactions (either with one another or with the structure itself) that have transformed the international status quo. In other words, the study will focus on to refine a systemic approach to the domain, in which incidents have occurred by bringing all parties together so that the final integral composition can be assessed with a systematic perspective. Within this framework,

particular changes are endeavored to be identified by means of tangible examples reflecting the tendencies of the international society particularly with regard to prevention of conflicts and development of humanitarian intervention.

In an attempt to determine the behaviors and relations of the international actors as well as the systemic developments during the crises analyzed here, the assumptions of the neorealist theory including the international anarchy, states' pursuit of security and balance of power are benefited. In this context, the structural theory is also benefitted in scrutinizing the process of evolution towards an international society essentially on the basis of the properties defining the state of international anarchy. In this line, the conceptual infrastructure and the essential compounds of the theory assessing the international relations from the perspective of structural realism are used in this study for a reasoning of the consequences of particular international crises.

In additon to Neorealist concept, assumptions of liberal theory that advocate for *interdependence*, *inter-state relations* and *transnational institutions* are benefited for a better clarification of the development of international society in the areas that the theoretical infrastructures of the classical and structural realism do not suffice to explain these changes.

Certain propositions of the structural theory provide a compliant conceptual ground for understanding and interpreting the incidents taking place especially after the Cold War in the international domain. Among such propositions of the structural theory is that the anarchic feature of the international structure leads the states to pursue not power, but security; the balance of power exhibits sustainability and even if this balance is damaged, it can be re-established; power is seen as a tool, rather than a goal; states act in accordance with the requirements of the international structure

and finally that structural causes for conflicts are prioritized at systemic level of reasoning (Waltz, Theory of international politics, 1979, pp. 88-128).

Drawing attention to the restricting and conditioning effect of the international system on the foreign policies of countries, Waltz argues that the international structural theory forms the fundamental drive for states to follow similar policies under similar circumstances, despite their essential differences (different political systems and differing ideologies) (Arı, 2006, p. 193). In light of this argument, the consequences of the systemic intervention in the crises that are analyzed here are scrutinized within a scope of cause-and-effect relationship and the results with regard to the criteria are put forward in an inductive way (Arı, 2006, p. 195).

It has been observed that the dynamics of intervention by the international system during the relevant crises changed both periodically and conceptually in practical dimensions. However, it is not possible to establish a cause-and-effect relationship that can prove that these changes result from the relevant other changes in only one or two states or international actors at unit level. Thus, the assumption of the structural realism asserting that "*some reasons emerge from the interaction of units, while others emanate from structural level to shape the general outputs of the international policies"* (Waltz, 1990, p. 29), is used in establishing a cause-and-effect relationship in the crises that are scrutinized throughout the study. In addition to the fact that structural realism incorporates all actors (both states and international organizations) within the structure, it has a logic that can conceive the interactions of these actors with one another as well as with the system itself. Capable of making changes in the capacities of states within the international anarchic structure, the international actors may lead to new formations and alterations when they interact

with one another and with the structure they exist in. Thanks to the increasing capacity attained by the great powers in the international arena not only in the domain of hard power, but also in normative area; they could ensure balance of power (hard and soft balancing) – which is the most important compound of the theory – in the international relations. Looking from this perspective, it is understood that the attitudes and behaviors of the actors that had been involved in the crises and wars examined in this study were in line with the neorealist theory.

One of the main hypothesis of this dissertation is built upon the question whether the developments taking place in the international system after the Cold War have pursued an orientation towards a progressive international society model or not. In this context, certain criteria of the International Society, which were defined by Conway Henderson (Henderson, 1998, pp. 16-17), are taken into consideration as follows: "*The decline in the international warfare, the shift to the economic sources of power from military means for coercion and intensified efforts to integrate global trade patterns via international cooperative ventures. Other major features are the growth of transnational activities, the emergence of various kinds of actors on the international stage and finally, interdependence*." In addition, the rules and norms of international law, the United Nations, and other international institutions are the basic constituents that underpin the emerging order of an international society. Therefore, all these factors are scrutinized in the context of intervention processes executed by the international decision-making mechanisms that have been effective on the relevant crises tackled in this study.

On the other hand, it is important to reveal the criteria according to which the international society can develop despite its certain unchanging structural features for answering the question as to how to resolve crises in the context of the changes

experienced in the international system. In this context, it is seen necessary with the target of the dissertation to apply to international society's historical structuring and contemporary conceptual explanations. From this perspective, the evident features of the connection between the international society and the international system are given primarily in the introduction part of the study. In addition, tangible examples are given as per the meaning of an international society in today's world. Since the Grotian point of view is a conceptual definition describing the structures and functions of the state system on the basis of certain rules, it is used as a reference in the analysis of the international society. From this point of view, a sufficient conceptual analysis with regard to the main compounds of a Grotian international society and the way how such a society can be formed is also provided in the introduction of this study.

An ultimate analysis of crises reveals the dynamics and capabilities of the international society that can solve the crises via generating new opinions and solutions, in addition to the norms and rules in the periods full mostly of conflict and tension in the relations among states. On the other hand, certain concerns are projected to be created as for the formation of a Grotian society, accepting the sharpest features of the international system – international anarchy and state sovereignty, and needs for power and security as given. To eliminate this contradiction, it is regarded necessary to theoretically explain the connection between the crises solution processes and international society's development and its interaction with these basic assumptions on the basis of facts. In this context, the detailed theoretical work putting forward the relation between anarchy and international society is explained in the **APPENDIX 1** in the context of the development of regimes and rules historically regulating the relations between states.

By this means, it is detected that the current state of anarchy existing in the international system does not obstruct formation of an international society and even that the inter-state regulatory rules are determined according to the interest and power needs of the states. Apart from anarchy and international authority a comprehensive study was accomplished to outline the effect of international organizations and the interdependence between states on the formation of international society. Moreover, how the development process of international regimes and international concencus achieved on many conflicting issues effect the establishment of a Grotian world are detailed in the **APPENDIX 2** and **APPENDIX 3**.

In sum the conceptual study based on the facts of evolving relations of states was explained by combination of both the information given in the introduction section and supplementary in the **APPENDICES** to a certain extent. Consequently, this wide analyse of the international society aims at putting forward the historical development and theoretical basis of the international society and thereby assuring assessement of the results reached according to the crises examined in the dissertation.

In addition to the aforementioned criteria, taking into consideration the global weight of the US and the UN, their roles and effects in the crises examined are scrutinized individually. Although, the hegemonic position and superiority of the US as a super power changes periodically, it is quite essential to analyze the inseparable effects of the US on the crises that are elaborated in this study. Moreover, it is undeniable that the US's relations as well as attitudes against the parties of the crisis had determinative role in drawing up the general norms prevailing these conflictual times. Therefore, this study further elaborates on determining the effect of the US on the international system that emanate naturally from the fact that the US has been in

interaction with the decision-making authorities regarding the political approaches in all issues.

On the other hand; the effect, contribution and connections of the UN as a global authority with its roles and position are the main factors for the evaluation of the concept of authority in the international system. Hence, it was given substantial attention to define and analyze the capacity and overall influence of the UN on the crises as well as the actors and the parties of the conflicts. On the other hand the interactions between the US and other components of the UN (the Security Council, the Secretary General and the General Assembly) at differing stages in each and every incident have been among the main sources of the periodic changes in the international system- a fact that strongly consolidates the arguments of this dissertation. Thus, the phenomena belonging to the interactions between the US and UN as well as their effect on the crises or incidents are separately analyzed in this study.

The main reason for using the reference criteria in this study is that they provide most relevant perspective for the examination and comprehension of basic the issues in the evaluation of global stability, international crises, international law and the intervention of major actors. Moreover it is assumed that a cumulative elaboration based on these criteria can provide a wide assessment not only for analyzing the main hypothesis of the dissertation but also, to make meaningful deductions on the international system. Another important factor that is taken into consideration in the selection of these criteria is that they provide rational perspectives for comparative evidences that enable us to determine the global changes toward an international society. Defined briefly below, these criteria could have been explained more comprehensively; but examined incidents, phenomena and their consequences make

both the criteria and the connections between them more meaningful, which is why the criteria are elaborated in the chapters focusing on the crises.

International Authority: Being the main regulator of the international structure, the concept of anarchy orients the states to power according to the realist theory, and to the pursuit of security according to the neorealist theory. It seems possible to ensure peace and stability as well as to eliminate the possibility of conflicts among states that may emerge – despite this fundamental reality– via developing a comprehensive central authority and running a broad international law concept in inter-state relations. Thus, this criterion is projected to be used for detecting changes such as the incrementing efficiency of the UN authority, compliance with the international legal system and emerging prevalence of the rules.

International Actors: Thanks to this criterion, scrutinizing international actors and their roles provide crucial facts with regard to the interactions within the international system, the constituents of various international balances, the solutions for international crises and the functioning of consensus based conciliations. Therefore, those findings assure strong comprehention in order to make evaluations with regard to the re-establishment of the international balance, solutions for international crises and wide-scope reconciliations with more efficient powerful states and supranational institutions. Thanks to the increasing roles of international organizations (UN, NATO, EU etc.) and other international actors (Transnational Corporations, NGOs, INGOs) in addition to the states in the international system (Baylis, Smith, & Owens, 2008, p. 332).

Force (Persuasion and /or Coercion): This is to indicate that use of military force in the solution of international crises or conflicts is damaging the international stability to a greater extent. On the contrary, gradual measures such as primarily the

economic sanctions as well as institutional coercion can be well efficient in stopping crises; thereby long-term stability can be assured and more comprehensive peace order can be attained. This criterion was selected to analyze the phenomena in this area.

Hegemony and/or Multilateralism: It is envisioned that the hegemonic approaches dominating the international system after the Cold War have increased global crises and conflicts; the international law is eroded, and solutions for stability and long-term peace are obstructed. For this reason, it is possible to determine with this criterion the termination of hegemonic conflicts via multilateral solutions with participation of international actors and organizations; handling of international crises with collective approaches. Thanks to creation of stronger and more reconciliatory platforms and contributions such as ensuring legitimacy and stability to the administration in the post-crisis periods.

While analyzing the empirical data with regard to the incidents and decision-making mechanisms in the international field in this study by the help of certain theories, expert academic opinions are also benefited. Therefore, the endeavor was to explain, define and understand each and every selected topic and to have foresights for the future by benefiting from the incidents occurring in the international system.

It must be pointed that the crises and incidents handled in the study are examined and clarified only within the scope and depth of supporting the hypothesis of the dissertation. Besides, the period of analysis is limited to the stages of detecting, taking initiatives and intervening in the crisis by the international system. However, the developments after these stages are not considered, since they are out of the scope of this study.

Since this study aims at analyzing the development and consequences of international crises happening in different periods after the Cold War from factual and theoretical perspectives, the Explanatory Research method is used. Certain developments are envisioned to be explained and analyzed by benefitting from the assumptions of the Neorealist theory, and for that matter, Deductive Research Strategy is adopted for validation studies on the hypotheses. Content Analysis, Discourse Analysis and Historical Analysis are used collectively for collecting data pertaining to the research as well as conducting theoretical analysis. In addition to these main methodologies, the method of cause-effect relationship is also applied in an attempt to define the logical relationships between incidents and their consequences that fall in the scope of the issues elaborated throughout the study.

PART I

1 CHANGE IN THE INTERNATIONAL ORDER

1.1 Transformation of International System

Every massive war or political polarization historically ends up with a new international order and the basic principles to shape such a new order are drawn by either an international consensus or imposition by the most powerful actors of the new order (Morgenthau & Thompson, 1985, p. 299). A European order was formed for the first time in 1648 with the Peace of Westphalia following a century of sectarian conflicts (Kissinger, 2014, p. 24). And later in 1815, the Vienna Congress was used to design the international order with a similar understanding by the European monarchies. Both having different aspects, the two devastating wars of the 21st century were stabilized by establishment of global orders – despite differing features at the end of the wars. The Versailles Treaty in 1919 and the foundation of the United Nations by San Francisco Agreement in 1945 marked the beginning of a new era in the international order. However, not any agreement or a model of international system was reached after the Cold War, since the communist bloc that was under the

pressure of the Soviet Union was demolished in an uncontrolled way as a large insurrection which was led by the communities for more freedom and democracy. With the emergence of the concept of "new order" [1] that was articulated for the first time in 1990 and then adopted by the Western states that came victorious out of the Cold War, it was accepted that the "bipolar" system based on two super powers ended (Geyer & Green, 1992, pp. 69-70). Nevertheless, this new order remained for a long time indefinite, as it was defined only by negating the past and there was nothing that could replace it. Yet, following a short term of uncertainty, it was observed that factors that could not be put into action during the Cold War era such as the emergence of a new (multiparty based) balance of power, interdependence, institutionalization and multilateralism as well as the increasing efficacy of the international organizations started to transform the new order to an entirely different model.

Undeniably, these factors had directly and positively impacted the Western Bloc after the cold war. Subsequently the free market economy and democratic values of Western nations have achieved absolute triumphs that succeed in implementing a global capitalism. However, these factors also influenced political, military and humanitarian crises and conflicts in addition to the economic globalization having been experienced as of mid-1990s. Therefore, utmost attention was paid to detect the influence and roles of those factors. Consequently, the prevailing factors of the international interventions into crises for the aim of resolution will definitely be helpful in evidentially identifying the historic period we are living in and specifying

[1] The term **New World Order** was frequently used by Woodrow Wilson after World War I; and by the US public after World War II. For the first time since the deployment of the US forces in Saudi Arabia during the Kuwaiti crisis, the US National Security Advisor Brent Scowcroft uttered this term. But then it was used very often by President George Bush himself. Even if the new world order term used by US resources is associated with a stronger UN and a stronger Collective security against any aggressor, it was not clearly defined during the Gulf War.

the preparatory factors with regard to the next period. In this context, this study will also question whether there is any change in the understanding of interstate anarchy- the most important and relevant theory of international system – in the late transitional period. Additionally, it will dwell on analyzing the criteria that lead us to opt for a progressing international society model through weighing on universal values with an attempt to clarify current tendencies in the international arena.

It is a well appreciated fact that only through a social contract a state can be formed in order to prevent a human commune from flowing into a chaotic societal anarchy. However, there has not yet emerged any social contract to form a world state projected by the idealists by bringing together the democratic states of the world. It can be envisioned that transformation into a central world state will take a long time, since states have territorial sovereignty and their national economies as well as social integration ensure their survival in an anarchic international structure. The international system is observed to still preserve its anarchic structure from the perspective of structural realism. On the basis of this assumption, the possibility of experiencing a war-like transformation that will ensure a sudden and precise change in the system is diminishing further and further. In light of these insights, the assumption is internalized that peaceful transformations are leading toward an international society model.

The main hypothesis of the dissertation is based on the argument that super and major powers that relatively have higher capacities and potentials compared to others will continue to have an effect on shaping the international system in this transitional period with their policies and political orientations. In this context, it is assumed that the interactions between these powerful actors and their approaches to international issues as well as the consecutive recognitions will determine whether the

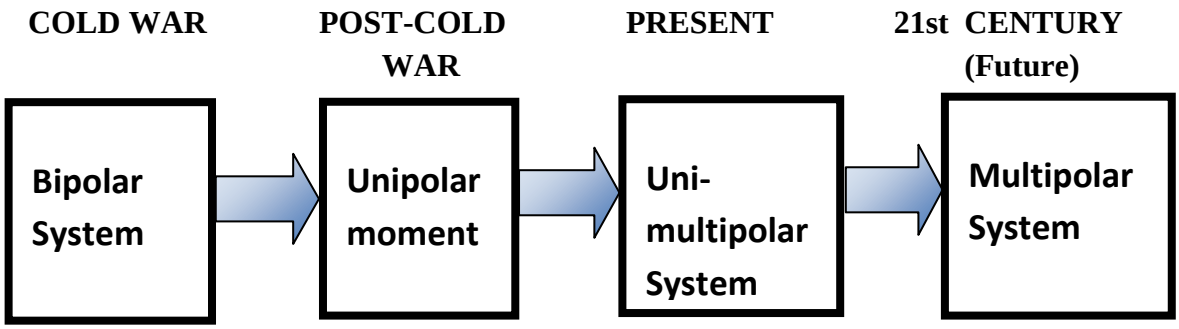
existent system will progress towards a certain model of international society or become even more anarchic. In an attempt to elaborate on this issue, the study will benefit from two fundamental assumptions: The first assumption is that the current period is based on the transitional period starting in mid 1990s, but is still evolving. The second is that this transitional period is mostly marked by the sates' orientations, for which Henderson (Henderson, 1998, pp. 3-26) as well as other scholars have proposed certain criteria to evaluate its progress.

Since the well-known political scientist Samuel Huntington's approach of "global structure of power" in determining the changes in the system combines two periodic and spatial dimensions, it provides a convenient framework of analysis. Defining the international system according to the feature of "poles" constructed by the dominant powers, Huntington's approach also gives an opportunity to determine the way how major powers – the actual determinants of the international system – shape the periodic conditions" (Huntington, 1999, p. 2). In his article, "The Lonely Super Power", written with the foresight that the US would be the one and only global power in the future, Samuel Huntington determines three global power categories to be valid throughout history in the international system as "unipolar system, "bipolar system" and "multipolar system".[2] According to Huntington, today's international political system does not resemble to any of these three models. Valid as of 1999, this discourse is a **uni-multi polar system** where there is a super power and many major powers, or in other words, a hybrid system. Orientation towards this system started with the end of the Cold War.

[2] Unipolar System: The system with one super power, no significant major powers and many minor powers.
Bipolar System: The system, like the Cold War, has two super powers and the relations between them are central to international politics.
Multipolar System: The system whic has several major powers of comparable strength that cooperate and compete with each other in shifting patterns.

The **bipolar system** of the Cold War period, when the US and the Soviets were the two super powers, terminated as a result of the collapse of the Soviet Union. Later, on the other hand, as revealed specifically during the Gulf War, a short unipolar period was experienced. Envisioning that the 21st century would yield a true multipolar system, Huntington defines the time until the multipolar period that would last 10 or 20 years as "**uni-multi polar**" category. The consecutive transformation of polar structures in the international system defined by Huntington is shown in **Figure-1** below.

Figure 1: Polar Structures in the International System According to Samuel Huntington



Actually, Huntington's conceptual argument is shaped on the basis of the assumption that the bipolar structure underwent a rapid transformation and ultimately collapsed following the end of the Cold War. Thus, the US emerged as the sole super power immediately in the aftermath of the war. The short transitional period marking the end of the cold war enforced a historical turning point, where the US hegemony was in its full strength, since the conditions were too fresh to establish a new permanent international structure or (unipolar-bipolar-multipolar) order (Huntington, 1999, p. 2). This system is defined as a unipolar world system by Huntington and the later transformation process was built upon this new order. Defining the beginning of 1990s as a unipolar momentum, Huntington argues that particularly the international

political developments experienced during the Iraqi war were the most important features of that period. The distinguishing feature shaping this unipolar period was that the US could impose its own will on other countries. (The 1990 crisis is referred to as a starting point in this study and the later changes are compared with this starting point.) According to Huntington's arguments, this uni-polar was a temporary period and followed by another period that we are still living in. Having its own peculiar features, this period is marked by the **"uni - multipolar"** system, which was predicted to last for one or two decades by Huntington. And later, this "**uni - multipolar**" system will continue for a while and will be replaced ultimately by an unprecedented model of international system in 21st century, where the US will become the sole super power leading up to a transformation into a "**multi polar**" system (Huntington, 1999, pp. 1-11).

The following international incidents, being primarily the Iraqi crisis in 1990, factually proved that the global super power (US) shaped the global policies immediately after the end of the Cold War. Following that particular period, a new "uni-multi polar" period emerged when great powers had started to come up with their own will and strength and challenged the hegemony of the US. Therefore, it could be asserted that this particular hybrid "**uni – multipolar**" system – that was initiated as of mid-1990s – with one super power and several major powers has had profound impact on the major international crises occurring at different times. Accordingly, the international developments pursuant to the Iraqi and Gulf Wars, crises with Bosnia, Kosovo, Libya and Iran are analyzed in-depth in order to comprehend the traces of the transitional period that extends from a unipolar system to a uni-multipolar system that we are still living in. Since the "uni-multi polar" transitional period is an unprecented system in the history, it is projected that its

intrinsic dynamics will develop from now on and it will generate important hints with regard to determining the contribution of these dynamics in the formation of the international system that is envisaged to be perpetual. Meanwhile, it is vital to outline the primary reason why this system has not been identified in terms of structural properties (uni polar / non polar / multi polar): The international practices have not yet matured on this conceptual ground.

Further, such an analysis on the uni-multipolar period will also give crucial insights with regard to the structural effects of the period over the states. Moreover, the determination of international differentiations in the relevant period via the analysis of the afore-mentioned criteria will also facilitate generalization of tendencies with regard to the evolution of the international system from international anarchy toward an international society.

This study concentrates on an analysis of six main crises and wars dealt by the international system after the year 1990 on the basis of the envisioned four criteria. In order to put forward changes and transformation more obviously and meaningfully in terms of time and international structure, firstly, the basic incidents relevant to the criterion are elaborated and later, this criterion is evaluated in detail based on the examined events. Following this analysis, an assessment of the general phenomena observed from the crisis is reasoned in the end according to the relevant facts and within the perspective of the criterion. The changes discussed in the analyzed criteria also include a comparison between the consecutive crises with their results, as well.

Moreover, this study endeavors to outline the fact that the results of the crises underwent changes not only due to time, but also to other reference points such as the international order and factors that revealed in accordance with the structural

properties of each crisis. Therefore, a cumulative evaluation with regard to the different formations of the criteria in different periods is provided at the end of the study and a review of the tendencies adopted in the international model is provided.

The following **Table:1** is prepared to show a summation of the evaluation of all crises. The aim of this table is to outline the refined trends in accordance with the assesments of the specific international events which are analysed within the selected criteria. Thereby it will facilitate to view the changes from 1990 to 2015 in the international system towards an international society. **Table-1: Trends in International Relations (Period of 1990-2015) (To be filled According to the conclusions)**.

Table 1: Trends in international Relations (Period of 1990-2015) (to be filled according to the conclusions)

	INTERNATIONAL AUTHORITY (UN and International Law)	INTERNATIONAL ACTORS (States, Int. and Supranational Organizations	FORCE (Coercion and/or Persuasion)	HEGEMONY and/or MULTILATERALISM	INVOLVEMENT OF THE US	SITUATION OF INTERNATIONAL ORDER
OCCUPATION OF KUWAIT IN 1990-91						
BOSNIAN CRISIS						
KOSOVO CRISIS						
OCCUPATION OF IRAQ IN 2003						
2011 LIBYAN CRISIS						
NUCLEAR CRISIS OF IRAN (2002-2015)						
TREND IN THE INTERNATIONAL SOCIETY						

1.2 Development of the International Society

In this dissertation study, the processes of resolving international crises as per the power and security pursuits of the states are analyzed within the scope of the various periodic and polar structures emerging in different periods after the Cold War. An answer is sought to the question whether the international relations shaping in the context of the changes and developments after these processes have formed a more developed international society or not. Hence, it is necessary to put forward the kind of conceptual and pragmatic framework envisioned by the international society discourse asserted to be structured in the existing international system. It can be said that primarily the criteria benefited in analyzing the crises will provide an opportunity to determine the Grotian inclinations of the international society. Further, an answer is also sought with regard to the norms and legal practices accepted in the international system in determining the tendencies toward developing an international society that is a continuation of the historical process of the international system. Besides, certain theoretical assumptions are also studies in order to be able to better comprehend the development process of the international society. Thanks to these analyses, it is envisaged to make the empirical data with regard to the consensus ensured by the international society after 1990s in interventions in the crises within the scope of the international law and norms as well as the cooperation processes more meaningful.

In addition, an explanatory study conducted with an aim to theoretically clarify the effects of the changes in the international system on the shaping of the international society is given in the APPENDICES. This detailed study is expected to help understanding the effects of the pursuits of the states in the international system

for power, stability, security and welfare on creating a common, global society. On the other side, the development of the international society based on the Grotian concept in an international system that is envisaged to act according to the theoretical reference of this dissertation, the Neorealist assumptions, is explicated on a theoretical basis, as well.

1.2.1 International System and International Society

Analyzing crises and conflicts of the Post-Cold War era on the basis of certain criteria, this dissertation aims at determining whether the international system has manifested a development towards an international society model that is capable of reducing the existing "anarchic" features of the system as per the results to be obtained at the end of the researches. Thereby, it is envisioned in the context of this analysis that primarily the states and other actors that compose the international society should be scrutinized together with the international structure and conditions as well as various theories that are well-acknowledged in this field, such as the international system and international community.

It is principally necessary to underline that peace has clearly not been fully established on global level and the inter-state crises and even conflicts have been continuing, although the ideological polarization and balance of terror during the Cold War ended. Over and above, inter-state relations in 21st century have been covered by more extensive regulatory norms, rules, international regimes and international law in comparison to the preceding centuries. Assuming that a Kantian style perpetual peace is still an utopia, the most reasonable solution for now can be argued to pursuit global

peace and stability within the scope of an ideal international society model in the foreseeable future. From this perspective, the most important questions lying ahead us are: Which structural dynamics after the Cold War have affected the formation of an ideal international society in terms of both theoretical and pragmatic approaches; what sort of a change the regulations inherited from the past will demonstrate; and what is the way to establish reconciliation? To that end, analyses composing of theoretical explanations of the current structure of the international society as well as the changes it has gone through so far are envisioned to be helpful in evaluation of the international crises in the following chapters on the basis of a more rational perspective.

This theoretical analysis of the international society is not for proving the existence of an international society or to explicate its hypothetical development, but rather, it is formulated to determine the progressive stages and orientations of the international society on the basis of the Grotian concept. Hedley Bull refers to historical cases in his theoretical analysis on the correlation between the system and the society and he (Bull, 2002, p. 13) argues that: "*While an international society is an international system, not every international system is an international society*". According to Bull, as a term defining a certain civilization in the past, a system of states was actually used to articulate the union of several contiguous states resembling each other in their manners. On the other hand, believing that the historical system of states (basically European states system) vanished, he argues that today's international system is entirely different from the conception of that states system in the past. Therefore, it can be deduced that he envisions a new paradigm to define the new international society (society of states). To that end, Hedley Bull refers to the society of states (international society) pertaining to the fact that they are conscious of certain interests

and common values and therefore, they form a society for conceiving themselves to be bound by a common set of rules in their relations.

Deliberating on the Grotian point of view in defining the term international society, Hedley Bull provides in his assertions a consolidated theoretical background in this regard. He (Roberts, Kingsbury, & Bull, 2015, p. 7) argues basic components of his discourse on international society:

"If states are forming today an international society..., the reason for this is that they pursue certain common interests and probably appreciate some common values and respect one another's claims for independence; they give credit to the agreements they enter into with each other and obey certain restrictions with regard to use of force against one another, while they also acknowledge that they are bound by certain rules in their relationship with other states.

Departing from this discourse and within the scope of the domain of this study, it is of great importance to underpin the effects of the entrenched and integrated norms and rules present among today's modern states as well as corporate structures in the context of crises and put forward the prospective dynamics, which will be produced by the international society. In addition to this, it is envisaged to designate the international society, which may be regarded to be at a further advanced level than in its historical stages on the basis of, again, the Grotian understanding, and analyze the conditions that will ensure the international society continues its development in global terms to reach a more ideal level on the basis of theoretical and empirical approaches.[3]

[3] Grotian rationalism in the English School is positioned somewhere between Machiavellian (Hobbesian) realism and Kantian revolutionism within the three traditional political thought systems describing the behaviors in international relations. Defining international politics within the frame of "International Society", the Grotians' main assumption is that states are fundamentally potential "solidarists" and this situation paves the way for creation of an international society, where law is practiced.

Another important definition that should be taken into account in the context of international society concept attracts attention in the work of Barry Buzan, a prominent political scientist from the English School, named as "From International to World Society". Barry Buzan (Buzan, 2004, p.7) defines international society from the perspective of English School as "interests shared by states and institutionalization of identity". In addition, Barry Buzan builds his theoretical study of international society over the English School on the basis of three main compounds, being the International System, the International Society and the World Society. According to this view, the international system (Hobbes/Machiavelli/Realism) is about the power policy between states and positions the structure and process of the international anarchy in the center of the international relations theory. On the other hand, the international society (Grotius/Rationalism) positions shared norms, rules and institutions in the center of the international relations theory. World Society (Kant/Revolutionism), on the other hand, tackles individuals, non-state organizations and global population as the center of global social/societal identities and regulations and positions the surpassing state system in the center of the international relations theory. These three basic concepts function simultaneously in the theory of international society within the scope of the English School; however, each bears its own peculiar ontological and epistemological integrity. Hence, this concept – which has a pluralist formulation theoretically – gets distinct from the viewpoint of opposing understandings as realism-idealism and rationalism-reflectivism, and focuses on a more holistic and synthesizing approach that shapes the power patterns among these three pillars and provides an internal interplay/interdependence (Buzan, From International to World Society? : English School Theory and the Social Structure of Globalisation, 2004, p. 10). On the other hand, Barry Buzan (Buzan, 2004, p. 9)

purports that the English School theory focused on a synthesis of realism and rationalism; and expresses his definition of international society as follows within the frame of this view:

"A group of states (or, more generally, a group of independent political communities) which do not merely form a system, in the sense that the behavior of each is a necessary factor in the calculations of the others, but also establish common rules and institutions for the conduct of their relations by dialogue and consent, and recognize their common interest in maintaining these arrangement."

It can certainly be argued that this definition of the international society is a discourse that takes states as the basis and therefore, bears features of a realist theory to a great extent. In this context, it can be said that the common point of the concept of international society depicted in the theoretical model of the English School with other political scientists (Hedley Bull) is based on the principal of a Grotian style approach.

Departing from the fact that inter-state structure is a historical accumulation, it is necessary to define how and under which circumstances an international system emerges theoretically as the progenitor of the formation of an international society. With this purpose and above all, it is essential to firstly deliberate on the global states order, which is composed of sovereign and independent states, with its feature of holism on the basis of the main principles of the concept of system. First of all, it must be pointed that international system is defined as a whole that acts in accordance with certain rules and it carries out systemic activities pertaining to this feature. This structure, which is composed of states, does not confine itself only to behave in a systematic whole, but at the same time, shows continuity within a developing and changing dynamic. For sure, it can also be argued that an international system

functions according to its peculiar rules; however these rules are not fixed and absolute, while they act in a way that steers and directs the general system.

Demonstrating a European-centered formation in 19th century, the international system expanded as of 20th century to include other geographies, as well, and reached a global level thanks to acknowledgment of international law and common norms. As per this feature, inclusion of units with different geographies and cultural bases has paved the way for the international system to turn into a more complex structure. In his comprehensive study on the concept of system that is created by the structure of sovereign states, Morton A. Kaplan (Kaplan, 1964, p. 21) defines six different international system models, which can sustain a state of equilibrium. Morton Kaplan claims that only two systems could be actualized during the course of the history, and others could never be able to exist. These two systems, which have been proved to be valid throughout history, are the "Balance of Power System" and the "Loose Bipolar System". The other four systems, defined as heuristic[4] in general by Morton Kaplan, are: The "Tight Bipolar System", the "Unit Veto System", the "Hierarchal System" and the "Universal System". In spite of the fact that these four systems are defined in theoretical terms, there is a possibility that they may also come into existence and it is projected that they can also provide equilibrium.[5] Arguing that the "International System of Balance of Power" – which was dominant until World War II especially in the center of Europe – was a regulated system, Morton Kaplan further claims that this regulating process revealed as a result of the independent activities of the national actors within the system (The

[4] **Heuristic**: Heuristic teaching or education encourages you to learn by discovering things for yourself.
[5] **Equilibrium:** State of Systematic Balance. Equilibrium and stability are not the same concepts, for an equilibrium may be unstable. The stable equilibrium is the equilibrium that fluctuates within given limits. Equilibrium must always be defined with respect to arbitrarily chosen variables which remain within arbitrarily chosen limits for an arbitrarily chosen length of time when subject to a specified set of disturbances.

international system of "balance of power" is a regulated system. This regulation emerges as a consequence of independent activities by the national actors within the system). The national actors that exist in the Balance of Power System act as principal regulators within the scope of the system's properties and prevent any formation of a supreme and very strong coalition (Kaplan, 1964, p. 125). Although the Balance of Power system, which became evident particularly in 19th century, created a European-centered balance of power and established stability for a long time, the balancing factor of this structure - United Kingdom - ended up being unfunctional prior to World War II, and this caused collapse of the Balance of Power System (Morgenthau, 1970, p. 449).

The "Loose Bipolar System" which is conceptualized historically with the international system that had been established after World War II; is characterized by the sum of two major blocks leaded by a national actor, as well as national actors - each of which executes independent and different roles - and universal actors (such as UN). Loose Bipolar System continued its existence for nearly fifty years on the basis of balance of terror, creating its own rules, norms and international institutions. The end of the Cold War, for which the Realist theoreticians were largely criticized for not foreseeing its coming, also terminated the Loose Bipolar System. However, a transitional period was undergone as of 1990s, since this system was not immediately replaced by a new international system. During that transitional period, as explained with Huntington's analyses in the following chapter, the international system experienced a "unipolar" model due to the positioning of the US as the strongest state of the system. It can fairly be asserted that this unipolar system did not last longer and later lost its weight thanks to the empowerment of other great powers in international matters. The transitional period has been followed by a peculiar period marked by

"uni-multi polarity", which was asserted to be a precursor of a new and permanent system thanks to the new version of balancing (mostly in the shape of soft-balancing). While the current system does not resemble to any of the international systems propounded by Morton Kaplan, It is subject to change and shape under the impact of its own dynamics. Moreover, the permanent system is not expected to have any similarity with Kaplan's heuristic models. However, it can be argued the "uni-multipolar" system will evolve into a different system depending on the dominance of the states and the international institutions on the system. The main determinant factor during this transformational period can be regarded as whether the states and international actors can create the dynamics of an international society together and whether they can manifest substantial structural changes to achieve this goal.

In this context the processes and components of the international society will be defined in this study by benefiting from the correlations between the international system and international society. First of all, it can be argued that structural tensions, security and power factors among states have been the main determinants in shaping of the international system as bipolar during the Cold War, unipolar in the following period and finally a "uni-multi polar" model. Nonetheless, in case the main determinant actors in an international society, which bears the previously explicated general systemic features, are the states, then the system has a potential to evolve into a polarization model. On the other side, it is considerably obvious that if in an international society, international institutions are prevalent, and crises and global problems are tackled by institutions rather than states; this process will yield to an ideal international society model on contrary of proceeding towards polarization.

As elaborated in the study the previous crises in regions such as the Balkans and Middle East are observed to be tackled primarily by the states with major roles;

therefore there is more enhanced tendency toward security-focused solutions. In other words, the great states paying attention to their own security more than everything may play leading roles in directing the main occasions of handling and solving international crises. Particularly when the unipolar system lost its influence as of the mid-1990s, other great states have been observed to interfere in order to balance the system in line with their own foreign policy targets. It goes without saying that in a system, where the main actors are states, the increasing regulatory roles of states in security, in a sense, means moving away from the Institutional approach. Of course, such an approach does not mean that international law and norms are subject to individual practices. However, it may well lead to political applications that cause states to primarily focus on their own foreign policy priorities. Undoubtedly, the states, which define their priority for freedom of movement in their foreign policies as their objective, will not hesitate in adopting a sharp realist behavior model with such an approach.[6] The states, which focus on the freedom of movement in their foreign policies, will gain more freedom in the international arena at the rate of the dominance they gain (Sönmezoğlu, 2014, p. 364).[7] A significant discrepancy emerging here, on the other hand, is that the states, which gain the freedom of movement in the international area they desire by means of their foreign policies, put effort to direct the international law in proportion to these gaining. In a sense, the international law ends up being the function of the freedom of movement in foreign policies. In other words, the states that reach the goals (by means of power) they

[6] Foreign Policy Freedom of Movement: The purpose of foreign policy for the states is to create the setting desired to be reached in the related field and prevent the incidents and developments they do not desire to face from happening. The geography of implementation for these policies may be local, regional or global depending on the strategic targets and interests of the related state.

[7] The foreign policy purposes of a state can be classified according to the below three general categories: (a) Purposes with regard to survival, (b) Purposes in the range of security-prestige, (c) Long-term geopolitical purposes. Since the sub-purposes elaborated under these three general categories are directly related to the survival of states, states never hesitate in taking vital steps for accomplishing these purposes.

previously determined for their foreign policies enter into a pursuit of shaping the international law according to their interests within the limits of the capability they gain.

The most meaningful example for this is the US, when it inflicted preventive intervention in Iraq in 2003 on the basis of the freedom of movement it possessed. Nevertheless, it should not be thought that the US perceived and interpreted international law as such individually, and pursued to execute its own priorities accordingly. Certainly, Russia annexed Crimea of Ukraine in 2014 against the international law. The point that directed and encouraged Russia for such an act was emanating from its peculiar interpretation of the international law in accordance with the freedom of movement it obtained in the international arena. It can be argued that the states, which had been involved in the crises of Libya, Iraq, Syria and ISIS, could act in accordance with their own initiatives without being obstructed by the UN restrictions due to their freedom of movement in their foreign policies. As the evident characteristic of the current uni-multi polar period, although the fact that great states interfered in the international crises with their individual initiatives outside the institutional frame seems to be for eliminating the emerging threats; it is obvious that the interests and needs for security of these countries would, at some point, contradict. In the meantime, it should not be a surprise that there emerged an international system similar to that of 19th century, where such practices of individual interventions by the great states were adopted as a general political tendency in the international system of Balance of Power. As much as individual initiatives outside institutional solutions may bring up the inter-state conflicts to the agenda. Such initiatives can be argued to provide an opportunity for the actors such as North Korea or Middle East, which do not comply with the international society, or global terrorist organizations which are

not even bound by any territory, to take actions to achieve their own goals by benefiting from the dividedness of the international system. Absolutely, it is easy to comprehend that the behaviors of major states are actualized within the scope of the foreign policies oriented towards national targets. According to Professor Mehmet Gönlübol's argument (Gönlübol, 2000, p. 87) that "*The primary foreign policy purposes and targets of a state include the values, which that state can defend by venturing all self-sacrifices*," it can be argued that states may ignore factors such as conciliation and cooperation, when they opt for their individual objectives. As a consequence, it should be admitted that the great states of the world intervene in local or regional crises by force in order to reassure their security by eliminating the concern out of threats especially to their motherlands as a result of their freedom of movement in foreign policies.

On the other side, the actual development that has challenged the international system can be argued not to be the threats against individual states, but the global destructive threat with an elimination potential against all states at a striking level. In this context, it does not seem possible that the negative effects of global issues including the climate change resulting from carbon wastes, the destruction of life resources due to false steps in environmental issues, terrorism that has gained a supranational qualification, energy security, ethnic conflicts and large-scale migration movements can be solved by individual efforts of states. While these issues challenge the inter-state and international cooperation on the one hand, they are also issues that require solutions by the efficient roles of primarily the international law, international norms and international institutions. Considering the fact that the individual security-based and realist approaches of the states and even their gaining in terms of freedom of movement in their foreign policies will not be effective in the

solution of these global issues, it cannot be denied that the one and only solution is a comprehensive and collective cooperation. Undoubtedly, the primary pre-condition for undertaking such common initiatives against global threats is to ensure an international consensus. Comprehensive platforms that have the capacity for creating such a consensus can be revealed as particularly the UN and its affiliated institutions or international organizations established with such purposes.

On the other hand, it is clearly seen that the Security Council has not been effective anymore in this regard, although the coordination and management of measures against the related global threats must be fulfilled by the UN. The Economic and Social Council of the UN that still endeavors to find solutions for a number of humanitarian issues needs to be equipped with more comprehensive and extended authorities and it is also a necessity to initiate a new process that the Council's weight in solution of global problems will increase. In other words, as much as the Security Council has to be efficient and powerful enough to eliminate the threats against international peace, the Economic and Social Council must also take active role as the most important institution in taking measures against the global threats on the entire humanity. States, definitely, are the main compounds within the UN and its organs; however it is not acceptable that the states adopt different practices by attitudes, due to their differing perceptions and interpretations in preventing global threats similar to their freedom of movement in the international foreign policy. So much so that, different state behaviors in preventing the global threats on the basis of their freedom of movement in foreign policies obstruct global solidarity and only help deterioration of the related threat (MFA, 2015).[8] It is the responsibility of states to execute the

[8] Issued by the UN in October 2015, the report named as "The Human Costs of Climate-Related Natural Disasters", informs that 90% of the totally 6457 global natural disasters in 20 years has been composed of floods, storms, wave of hot air, drought and other extreme climate motions. Again

activities in this field completely on the basis of common initiatives (such as the Kyoto Protocol) taken within the framework of the international law, as well as entrenched norms, international regimes and global institutions.[9] Projects carried out for struggling against climate change, which is regarded as the most urgent among the global threats, are the best examples in this context. One of the fundamental organs of the UN, Economic and Social Council's affiliated organizations; the UN Environmental Program (UNEP) and the World Meteorology Organization (WMO) mutually created the Intergovernmental Panel on Climate Change (IPCC) in 1988 and submitted the UN Framework Convention on Climate Change (UNFCCC) against global warming to the countries in 1992 (First steps to a safer future: Introducing The United Nations Framework Convention on Climate Change). Aiming at encouraging the state parties to reduce greenhouse gas emission, cooperate in research activities and technology and protect the greenhouse sinks (forests, lakes, oceans), the UNFCCC entered into force on 21 March 1994 and 196 countries as well as the EU are parties of this convention (BM İklim Değişikliği Çerçeve Sözleşmesi).

Hence, it is important that the states take and implement decisions necessary for collectively struggling against the global crises, even though to the contrary of their national interests. On the other side, it is not always possible to reach a global consensus for the measures in this field. It must be taken into consideration that when certain industrialized countries did not participate in the Kyoto Protocol due to their concerns over economic power loss (US, Japan, Russia, and New Zealand did not participate in the second commitment period, which was decided with the Doha

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according to the same report, 606 people lost their lives and 4,1 billion people were affected from these disasters as of 1995 due to extreme climate changes.

[9] As a result of the negotiations conducted in an attempt to strengthen the current convention by the countries, which are the parties of the UNFCCC, the Kyoto Protocol was prepared in 1997 and put into force in 2005. 191 countries and the EU are still members of the protocol.

Conference), the carbon wastes these countries will release in the atmosphere will negatively affect not only these countries, but also the entire humanity in global terms. Since the damages of such individual decisions will be a global problem, for sure, the related international organizations must put effort to prevent them. It is doubtless that the efforts for preventing such threats must be figured out within the framework of regulatory rules and regimes in the international arena. Since irreversible effects of global threats such as climate change (global warming) and environmental issues have started to be observed, though, these challenges have now become urgent issues to be handled in the international area. In this sense, states definitely need to reach a scientific consensus with regard to the global damages of their activities - being primarily industrial activities - in order to be able to solve the afore-mentioned problems on the basis of international cooperation.

As underlined before, the prioritization of security-based interests by the great states leads them to give primacy to their need for national power and this, in turn, prevents identifying the real sources of global problems and impedes the ranges of motion. In this line, although the measures that need to be taken at global level are generally accepted, the diversity and varying dimensions of these problems may well prevent all the states from agreeing on every issue. There is not any central authority or an international mechanism to push all the states for taking common measures. For this reason, the states participate in the process of eliminating the related threats that they are conscious of within the limits of their own will and their sovereign authorities. Therefore, there are two options ahead us with regard to struggling against the global threats, the impacts of which are estimated to increase particularly in the next period: The states may either opt for an international society understanding in their approaches toward global threats or they may tend towards polarization that is

based on individual interests. The argument that the real solution for achieving international consensus is the existence of an ideal international society is elaborated in detail in the rest of this study and it is questioned whether an ideal society is really possible or not.

In case the international system transforms with an attempt to increase the states' own securities and interests outside the option of an international society, though, it may fairly be argued that the global problems will become more and more difficult to solve. Along with this, if a polarized system which is not capable of maintaining equilibrium gains weight, this will equally corrode the possibility to solve the international issues within the frame of common law and rules. Instead of the option of polarization, the orientation of the international system toward a more rational and reasonable understanding of international society is projected to produce affirmative solutions for two different areas: Above all, an international consensus, which gives weight to collective implementation of the UN Security Council resolutions and UN Charter's provisions instead of individual state interventions in crises and conflicts, will be quite probable. It is obvious that such a consensus can be obtained by means of the Grotian understanding namely structuring the field of international relations completely with rules and norms. In addition, such a consensus will ensure putting an end to the understanding of the states that prioritizes their national targets for security in their foreign policies, since the international society will establish institutionalization with regard to security and international stability. Second fold is that: wide-ranging solidarity can be established to lay the groundwork for the solution of international crises or conflicts via international institutions, being fundamentally the UN.

As it was observed in the crises scrutinized in this study, the UN failed to demonstrate its collective authority and efficiency that would suffice to stop the crises and armed conflicts during the unipolar period in the aftermath of the Cold War. The lack of UN authority also prevented solidarity among nations and thereby, a number of developments during that period were shaped by the states' individual initiatives in related issues. The resolution of Balkan conflicts and the Iranian Nuclear crisis proved remarkable achievements that international institutions put effort to play active roles in obtaining peaceful solutions within the scope of the international society. On the other hand, it can be stated that the international institutions were not powerful enough to take long term and wide-ranging consequences. Such type of a dynamic undoubtedly hinders the process of creating an ideal international society. Yet, it is obvious that the unavoidable political developments and changes in the international area have gained momentum in finding institutional solutions, and therefore, there is hope for creation of the international society in the future.

1.2.2 Grotian International Society

While the analyses of Hugo Grotius contribute particularly in the development of the laws related to maritime, war and trade; the idea of international society also flourished on the basis of his ideas as Grotian understanding (Grotius, 2011).[10] Grotius is, indeed, the source of the idea that an international society can be established by means of inter-state trade, diplomacy and specifically via the international legal institutions. Also known as the founding father of international

[10] Defined as the Grotian approach, the understanding of international society based on the international law was founded by the Dutch legal expert, theologian and statesman, Hugo Grotius (1538-1645). Grotius set forth his views on international law and international society in his book, "De jure Belli ac Pacis" written in 1625. (Turkish: Savaş ve Barış Hukuku /Law of War and Peace)

law, Grotius is also argued to produce the most convenient model for preventing conflicts and establishing cooperation in the international field with the Grotian understanding of society, which was compiled from his analyses (Henderson, 1998, p. 12). The fundamental properties of the international society model, propounded by Grotius in 17th century are still determinative today (Roberts, Kingsbury, & Bull, 2015, pp. 78-91). Designing more of an ideal and normative society in his time, Grotius proposed the below principles: **(1)** Natural law has a central position in Grotius' understanding of international society; **(2)** The international society designated by Grotius is not only Europe-wide, but also worldwide and it is universal; **(3)** From the perspective of Grotius, the members of the international society are composed not only of states, but also the non-state groups and people by their own rights. For Grotius, international society is not just a community of states; it is a greater society of the humanity, as well; **(4)** Grotius' understanding of international society envisages solidarism in defining and implementing the rules of this society. As the ever-growing elements of the international society today, the international institutions are not included among these principles. The reason for this exclusion is that such formations of international institutions were not present during the term of Grotius.

It is primarily essential to underline that the Grotian teaching, which takes example from an idealized international society model, brings about two significant concepts that are valid in the international field: The international law and international cooperation. In addition to introducing regulatory rules for the common/intersection points of the relations between the states in the existing international society, central regulations - which will guarantee the commitments toward these rules - will certainly be the most important initiatives to transform the

community of states into an international society. As the most significant complementary factor of this understanding, a global institution like the UN - which convenes countries together - is one of the building stones reinforcing the international society model.

Conway Henderson takes reference from James Rosenau, as below, in order to clarify an important thought, which asserts that the international society can gather around a common setting by improving the existing regulatory rules rather than taking the form of another structure. James Rosenau defines the entrenchment of wide-ranging regulatory rules and norms among the states in the presence of the UN as an administration (the world) without a government. Explaining this model with the concept of world governance without the presence of a world state, James Rosenau argues in this discourse that governance will provide guidance to the states for cooperation in world politics and collective interests (Henderson, 1998, p. 18). Saying that such a structure will be a management without a government and the actors will serve to their own common interests, hence it is expected that they will naturally obey the norms and rules actually serve to the same purpose. Henceforth, this will be management model that will regulate the principles and norms adopted and implemented commonly and voluntarily by the states. It is an acceptable argument that cooperation will increase among the states whereby defining every field of the inter-state relations with rules and norms and a certain level of conformance will be ensured. Yet, it should not be overlooked that consensus in every field requires the states to waive from some of their sovereignty rights. For this reason, it is a solid fact that there is a vital need for creating a ground for consensus to reconcile the states over their common interests, in addition to the need for rules or norms. In order for the international society to advance, a Grotian structuring process is a minimum

requirement and an absolute condition. Besides, common interests of the humanity as well as the common values must definitely be considered so that the international society can reach an ideal level.

On the other hand, the prominent political scientist Joseph S. Nye provides some fruitful arguments on the social characteristics of the international system. Nye (Nye & Welch, 2010, p. 61) defines the international political system as a mental construction as per the concept of system and argues that the international system was a combination of both material and ideal elements. In this context and within the view of the liberal perspective, Nye describes the international system as an entity with social characteristics. Furthermore, he (Nye & Welch, 2010, p. 63) argues that the realists tackle the social quality of the international system in a very superficial way. Due to the fact that social interaction must be one of the essential properties of the international system, Nye defines, as given below, the general features of a social system, where states coexist. **(1)** Existence of institutions and practices, which will handle agreements, **(2)** Peaceful solution of the majority of conflicts, **(3)** Existence of a body of imperative rules (laws, regulations, guiding principles, acceptable principles, and acceptable practices), **(4)** Having strategies for coping up with non-obedience.

These features of the social system, defined by Nye, absolutely reveal the idealized properties of an international society model. In fact, no matter at what level the international system is, it already bears some of these features within its body. Hence, it is not an obstacle for the system to be social at a certain rate, just because the states are not bound by a central authority. Looking from this perspective, there are the below given discrepancies in the ideal conditions compiled with a liberal understanding: The international system that was firstly built upon the concept of

sovereign states have managed to actualize many mechanisms that regulated the inter-state relations for the last 300 years. As of 1945, the United Nations and UN Charter have adopted providing international peace and security as primary purposes as per the final stage of the international institutional structure. Differently from the League of Nations, it should not be neglected that the UN is the first universal institution, which declared wars to be unlawful. The UN Security Council possesses an authority and strength to prevent wars by means of a sanction power that is unprecedented during the entire history. In this context, there is no doubt that one of the important factors that prevented a global war from happening during the Cold War period was the existence of the UN. In addition to the wars emanating from reciprocal moves by the blocks to spread ideologically during the Cold War, the Security Council also could undertake initiatives to protect the peace, at least, during regional, internal and ethnic crises and conflicts. The main reason that the UN could not fulfill its duty of prevention in the past is undoubtedly the veto power retained by the super powers. Indeed the purpose of the veto right granted to the Security Council members is to prevent use of unrestrained force, in case consensus is not reached by all the Security Council members. However, this right has sometimes been deviated from its aim due to the fact that the member states advocated their own priorities rather than the universal priorities.

It can be asserted that the UN has functioned institutionally for the achievement of two properties asserted by Nye. The evidences related with the first two factors propounded by Nye are already existent in the system, while they are not sufficient in terms of the envisioned functionality. The third factor mentioned by Nye, in other words, the "Existence of a body of imperative rules (laws, regulations, guiding principles, acceptable principles, and acceptable practices) mostly reflects

Grotian discourse. However it is the area that the inter-state relations and the international social system is the weakest.

1.2.2.1 International Society in the History

The prejudice claiming the states arranged their relations according to certain regulatory rules, norms or accepted customary law only in the 20th century and thereby created an international society contradicts the development process of this concept. Hedley Bull, one of the prominent scientists of the English School, in his famous book "The Anarchical Society", gives many examples of inter-state systems in the history, including the ancient times. As a matter of fact, with these examples, he asserts that despite the fact that the conditions for an international society were different from those of today; still they were still present in the past civilizations. Therefore, he (Bull, 2002, pp. 22-44) supports the argument with various evidences that that international society is a not a modern time establishment but, it is historical accumulation. According to Hedley Bull (Bull, 2002, p. 40), the idea of international society grounds on a fact that is doubtable sometimes, but one that never disappears. Bull refines the definition of the international society from the concept of international system and argues that "*The international system is formed when two or more states have sufficient contact between them, and have sufficient impact on one another's decisions, to cause them to behave- at least in some measures- as parts of a whole*" (Bull, 2002, p. 9). His statement reflects certain properties of a system, which has various parts interacting with each other, and the total capability of a system is more than the sum of every part of the system. Therefore, as outlined before, every international society is the developed status of an international system, but the reverse

is not true. Furthermore, Bull establishes the main principle of the theory by saying, *"Although an international society brings along the pre-condition of an international system, an international system can exist without turning into an international society"*. Therefore, in Bull's opinion, there is a clear distinction between the system and the society. He clarifies his argument by comparing certain differences observed in the relations among states such as Turkey, China, Japan and Korea with the European-centric international society. According to Bull, these states were parts of the European dominated international system in the past before they were part of the European-dominated international society today. More clearly, these states were in contact with the European powers and interacted significantly with them in wars or alliances and they had also carried out commerce activities before they and the European powers came to recognize common interests or values, to regard each other as subject to the same set of rules and as co-operating in the working common.

Bull advocated his arguments by certain type of relations between the Ottoman Empire and the European system of states. He suggested that the Ottoman Empire, which was not accepted as a member of the European-dominated international society until the Crimean War, joined this society with the Paris Agreement in 1856 and gained all its equal rights within the society with the Treaty of Lausanne in 1923. Bull considers similar arguments for Chine, Japan and Korea. Seeing the legal context among the states as the building stone of the international society, for that matter, Bull argues that the most important difference between an international system and international society is that inter-state relations are regulated by international legal rules. It can be understood from these assumptions that these discourses by Bull are in line with the Grotian point of view. Therefore, with regard to these assumptions we can foresee the development of an international society out of

an international system, it is comprehended that this can only be possible through building a comprehensive legal regulations that regulate their relations from war to commerce.

By benefiting from the integrity of these conceptual explanations taken from historical phenomena, it can be argued that only three categories can be formed by the states, which assert their sovereignties in every status that lacks a central authority in the history of modern states. At one end, there is the Hobbesian model based on a state of war by the “nature” of the states; and on the other end, there is the Kantian model, which is a united universal republics. Between these two ends, lies an international society model in Grotian style, which is bound by regulatory norms and legal rules. For sure, in every situation, where multiple states come together, inter-state relations show similarity to one of these three categories, although they do not always comply with these categories precisely. It is a generally acknowledged fact that the state of being together without the states being bound by a supreme authority is defined as “anarchy". However, the state of international anarchy is not a hinder against the emergence of an international society out of an international system. As it is understood from Hedley Bull’s examples from the history, the fact that states expanded and diversified their relations, which were previously based on war and peace as well as limited trade activities; and regulated their relations according to legal norms have paved the way for the creation of an international society. Whether the existence of anarchy among states prevents the establishment of International society will be elaborated in the next chapter.

According to hereby analyses of Hedley Bull, the indispensable factor determining the transformation of a group of states into an international society model is the rules regulating their relations with one another. Yet, such rules do not emerge

as random regulations, since acceptance of these rules by states is directly related to the process of the development of relations. In that sense, the sovereign states, on the contrary of a universal empire or a cosmopolitan community, firstly agree on having a basic regulatory rule for the system of states. Secondly, the states create rules for a joint life that will ensure regulation of use of violence or proper use of it. As a consequence, the states develop rules outside the basic targets of the international society to provide cooperation for the secondary targets consented by each party. Exactly this body of rules makes it possible to envisage a society of states even in the case of anarchy (Bull, 2002, pp. 64-68). The following chapters dwell on the factors that the development of international law, regulatory norms and regimes is bound by and the way how these factors shape the structuring of the international society.

On the basis of an assumption of change in the structuring of international society, the proofs that point out to the evident changes can be seen even more clearly when international societies in World War I, World II and after the Cold War, respectively, are compared and contrasted. Adhering to the previous assumptions of international society and Grotian concept, the system of states is observed to start with a simple international society that was open to improvement and continued as a rather intertwined global state system with ever growing complicated relations. So, the criticism that forming an ideal international society out this system cannot be dependent only upon the incrementing legal regulations among the states has been gaining weight. A theoretical discussion in this regard is on the contradiction between the individuals and states in the international dimension.

Thanks to efficiency of the “pluralist understanding” stipulating protection of state rights; and the “solidarist understanding” stipulating protection of individual rights at varying levels, the English School offered a conceptualization of rating the

international system at various depths (Devlen & Özdamar, 2010, p. 60). According to this conceptualization, an international system, where there are few common values and rules agreed by the states - or the so-called "thin" international society - is evaluated within the "pluralist" category; while an international society that harbors many values and rules agreed by states - or the "thick/intensive" international society - is regarded within the "solidarist" category.

1.2.2.2 The Role of Values in the Formation of an International Society

When the regulating regimes for using Oceans Laws, Air Space and Outer Space are analyzed in their historical development process, it is clearly understood that the first rule for forming an international society is the requirement of validating the international legal norms at highest level in the states' interaction areas. On the basis of this assignation; it may well be uttered that two fundamental factors - "interest" and "security" are determinative in drafting regulatory rules, depending on the emergence of global areas for interaction. Even though states are not anymore experiencing any perturbation for security like that of 18th century, the advancing technology and armament potential cause them to prioritize their security requirements. Still, it is an undeniable fact that the inter-state cooperation is the magical key for distancing from anarchy and opting for peace. Although it is here assumed in a utopian fashion that there are rules encompassing all areas of inter-state relations; it can be acknowledged that the goal of creating an international society can be reached, provided that these regulations become instruments for protecting the country interests in the fields of cooperation only. In other terms, when the

international society is reduced to a definition with the Grotian understanding, saying that it requires supremacy of the international law only in inter-state relations; this means that the problematique of creating an international community is minimized to cover only “legal regulations". To reach a higher level of international community, it is necessary to go beyond the understanding of regulatory rules among the states and unite around common values. Within this context, although the adoption and implementation of liberal democracy, human rights and rule of law by the individuals in addition to the states is still not enough for achieving an “International Community”, it can be argued that they are real the determinants of reaching the target of the “international society".

Therefore, the role of culture and values needs to be elaborated to define their impact on the formation of a contemporary cosmopolitan society, if different civilizations should be a part of the global international society. In this context, should a common culture and values become the minimum absolute conditions for an international society; the way how rules, norms and institutions will function in the context of different civilizations reveals as a vital question. It should not be expected, for sure, that a perfect international community encompassing 195 countries and fulfilling the minimum requirements of the Grotian understanding may be created all of a sudden. If it is taken into consideration that the system of states have historically expanded and gained acceptance in a European-based understanding with European rules, it can be argued that this process is dependent on creating the conditions for a higher level of harmonization among the states. In this regard, the most comprehensive project of the century, the European Union Community lies before as the most evident surviving example.

With regard to the fact that common values are vital in the development of the international society, David C. Ellis argues in his article, "On the Possibility of the International Community", that "*The patterns of interaction emanating from the complexity of the international society create a culture and behavior ethos among the states and this ethos affects the future patterns and expectations with regard to the relations between the states*". David C. Ellis (Ellis, 2009, pp. 6-7) argues in this study that whether an international society will turn into a somewhat community of states depends on the intensity of interactions between the states. According to the references he (Ellis, 2009, p. 7) took from Frank Schimmelfenning's model, the inter-state relations model is shaped on the basis of two main criteria, which are the "intensity of interaction" and "common ethos".[11] Low or high levels of these two criteria produce four combination models. [12] These combinations are: **(1)** Having a common ethos and low level of interaction between states is defined as **coexistence**; **(2)** The lack of a common ethos, while having a high level of interaction between states is defined as **interdependence**; **(3)** The existence of a common ethos, but having low level of interaction between states is defined as **civilization**; **(4)** And having both a common ethos and a high level of interaction between the states is defined as **community** per se. These two fundamental criteria are important in two folds. First, they are determinative in directing the development of the relations between the states. Secondly, they shape the regulatory rules to be drawn according to them. In the context of these criteria, the actual determinant of the current international status can be claimed to be the existence of an "ethos", in consideration of the fact that today's globalization have been increasing the scope and content of the

[11] **Ethos:** Moral ideas and attitudes that belong to a particular group or society.

cooperation and interaction among the states. Hence, two very limited options reveal with the pre-acceptance of the intensive interactions among the states. Depending on the assumption that there is intense interaction among the states, the state of "interdependence" where there is not any ethos, or where there is a common ethos defines an international society, for which "community" models are valid.

Such a classification explicated by tangibly-defined parameters provides easy comprehension of today's international society. This can also be argued to support other assumptions such as the one asserting that intensive interactions between the states increase the need for regulatory rules and this, in turn, will develop cooperation among the states. On the other side, the concept of ethos is controversial and the way how to define this concept becomes an important question with regard to the international relations. It is possible to produce certain categories with the help of certain definitions for groups of individuals with differing geographical, ethnic or cultural backgrounds. When the states come into question, however, it can be observed that the concept of ethos cannot be fit into the same patterns. Moral and ethical values, which result from cultural features and are fundamental for states, are based on thousands of years of accumulation, thus it is certainly impossible that these values overlap with one another. Hence, it may be claimed that structuring the development of the international society with more universal norms (human rights, rule of law, etc.) instead of cultural norms emanating from the common ethos areas among the states can eliminate the structural contradiction and also ensure a wide conciliation platform and common targets.

On the other hand, the prominent political scientist of the English School, Barry Buzan, puts forward the idea that inter-state interaction is not enough on its own in the formation of the international society. Buzan (Buzan, 2004, p. 10) asserts

that "*once the idea of society is conceded, one has to think not just of international society, but also a "world society" of shared norms and values at the individual level, transcending the state"*. Hence and in consideration with the fact that the common values expressed by David C. Ellis in extended public sense are the sums of the individual views and opinions, both of the arguments can be deduced to ultimately emphasize the same core understanding. This is the existence of common ethical values in the creation of an international society. No matter how cultural differentiation is large in social terms, the common moral and ethical values of the humanity can be argued not to be differentiating, but integrative in the formation of the international society.

When the international community, a more developed model of international society is concerned, the shared culture or values must be taken into account as a precondition in addition to the regulatory rules and institutions. In examining the societies that bear features which fit to this definition in historical context, Hedley Bull argues that the classical Greek city-states, the Hellenistic kingdoms (founded in between the collapse of the Alexander the Great's Empire and conquest of the Roman Empire), the ancient China as well as the modern Supranational systems still emerging in the European continent are historically examples of international communities. He (Bull, 2002, p. 15) says that the common features of all these international communities are a common language on a culture or civilization, common understanding of universe or epistemology, a common religion, shared ethical codes, as well as aesthetics or artistic traditions. In case a common civilization forms the basis of an international community, that civilization may well turn this community into a functional unit, drawing attention as a reasonable understanding. In this context, Barry Buzan (Buzan, 2004, p. 28) also argues that the historical records

dating from the classical Greece to the early European period reinforce this opinion, and states that share a common culture is a necessary condition for an international community.

1.2.2.3 International Society in Progress

As it will be seen in the next part of this study, focusing on the related crises and conflicts of the post-Cold War, although today's international system is not fully a "mature" international society, the states have managed to solve their problems by means of norms, rules, the international law and the institutions they established on common principles and values. It must also be pointed that the first decades of the post-Cold War was a peculiar period when the institutional structures could not be efficient and international anarchy was experienced in its most intensive form, despite the existence of legal rules. Considering the process of settling the relevant crises in the international society, it must be accepted that the international society forms the essential legal foundation and remains loyal to the international legal system inherited from the past. Consequently, we can argue that international society has made considerable efforts to solve the crises by taking into account the cumulative norms and regulating rules.

Based on the discussions so far, it would be required to focus on the matter of "**What are the ideal conditions of an international society?**" In his study on abstract international relations models, Conway Henderson (Henderson, 1998, p. 19) proposes the below features of the international society model defined as one that comes to being after international anarchy: (a) Respect for the international law, (b)

Multiple actors, but state is primary, (c) Cooperation/conflict, (d) Persuasion/coercion to some extent, (e) Interdependence, (f) National security, global trade, global ecology, human rights, (g) Multilateral problem solving at UN and international conferences, (h) Multiple ideologies, which are present, but in decline,(i) Spreading of English as a universal language. As one can see, all these observable criteria are, in fact, representatives of an international status, where common norms and rule of law are supreme, despite the lack of a central administration. It is uncertain, though, when the current status will ever turn into an developed international society and how this transition will happen. Still, the following can be regarded as a starting point: It has become evident that the end of the struggle for ideological and geopolitical superiority within the body of different polar systems after the Cold War has, at least, reduced the risk of global or regional armed conflicts and wars. No matter how this situation cannot be defined as the complete termination of the state of anarchy among the states, it can be argued to create a different setting, where new horizons and visions can come to life in international terms. The argument that even a central government encompassing all the world states cannot prevent wars, on the contrary, the international conflicts, in this case, would turn into “civil wars” shows that a Grotian international society remains as the only option to adopt.

In this context, it is pretty obvious that that the starting condition for such a structure is that the states will continue to conserve their essential qualities and remain as influential actors in the international system. Subsequently, the dense interactions among states will urge the existence of very comprehensive rules and regulatory norms and mechanisms to push the states to obey these rules and regulations in a Grotian frame. Although we accept that the developments with regard to security, today, have been showing a declining trend from worrisome levels, it can still

presumably be argued that the issue of security will remain as the primary responsibility of the states. On the other hand, the increasing trend to solve the global or regional problems with the participation of mainly the international and transnational institutions will help to expand the multilateral approach through a broad international consensus. While this assumption is compatible with the arguments of neo-realism with this frame, it is also dependent on whether all the actors of the system reach their goals thanks to the global regimes and rules that have been flourishing in the context of the ever-growing interdependence areas. Consequently, many remarkable events were determined by the examination of crises since the cold war show the way how the states struggled to resolve the issues and cooperate in many international forums.

When the issue of creating a common understanding among world states is concerned, an essential step is to discern that the states do not comply with common goals of international society. It is so possible that these states can create harmful effects on the system. Thanks to the elimination of the different values and institutions owned by the Soviet camp during the Cold War, it is argued that the cohesion with regard to the global concept of gemeinschaft[13] of the international community has increased (Buzan, 1993). Yet, it is rather evident that even today, certain states do not join the integrity of the international community coherently, although they are UN members. Some states in the international system enter into different commitments other than common objectives; set their relations with the international society according to their own national ambitions and thereby, position themselves in

[13] The concept of **Gesellschaft** in sociological terms comprehends society not according to emotional or traditional references, but contractual and built qualities. The concept of, **Gemeinschaft**, on the other hand, defines society as an organic formation bound to traditionalism, common sensuality, common experiences and identity. On the basis of this understanding, the international community can be divided into two different models as **gemeinschaft (civilizational)** and **gesellschaft (functional).**

different levels. For instance, states such as Iraq and North Korea, which had been on the extreme end of the international system are observed to limit their relations with the international society only to diplomatic recognition and trade activities and not to show a comprehensive compliance except for this interaction. In this respect, it is, in fact, not a simple coincidence that the source of the crises in the post-Cold War period is the states, which limit their relations with the international community to similar functions and therefore, suppress the dynamics of the understanding of gesellschaft in a controlled manner. Furthermore, the problems resulting from such states show us how the concepts discussed here are right on the one hand and also how they present empirical proofs that allow us to see the real qualities of the international society in a clear way.

As defined by, again, Conway Henderson, a world federation composed of republics in a Kantian style, which can be a perfect base for an ideal Grotian society is still an utopia. Therefore, the best option remains to develop the current international society within the scope of the Grotian concept to a maximum extent urges important steps to be taken. The primary step is to develop diplomacy and legal regulations to cover all areas of international relations and also much more efforts should be focused to progress sustainable and fair economic relations. In addition these regulations, it is a sine-qua-non for a developed international society model that international peace and stability is balanced by the multilateral efficiency of high number of states. At this point, the Grotian approach can again be claimed to provide a perspective for the foundation of global peace. The reason for this as purported by Hedley Bull (Bull, 2002, p. 230): "*The Grotian or solidarist doctrine aims at obtaining a more orderly world by restricting or eliminating the possibility that individual states apply to war for political targets, and promoting the idea that force can only be used legitimately*

for supporting the aims of the international community." From this perspective, the actual factor that would eliminate the international anarchy, which survives despite all the global international legal regulations, is the global solidarism. It is assumed in this study that the predictive factors for such stability must be sought in the reasons that lead up to wars and crises

Consequently, it can be deduced from the above analyses that as Grotian style regulatory rules, norms and International law densify in the international system and international problems are solved not solely by states, but by also institutions in a growing fashion; the system will get distant from sharp anarchic properties and form an international society showing advancement toward a more ideal model.

PART II

2 EVALUATION OF POST-COLD WAR CRISES

2.1 INVASION OF KUWAIT BY IRAQ

2.1.1 Invasion of Kuwait by Iraq and Authority in International Relations

To the question, "What did the Gulf War in 1991 solve?", the liberal political scientist Joseph S. NYE (Nye & Welch, 2010, p. 314) answered as follows: "*The war revived UN's common security doctrine for a while... and the ceasefire set an example by the UN supervisors' visit to Iraq and annihilate the nuclear and chemical weapons premises. However, this did not topple Saddam Hussein. Since the President George H. W. Bush believed that Saddam Hussein could be toppled by his own people and neither the Americans nor the UN coalition would tolerate a high-cost invasion, as he was concerned, the then-president of the US decided to invade Baghdad.*" The Iraqi crisis is a multidimensional issue experienced at a critical period corresponding to the time, when the Cold War was over and a new process was about to start. During this period, many new concepts and practices entered the world policies in political,

diplomatic and military terms. Thus, this crisis forms a solid source of reference for analysis, as it has brought along different approaches to the concepts before the crisis itself and gives in-depth insight regarding the developments after the crisis to help us scrutinize the international developments. In this context, since the Iraqi war marks the beginning of a new era, it has turned out to be a significant turning point facilitating to dedect changes according to the examined criteria, which are valuable sources in defining the consequential dynamics of international relations. Subsequently, it is recognized that each and every conceptual and practical changes detected in the political and military interventions in the international crises experienced from 1990 Iraqi crisis to today is interconnected. Therefore, such changes are scrutinized to clarify the development of the factors that shape the dynamics of the international community.

The first crisis the international community encountered toward the end of the Cold War was the attempt by Iraq to invade Kuwait on August 2, 1990 under the leadership of Saddam Hussein. Although the Iraqi crisis was not included within the scope of the containment policy of the communist ideology - for instance, Korean and Vietnam Wars - the Western world the US and various international institutions showed a multi directional reaction against the invasion of Kuwait. In addition to the fact that the invasion was perceived as a threat against the regional and global peace as well as the overall security, it created an utmost level of concern for posing a hinder for the economies of the industrialized countries, since the crisis was also a threat against the most important oil reserves in the world. Therefore, while the invasion was condemned, Iraq was denounced as an aggressor, which paved the way for the formation of a comprehensive international coalition. Following this, this Iraqi crisis was intervened through a military coalition with a high level of participation

that was never seen since the Cold War. It can be asserted that the crisis has different dimensions revealing the weaknesses of the international system, on the one hand, and laying the ground for certain conceptual debates, on the other. The Iraqi crisis is comprehensively analyzed in the study, since it provides hints with regard to the changes in the international system occurring in the coming years to enable us compare certain phenomena. The US set its Cold War strategies in the region long before the crisis and thereby, combined the policies of the transitional period to emerge as the super power.

When Saddam Hussein failed to obtain the desired concessions from Kuwait at the Jeddah meeting that was held under the auspices of Saudi Arabia's King and upon this event, he decided on and initiated the invasion of Kuwait on August 2, 1990. Against the Kuwaiti army of 16,000 soldiers; the Iraqi army with a giant army composed of two armored divisions, a unit of 140,000 soldiers and 1,800 tanks as an unproportional force captured Kuwait in 12 hours. The Kuwaiti army could not respond to the invasion strongly, however partial armed resistance continued for a few days although they could not create any difference. No matter how Saddam wanted to capture the Kuwait al-Sabah family, they could manage to escape Saudi Arabia during the invasion. Using such huge military power demonstrated that Saddam's purpose was not only to capture this small, but rich country for its resources, but also to emerge as an effective military and political power in the region.

As a matter of fact, the Iraqi government announced that it annexed Kuwait to its territory as the 19th province after six days from the invasion. The invasion of Kuwait mostly concerned Saudi Arabia in the region since a number of politicians interpreted this invasion as the beginning of an attack to Saudi Arabia (Cleveland, 2004, p. 527). Feeling the close threat of Iraqi army that was way more experienced

than the Saudi army, Saudi Arabia immediately asked for help in defending its kingdom since it was not able to cope up against such a big threat. The US administration faced an unexpected crisis (on the contrary to the intelligence institutions) and was terrified with the possibility that Iraq could dominate the oil reserves and the Gulf region. The US rejected to see Saddam Hussein's discourses and initiatives (deploying soldiers at the border of Kuwait) in July 1990 as warnings of an upcoming crisis. After the crisis broke out, however, the US and UN acted in full harmony and cooperation. The great countries and UN as an international organization provided extensive support to the international campaign commenced under the leadership of the US to make Iraq retrieve via international cooperation and military intervention. Among 12 provisions accepted by the UN Security Council, only the provision number 688 was put into action with a broadened interpretation of the provision by the large states (the Peace Operation) and this was a topic of legal criticisms in the international field. The rest of the provisions were implemented by consensus. Even the Soviet Union supported the diplomatic dimension of this operation that constituted the first step of the new world order after the end of the Cold War and stopped weapons transfer to Iraq, even though it did not partake in the conflict militarily. As per all the countries depending on oil from other countries, being primarily the Western world, it is possible to assert that the international reaction against Kuwait's invasion emanates from concerns over violation of sovereignties and UN principles as well as humanitarian and economic concerns.

The first resolution number 660 taken by the UN Security Council immediately after the invasion was, in fact, an ultimatum to make Iraq terminate the invasion and free Kuwait (Security Council Resolution 660, 1990). On the other hand, then-President Bush, who had been involved in the issue from its first day, stated in

his address to the American people on August 8, 1990 that he aims to protect Saudi Arabia and other countries in the Gulf region from a possible Iraqi attack (Stork & Wenger, 1991, pp. 197-199). The targets officially announced by President Bush on August 8, 1990 were partially in conformity with the UN provisions. Following his speech on August 8, President George Bush issued the National Security Directive 45 on August 20 to determine all measures against Iraq in fields of diplomatic, economic, and energy. In addition, he articulated that the US Forces would operate together with the Saudi forces in this campaign and thereby, they would defend the territorial integrity of Saudi Arabia as well as deter Iraq's likely aggression (National Security Directive 45, 1990). However, the fact that the US started to deploy soldiers in Saudi Arabia as an addition to the provisions was going one step beyond the Security Council's decision. Deployment of the American soldiers in Saudi Arabia was pointing out to the fact that Section VII of article 51 of the UN Charter enabling self-defense was put into action under the title "Action with Respect to Threats to the Peace, Breaches of the Peace and Acts of Aggression". With this operation, the US initiated an action to protect Saudi Arabia - an ally - against the threats and aggression of Iraq within the scope of the article 51.

Leading the international political and military coalition against Iraq, President Bush has not included any discourse with regard to the invasion of Iraq or aiming to change the regime in Iraq as of the beginning of the deployment. There was not any intention to invade Iraq in any diplomatic initiative as of its invasion of Kuwait, neither. Therefore, the military actions of the international coalition were executed in a way that would ensure achieving only the political targets of the UN (even if sometimes the actions went beyond these targets). It can be argued that the US'S target in the process of intervening in Kuwait's invasion was not to alter the

Iraqi regime or benefit from the land distribution, but to become a hegemonic power in the Middle East and thereby, make the international society accept its understanding of the new world order. A similar policy with different methods was also observed to be adopted by the next US President following George H.W. Bush: Clinton. Coming to power after Bush, President Clinton had a doctrine of "dual containment" that would render both Iran and Iraq weak due to prevent potential damage of Iran and Iraq on Israeli policies (Gause III, 1994, s. 1-10).

2.1.2 Invasion of Kuwait by Iraq and International Actors

Since the Cold War coincided with a time, when nation states were the fundamental actors in the international system, the war was shaped by a super power dominance instead of a global institutionalization due to the fact that supranational organizations remained incapable at the intersection of the two camps of the war - Soviet Union and the US. For this reason, that period was marked by a serious weakness in terms of institutionalization, since the UN could not fulfill its potential under the influence of two super powers. It can be asserted that it is both the initiator and result of the international anarchic system that the period was marked by the blocking of two super powers against each other and the UN ending up with being incapable of turning into a central authority.

Explaining the US's pursuit of global balance and hegemony with the term "aggressive realism", Mearsheimer (Mearsheimer, 2001, pp. 1-5) argues that this pursuit is normal to the utmost level and "every country not pursuing to establish hegemony will risk its own existence." In this context, it was a sort of obligation for the US to find loyal allies in the region and follow a policy of a great power by

founding military establishments and bases in the region to sustain its hegemonic existence in the international structure. Since the decade after 1980 was qualified as a second Cold War due to the arms competition, not any moral justification could be found for political or military intervention in the conflicts other than the wars waged for ideological containment. In practice, this started a process that resulted in destroying of all international legal norms and human values. In other words, while the international law provided integrity that sufficed to prevent an inter-state conflict; the international system, on the other hand, remained inefficient in providing the necessary support for crises requiring humanitarian intervention in moral terms, since the crises were out of the scope of the field of ideological struggle.

With the concern that any country in the Gulf region would gain force sufficient to threaten the US's vital interests for oil supplies, the US had supported Iran and Iraq against each other in the war as of 1980 so as to establish a balance of power. For the balance that the US aspired to establish in the region, the US provided weapons to Iraq during the Iran-Iraqi war on the one hand, and improved its strategic relations with this country through commercial relations, on the other[14] (Geyer & Green, 1992, p. 49). However, it can be asserted that the support provided both by the US and the Western world in this war would clearly lay the ground for the emergence of Iraq as a more dangerous dictatorship after the end of the war. Even though Saddam Hussein started the Iran-Iraqi war - that lasted for eight years - to put end to Khomeini's provocative actions against Iraq, it can be argued that the US and the West wanted this war to continue. The US's support during the war prevented either of Iran and Iraq from being victorious in the war, yet the US also managed to ensure a

[14] During Iran-Iraq war, the total military equipment and weapons sold to Iraq by states; Soviet Union, United States, France, Germany, Italy, China and Brazil combined worth $20 Billons. Solely the U.S. sold $1.5 billion military equipment and high technology instruments between 1985-1990.

balance of power in favor of itself by barricading Iran from forming a threat over Saudi Arabia and other countries in the Gulf region. It may well be argued that the policy of pressuring a religious extremist country in the region by another radical/authoritarian state is not a rightful policy. In this context, as is underlined by Oral Sander (Sander, 2013, p. 569), what was necessary to do in the region was to adopt a policy that ensured a sort of parity between the two radical regimes for a comprehensive stability. As can be observed from Hans Morgenthau's essential policies, the US remained loyal to the principle that a dominant balance of power influences whole regional equipoise and regarded establishment of stability in the region that would assure no threat of any country over others in the Persian Gulf as its national target and endeavored to achieve this target (Morgenthau, 1970). Thus, the US and the Western world deemed their relations with the Middle East on an absolutely realistic perspective and shaped their policies on protection of their most valuable national resources - economic resources.

The intervention in Iraq was a comprehensive project to take Iraq out of Kuwait and to curb its possible threat against the other states. In addition to this, the intervention also aimed to punish the perpetrators of violations against people subjected to horrible conditions including state coercion and falling hostage. From this perspective, intervention in Iraq is different from the interventions carried out in other sovereign states and this intervention raised an international awareness and set an example for the upcoming humanitarian interventions in the future. Undoubtedly, the Iran-Iraqi war, invasion of Kuwait and then invasion of Iraq by the US and ultimately foundation of a new Iraq and even disintegration of Syria are all inter-connected incidents of a historical process. This process can be rendered more understandable by conceptualizing the pursuit of super powers for balance and

hegemony in the region on the basis of their struggles to gain influence over the region for regional power and interests.

On the other hand, although the Iraqi war was oriented toward rescuing a sovereign state from invasion, the dynamics during and after the war laid the ground for debates on particularly the concept of humanitarian intervention. It goes undoubted that similar concepts such as humanitarian intervention - even if they did not mature until the Bosnian crisis - along with geographical, cultural affinity or geopolitical obligations had a tremendous effect on the Western states to take action against humanitarian crises in the world.

2.1.2.1 The Soviet Union and Iraqi Crisis

One of the most evident features of the Iraqi operation in terms of the US is that this was the first the US launched this much comprehensive political and military intervention in the region. Another feature is that this was the first time the US did not encounter with its arch enemy in the war - the Soviet Union - in the regional conflicts. In the beginning of the crisis, the Soviets undertook an unsuccessful initiative of the role of a mediator and negotiator to protect its influence over the region. However, this initiative resulted in failure and the Soviets, for the first time since World War II, had to ally with the US and the West in certain initiatives to provide solution for the crisis in the region.

As a matter of fact, it was crystal clear that the Soviet Union was not as effective in the Iraqi crisis as it was as a super power of the Cold War. In early 1990s, Gorbachev needed financial support from the US in order to help the Soviet Union rise to its feet once again and to prevent, at least, the union from going down on a

collapse. It was also crystal clear that the communist world view was based on oppressing politics and curbing freedom and welfare following the riots in Europe. Upon this, it was nearly impossible for the Soviets to offer an alternative solution for the Iraqi crisis. Thus, Gorbachev executed policies from two opposing lanes. The first is that he condemned the invasion of Kuwait by Iraq and supported the sanctions over Iraq, and on the other hand, he opposed to application of military force. Gorbachev did not prevent the US in the Security Council with its veto power on the one hand, and on the other hand, he was careful in staying distant from the US policies. Within the scope of the task announced to the world public in early October 1990, Gorbachev assigned his personal advisor Yevgeny Primakov to go to Baghdad and Amman for *Status Qua Ante Bellum,* meaning to give back the invaded territories after the war and returning to the pre-war conditions. Since Saddam took hostage of many foreign nationals in Kuwait, it was important to ensure seamless retrieval of the Soviet technicians in Iraq and a consensus was reached on this regard. On the other hand, Primakov negotiated with Saddam offering certain concessions to solve the problem. In return for concessions including taking the control of the Rumaila Oil Field and the Warba and Bubiyan islands to have the deep water ports that will allow him to export oil, the King Hussein and Saddam negotiated with Gorbachev and reached a consensus upon these conditions to retrieve from Kuwait. The Bush administration did not welcome the news regarding these developments, of course.

Although the military operation of the coalition forces started on January 17, Gorbachev took one last initiative and sent Primakov once again to convince Saddam. When he told Saddam Hussein that the US was decisive to oppress the Iraqi forces with a massive ground war, Saddam announced after three days that he would abide by the provision number 660 of the Security Council and retrieve from Kuwait, which

initiated the Moscow-Baghdad dialogue. Despite these developments, President Bush purported that the Soviet - Iraqi negotiations did not yield any results and he was not satisfied, thus he put forward certain special conditions. In addition, the fact that Iraq was uncertain about the other provisions than the provision number 660 and the US's last ultimatum setting a time limit for Iraq's retrieval caused another tension among these actors. Upon this incident, Gorbachev requested an urgent Security Council meeting to assess the new situation, but George Bush rejected this request. Despite these last-minute efforts, Gorbachev could not prevent the multinational coalition forces from initiating the ground offensive in Iraq on February 24.

2.1.3 Invasion of Kuwait by Iraq and Prevention of Conflict - Preventive Diplomacy

It is surely beyond doubt that primarily the UN and the Arab League exerted corporate efforts in resolving the crisis after the invasion of Kuwait by Iraq. The other countries as well as regional Arab leaders also conducted diplomatic initiatives at the level of individual actors to solve the crisis. Puzzled by the invasion on August 2, Jordanian king Hussein went to visit the Egyptian President in Cairo and both leaders met with President Bush. Being very angry, President Bush defined the invasion of Iraq by Saddam Hussein as an assault and expressed that the US was ready to accept this challenge by Saddam against the US. In addition, President Bush expressed that he was also shocked to see that the Arab states did not come together to publish a notice for condemning the invasion of Kuwait. He further added that until that moment, Kuwait demanded support, but Saudi Arabia did not demand any support

(Geyer & Green, 1992, p. 128). President Bush further stated that the United States was determined to act independently whether or not it cooperates with regional countries. Arab leaders (primarily King Hussein), who had not yet made a decision regarding the invasion under the unexpected and sudden pressure of the US, demanded 48 hours from the US president. While the Arab leaders had not yet made a decision among themselves in this serious incident in the Middle East, President Bush's view that accepting Saddam's behavior as a challenge aroused the conviction that he took this occupation and aggression personal.

As a matter of fact, it shows an absolute cooperation and understanding among the Security Council members that they could condemn the invasion that took place on August 1, 1990 immediately on the next day, despite the time difference with the United States. The Security Council Resolution No. 660 was short-lived, however it definitely showed a very sudden reaction of the International System against the occupation. On the same day of the invasion, early in the day, it is understood from the content of speeches that the President of the United States was expecting a declaration of condemnation of Iraq from the Arab world leaders.

King Hussein put endeavor to take an action after the invasion by going to Baghdad and convinced Saddam to participate in an Arab leaders meeting in Jeddah. However, Saddam had certain conditions for participating in that meeting: He demanded the Arab world not to publish a condemnation; not to make a call to make him withdraw from Kuwait and not to make requests such as the return of the legitimate Kuwait government back in force. However, the distinctions in the Arab world began to come to the surface, when the Egyptian government issued a statement condemning the invasion of Iraq despite the initiative of King Hussein and the promise he had given earlier. Hence, the chance of the Arab leaders to convince

Saddam to make a mini-summit and to withdraw from Kuwait was eliminated by this attempt by Egypt. The fact that Mubarak informed King Hussein after his meeting with King Fahd under a great pressure of the declaration destroyed Saddam's ability to be moderated by the Arab leaders. Gathering on call from Mubarak, the Arab League, even issued a resolution similar to the Security Council resolution issued on August 10. This resolution completely removed the initiative of Arab leaders to create a collective consensus-based dialogue with Saddam Hussein.

King Hussein of Jordan believed that finding a peaceful solution to the crisis was extremely important in preventing the devastating consequences on the Arab world. King Hussein tried to find a peaceful Arab solution in the matter by running a shuttle diplomacy with Arab leaders, European leaders and even the Soviet Union at every stage of the process of measures against Iraq turning gradually into an operation of attack. In addition, he conducted a diplomatic attempt to persuade Saddam to end the hostage crisis, as well. Nonetheless, King Hussein received a different reaction from the United States in the face of these efforts, as he did not look warm in a military campaign against Iraq and, on the contrary, tried to prevent it. Rewarding Egypt and Saudi Arabia with credits, the United States, though, cut off aid to Jordan to punish the country. Herewith, invasion of Iraq had been fragmented in such a way that it could not bring about a collective peaceful solution by the Arabs, despite the geographical, cultural and social affinity and proximity of the Arab world. And the Arab countries, which provided support to the US in the operation, were rewarded by the US.

Yet, it can be observed that such efforts came to naught due to the fact that the US exerted strict hegemonic practices in the international setting. Therefore, the

above-mentioned initiatives were unsuccessful developments in terms of diplomatic negotiation and international cooperation.

Within the scope of a number of discourses and actions by Saddam Hussein to establish his dominance in the region, the claims that Kuwait was belonging to Iraq in historical terms were kept in the agenda. However, these claims were not tackled by the countries in the region sufficiently. Neither the UN nor other regional organizations showed attention to the emerging conflict sensitively enough. The emerging incidents were not evaluated within the scope of preventive diplomacy. Although the historical claims questioning the sovereignty of Kuwait were discourses that were not in line with the international norms and were threatening the peace and security in the region, the international society did not undertake any wide-scope reaction. On the other hand, Saddam Hussein personally purchased a high number of technologically-advanced weapons from the West (Freedman & Karsh, 1993, pp. 23-24).[15] In addition, certain western states clandestinely provided cutting-edge high technology weapons to Iraq. A high number of such evidences were ignored by the international community. The US had even continued its trade relations with Iraq, although Saddam Hussein was accused of violating human rights in the international media. The US even provided agricultural loans for Iraq. Despite the threatening discourses by Saddam Hussein against the neighboring countries, many western states did not hesitate to continue their economic relations – based on arms trade – before the emergence of the Iraqi crisis. It is clear that the international community has a serious weakness in terms of moral standards that question the discourses against the sovereignty of states as well as the relations of authoritarian leaders with the other states in the vicinity.

[15] After the outbreak of Iran-Iraq war France gained some 15-17 billion from Iraq for military contracts with an additional $5 billion spent on civilian purchases. By 1990 Britain was Iraq's third largest trading partner.

More importantly, though, the international system does not have a warning system that ensures precautions in case of crisis. One of the important areas that the international system remained weak during the Iraqi crisis was the lack of a setting for negotiations and consensus. Examples of dialogue and consensus from the history indicate that conflicts can be resolved through rationalist negotiations without further human loss and demolition and causing expansion of the crisis. The two conflicting parties - more accurately super powers - of the Cuba missile crisis between the US and Russia in 1962 did not enter into dialogue to disclose their intentions and this created obscurity that resulted in reciprocal showdowns that would pave the way for a nuclear disaster. However, thanks to the last-minute dialogue between the two super powers, the probable nuclear war was prevented.

As a matter of fact, the red telephone line allowing direct communication between Washington and Moscow was established in 1963 as per the lessons taken from the missile crisis (Nye & Welch, 2010, p. 245). Certainly, it can be argued that the red telephone line facilitated for the USSR and the US ensured dialogue and consensus between these two parties in the later periods of the Cold War and curbed misunderstandings that could end up with a massive disaster. Although there was always a way for dialogue even under the terrifying balance of the Cold War, the US continued to stay distant from the idea of establishing dialogue with Saddam Hussein.

Leading the international coalition against Iraq, the US did not engage adequately in the process of diplomatic negotiation and consensus to solve out the crisis. At the same time, it was a grave deficiency that the Western states did not put effort to form a comprehensive mechanism for diplomatic consensus to settle the crisis peacefully. This attitude was condemned by an American political scientist.

Among the former presidents of the US, Jimmy Carter (Carter, 1990) condemned the fact that the US did not contact Iraq directly although three months from the beginning of the crisis passed by writing an article on the Times magazine. In addition to his general interpretation of the situation, Jimmy Carter (Carter, 1990) also reminded the importance of negotiation, saying "*So far, the Bush Administration has not acknowledged the need for negotiations or exploratory talks, which might imply weakness or willingness to reverse adamant public statements. Initiating peace talks is always difficult, as we remember from Korea and Vietnam. Only unconditional surrender following a total military victory can remove the need for negotiated settlements*". Former President Carter's call for arbitration of the UN authorities, Soviet leaders French and other ally countries' leaders, Arab states and particularly Jordan's King Hussein did not find any support from the US administration.

To prevent any accusation for not taking action despite this call by Carter, President Bush suggested conducting "a discussion", not "a negotiation" with Iraq on November 30 (one day after the UN's resolution number 678) (Geyer & Green, 1992, p. 96). Although this suggestion was far away from the pursuit of reconciliation with Iraq, it was welcomed by the press, Senate and the Secretary General of the UN. It was obvious from the format of this suggestion that was taken only one day after the Security Council's Resolution enabling use of military force against Iraq that it did not really bear a vision for peace. Since the Foreign Affairs ministers of both countries did not accept to go to each other's countries, they met in Geneva for the not-so-diplomatic negotiation. It was pretty obvious that this suggested meeting was not an actual diplomatic negotiation.

The press release by the White House before the meeting used the words "No negotiation, no reconciliation, but a face-saving measure" (Geyer & Green, 1992, p. 99). Indeed, a number of observers were debating over the fact that certain demands of Iraq could be met via justice and partial concessions that include international settlement conditions. They added that a directive from the Prime Ministry that was purely based on ultimatum and threats, but not negotiation of conditions for reconciliation could not be the last chance for reassuring peace. Even if it is not necessary to be suspicious, it can still be asserted that the US and the coalition countries did want to stall off and save time through negotiations, while racing against time to store up in the Gulf region.

In the context of the crisis, it is possible to find out evidences in the international society of concerns as to whether the UN implementations and Security Council resolutions really reflect the spirit of the UN Charter; whether the UN will be able to protect the universal international legal norms expected to be applied in the new post-Cold War era; and whether the international society can be an international center of authority.

A more negative aspect of the crisis is that directly the General Secretary of the UN referred to certain phenomena proving that the UN could not exhibit any functions as a world organization and consciousness of the international community other than being the source of legitimacy for the US's actions.

During his speech in the European Parliament in Strasbourg on April 16, 1991, the term Secretary General Javier Perez de Cuellar pointed out to some dimensions of the crisis that were kept confidential from the public by saying, "*The victory of the allies and the coalition over Iraq is not a complete UN victory, because the war is not one fought by it/UN. This was not a war with the UN. General*

Schwarzkopf was not wearing a blue helmet" (Statement by secretary general to European Parliament, 1991).

This view was establishing a direct a high level of contrast with President Bush's view expressed on March 6 in a Joint Committee meeting in the US as follows: "*This is a victory for each and every country in the coalition as well as the United Nations; it is a victory for legal rules and for what is right*" (Bush, 1991).

On the contrary, the Secretary General Perez distinguished in his same speech in Strasbourg the concepts of a war legitimized by the UN and one actually fought, commanded and managed by the UN, underlying the need for establishing the world order within the frame of the UN. Still, the Secretary General of the UN Perez de Cuellar was not explicitly authorized by the Security Council - despite being assigned for many tasks - to arbitrate and take diplomatic initiatives to negotiate the terms for ending the conflict. Despite the lack of clear and precise evidence, it may be argued that the UN Secretary General was left deprived of reconciling authority with the concern that such authority would obstruct implementing punitive policies against Iraq. The Secretary General did not meet Saddam Hussein during the crisis. Right before the operation by the Coalition started, when the US Congress was deliberating on giving the US President the authority to initiate an attack on Iraq, the Secretary General went to Baghdad to meet Saddam Hussein on January 11, but this visit turned out to be in vain, since the Secretary was not authorized to take a positive recommendation for settlement. Then, it was recognized by the entire countries member to the coalition that the UN did not have a legitimate authority to wage a military intervention in the war. The limited and controlled actions conducted in the scope of diplomatic reconciliation demonstrate that countries within the Security

Council put effort to settle the coalition's coercive measures taken under the US leadership on a legitimate ground as per the UN resolutions.

It goes without saying that such efforts by both the five permanent members of the Council and countries approving such an operation by taking part in the coalition failed to provide a solid legitimate ground for initiating the operation. Not giving any opportunity for the Secretary General to undertake initiatives and responsibilities, the UN Security Council is observed not to be willing to share its authority with another competent authority as the sole power in assuring international peace and security during crises. In a way, it is understood that the UN Security Council was not opening up to see that the Secretary General carries out important diplomatic tasks and even puts effort to assure peace. Yet, the Secretary General, who claimed openly that the war was not a UN war despite the Security Council's resolution, seems to oppose not to the war itself, but to the fact that the war was not being fought under the UN's name.

It is a fact that there had been certain changes in the later periods after the end of the Cold War in settlement of conflicts among countries, assuring the Secretary General of the UN being more active and equipped with more enhanced authorities. Even if it was gradual, this development indicated that the UN's institutional role in the new world order founded after the end of the Cold War was not an international legislative body, but more as an international institution representing the common will and consciousness of the international community to increment its reputability. It was only possible in the 21st century's crises to understand that the authority and competence of the Security Council in assuring international peace and security became more evident. Besides, the UN was started to be perceived as an impartial institution whereby increasing the power of the Secretary General. Gaining a more

impartial and institutional position compared to the past, the UN will absolutely serve the global community's development and consolidation on a more robust ground.

The fact that not any state would in a hegemonic position - when there is the Security Council - could serve to increase the reputation of the UN and thereby, the consensus needed by the international community in settling crises could be implemented more functionally

2.1.4 Invasion of Kuwait by Iraq and Use of Force (Coercion and/or Persuasion)

The number of states, leaders and international organizations that put efforts to settle the crisis with a peaceful perspective through diplomatic negotiations or arbitration was very limited in the process starting from the sharp and immediate reaction of the UN Security Council to the Iraqi crisis to the actual military intervention later. Within this scope, among the leaders in the Western world developing an alternative discourse or action against war were Gorbachev and the French President Francois Mitterand [16] (Khadduri & Ghareeb, 1997, p. 145). Mitterrand's opinions were generally rejected particularly by President Bush, who wanted Iraq to retrieve from Kuwait immediately, unconditionally and completely. However, Mitterrand went to Amman to negotiate with the Arab leader after the UN Security Council despite the reactions against him. The majority of Mitterrand's recommendations are in parallel to the Palestine and Lebanon issues purported by

[16] Delivering a speech in the UN General Assembly on September 24, 1990, Francois Mitterrand uttered an offer of solution that was not liked particularly by the U.S. In his speech, Mitterrand recommended to initiate a package solution process that encompassed Lebanon and Arab-Israeli problems by establishing a wide scope of dialogue in the Middle East to end the Gulf crisis and ensure peace and security. In addition, he expressed that the Western diplomacy would not be able to overcome the conflicts, if a solution for the Arab issue was not provided.

Saddam Hussein in the context of a more fair Middle East rhetoric. This gave the hope that the Western world would take up the problems of the Middle East with a general batch of diplomatic solutions. Yet, Mitterrand's initiatives could not find broad support in the Western world and the public opinion as per the media pressure over Iraq's still ongoing aggression and the oil pollution in the Gulf region. Along with this, both France and Russia shared a common idea that Saddam Hussein would be willing to retrieve from Kuwait, provided that serious amount of concessions are given to him particularly with regard to the issue of Palestine (Freedman & Karsh, 1993, p. 263). Before the crisis turned into a war, the initiatives of the French President Mitterrand to convince Saddam Hussein to retrieve form Kuwait by pushing a UN resolution were taken with interest by Saddam and the method of dialogue ended up being completely useless for preventing the Iraqi war. The European Community was completely warm toward taking a different initiative for providing a solution for this crisis different from the ones shaped under the US's hegemony in the Western world, being the countries in the Mediterranean region such as Spain, Italy and Greece. Still, the majority of the European Community members gathering in Rome in December 1990 decided to remain in the American lane, since they did not want to create a perception that they were disintegrating with the US.

Saudi Arabia had always felt under threat since the very beginning of the crisis. Upon a call from Saudis, the US started to deploy military forces in the region and this had posed ultimate importance as a deterrent measure against Iraq. With this purpose, the US deployed 200,000 American soldiers in Saud Arabia until October 1990 within the scope of the Operation Desert Shield to protect Saudi Arabia and other allies in the region from Iraq's aggression (Cleveland, 2004, p. 528). The Operation Desert Shield featured participation from among the Western countries

including United Kingdom, Australia, Canada, France, Italy, and Netherlands and from the Arab world including Egypt, Bahrain, Kuwait, Amman, Qatar, Saudi Arabia, Syria and United Arab Emirates.[17] The Soviets, on the other hand, rejected to provide military support to this coalition that it regarded to be included within the scope of the new world order after the end of the Cold War. The international system, yet, was shaped in a way that backed initiation certain sanctions to push Iraq to end its invasion of Kuwait through a series of Security Council decisions as well as deterring military measures. In this context, the Security Council took a resolution number 660 on August 2, 1990 to demand Iraq's retrieval form Kuwait and end its invasion. Later, the Security Council took the resolution number 661 on August 6 on account of the fact that Iraq did not comply with its resolution number 660 as per the Section VII of the United Nations Charter and commenced economic and financial sanctions against Iraq (Security Council Resolution 661, 1990). Economic and financial sanctions initiated with the resolution number 661 were developed progressively within the scope of the peaceful obligating measures and the resolution number 665 taken shortly on August 25 started the sea embargo that would prevent Iraq's oil shipment on sea (Security Council Resolution 665, 1990). Despite this, Iraq continued to export oil with ships bearing the Iraqi flag. Consecutively, the Security Council gave all the states with sea force in the region the authority to stop sea traffic and audit all ships' load and their port of entry with the resolution number 665 on August 25. Following this authorization, the Security Council also brought in sanctions with the resolution number 670 on September 25, 1990 to prevent air transport to Iraq and Kuwait except for aircrafts carrying humanitarian aid, being only food (Security Council Resolution 670, 1990).

[17] In addition to Western countries other countries contributing to the sea embargo and defending Saudi Arabia are Argentine, Bangladesh, Belgium, Denmark, Germany, Greece, Japan, Morocco, Nigeria, Norway, Pakistan and Senegal. In addition, the other twelve countries provided medical aid.

Therefore, it can be observed that both the coercion and persuasion methods were used in the Iraqi crisis. Further, it was also observed that other sanctions accompanied the measure of military deployment to deter an aggressive state. Still, what is more important is to question the efficacy of the coercive methods put into action in parallel to the deterring military measures - including embargo, economic and financial sanctions - in preventing a war from braking out. The fact that UN took another resolution to initiate economic and financial sanctions only after four days from the its call for Iraq to retrieve form Kuwait immediately with the UN resolution number 660 manifests clearly that the UN was putting into action its understanding of coercive measures without any delay. With this fact in mind, it can be clearly understood from the fact that the US immediately deployed soldiers to the region and provided rapid reinforcement to its military force in the region, the general aim was to work in a coordinated way to set Iraq back via both coercive measures and disincentives. Yet, not any solid act of coordination was observed in integrating such military and coercive methods through diplomacy and negotiations. To immediately take action with regard to measures - military and sanctions including embargo etc. - to deter Iraq from continuing its invasion in Iraq, a wide scope of striking international cooperation was ensured. Yet, it may well be asserted that the initiatives taken by the institutions that are the representatives of international community as well as the world leaders did not yield good results in terms of curbing the crisis. On the contrary of the political block formed around the strict discourses adopted under the auspices of the US, the efforts of particularly European and Arab leaders to conduct different and comprehensive solutions including multilateral negotiations were not efficient and such efforts even met reaction.

There was a matter that spread concern with regard to the efficiency of the sanctions that were expected to solidify peaceful settlement of the crisis: Not enough time was given for the implementation of the sanctions such as economic, financial sanctions as well as sea and air blockades, to ensure pushing Iraq to take a step back starting from the resolution number 661. As a number of American scholars and old politicians expressed in the Senate, it was essential to wait for a reasonable time so as to create effect on Iraq and push it to retrieve due to the comprehensive economic measures. In other words, since the option to wait for enough time to make Iraq experience problems due to the measures and retrieve from Kuwait was not implemented properly and to the full extent, it may well be argued that the peaceful, but coercive measures were not used sufficiently to block the crisis from turning into a war. As these coercive, but peaceful measures failed and Saddam Hussein rejected all peace offers presented and insisted on the invasion, the use of "military force" against Iraq as an ultimate measure was justified and legitimatized. Consecutively, the international coalition rescued Kuwait from invasion through the military operation started on January 17, 1991 and the Iraqi army had to retrieve.[18]

Composed of the military units from 33 countries under the leadership of the US, the international coalition force managed to derive positive results in a short while thanks to its advanced technology and extensive military capacity. Since the coalition ensured taking out Iraq from Kuwait, it can be claimed that use of military force as an option does yield successful results in reassuring peace and security. Violating the international law by attacking and invading a sovereign country and

[18]Countries participating in the Coalition Forces within the scope of the Iraqi Operation (Operation Desert Storm) are: Argentina, Australia, Bahrain, Bangladesh, Belgium, Canada, Denmark, Egypt, France, Greece, Italy, Kuwait, Morocco, Netherlands, New Zealand, Niger, Norway, Oman, Pakistan, Poland, Portugal, Qatar, South Korea, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Syria, the United Arab Emirates, the United Kingdom and the US. In addition to these countries, Germany and Japan provided military support and financial contribution to the operation.

inflicting human rights violations, Iraq was only stopped by a military intervention since diplomatic and peaceful coercive measures did not work. Through military intervention, though, the status quo before the crisis was achieved once again. It is clear in this context that the UN Charter granting authority to the Security Council to intervene in the first crisis following the end of the Cold War delivers hints with regard to the new international system. Thus, it can be argued that the emergence as well as the course of the Iraqi crisis, in a way, facilitated a confrontation with the international system itself despite experiencing serious amounts of conflicts, discrepancies and inadequacies in the international community and the negative effect of the US'S dominance in a uni-polar structure of international relations. It is undoubted that the intervention in the crisis has set an example for the future conflicts with regard to questioning and comprehending the concepts of humanitarian intervention, international law, protection of human rights, adopting a multilateral approach towards the international issues and querying the sovereignty rights of the states.

2.1.5 Military Operation by the Coalition Forces in Iraq

Against the Iraqi invasion of Kuwait on August 2, 1990, the United Nations Security Council showed immediate reaction and took the Resolution No. 660 by referring to the Articles 39 and 40 of the UN Charter, demanding immediate and unconditional withdrawal of Iraq from Kuwait. Consecutively, the Security Council referred to the Section VII of the UN Charter on the grounds that Iraq did not abide by the Resolution No. 660. With the Resolution No. 661 issued on August 6, the UN started economic and financial sanctions against Iraq in the beginning. The later

resolutions expanded the scope of the embargoes and economic sanctions. Despite all these measures, Iraq did not withdraw. Within the scope of protecting international peace and security, the Security Council issued the Resolution No. 678 on November 29, 1990 - five months later - to authorize the UN member countries taking any sort of measures to end the aggression of Iraq (Security Council Resolution 678, 1990). This resolution meant that use of force against Iraq was going to be allowed for the UN member countries, if Saddam did not terminate the invasion until January 15, 1991 and failed to fulfill the other obligations.

However, Iraq did not withdraw from Kuwait until the deadline, January 15. Thus, the Coalition forces started a military operation against Iraq under the leadership of the US on January 17. Against the possibility that a ground war could lead to massive human loss, the Coalition forces that wanted Iraq to surrender conducted a heavy bombardment for 42 days to defuse the Iraqi air defense capacity, air forces and other significant military facilities. The priority was given to annihilate the military facilities and strategic targets on the Iraqi lands. The aim in this was to purify the Iraqi capacity to cause threat anew. On the other hand, bombardment of the roads, power plants, railways, bridges, water gates and communication centers caused the demolition of the Iraqi infrastructure (Rouleau, 1995). In other words, it can be argued that the heavy bombing against Iraqi targets aimed at punishing Iraq as a whole, going far beyond the purpose of taking the occupation campaign back and forcing Iraq to surrender.

The civil and military leaders in Baghdad had to undertake all responsibilities for the savages and atrocities in Kuwait. However, the Iraqi people were not counseled for Kuwait's occupation, but they had to pay the bill for their

government's madness.[19] The heavy bombardment continuing during the war in Iraq did not create even a slight effect on Saddam Hussein's ruling and his position in the region. The bombardments seriously damaged the infrastructure and production facilities of the country, which prevented local people from meeting even their most basic needs for years.

It was rather predictable that the US and the coalition forces could initiate an airborne military operation after January 15, 1991- the time that was granted to Iraq by the US and UN coalition forces to stop the invasion. Although the analysis of the military operations carried out by the coalition forces is not the subject of this study, it can be argued that it is difficult to comprehend the Iraqi act of not reconciling the coalition forces, given the high amount of advanced weapons owned by Iraqi forces. On the other side, it was ensured that Israel reacted against Iraq. Thus, Saddam - who wanted to create an Arab front in the region against the West - attacked Israel, Saudi Arabia, Bahrain and Qatar with scud missile (Khadduri & Ghareeb, 1997, p. 175). If Israel responded, the Arab partners of the coalition formed by the US could dissolve, since they would not want to be a part of a US-Israel partnership. However, the missiles did not have chemical headings, so did not make a significant impact on Israel. The United States put an intense pressure on Israel to prevent it from responding to Iraq.

Since the air bombardment caused great losses to Iraqi troops in Kuwait, the coalition forces launched a ground operation in Kuwait on February 24, 1991. However, after 42 days of heavy air bombardment, the Iraqi army morally collapsed and could not defend itself. Upon that, the ground operation was completed in less

[19]As a result of the heavy air bombardment, 92% of the electric systems in the country and 80% of the oil production premises were lost. Petrochemical facilities, communication systems, over 100 bridges, hundreds of locomotives, roads, autobahns, radio television broadcasting stations, cement factories, aluminum, textile factories, electric cables and medical stuff warehouses were destroyed. The estimated loss calculated by the Arab Monetary Fund was 190 billion dollars in Iraq.

than 100 hours, as the Iraqi forces retreated without responding to the coalition forces. Indeed, on February 27, President Bush announced the rescue of Kuwait and ordered the US and Coalition forces to end their offensive operations in Iraqi lands. As a matter of fact, there was a real expectation that the Iraqi troops would be a serious threat to the coalition forces entering Kuwait and starting the land war on February 24. Sarah E. In the book *Coalitions of Convenience* written by Kreps (Kreps, 2011, s. 40-60), it is asserted that the US military authorities took into consideration the battle experience of the Iraqi army from the Iranian-Iraqi war, as well as the modern weapons of Iraq during the military planning phase and preparations was made accordingly. All these concerns for high level of threat turned out to be in vain (Kreps, 2011, s. 60). Commandeering for the coalition forces, the US General H. Norman Schwarzkopf identified the military operation in Iraq as "easy war" in his briefing on February 27, 1991 (Reuters, 1991).

Thanks to the superior air force of the Coalition forces, Iraq not only withdrew from Kuwait, but also punished. In this sense, it is significant to mention about the incident of Pathway to Death. The 42-day heavy bombardment severely damaged and caused high number of casualties for the Iraqi troops. Therefore, they began to withdraw irregularly from Baghdad to go to Basra. During this withdrawal, many Iraqi troops were taken captive, and many others were destroyed by US aircraft on a road called Death Highway, when retreating back to Iraq as convoys (BBC, 1991). Although the reason for this act of annihilation against the retreating Iraqi military units is considered to be an issue in the context of military conflict rules, it is not addressed in detail here, since this issue is not included in the scope of this dissertation.

Operation Desert Shield aimed to protect Saudi Arabia and other countries in the region against the Iraqi threat, while the Operation Desert Storm operations aimed to rescue Kuwait from the occupation. The number of dead Iraqis as a result of these operations was 82 thousand and the number of Iraqi civilians falling dead was 7 thousand. In the revolts in south, on the other hand, 6 thousand Iraqi people were dead. On the contrary, the human loss of Western powers was only 139 people, 79 of them were from the US.

The Coalition forces could overthrow the Saddam government following their capture of Baghdad since they suppressed the Iraqi armed forces and caused great damage to the country's infrastructure. Due to the fact that Iraq was left under the administration of Saddam Hussein, severe criticisms emerged both in the domestic American public opinion and world public opinion. In the book "*American National Security*" (Jordan, Taylor, & Mazarr, 1999, s. 425), it was asserted that the complete destruction of the Iraqi forces could lead to chaos, collapse of Iraq, unnecessary casualties and an unstable balance of power after the war in the region. For this reason, the coalition forces allowed intentionally a significant part of the Iraqi army to escape back to Iraq. On the other hand, the US military action was not converted into a scope that could go as far as regime change in Iraq, which was in line with the Presidential directive of January 15. The National Security Directive dated January 15, 1991 incorporated the principles of the Operation Desert Storm and restricted the objectives of this operation to the liberation of Kuwait (National Security Directive 54, 1991). Moreover, it can also be purported that the targets in this directive were the same as those in the speech of US President Bush on August 8 delivered immediately after Kuwait's invasion. The United States, the western world, and even the UN Security Council did not formally declare a goal to seize Iraq and overthrow the

Saddam regime after the crisis broke out. As a result, it cannot be denied that the pre-emptive intervention realized by USA in 2003 is a foreseeable result of the Gulf operation in 1991, when Saddam Hussein was overthrown with the invasion of Iraq by the US in 2003. This connotation will be analyzed more extensively in the context of the invasion of Iraq in 2003.

2.1.6 Security Council Resolution No. 678 (Use of Force against Iraq)

Although the Security Council resolution 678 was the last resort of the UN to persuade Saddam to with draw from Kuwait, this resolution also deserves to be validated from various perspectives from politics, to military and to lawful, in order to comprehend the dynamics of the international society in that specific era.

2.1.6.1 Conditions Laying the Ground for the Resolution No. 678

Upon the event that Iraq did not retrieve from Kuwait despite a series of resolutions as of August 2, 1990, the Security Council took the resolution number 678 on November 29 first to give time to Iraq until January 15 to stop the invasion and then, if Iraq did not abide by this ultimatum, to use military force and legitimize a probable military operation to be launched on Iraq (Security Council Resolution 678, 1990). The provision that regulated this purpose in the resolution text was as follows: "*To use all necessary means to uphold and implement resolution 660 (1990) and all subsequent resolutions and to restore international peace and security in the area*". While military force was not directly used in this provision, using of coercive force

was, in fact, allowed by the expression "*to use all necessary means...*" (Greenwood, 1992, p. 166).

Since Iraq did not retrieve form Kuwait until the deadline, the Coalition Forces initiated the Operation Desert Shield on the targeted areas in Kuwait on January 17, 1990. Before taking the decision to initiate this operation, it seems that there was not much insistence by neither the leading US nor the UN on options such as attrition in time and international negotiation for assuring a peaceful solution of the crisis. Even the highly-respected former senior military officials, former defense ministers as well as the prominent diplomat Robert McNamara of the United States argued in the Senate's Foreign Relations Committee meeting that the sanctions should have gone on for at least 12-18 months in order to achieve political goals. Political scientist Brzezinski also noted that a certain period of time should have been granted for the sanctions as follows: "The existing policy is working; the implementation of these policies must go on; the policies will deter Iraq since they create a great cost for the Iraqi economy and the sanctions are the most comprehensive sanctions imposed on a country during peaceful times through solidarity in the international community" (Geyer & Green, 1992, p. 93).

Taking a step further, a respected expert on international relations blamed the Bush Administration for impatience and naivety about how sanctions would work. The expert believed that the sanctions would take time, but the impatience of the White House abolishing the efficacy of long-running sanctions (Geyer & Green, 1992, p. 93). Admiral William Crowe, the former Chief of Staff of the United States, drew attention to human loss - which was not uttered until that time - when he expressed his belief in confidence in the sanctions that they would be absolutely effective. He said that "*prevention of antagonism and losses should not only be*

considered as desirable results at the higher level, but should also be considered within the scope of national interests" (Geyer & Green, 1992, p. 92).

On the contrary to these assertions defending idea of giving time to see the results of the sanctions, former US Secretary of State for Foreign Affairs and National Security adviser, Henry Kissinger called the Senate to support the war and dismiss Iraq's military complex (Geyer & Green, 1992, p. 92). Henry Kissinger's suggestion was clearly putting forward a target that was fit to the American foreign policy: To deem Iraq - which corrupted the balance of the Middle East and became a source of threat against the other countries - ineffective in a way that it could no more be hostile against any country. As it is evident from the above facts, the US President Bush had been close to any sort of diplomacy, negotiation and peaceful resolution policy - at least not hesitate to create such a perception - and his intentions were overlapping with Kissinger's suggestion to try to resolve the crisis with a superior military strike. With regard to this evaluation, it can fairly be argued that the seniors of the US Administration had a strict power policy, despite the Wilsonian rhetoric and moral norms advocated in the past within the context of glorious American principles. Conceptually, it can be argued that this adoption of strict power policy through solid discourses is not a policy on rational balance of power, but it aims at providing a hegemonic superiority. It is not possible to confirm this attitude by the US in a conceptual framework, though, since it will not be based on consistent phenomena. Still, this policy adopted by US will be elaborated more in detail below. Despite the challenge in setting the policies of the US on evidential ground, it can be argued that the general approaches of the United States at that time were to evoke the understanding of sovereignty in ancient times, since the US aimed to be the sole

sovereign power, instead of defending the classical balance of power ideology (Kissinger, 2014, pp. 1-20).

Writing the final chapter of his work called *1994 Diplomacy* under the title "Re-evaluation of the New World Order," Kissinger analyzed the role of the US in the new era, as the winning party of the Cold War. There is no doubt that the international actors now are not weak, passive and addicted to the US, now that the World War II is over. Claiming that the victory of the US in the Cold War propelled it resemble in many respects to the European state system of XVIII and XIX centuries, Kissinger (Kissinger, Diplomacy, 1994, p. 766) utters the following words with regard this analysis: "*The absence of a basic ideological or strategic threat has freed nations to follow foreign policies increasingly based on their national interests. In an international system of five or six great powers and a large number of small states, the order has to emerge with the balancing and reconciliation of national interests in competition, as it did in the past centuries."* Although a great many effective scholars of internal policy in the US suggested that Iraq should be subject to embargo and other sanctions for a certain period of time in order to make Saddam surrender, the Bush administration's follow-up to a military policy with aggression backed by US idealism and moral values gives hint with regard to the new world order. In this context, the idea of "stability" during the Cold War was a distinctive concept that cannot be defined by a classical theory of balance of power. Indeed, both parties tried to maintain and develop their own ideological superiority and geographical hegemony through mutual coercion, geopolitical games and armed force struggle in peripheral regions during the course of the Cold War. Having sought to achieve the global balance of power partly by regional alliances, the two superpowers had indirectly enabled the emergence of uncontrolled forces anywhere through political, economic

and financial support to conflicting parties as well as providing armaments, and of course, by backing dictators, who did not account for the public. Saddam Hussein and other dictators were products of the Cold War. Further, the regional spikes had to be shattered by the reconciliation of the great powers, if a new order was to be created after the end of the Cold War. As a theoretician experienced in the US administration, Kissinger obviously was a guide for the US policies in the post-Cold War period thanks to his accumulation of knowledge and experience over the years.

2.1.6.2 Preparatory Phase for the Resolution No. 678

From the beginning of the crisis, the US administration and President Bush gathered support from the Western world to create a political front against Iraq and form an international coalition later on by means of decisive initiatives (Freedman & Karsh, 1993, p. 84). With this international coalition, armed forces were deployed in the Gulf region to ensure deterrence against Iraq. However, the US administration believed that a military operation against Iraq was absolutely essential to save Kuwait from the occupation after this defense / deterrence operation. To ensure a legitimate military operation accepted by the international community with a high level of participation, the US leaded the process of issuing a comprehensive UN resolution to acquire authorization for use of military force. The resolution is considerably significant in terms of the balance of power for the international system as well as the manifestation of the positions of the international actor within the system. Thus and so, the diplomatic efforts undertaken during the initiation of this resolution as well as the legal infrastructure will be scrutinized below.

In the preparatory phase of the resolution, the US started to undertake wide-ranging diplomatic initiatives to enable other international actors to support an

operation against Iraq. President Bush met with Gorbachev at the Helsinki meeting in September when the embargo was initiated against Iraq. Bush ensured a consensus to cooperate so as to oppress Iraq for withdrawing forcibly through economic measures to be taken in the upcoming period. Despite this consensus, the Soviets did not provide any other support to the measures beyond the economic sanctions (Freedman & Karsh, 1993, p. 126). The most important point of view with regard to the international balance of power at the time, the Soviet approach was as follows: The Soviet Union provided support to the Security Council and the diplomatic process in the formation of the coalition forces under the new post-Cold War order, while refusing to provide military support to the coalition forces. On the other hand, the Soviet Union stopped arms sales to Iraq and abode by the other UN embargoes, since it was a part of the alliance against Iraq. In fact, President Bush did not encounter great difficulty in persuading Gorbachev to cooperate with Western democracies on August 1990, because Gorbachev needed American support to solve the social and economic problems his country was experiencing (Freedman & Karsh, 1993, p. 263). On the other hand, Gorbachev made it easier for Iraq to take the decision to invade Kuwait, since he did not have any negotiations with the West before the invasion, despite the fact that Iraq had an alliance agreement with the Soviet Union.

It was very common during the Cold War for the Soviet Union to veto UN resolutions taken against the countries that were encompassed in its own political block or other countries the Soviets supported against the West by selling weapons. On the Iraqi side, although it was clear that the West was waging an operation that was to serve its interests regarding the oil reserves in the Gulf, the emergence of the Soviets with a different role in harmony with the International System can be seen as an important sign that marks the end of the Cold War and the beginning of a new era.

Even if the Soviets were experiencing financial difficulties and internal instabilities, it was quite possible that they would not hesitate to use their political power to impose vetoes. Despite confirming the Security Council's sanctions against Iraq, Gorbachev provided military support neither for the Operation Desert Shield nor the following Operation Desert Storm.

It was obvious from President Bush's every speech that he always aimed to bring Iraq in line via an aggressive operation ever since the beginning of the invasion. As a matter of fact, the US President Bush sent his Foreign Secretary James Baker to a meeting of Security Council members in November to discuss his intention before officially bringing it out as "the resolution to enable use of force" to the agenda (Khadduri & Ghareeb, 1997, p. 126). Despite the fact that United Kingdom and France stood by the US within the scope of the Western bloc, the decision of China and the Soviet Union was absolutely very important. During the meetings, the Foreign Minister Baker expressed President Bush's intention to use military force after the economic sanctions and asked for support of the states. Arriving in Moscow on November 7, 1990, Baker learned from Shevardnadze that the Soviets were still confiding in the currently implemented embargoes, but that it would take time to see results. In addition, Gorbachev asserted that the Soviet Union would not oppose to a military campaign, while also believing that economic sanctions, as well as other different non-military sanctions could yield positive results for the withdrawal of Iraq from Kuwait (Khadduri & Ghareeb, 1997, p. 126). Nonetheless, China was another powerful state the US was meticulous about due to its veto power. The Chinese Foreign Minister, though, purported with regard to the intention of the US administration to use force against Iraq that it would provide full support for the implementation of UN resolutions. Therefore, it turned out that China would not

object to an offer of inflicting an attack on Iraq from the United States, even if Chinese administration did not find it that appropriate to use force against Iraq. Despite the resolution number 678 was issued on November 26, allowing all necessary measures to end the occupation of Kuwait Iraq, indeed, Baker had managed to arrive at an international consensus with the great powers over the text of the resolution to be submitted to the Security Council by the United States on the first days of November.

China abstained from the voting of resolution number 678 to authorize the use of force for the removal of Iraq from Kuwait, while the other Security Council members voted for the acceptance of the resolution. Among the 10 temporary members of the Security Council at that time, only Yemen and Cuba voted against the resolution. The Security Council also obtained support from countries other than the Security Council members, such as Turkey and major Arab countries in the US region, which had close diplomatic relations with the US. Even if the shutting down of the Kirkuk - Ceyhan oil pipeline, from which Iraq had been exporting oil, would create tremendous financial losses to Turkey, it did shut down the pipeline right after the Security Council passed the Resolution 661 on 6 August to show its support to the embargoes imposed by the United Nations. Arab countries opposing to this military operation were Jordan, Algeria, Tunisia, Libya, Sudan and Mauritania. While the Bush administration provided serious financial support to the allying Arab countries, it was, though, punishing them for by cutting off the loans it provided for years. On the other hand, from the very first day of the occupation, President Bush made intensive contacts with Saudi Arabia's King Fahd, Jordanian King Hussein and Egyptian President Mubarak, who were the important leaders of the Arab world. This attitude by the Bush Administration was absolutely to attain political and military

support from the Arab countries and thereby, prevent an emergence of imperialist perceptions and negative reactions in the Arab territories in the Gulf region due to the military existence of the Europeans. In this context, President Bush paid particular attention to persuading Arab leaders as well as Western leaders to join the coalition forces. Emphasizing that it was essential to ensure the participation of Arab countries in the coalition forces, President Bush uttered that the building of coalition Kuwait should not be interpreted as a Western imperial intervention in Arab affairs but, on the contrary, as a collective coalition. He emphasized that the goal of the coalition was to assist the Arab Family against the aggressive actions of one of its own members that threatened peace and security in the region (Khadduri & Ghareeb, 1997, p. 131). By this means, a meaningful level of Arab participation was observed in the anti-Iraq coalition, as well. It may well be asserted that support from the Arab world serves not only to prevent Saddam's aggression, but also to enforce the countries in the region - that are dependent on US backing - to reinforce the US in its policies due to a concern that it would not be possible for other countries to separate themselves from the balance of power created in a uni-polar system dominated by the US hegemony. In this line, the US was observed to undertake a series of initiatives to assure support for its decision to conduct military intervention in Iraq, although it was ill-disposed to solve the Iraqi crisis through peaceful negotiations.

2.1.6.3 Legal Contradictions of the Resolution No. 678

The resolution number 678 issued by the Security Council enabled military intervention in Iraq, but, as established before, the content of the resolution did not include any statement with regard to use of force. It is clear that what is meant by the

expression "all the necessary means" was to include the use of force by referring to the previous resolutions. The absolute focal point of the crisis became this resolution number 678 to authorize use of the mailed fist by the Security Council against Iraq. The aim of the US by this resolution was to deliver an international message in a decisive and rigid way without waiting to see the results of the economic sanctions imposed on Iraq. In that, the draft text of the resolution was proposed by the US term Foreign Secretary, James Baker, who was presiding the Council, following the completing of diplomatic contacts. Subsequently, the United States, the United Kingdom, the Soviet Union and Canada presented the draft resolution to the other members of the Council on November 29, 1990. Except for Yemen and the Ivory Coast (Cote d'Ivore), this historical meeting was represented by the foreign ministers of countries, even featuring the representatives of Iraq and Kuwait. The permanent members of the Security Council - the United States, Britain, France and Russia - said yes to the draft resolution, while among temporary members, Yemen objected to this draft since Yemen desired an Arab solution for the crisis and Cuba rejected it since advocated for finding a peaceful way to pull Iraq's forces from Kuwait (Khadduri & Ghareeb, 1997, p. 151).

The development that is to take into consideration here is that China abstained from the draft text and this affected the quality of the resolution. The Chinese representative asserted that they did not aspire to use the right to veto to make the resolution ineffective, but they did not want to vote in favor of the resolution, either. Acceptance of the resolution number 678 is a matter of debate in terms of its technique and legal aspects. The reason for this is that the following UN Charter provision was provided for the regulation with regard to voting for the Security Council's resolution in the paragraph 3 of the article 27: *"Decisions of the*

Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting".

On the other hand the perspective that Council's affirmative decision can be taken despite an abstention is explained in the context of the "veto concept". Accordingly, the concept of the "veto" to explain that the meaning of the "abstention" is not negative in the voting process has been used by the Security Council. However there is not any such concept of vetoing defined in the Article 27 to define the meaning of abstention (Khadduri & Ghareeb, 1997, pp. 152-153). Eventually, it is a coercive legal application to argue that the abstention vote - which is defined in the Charter - has an affirmative quality with regard to concept of vetoing. Therefore, it can be asserted that unless an amendment of the Charter is made to allow the use of a "veto", the abstention of one or more members means that the concurring votes of all the five permanent members are still necessary for a resolution to be binding (Khadduri & Ghareeb, 1997, p. 153). The sole resolution that can be compared to the resolution number 678 of the Security Council regarding the decision to intervene was the resolution of Korea. Obtaining the authority to counter-balance the attack on the Republic of Korea during the course of the Korean crisis, the Security Council Resolution 83, dated July 27, 1950, was concluded by the positive or affirmative votes of the rest of the members, since the Soviet representative did not participate in the voting (Security Council Resolution 83, 1950). Since the UN Charter does not provide an internal regulation on any solution for troubling situations with regard to the council voting, the states not participating in the voting were assumed not to have any effect on the decision-making mechanism of the system and they were not believed to

negate the affirmative quality of the decision. This assumption was formulated in two ways: Firstly, not using the right to veto explicitly does not form any obstacle (or negation) to take the decision. Secondly, abstention vote does not negate the provision in the Article 27 (3) of the Charter. Thereby, the Korean decision at the Security Council meeting, in which the Soviets did not participate, was regarded as a solution that did not challenge the legitimacy of the positive decision in legal terms. Yet, the Iraqi crisis was different with regard to that. Abstention of a permanent member did not back the understanding that any decision to be taken in accordance with the Article 27(3) requires "affirmative vote of all the permanent members" and therefore lays ground for questioning any violation of the provision. The attitudes of the permanent members, their discourses, and participation in the voting process, comments, objections or reservations are important criteria in both legal and political terms, since the decisions of the permanent members of the Security Council have global implications. A similar, but graver process of decision-making was experienced when the US invaded Iraq in the year 2003. This time, all other members expressed that they were not agreeing with the decision from the very beginning of the process and this resulted in not any resolution to be issued by the Security Council. Still, the US waged a military operation by itself. As the Security Council resolutions certainly have global impacts, their preparation as well as approval processes are significant references in comprehending the altering understandings in periodic international crises. The UN Security Council is the sole decision-maker with regard to legitimizing use of force and it must be taken into consideration that non-attrition of this absolute power of the Security Council for the development of the international law and community.

2.1.7 Security Council Resolution No. 688 (Operation Provide Comfort)

Following the liberalization of Kuwait by the coalition forces, the US and UK initiated the Operation Provide Comfort to provide support to the Kurdish population in the south and the Shi'ite population in the south. However, this was a contradictive operation in terms legitimacy. This military operation became a turning point for determining if it became the source of legitimacy for authorization of the UN or other organizations of humanitarian interventions in the future. Therefore, the conditions and legal dimensions for taking this decision are elaborated in the study from various perspectives.

2.1.7.1 Conditions before the Resolution No. 688

Following the end of the operation by the coalition forces against Iraq on February 27, 1991, a temporary ceasefire was declared with the resolution number 686 of the Security Council (Security Council Resolution 686, 1991). The conditions for the ceasefire were laid with the resolution number 687 (Security Council Resolution 687, 1991). In line with the previous resolutions, the projected targets were obtained through the Resolution No. 687. Consequently, the intentions of the states cooperating with Kuwait to withdraw from the Kuwaiti lands were explicitly underlined. Following these resolutions, the Secretary General of the UN made an official notification to Iraq on April 11 to declare the official ceasefire and terminate the right to use force against Iraq that was granted to the coalition countries with the

resolution no. 678. During these stages, there was not any notification by UN with regard to violating Iraq's sovereignty due to the ceasefire. On the contrary, the preambles of the resolutions were frequently referring to the rights of sovereignty. It is rather obvious that the Security Council did not give even a slightest impression with regard to violation of Iraq's sovereignty in its resolutions that aimed to shape both the regional and the international settings after the crisis. The Security Council issued the Resolution no. 688 to provide humanitarian aid to the civilians affected by the internal conflict in Iraq (Security Council Resolution 688, 1991). The reason for analyzing this resolution in this study is that the resolution was used as a legal basis for the military actions of some countries in the Iraqi lands, although the resolution content was aimed at humanitarian measures. As a matter of fact, the resolution brought along numerous issues for debate in legal terms after the war, as examined below.

Although the Resolution No. 688 envisioned provision of humanitarian aid under the guidance of the BM China as one of the permanent members and India as a temporary member abstained from this resolution. The resolution underlined the fact that there had been intense human rights violation in Iraq and this development was further regarded as a trans-boundary issue that threatened the international peace and security (Malanczuk, 2010, p. 400). Furthermore, the text of the resolution did not address the section VII of the UN Charter that defines the conditions for authorizing use of force. More importantly, as in the Resolution No. 678, this resolution did not incorporate any expression enabling military operation with regard to "taking any necessary measures" to stop Iraqi aggression on Kuwait, in case Iraq would not cease the invasion. Evaluating the issue with the Kurdish population as Iraq's internal matter, China abstain from voting and pointed out the paragraph 7 of the article 2 of

the Section "Aims and Principles" of the UN Charter that prevented the Security Council from getting involved in internal matters of states.

The fact that humanitarian crises emerged in the region due to the Shi'ite revolts in the south of Iraq after the war ended and extensive violence by Saddam's forces against the Kurdish revolts in the north of the country later became the source and justification of the UN Resolution No. 688 for humanitarian aid and assistance to Iraq. In his study, Marc Weller refers to President Bush's announcement on February 15, 1991, when the war was still ongoing: "*To stop the bloodshed, it is an option for the Iraqi people must tackle the matter and compel Saddam Hussein to withdraw and comply with the UN resolutions.*" It is frequently argued that such discourses by the US and other countries encouraged the Kurdish and Shi'ite in the Iraqi territory to topple down Saddam by revolts (Weller, 2010, p. 68). Triggered by such discourses, the revolts were suppressed by severe reactions from the Iraqi army, according to Weller.

Generally marked by Ba'ath regime's corporate symbols and social reactions against the rulers, the Shi'ite revolt expanded by the participation of the soldiers returning from the front and prevailed in Basra as well as Karbala and Necef - the sacred cities. Yet, the Iraqi army quelled the continuance of the Shi'ite riots in the south in March and masses of insurgents were executed. The Kurdish settled in the south of Iraq believed that the crisis was an opportunity to get the autonomy they desired. Thereby, the Kurdish forces seized the control of the cities and towns in the south. When the Iraqi army oriented toward the north after suppressing the riot in the south, however, the Kurdish insurgency was over the fleeing Kurdish fighters took refuge at mountains, while the civilian Kurdish escaped to Turkey and Iran. This massive migration was welcomed by humanitarian aid in Turkey. Indeed, what caused

the Kurdish population to migrate to the north by spreading fear was the massacre inflicted by Saddam in the Halabja region in 1988, using toxic chemical gases.

2.1.7.2 Implementation of the Resolution No. 688

The massive refugee migration to Turkey and Iran due to the oppression and violence over the Kurdish civilians in the north of Iraq required an intervention by the Security Council because of its both internal and regional effects. As a matter of fact, the Security Council condemned Iraq with the Resolution No. 688 issued on April 5 and demanded it to stop violence. In addition, the Council requested international aid for the Kurdish population and took certain measures to assure the aids, as well. The draft resolution no. 688 was written by France and Belgium; the US and United Kingdom provided support to the resolution and ultimately, the resolution was approved by the Security Council. Shortly after the approval of the resolution no. 688, the US announced that it started its air delivery of supplied to Iraq (Kurdish region). Supporting the US initiatives, the United Kingdom started a similar aid with air delivery and the Prime Minister John Major took the first step by being the first leader by proposing to establish a "safe haven" in the UN controlled region of northern Iraq to protect the Kurdish refugees. Iraq immediately protested against this air support operations, to which France also joined, and denounced that these operations were violations against the sovereignty of Iraq and against the international legal principles. Iraq identified these acts as shameful violations and direct intervention to its internal matters (Weller, 2010, p. 72). However, the US and United Kingdom claimed that the initiatives were in line with the resolution no. 688. Analyzing this matter in-depth, Marc WELLER (Weller, 2010, p. 73) argues that no matter how this attempt by the

British in the northern Iraq was claimed to be in line with the resolution no. 688, this action was not "authorized" by that resolution. Although the Security Council Resolution No. 688 did not grant authorization with regard to use of force, it was used as a legitimate ground for taking additional military measures to protect the Kurdish population in the north and the Shi'ite populations in the south by the Western countries. The Security Council stated in this resolution that the crisis in the region threatened international peace and security, drawing attention to the situation of the Kurdish and the oppression over the Iraqi civil population. The council condemned the developments; demanded the Iraqi state to immediately stop the oppression and ensure an open dialogue to protect the human and political rights of the Iraqi civilians. In addition, the Security Council demanded from Iraq to give permission and support to the international humanitarian aid organizations in reaching the region (Security Council Resolution 688, 1991). Further, the resolution included demand from the Secretary General to conduct additional humanitarian measures for the Kurdish population oppressed by the Iraqi authorities and request of support from the member countries and humanitarian organizations in efforts of delivering humanitarian aid. It is pretty obvious that there was not any demand from or authorization given to the member countries to provide military support for the Kurdish in the content of the resolution. Nonetheless, some of the Western Coalition countries (United Kingdom, France, Netherlands, Spain, Italy and Austria) deployed a military unit of 13,000 soldiers under the leadership of the US in northern Iraq in April 1991 to start and Operation Provide Comfort to ensure a "safe zone" for the Kurdish. Against these developments, the Iraqi government confined itself to accuse some of the coalition countries for deploying soldiers and conducting military actions in the northern Iraq for the reason that such acts were not based on its consent, but the Iraqi government

did not show any de facto reaction. On the other hand, the Secretary General personally stated that it was necessary to obtain permission from Iraq as a sovereign country to deploy foreign soldiers in its territory with an aim to establish safe zones, which was in line with Iraq's statement (Malanczuk, 2010, p. 401).

The Operation Provide Comfort continued until the early July and the allied forces left the northern Iraq after they achieved their targets. The Kurdish population returned to their own soils, but they were still concerned for their security, since they were afraid a reaction by Saddam that could be similar to the one in Halabja. For this reason, flights in the north from the 36th parallel of Iraq were prohibited to ensure protection of the Kurdish population. Within this scope, a group of Western countries, being primarily the US, deployed their air forces in Turkey (İncirlik and Pirinçlik) and thereby, started the **Operation Provide Comfort-2** in the north of the 36th parallel in Iraq. Known as Poised Hammer in Turkey, this task force of American-British-French-Turkish participation continued this operation until the year 1996 by preventing the air force activities of Iraq. A similar prohibition was also inflicted on the south from the 32nd parallel on August 26, 1992 to protect the Shi'ite population in the south of Iraq. In conclusion, the coalition air patrols provided protection for the Kurdish and Shi'ite in determined zones in Iraq's territory without obtaining the permission and consent of Iraq as a sovereign country.

2.1.7.3 Initiatives Contrary to the Resolution No. 688

Indeed, the resolution no. 688 paved the way for debates in legal terms, since it was utilized as a source of legitimacy for the military measures by the coalition forces, although the resolution was aimed to serve as an ultimatum to assure

humanitarian support and protect the civilians against violence by the Iraqi government. On the other side, countries that took part in the operation Provide Comfort - US, UK and France - in the US front exhibited a collective and united understanding with a predominantly moral as well as legal justification with regard to the operation. As a matter of fact, the then-British Foreign Secretary Douglas Hurd purported in of his speeches after the war to express his country's view of moral imperative justifying the operation as follows: "*Even if the Resolution No. 688 did not particularly authorize the Operation Provide Comfort, this operation was well justified in the context of humanitarian intervention in the customary law doctrine*". Still, Douglas Hurd also stated that he recognized that the international law was longing for an extraordinary humanitarian act. The attitude adopted by France before the Resolution No. 688 was taken was even more advanced and assertive: The French Foreign Minister Roland Dumas asserted in a press meeting that "*the intervention in the situation was not a right, but an obligation*" (Malone, 2006, p. 91). For that matter, the sum of these actors that were seen as major international powers solidified the belief in the doctrine of humanitarian intervention to rescue the civilians subject to violence by their own government forces, no matter how the compatibility of the military intervention with the UN Charter was debated during that period. Indeed, this belief marked the beginning of the intervention by the NATO to Kosovo in 1999 by bypassing the UN after prolonged international discussions and negotiations. Trivializing the fact that the UN is the sole legitimate source for international intervention, such an understanding can be argued to pave the way for the US and UK to invade Iraq in 2003 without a UN resolution, this time not for "humanitarian intervention", but for "preventive intervention". Due to the fact that the concept of humanitarian aid is vulnerable against violation and abuse, a number of concerned

countries leaded the international community to stick with the doctrine of staying distant from meddling in the internal matters of sovereign states for a long time. Yet, a great many legal and moral reconciliations developing around the concept of humanitarian aid strengthened the idea that human rights protection is of high priority for interventions. So to say, it can be observed that this process of conceptual and operational evolution revealed more evidently in the following crises.

It is rather clear that military operation by the coalition countries in Iraq as a sovereign country without the permission/consent of that country or a direct resolution by the UN Security Council was a precise violation of Iraq's sovereignty. Undoubtedly, even if such type of a military operation was conducted under the UN authorization, the consent of the country should have been sought, since the operation was to be carried out on the lands of a sovereign state. At the same time, this operation violated the international legal norms or, at least, pushed the norms to a great extent as a unilateral action. Having said that, the third world countries regarded this operation as a violation of sovereignty during the negotiations in the UN General Assembly. UN's special representative in the region, Eric Suy qualified the operation as a unilateral and unauthorized action, but he said that the operation was not condemned due to the reason that the Security Council members did not use their right to veto and the general world view backed the operation in Iraq. Still, Eric Suy did not abstain from uttering that the operation was illegal in terms of international law and at the same time, it was not a case fit with customary laws, either (Malanczuk, 2010, p. 402).Iraq, on the other hand, continued the negotiations with the UN regarding the coordination of humanitarian aids within the scope of the Resolution No. 688. Within the scope of these negotiations, only 500 lightly armed UN soldiers (UN Guards Contingent) were agreed to be deployed in the region to

support humanitarian aid coordination as per the Memorandum of Understanding regulated between Iraq and UN in November 1991.

Evaluating the issue of establishing safe zones as well as no-flight zones in Iraqi territory in terms of domestic and international law, Baskın Oran (Oran B. , 1995, p. 258) purports three different coercive explanations uttered by the Western countries with regard to the compatibility of the military operations with the international law. Oran primarily states that the argument that relevant military operation is a continuation of the invasion is meaningless, because the peace agreements signed on March 3, 1991 refutes that argument. Secondly, Oran assesses the argument that the international morality will allow violation of sovereignty for humanitarian purposes as a very broad scope and he reveals that the cases of intervention in sovereignties with humanitarian purposes until that day are vague and interpretation of international legal norms; indeed, prevent the aforementioned argument to be justified. Even a slight reference to humanitarian intervention, on the other hand, can create a dangerous example for any states, and therefore, he argues that there was a general abstention from referring to humanitarian intervention as such. As a consequence, the international law did not yield a precise attitude in the period of Iraqi war with regard to coming up with a definition whether the oppression over the minorities was to be included within the scope of the article 39 or not. Ultimately, although the Resolution No. 688 mentioned only humanitarian aid, Baskın Oran defined the fact that the Coalition states selected the Security Council Resolution No. 688 as the basis for military operation as "legal desperation". Oran (Oran B. , 1995, p. 269) argued that a group of states opted for use of force on the basis of their aspirations, since, as he put forward, "*They could not find any reference in the international law. Even if the Security Council shut its eyes to it, the operation*

was against the law." Along with this, the Security Council was regarded to support the operation by not raising its voice against use of force in violation of the international law. Thus, the de facto situation adopted by the great powers created a sort of "intervention law" in the globalizing world after the end of the Cold War.

David M. MALONE (Malone, 2006, p. 102) underlines in his book, "*The International Struggle over Iraq"* that initiatives applied in Iraq such as safe zones and no-flight zones are the first examples of "coercive protection" implemented by the UN frequently throughout 1990s. Besides, some other commentators argue that the approach toward the Kurdish in Iraq was the start of the transformation of the UN toward the concept of "protectorate" and also the first example of temporary administrations established by the UN in later years following humanitarian interventions in the crises of East Timor and Kosovo.

In addition to the fact that the Resolution No. 688 was used a legitimate basis for the violation of the international law, establishment of "safe zones" and "no-flight zones" in Iraqi territory and protection of these zones by force of arms; it was also taken as a reference by the US and United Kingdom in January 1992 to strike air operations. Although the allied intervention was unilateral and unauthorized, the below contrary views were also produced departing from the de facto situation with regard to the validity of the military intervention: "**(1)** The law in force was taken as a reference and the operation was acceptable due to very special circumstances. **(2)** Since it did not protest, Iraq consented to this rescue operation. **(3)** This operation was a continuation of the authorized Operation Desert Storm". Nonetheless, such justifications were rather coercive and it was nearly impossible to support these assumptions in terms of international law, as clarified above.

On the other hand, Marc Weller states that the world stood against Iraq and there was not any strong demand to defend Iraq or support its legal position due to the fierce oppression and actions Iraqi government inflicted on its own people. In addition, he (Weller, 2010, p. 100) argues that the measures taken were based on an unofficial consensus in the Council, although the Resolution No. 688 did not give any authorization for a coercive measure defined in the Chapter VII. of the UN Charter. Weller further argues that the decisiveness exhibited by the Council with regard to the unacceptability of the oppression inflicted by the Iraqi government on the civilians is a new development in practical terms. Even if it was not clearly emphasized in the Council resolution, the Council's authority with regard to the measures in the Chapter VII in similar crises was obvious and it was becoming an ever strengthening trend. After the Iraqi war, another intervention was made in Kosovo without seeking the Security Council's authority directly. No matter how this act was accepted in the international arena, the same kind of acceptance was not acquired during the course of the invasion of Iraq in 2003. Thus, in cases where humanitarian intervention is accepted in the international consciousness and justified in moral terms, international legal norms are also used to back the interventions, but are essential to note that this issue is contradictive.

2.1.8 The Role of the UN and Security Council in 1990-91 Iraqi Crisis

Looking from a conceptual perspective to the Cold War, it can be observed that the international structure of the period bears an obsessive anarchical character. Countries could only trust themselves for their security and they believed they could only survive through a solid military alliance. In addition, it is the most striking

feature of this period that none of the states did believe that the principles written in the UN Charter could not ensure their security. For this reason, it is pretty evident that the rigid realist understanding of the period only pushed the states to power struggles in order to protect their own welfare. Within the same scope, the idea that even the neighboring countries could be enemies was dominant, instead of an understanding of sharing global welfare gaining, canonizing common humanity ideal, reciprocal dependence and economic competition. It is fair to argue that this was the "natural" state of the period with regard to the relations between states (Hobbes, 2012, pp. 99-103). This definition was definitely not used in a very rigid way pointing out to a term of continuous conflicts or as Hobbes argues, to a state of "*bellum omnium contra omnes*" or a time when "*everyone is fighting against everyone*" (Gönlübol, 2000, p. 9). However, more rational explanations can be provided to compare and contrast the changes before and after the Cold War. Within this regard; the authority, reputability and efficiency of the UN in ensuring international peace and security - which are definitive criteria - can be compared on the basis of certain periods of time in order to obtain data that will help understand the relevant semantic changes in the power struggles of the individual states as well as the international anarchic structure.

Since the invasion of Kuwait took place at a very sensitive time that coincided with the end of the Cold War, when a discourse of a new world order emerged and a great expectation pertaining to the superiority of UN principles and democracy spread in waves, the reactions against this crisis can be understood neither through the parameters of Cold War, nor today's international political criteria. Since there was not any international consensus with regard to the order of the international relations in this transitional period, the international public opinion could only trust in the UN principles targeting global consensus achieved after World War II. In this context, the

UN Security Council endeavored to answer to the developments that disturbed the international public opinion in legal and moral terms during the invasion of Kuwait through implementing the principles written in the Charter. Thanks to a unique level of consensus and coordination process among the permanent and temporary members of the Council, the Resolution No. 660 was issued by the consent of the five permanent members immediately on the same day Kuwait was invaded, which is an unprecedented incident in the history of the Council (Khadduri & Ghareeb, 1997, p. 159). As it is stated before, the most important determinant factor for creating such a setting for consensus is the collapse of communism and termination of the balance of terror in the world.

Due to the prevailing conditions of the Cold War, central authority of the UN Security Council to protect the world peace was an infeasible ideal under the ideological conflicts of the two camps and fear of nuclear terror. No matter how it was just a dream that the UN could be a central authority to annihilate the perception of international anarchy, it can be argued that the expectations for fulfillment of the ideals that had been preached could increase after the end of the Cold War. For that matter, when there emerged signals of the collapse of the Soviet Union, the Security Council regained its force in shaping the new world order. The Council faced, on the other hand, with the Kuwait crisis as the first thing immediately after the end of the Cold War. Even though it can be said that the UN has not yet reached the ideal level with regard to its applications in this crisis, the UN clearly put efforts to show systematic applications to punish the attacker country and prevent war by interpreting the universal principles in the Charter in terms of international law and morals. It is known that the relevant articles of the Charter were used in a way that went beyond the passive measures to stop the attacker during the Iraq-Kuwait crisis and turned into

more fierce measures gradually by the collective decisions of the countries in the Council to deter the crisis from advancing. On the other side, it is also quite obvious that the countries rushed in taking the decision to attack Iraq without waiting for the results of certain sanctions such as embargoes. Instead of ensuring independent consensus of the Security Council members, the US put oppression and hegemonic dominance over the members. It can be argued that the US proclaimed its hegemony at a time when there was a dramatic change in the international system with regard to the internal balance of the UN and this is because the US exhibited a superiority that could not be balanced by any other force in the system. As it will be examined under the following titles of the study, the crises toward the years 2000s were shaped by attrition or conflict between the regional power centers in the West and the US. Ultimately, the US was pushed to comply with international system through UN or other platforms. Thereby, an evolution in the international system towards multilateral decision-making and cooperation processes was attained. Looking from this perspective to the past, however, it can also be argued that the new international system after the end of the Cold War tends toward accepting a sort of pax-American superior power (hegemonic).

By pointing out to the Security Council Resolution No. 688 as a justification, the UN representative Eric Guy stated that the military operation in a sovereign state was affirmed in the international public opinion. Taking his discourse into consideration, this was a “moral” respond to the expectation from the public opinion to browbeat the aggressive country with an international intervention and to prevent repeating of aggressions of the conflicting countries of the Cold War. In other words, there was a longing for international justice due to not being able to solve the years-long crisis between the two blocks through negotiations and the ostensible peaceful

initiatives, which were in reality pursuits of superiority. This state contributed moral support to a great extent to use of force as a method in intervening in a humanitarian crisis. In this context, it can be claimed that the UN endeavored to produce convenient solutions by legal resolutions (except for not waiting to see the results of the sanctions) in line with the moral expectations and longing for justice of the international community through consensus among its members.

Certainly, the increasing communication opportunities and the international media contributed greatly to this amount of support from the international community. It can also be argued that the public opinion support was opting for punishing the dictatorial aggressive state, instead of solving this issue through peaceful methods of the international mechanisms. The international community did not want to give any concessions to any aggressive state in the new period and this can be marked as the beginning of a transformation, where human values are much more in the forefront. As a matter of fact, there are several evidences that the global moral approval acquired in this crisis pioneered and opened the way for assisting people oppressed and tortured in their own countries in the future crises. Thanks to the understanding of immunity of sovereignty ensured by the international law, certain developments took place with regard to the issue of intervening in internal matters and such developments facilitated “humanitarian interventions” in a number of national crises that broke out later. International law was carried into a new dimension in this regard and the development of the concept of humanitarian intervention an even international criminal courts ensured settlement of justice mechanisms - such as ICC - by the UN’s support to punish the rulers imposing torture and oppression to their own citizens. These have been the major paradigm shifts in the overall international structure.

2.1.9 Consequential Evaluations with regard to the Invasion of Kuwait by Iraq

2.1.9.1 Authority in the International System

The Iraqi crisis broke out under international political and balance conditions peculiar to 1990s, when the blocking of fierce competitive powers was demolished with the end of the Cold War. This period continued to bear the characteristics of the Cold War on the one hand, and on the other hand, it was specifically marked by the emergence of American hegemony. For this reason, the Iraqi crisis did not benefit from the slippery ground of the dynamics of alliance-balance belonging to the assumption of polarization during the Cold War. On the contrary, it was observed that the majority of the world countries tagged along after the American discourses, forming a uni-polar camp. This camp was welcomed by an understanding that was solidified by the decisiveness to implement the UN Charter in international field.

The invasion of Kuwait revealed one of the most important threats against the oil reserves of the West. In addition, this incident paved the way for the emergence of fundamental indicators such as concentration of a geographical power and domination of an aggressive state over strategic locations. It is particularly essential to underline that the Iraqi leader combined his ambitious objectives with the Arab-Israeli conflict and endeavored, therefore, to attract the countries in the region in the conflict. While this attempt was expected to increment the level of regional conflicts, those expectations did not come true. Yet, the Iraqi invasion of Kuwait overflew from the region and gained a global qualification. Therefore, the scales of the intervening front as well as the coalition were equally broad, gaining tremendous support. In this context, both the involvement of the US as a hegemonic power and

the measures taken by the UN against the crisis went beyond the regional conflict in terms of scope and dimension. As clarified above, the UN could not bring along a peaceful solution through diplomatic negotiations due to Saddam Hussein's ambitions. Therefore, the UN adopted an attitude that enabled an international coalition to intervene in the Iraqi crisis in a way that ensured its authority to reveal its authority in the shape of a collective defense. Underlining collective security mechanism for the first time since the Korean War, the UN allowed the international society to use of force legitimately against an aggressive state. Nearly none of the UN resolutions were vetoed by the Security Council members. For this reason, the despondence that was experienced during the Cold War due to the fact that propositions were continuously vetoed by one of the blocks for their interests was not relevant for the resolution of the Iraqi crisis. The UN, therefore, could implement the UN Charter provisions step by step. Yet, it can be argued that all the measures against Iraq were shaped under the US pressure and hegemonic power (Gözen, 2014, p. 313).[20]

Furthermore, alternative resolution offers or negotiation initiatives by the other international actors were incessantly suppressed by the US. During the course of the crisis, the states experienced a state of ambivalence and they were in pursuit of security in the peculiar period following the Cold War. Thus, the way for stability was not yet envisioned in the international setting. It is not that contradictive to argue that the international relations were shaped under the US hegemony, since the majority of

[20] According to Robert Cox, the financial means on which a hegemonic world order is based are: (a) Technological and organizational capabilities with both destructive and potentially destructive means; (b) accumulated inventories of natural resources that can be converted into destructive means through technology; (c) equipment stocks such as industrial facilities and military equipment as well as the necessary welfare level to manage these stocks. Although the distinctive feature of a hegemonic world order is agreement; all political, military, economic and psychological elements that rely on coercive opportunities created by the material possibilities are all present and important in a hegemonic relationship. The potential of coercion takes place in the context of material force relations and the strong country can impose its will on the weak countries when it necessary.

the states were dragged by the US policies to a great extent. When the UN principles are put in the forefront, on the other hand, it is evident that there was sufficient justification for rescuing of Kuwait - the sovereignty and territorial integrity of which was under threat - on the basis of international law and ethics. Thereby, the resolution by the UN to intervene in the crisis was regarded as the expression of pursuing global authority within the scope of the inter-state consensus with regard to the boundaries as well as the rights and authorities granted to the states by the international law and order. From this perspective, the time period of invasion of Iraq and the following international intervention can be defined as a time of anarchy, in which the international authority was yet shaped under the shadow of a hegemonic power.

The factor that mostly eroded the concepts of international authority and international law during the Iraqi crisis was the persistent violation of Iraq's sovereignty after the war. As elaborated during this study, it is not possible to justify this act of violation - that was primarily condemned by the UN Secretary General - within the scope of the international law and humanitarian intervention codes. It is understood from the discourses by the French and British state officials that the Iraqi issue was deemed as a political matter and violation of Iraq's sovereignty was internalized as an obligation. Thus and so, although the intervention by the Coalition forces in Iraq was based on the resolutions reflecting the UN authority, specifically the later Operation Provide Comfort conducted to violate the sovereignty of the country without the consent from Iraq indicates that the international law was still periodically shaped under the US-UK hegemony.

2.1.9.1.1 Subsequent Ramifications:

(1) The process of conflict starting with the invasion of Kuwait by Iraq and continuing with the intervention of the Coalition forces until Saddam was defeated can be defined as follows in terms of referring to the UN legitimacy: The period of crisis was marked as a structure that incorporated commitment to the concepts of central authority (UN) and international law, but the way of commitment was largely shaped under the US hegemony.

(2) As per the violation of sovereignty of Iraq by a post war military operation in Iraqi territory without a special resolution from the UN, the following argument is conclusive: Since this attempt was an open violation of the UN principles as well as international law, it allowed the UN authority to erode significantly. Furthermore, it marked a tendency among major powers that the concept of central authority would be shaped in favor of the hegemonic power post cold war.

2.1.9.2 International Actors

The main actors emerging in the new global stability established after the Cold War via the blocking process as well as the nuclear fears were, of course, the states that were in pursuit of power due to security concerns in the international arena. No matter how the process of demolition of the Soviet Union was a promising moment in terms of democracy and global peace, the following period brought substantial amount of uncertainty for the international actors. As a matter of fact, it is observed that the states could not balance their pursuits of interest and power - as they did during the Cold War - during that period of uncertainty with the Iraqi crisis, when the international balances were put to a serious test. Therefore, it can be argued that the states, experiencing a serious level of uncertainty after the Cold War, determined

their positions in the new order under the influence of hegemonic power. And consequently they had to adopt the approach of "**band-wagoning**" and tagged the US, in line with assumptions purported by Kenneth Waltz (Waltz, 1979, pp. 123-128). However as asserted by Waltz, states cannot establish balance by band wagoning, but only can strengthen the world hegemony. Therefore, it was clear that majority of the states, not being able to meet their needs for security in this transitional period, tailed after the strongest state, US, in order to maximize their security. Once again it must be stressed that although this attitude provided all states with a relative advantage, indeed, these states served in strengthening the US hegemony. As a result, the US, as such, directed the process of resolving the Iraqi crisis and the other states internalized the US determination as the optimum option for their interests. This was rather predictable in terms of structural realism.

On the other hand, since this period of crisis was managed by the comprehensive understanding and impulse of security by the states, it was not possible for the international institutions to come up with collective-institutional orientations. Further, non-state actors lost their capacity of mobility due to the large pressure in the international field. The initiatives of other actors in the international field (such as France and President Mitterand) to opt for different pursuits or alliances were generally suppressed by the US oppression. The most important reason for the uncontrolled hegemonic dominance in this period is that the international organizations and major states could not form a different power center to counter-balance the hegemonic assumptions during the course of the crisis. It is because of the heavy pressure that the regional and other institutions could not be efficient in conflict resolution before the legitimization of the intervention by the UN resolutions. It was all because of not being able to control the hegemonic powers that the military

operation was opted for targets out of the scope of UN principles that created excessive human loss and damages. Even though post war intervention was claimed to be conducted for humanitarian and moral principles, the years-long military prohibitions in Iraqi territory meant violation of sovereignty of the country. Yet, relentless interventions on Iraq's soil were undertaken frequently by a few coalition states, those acts were not counter-balanced by any political power. Consecutively, it can be argued that primarily the super power US, was the most effective state in the international field during the Kuwait's crisis, while other states had to follow the great power, since they were bound by it.

In his comparative study (*False Promise of International Institutions*) on the international organizations in the context of international theories, John J. Mearsheimer stated that the realists and institutionalists are on completely different routes specifically with regard to the possible effects of the institutions on international stability. He purported the interpretations of the realist theoreticians regarding the institutions as follows: "*Realists maintain that institutions are basically a reflection of the distribution of power in the world. They are based on agendas of self-interest for the great powers and they have no independent effect on state behaviors. Realists, therefore, believe that institutions are not significant in forming peace*." On the other hand, institutionalists rejected to such realist views as follows: "*Institutions can alter state preferences, and therefore change state behavior. Institutions can discourage states from prioritizing self-interests through each and every move that affect their relative power positions. Institutions are independent variables and they have the capability to move states away from war*" (Mearsheimer, 1994). It can be argued from a conceptual perspective that neither of two propositions is absolutely right or wrong. The basic criterion is the international circumstances, in

which all dynamics function relatively to the prevailing understanding. In other words, institutions do not substitute the states or should be regarded as the highest authority. Their missions are agreed to serve to maintain a Grotian frame to establish an international law order. However, despite the fact that the credibility and the power of the international institutions are undeniable, they may be under the influence of the current period.

In this context, phenomena justifying realist assumptions can be found in consideration with the basic conditions of the Iraqi crisis. Due to the fact that the Iraqi crisis in 1990-91 was experienced under the US dominance and the interests of the major states were prioritized, the realist approach was justified and the then weak institutions could not be effective on either states or on the decisions. The facts prove that the institutionalist approach was not effective as it was claimed. Yet, many arguments could be purported, the primary cause for the institutions to fail is their structural weaknesses. Consequently, they could not put forward options that may have allowed developing an attitude towards peace rather than self-interest and keeping the states away from warring.

2.1.9.2.1 Subsequent Ramifications:

(1) Since Kuwait crisis was experienced in a critical transitional period after the end of the Cold War, states continued to be the main actors of the international system and were predominantly in pursuit of security and stability in lieu of setting of cooperation and solidarity with the international institutions. In this period, when a typical anarchic perception was at the highest level, the international institutions naturally could not use their influence over the system. Thus, the states remained

under the pressure of the international anarchic structure and took their places in the front that was created against the aggressor state (Iraq) that violated the sovereignty and territorial integrity of another country (Kuwait) by supporting the UN principles and Security Council resolutions.

(2) As it can be seen from all the stages of the Iraqi crisis in 1990-91, primarily the Arab League and the European Community as well as other regional institutions remained under the US shadow and even follow its route. As a matter of fact that the countries could not internalize strengthening of the corporate structures they were involved in with the worry of decreasing sovereignties is seen as one of the important factors weakening the institutions in world politics. Thanks to the lessons learned from the Kuwait crisis, the changing tendency of the corporate structures towards increasing efficiency in the international field allowed a more rational comprehension of the deficiencies during this peculiar period.

2.1.9.3 Force (Coercion and/or Persuasion)

Despite certain negative effects on the international law and UN principles, the international measures taken for obstructing an absolute aggressor - Iraq - in the international system can be evaluated within the frame of its results regarding peace and stability. Taking a collective decision for security for the first time since the Korean War, the UN firstly implemented passive coercive measures stated in Section VII of the charter before a comprehensive military intervention that would ensure precise termination of the Iraqi invasion in Kuwait. As elaborated above, these measures were aimed at bringing restrictions over economic and financial areas to

prevent Iraq from meeting their basic needs and ultimately to ensure that Iraq complied with the international legal rules. On the other hand, the UN Charter also gives the authority to the Security Council to implement peaceful and coercive measures in a concerted way to ensure international peace and stability. In this context, the most disturbing issue in terms of UN's capability is whether the gradual coercive measures were taken in time and properly in consideration with the human loss and damages that could result from putting into action the last resort, which was use of force, in making Iraq take a step back.

Primarily, not granting sufficient time for the embargo on Iraqi government to be efficient can not be regarded as a wrong *modus operandi*. The reason for this is that a lot many experts and experienced statesmen recommended waiting for a sufficient time period for validating the relevant passive measures. From this perspective, it can be argued that the UN did not have the decisiveness and freedom to implement the methods of peaceful coercion in the process of struggling against the Iraqi crisis. Moreover, simple military measures were not taken to physically coerce Iraq in gradual terms. Instead, it was preferred to defuse Iraqi forces by using a great military force. Coercive military measures are definitely important steps in making the aggressor withdraw gradually and, as clarified in relevant section, such methods were tested during the Libya crisis and yielded successful results. Nonetheless, the Iraqi aggression was regarded as a threat to peace and security by the international community in early 1990s and was counter-balanced by a large scale reaction through a destructive military operation annihilating the fundamental infrastructure of Iraq. It is extremely necessary to question whether such a large-scale military operation was really needed for making Iraq withdraw. While it was possible to ensure Iraqi withdrawal from Kuwait by means of gradual military measures, the international

coalition chose a route for punishing the aggressor state, rather than bringing it to reason. This can only be interpreted as an indicator of the pursuit of power and dominance in regard with the spirit of the period.

The other deficiency of intervention in the Iraqi crisis through coercion and persuasion was the lack negotiations and diplomatic initiatives. It is evidently expressed above that international actors such as the Arab League, the Arab states and even the European Community did not undertake any decisive initiatives to resolve the crisis by means of negotiations and diplomatic efforts. Establishing contacts with Saddam Hussein, the Arab leaders were forced only to condemn the crisis and even to participate in the international coalition, rather that executing arbitration between the conflicting parties. The Arab states, which did not participate in the coalition, on the other hand, were deprived of the US assistance and aids. There is no doubt that there was the opportunity to obtain results on Iraq through holding comprehensive peace negotiations covering primarily the Israel-Palestine issue in the middle East together with coercive economic and partial military measures.

Moreover the UN, the biggest international organization, rather, preferred solely to deal with the Iraqi crisis through the Security Council's negotiations. Thus, the Iraqi crisis was pretty limited in diplomatic terms, while more serious steps were not taken by the UN. Still, as explained above, the UN Secretary General and even the Soviet Union leaders undertook initiatives to persuade the Iraqi government for peace, although their efforts did not produce prolific results. Thus, the negotiations did not produce any good results due to adopting the methods of accusing and threatening and failing to call for reconciliation instead of calling for peace during the official visits. Threatening Iraq was generally emphasized during the official visits (by the US pressure) and Saddam was forced to retrieve by means of an oppressive method, all of

which eliminated the characteristics of negotiation for such initiatives. Consequently, negotiations that were far away from being diplomatic did not create any impact on an unpredictable leader like Saddam, who was not affected by human loss and suffering of his people. On the other side, it was essentially necessary to target opportunities that could support the leaders in their objectives for stopping an aggressor state. Instead, however, the states deprived the Iraqi people economically and indirectly overthrow the government. The assumption that sanctions would trigger the Iraqi people in forcing the change of the government turned out to be invalid for the autocratic countries in the Middle East, where intelligence and despotism were quite strong.

2.1.9.3.1 Subsequent Ramifications:

(1) Instead of enforcing Iraq to comply with the international law and the UN Charter by means of progressive economic military measures during the Iraqi crisis, the UN, under the pressure of the Coalition Front, preferred to implement power and heavy sanctions against Iraq from the first moment- which should have been the last resort -. In this frame, hegemonic power enforcement prevailed in the international system due to the consent of the international community to resolve the conflict only by means of military operation.

(2) Not seeking institutional negotiations for resolving the conflict and undermining persuasive diplomatic methodologies resulted in adoption of use of force as a coercive measure as the only means in solving international conflicts. Taking into consideration that this option was the result of the dominant anarchic perception in the

international system, it can be argued that the use of force was a periodic tendency and later was subject to change.

2.1.9.4 Hegemony or Multilateralism

The most comprehensive definition with regard to the qualification of the Iraqi crisis is that it was an example of an intervention in the international system that was based on "multi-participants, but not a multilateral intervention". Incrementing its hegemonic power during the period, the US adopted an aggressive discourse since the beginning of the crisis. This attitude was not to resolve the crisis, but to arrange an international coalition for oppressing and punishing the assaulter. The US approach in the Iraqi crisis was the first signal of the US state behavior in later 9/11 with regard to the international system, as will be elaborated later. It was excessively normal that the states, which were rescued from the grave threat of the Cold War - gathered against the ambitious and autocratic leader, who aspired to dominate the rich oil reserves in the region. Therefore, the free democratic world gathered for a common objective to protect the international law for the first time since the Korean War outside the ideological camp and exhibited common action that was not present during the crisis of Hungary and Czechoslovakia. As stated for several times above, such a formation in the international system was an approach that a high number of states had to participate individually. However, the coalition was not a "multilateral" or a polyphonic formation that was based on agreement. Coalescing under a unilateral leadership to form a block, the states were rewarded, whereas the ones which did not partake in the coalition were punished. Since there was oppression with this method, a high number of international actors participated and formed a front, although a

"multilateral" understanding was not achieved. As a matter of fact, the countries, leaders and propositions that aspired to bring a different political solution to the crisis were oppressed and undermined. Moreover, such actors were counter-balanced with a heavy sanction that outcast them in the new order for not participating in the military coalition. However, this broad participation to the first operation dissolved in the second one - the Operation Provide Comfort. Participated by only three countries, the Operation Provide Comfort demonstrated that the states did not want to be parties of an intervention that was not precisely legitimate in the international field and was not authorized by the UN. Therefore, the limited participation in the second operation may well be argued to be a strong evidence to the fact that the coalition's common rhetoric at the initial stage was, indeed, quite weak.

From this perspective, the participation of the major countries in the anti-Iraq coalition to provide support to the US by holding a candle to the devil does not necessarily mean that "multilateralism" was ensured on the basis of common values in the international system. In addition institutions like the European Community and the Arab League could not establish unity in their foreign and security policies (the EU obviated this weakness later), therefore such institutions could not be efficient in the stages of developing, debating or implementing a common policy during the process of intervening in the crisis. As a result, these institutions were obliged to accept a unilateral solution under the US hegemony. The fact that the UN Security Council granted legitimacy for use of force to rescue Kuwait from the invasion of Iraq ensured retaining of the international actors within the coalition front.

Ultimately, the Iraqi crisis with broad implications in both regional and global terms can be argued to be a process that was controlled and resolved by a unilateral understanding. Yet, as it will be elaborated later, the unilateral resolutions

of crises in the international field have not brought reconciliation and political solutions. Further, such unilateral initiatives are not based on the support of the other states in the system, thus they have continued to be a source of problem in the international system of states. Therefore, it can be asserted that the policy of tension and oppression continuing until the year 2003 in Iraq emanated from the lack of a multilateral political solution for the crisis in 1990-91. From this perspective, the Iraqi crisis sets one of the best examples of making the international community accept the unilateral hegemonic discourses and actions of the US within the framework of the hegemony-multilateralism criteria that was effective during the period of crisis. In this respect, although not any country - except for the neighboring countries - was under direct threat due to the Iraqi crisis, a high number of states were willing to punish an aggressor state politically and militarily, which was possible only through a heavy manipulation during that period. In brief, it can be deduced that the international system acted in an integrated way in this transitional period by building a front that was not multilateral, but was based on multiple participation, which was not in line with the international society model, at all.

2.1.9.4.1 Subsequent Ramifications:

(1) The 1991 Iraqi crisis was managed under the US hegemony and oppression by means of its political rhetoric and confrontation in the international arena and was largely legitimized by the Security Council resolutions. Being the other great states in the first place, the international actors aspired to create institutional political resolution advisories; however such initiatives were undermined by the sharp rhetoric and actions of the hegemonic power. As a result, the intervention was carried

into action by a unilateral and unidirectional political international obsession. This solution that was based absolutely on use of force and caused severe damage on the Iraqi people as well as the infrastructure of the country was implemented as the one-and-only solution model, since the members of the international community could not put into action any consensus, solidarity of cooperation methods.

(2) Considering the fact that multilateral approaches based on broad agreement could assure long-term stability after an international conflict, it was explicitly understood during the Iraqi crisis that unilateral, obsessive international interventions for the sole purpose of punishing the aggressor state served only for obtaining military superiority. Indeed, Iraq continued to be a source of concern with its political instability and ethnic conflicts throughout years.

2.2 BOSNIAN CRISIS

2.2.1 Bosnian Crisis and Authority in International Relations

Emerging during the process of demolition of the former Yugoslavia, the Bosnian crisis is the most significant matter the international community encountered in early 1990s, since such a crisis brought along serious conceptual and practical conflicts as well as uncertainties with regard to the intervention. Following the end of the Cold War, the changes in the international system revealed to a full scale during the crisis of Yugoslavia. During the course of the crisis, both the actors and institutions of the system engaged in dense relations and interactions. Therefore, reliable phenomena can be found in this period with regard to the international

transformation after the Cold War. In parallel to the collapse of the Soviet Union in early 1990s, the international diplomacy had to undergo a challenging test to cope up with crises due to the ethnic tensions, revival of old atrocities and emergence of violence in former Yugoslavia in the process of democratization in the Eastern European countries. Until the Dayton Peace Agreement than provided a reassuring and peaceful settlement in 1995, a great many number of diplomatic and military failures were experienced, leading up to bloodshed (Boyadjieva & Grozev, 2004).

Nationalist formations based on different religious identities in former Yugoslavia - that was founded as a federation with the 1974 Constitution - were living both as a single unity of republics and as individual minorities with different religious identities. Nationalist waves spread all over the republics towards the end of 1980s. In 1989, the Serbian leader Slobodan Milošević terminated the autonomy of Kosovo and Voivodina. Following that, he changed the administration of Montenegro to annex the country and ultimately acquired the ruling of Yugoslavia. The position of presidency was subject to rotation of the countries in Yugoslavia and when it was the turn of the Croatian leader to be the president, Serbia prevented this by seizing power, which removed the possibility of living peacefully in a common federation. As a matter of fact, Yugoslavia entered into a process of dissolution and accompanying conflicts with the proclamation of independence by Slovenia and Croatia on June 25, 1991 (Morgenthau, 2002, p. 491). With the Security Council Resolution No. 713 on September 25, 1991, the UN started an arms embargo on all Former Republic of Yugoslavia without making any distinction between the aggressors and the aggrieved in the conflicts (Security Council Resolution 713, 1991).

In September 1991, Macedonia proclaimed its independence and in November 1991, Bosnia-Herzegovina proclaimed its independence from Yugoslavia.

As the first and foremost condition for being states, these emerging republics demanded international recognition. As a matter of fact, the dissolution of Yugoslavia was irreversible with the recognition of Slovenia and Croatia by the European Union on January 15, 1992. In addition, Bulgaria recognized Macedonia and Bosnia-Herzegovina in addition to these states in later period. Turkey, as well, recognized the four republics at the same time on February 6, 1992. Dreaming of a great Serbia in the lands of former Yugoslavia, the Serbian leader Milošević did not object to Slovenia's segregation, however he did attempt to intervene in Croatia, where Serbian minorities were living. The first intervention by the UN in the region was to assign a peace force, UNPROFOR (United Nations Protection Force) to assure humanitarian aid to the civilians affected by the armed conflict between Serbia and Croatia. The civil war in Croatia lasted for six months and later, a ceasefire was agreed on thanks to the efforts of the UN representative Cyrus Vance. Yet, a political consensus was not reached. After Croatia defused the intervention by Serbia, the Bosnian Serbs started their actions of separatism in Bosnia-Herzegovina.

With the support of the federal army, the majority of which was composed of Serbs, the Bosnian Serbs started to invade Bosnian territories, and in a short time, the fights turned into large scale of refugee crisis, violence, genocide and rape, while the Bosnian capital Sarajevo was under siege. The Bosnian Serbs seized 90% of Bosnia in a very short time. The UN deployed UNPROFOR in Bosnia for protection of peace from the armed conflicts, however this task force did not become effective, since its duty was predominantly to deliver humanitarian aid. In early April 1992, the violence that started in Bosnia was managed by paramilitary groups that were particularly backed by the Yugoslavian army. The Serbs increased and enhanced the scope of their aggression with mass killings and bombarded the capital city Sarajevo that was

already under siege to force the Muslims and Croatians out of their homes. The reaction of the international community against this savagery was to implement arms embargo against the Former Republic of Yugoslavia and start certain diplomatic initiatives. Indeed, while it was necessary to stop this aggression that was an act of ethnic cleansing, the international community, rather, regarded this conflict as a matter between countries and therefore, tried to refrain from direct intervention within the context of respect to their sovereignties.

However, this attitude paved the way for the continuation of the humanitarian tragedy to turn into a large-scale disaster. Although an arms embargo was imposed on all republics without any distinction at the very beginning of the conflicts, the Serbs, who could reach the former Yugoslavian army's arms stocks, did not get any damage from this embargo. Rather, the Bosnian Muslims were deprived of any opportunity to defend themselves. Therefore, the embargo leaded the conflict to increase against one of the parties, although it was an impartial embargo encompassing all parties. The Bosnian Serbs extended their attempts to establish their own independent state of Serbia by slaughtering and banishing the Bosnian Muslims from their homes; while the Croatians in the west of Bosnia-Herzegovina separated themselves and initiated actions to unite with Croatia in the west. Trying to cope up with these conflicts, the Bosnian government, on the other hand, was in an effort to defend its sovereignty as a united territory. However, mass killings, rapes, displaced Bosnian Muslim refugees and damaging all the society as well as other extraordinary conditions turned the country in a fire scene. In the meantime, the international community was not demonstrating much interest in taking strong actions for stopping the conflicts and the US was rather pursuing the idea that the conflicts were a European matter and the crisis should have been settled by Europe.

2.2.2 Participation of International Actors in the Bosnian Crisis and the Concept of Intervention

Looking to the crises in the other continents from distance, the European countries had been concerned over the Bosnian crisis in their close vicinity. Further, this crisis engaged the attention of the international community for many years due to the fact that it is a rather complex and multidimensional matter with regard to historical ethnic, political and humanitarian problems. Quoting from the book written by Steven Burg and Paul Shoup (War in Bosnia), Andrea Kathryn Talentino states that "The international community had to encounter challenging problems regarding both principles and policies with the Bosnian crisis. Although the international actors cannot settle the Bosnian crisis easily, they cannot completely stay distant from it, either" (Talentino, 2005, p. 177). What was tragic, indeed, was the timing of the Bosnian crisis: At the time of the Bosnian crisis, the international community had failed in generally all attempts of interventions and even disturbed the international public opinion with its failure in intervening in the Somali crisis.

By that period, *Conflict Resolution* started to conceptually turn into an understanding, where the international system felt itself responsible. The size and complexity of the Bosnian crisis was prevented the international community from taking a decisive step in use of force. There was considerable gap between the values of the international community and the power concerns of the conflicting parties in the Bosnian crisis. On the other side, there was also a severe level of uncertainty for the international community. Above all, even if the Bosnian crisis caused severe concerns in humanitarian terms, it was perceived as a rather different crisis than those

of Somali and Haiti, where there was not any serious conflict with regard to an intervention by the UN due to the concept of immune sovereignty. The Bosnian crisis had a complex structure due to two fundamental factors: The use of force by a sovereign state and violent ethnic conflict by the same state was intertwined, which created a dilemma. For this reason, the sovereignty of the state was diminishing the possibility of resolving the conflict by intervention. In this regard, none of the international actors aspired to directly intervene in the matter at the very beginning, while very few of them brought rational solutions for the matter on the basis of their own interests. Due to such features of the crisis, two major opposing views emerged in the international community with regard to the resolution of the conflict. The first one was the realist view and the second was the normative reaction. Between the years 1992 and 1995, both the states and the international organizations limited their aspiration for intervening in the conflict. Evaluations in this period that was particularly dominated by a realist understanding were set fully on an analysis of nationality and interest. The problem was not strategically significant, but the risks of intervening in this matter were pretty high (Talentino, 2005, p. 179). Realism was dictating inaction: The countries not involved in the crisis did not have any reason to intervene in this matter and further, the possibility for them to encounter troubles was very high, in case they intervened. Nevertheless, the violence and human rights violations brought to the world agenda put pressure on the states as well as the international organizations to focus on the continued armed conflicts and humanitarian crises. It was evident that the conflict trampled down the principles and ideologies that were anticipated to end the Cold War period. Although such principles could not yet form national or international interests, they were based on real and ever-strengthening ideas such as cooperation, solidarity, arbitration and human rights.

It is important to underline, above all, that the way the international actors and organizations tackled with the crises breaking out in former Yugoslavia as well as their level of engagement varied considerably for each crisis. Such variation was evident in the "International Conference on the Former Yugoslavia (ICFY)" managed by the UN envoy Cyrus VANCE and a representative from the European Community, David OWEN immediately after the emergence of the Bosnian crisis on August 26-27, 1992[21] (International Conference on the Former Yugoslavia (ICFY), 1996). While Europe put forward clearly in this conference that it did want to be involved in the crisis, the US adopted the strategy to stay away from the crisis in diplomatic terms. The victorious country of the Cold War, the US was proud for making the USSR kneel down. At the same time, the US also assured the interests of the Western world by subduing Saddam Hussein in the Middle East in summer, 1991 by means of the international political and military coalition it leaded. As a result, the Gulf War consolidated the position of the US in the world system. Although the European states hesitated to get involved in the matter of former Yugoslavia, they did not desire the US to interfere in the conflict, which they believed to be a completely European matter. The term European Community President Jacques Poos was purporting that, "*It is time for Europe, not the US*" (Talentino, 2005, p. 180).

Since the US regarded the crisis as a European matter in the beginning, the US government believed that it should have been settled by Europe. In this context, the Foreign Secretary James Baker expressed the intentions of the US government by saying, "*Now, the Europeans must stand up and show what they can do*" (Talentino,

[21] The International Conference on Former Yugoslavia (ICFY) was held in London on August 26-27, 1992. Led jointly by the United Nations and the European Community, the ICFY provided a framework for the negotiation of peace in former Yugoslavia. The Secretary-General as well as the European Community's President was Permanent Co-Chairmen of the conference.

2005, p. 180). The US was most probably bearing the negative effect and concerns emanating from its mistakes in the Somali crisis. Therefore, it believed that there was not any strategic reason for interfering in the Bosnian crisis[22] (Security Council Resolution 794, 1992). Further, the US did not put forward any intention to intervene in the conflict when Sarajevo was bombarded heavily in May 1992, since the US government recollected the guerrilla war or the war of attrition in Vietnam. Overall, the attitude of great powers in the early period of the crisis was as follows: While the European states wanted to prove themselves in this regional conflict on the one hand, they also did not want to end up being interfered or smeared with this matter. The US, on the other hand, was refraining from direct intervention by making itself believe that the conflict was a European matter. Eventually, the Western actors, who took role in the US coalition during the Iraqi crisis, followed a policy of pushing the international organizations to the front, instead of getting directly involved, although the Western actors had been under a heavy normative pressure due to the crisis in Bosnia. However, these actors did start a well-rounded effort and cooperation to intervene by means of international organizations rather than direct intervention. Nonetheless, such efforts did not yield any successful results. There were two main reasons for this failure: Firstly, the international actors could not adopt a strong political consistency and failed to set robust political targets due to the varying views of the actors. Secondly, the aforementioned actors limited themselves - directly or

[22] The first intervention in the Somali crisis was by UNITAF, which incorporated US soldiers and which was established by the UN Security Council Resolution No. 794 on December 3, 1992. Formed after the first intervention, the UNOSOM I task force was assigned with humanitarian aid in the region, while the UNOSOM II that was formed after May 1993 was assigned with taking coercive measures to settle the political crisis. A unit composed of US Army Rangers in the UNOSOM II conducted an independent operation to seize the rebellious war lord Aideed in October 1993 in Mogadishu. During the course of this operation, three US helicopters were shot and as a result, 18 US soldiers were dead. Later, images revealed showing wafting of the dead US soldiers on the ground by the rebels. Those images created a tremendous trauma for both the US and the international public opinion. Getting severe criticism for this incident, the US withdrew from Somali in March 1994.

indirectly - in finding solutions for the matter, since they could not bear the negative consequences of the conflict that could damage the efficiency of the international organizations and cause political as well as military losses on their countries. What can be seen throughout the Bosnian crisis is that the interaction between the international actors was determining the route for the international community at the beginning of the crisis. Since the conflict was not as clear as Haiti or Somali conflicts, the varying interests and analyses of the international actors were determinant in shaping the result of the conflict, no matter how humanitarian principles were superseding.

In spite of the fact that the European Community declared that the crisis was “their matter” right from the beginning, Germany immediately recognized the independence of Slovenia and Croatia after their proclamation without seeking a common European policy. Thus, it can be argued that such individual and realist attitudes of the states in the international arena rendered the conflict to be even more complex. Therefore, the European Community is observed to fail in creating a common viewpoint for the crisis in the years 1991 and 1992, although it tackled the matter right after it broke out, as the most powerful regional force. On the other side, the most important factor determining the attitudes adopted by the countries was the differing perspectives in assessing the conflict in terms of international law. Indeed, some countries regarded the conflict as an “external” aggression, while others evaluated it as an "internal conflict”. Even the countries leaning towards the idea that certain actions should be taken to stop the humanitarian crisis had all different individual approaches regarding the core of the conflict. While France internalized the idea that use of force by means of the Western European Union (WEU) was necessary; United Kingdom was against use of force and advocated for the idea that

the measures should be taken by NATO and therefore, by the participation of the US. As it can be seen, different evaluations by the actors paved the way for taking different stands. The fact that the actions of the perpetrator using violence could not be detected thoroughly hindered the relevant parties from imposing sanctions. For example, the UN Security Council confined itself only to economic sanctions against Serbia and Montenegro based on the Resolution No. 757 issued on May 30, 1992 with reference to the Chapter VII of the UN Charter, despite the death of many Bosnian Muslims in Sarajevo under bombardment by the Serbs on the first days of April 1992 (Security Council Resolution 757, 1992). The economic sanctions did not constitute a measure against the source of the crisis, but were rather a part of a random and artificial reaction. Further, the European countries did not contemplate to exert their resources to resolve the conflict in actual sense. The apparent truth was that the UN was failing to materialize the option of a peacekeeping operation due to the indecisive members. The lack of diplomatic consensus resulting from diversity of views among the member states obstructed the process of creating a reconciliation plan bringing the conflicting parties together. Of course, this paved the way for the aggressive Serbian side to continue its violence and mass killings.

In addition to the states, the international organizations, too, failed to build consensus inter se. for this reason, the Bosnian crisis complexified to a greater extent and featured more grave humanitarian crises. None of the states intervened directly in the conflict until 1995 and they were all pursuing multilateral solution of the matter. The attempts to settle the conflict multilaterally were absolutely equally ineffective due to the hesitation and indecisive manners of the Western countries that were geographically close to the conflicted area. This uncertainty and hesitation by the states even rendered the UNPROFOR soldiers defenseless in the conflict zones. As a

result, the Bosnian Serbs benefited from this confusion and believed that any solution rejecting their victory could be denied, since they did not encounter a large scale reaction from the international community. Not having intervened in the conflict by use force, the UN and European Union came up with a new political plan in January 1993. Known as the Vance-Owen, this plan proposed structuring Bosnia-Herzegovina as a state ruled by three founders. In addition to granting the right to self-determination to each founder; the plan was suggesting to give three cantons for the Serbs, Croatians and Muslims, each (Talentino, 2005, p. 171). Since the Serbs had already took control of 70% of the country militarily by the time this plan was offered, they did not consent to 43% of the land proposed in the plan. Even though the European states did not aspire to the involvement of the US in the Bosnian crisis initially, they changed their attitude after 1993 and started to criticize the US for not interfering in the crisis. The recommendation by the US to lift the arms embargo against the conflicting parties to give the Bosnian Muslims the opportunity to defend themselves and ultimately obligate the Serbs to negotiate was rejected due to the concerns that such an act would risk the soldiers in UNPROFOR. The conflict became irresolvable with back-and-forth steps between the year 1993 and 1994, since the US did not want to intervene in the conflict that would create high costs, and on the other hand, the European countries did not want the already high costs of the risk for them. France, Russia, United Kingdom, Spain and the US started to take diplomatic initiatives as the Group of Five Nations in 1994. At the same time, the NATO air bombardment started to be more effective against the Serbs. The Contact Group established a plan for a Muslim-Bosnian alliance through sharing the territory as 51% and 49% respectively. This plan was rejected by the Serbian assembly in the city of Pale.

In the forthcoming days, the international actors had to internalize a normative perspective toward the humanitarian values with regard to the crisis. The erosion of moral values, human rights and administration models - concepts valued by the international community - by means of violation and violence carried the ongoing debated on the crisis beyond an analysis of cost-effect (Talentino, 2005, p. 183). The international actors would either defend the principles of democracy, human rights and international law that they hoped to be valid after the Cold War, or accept the norm of "not intervening in the internal matters of the sovereign states" which was not regarded valid anymore. In case the presupposition of absolute and immune sovereignty was accepted, "fighter forces" would continue to neglect the world community and violate the international norms, as argued by many leaders. In later period, thus, the international society started to understand the importance of Bosnian crisis in terms of international relations, since it was way different from those of Haiti and Somali. A new collective understanding emerged as a result of this awakening. It was accepted that any mistake in this matter would damage the global efforts to ensure security. This raised the concern that the world would be dominated by an assumption of rewarding war and demolition. At the same time, the erosion of the reputability of the UN and the Security Council in the world was among the reasons for the international community to take risks. Therefore, the Security Council finally accepted that the Bosnian conflict was a significant turning point in terms of norms and theories of security (Talentino, 2005, p. 184).

Analyzing the intervention in Bosnia under the title of Former Yugoslavia, Sypros Economides and Paul Taylor (Berdal & Economides, 2007, pp. 67-69) defined three types of special challenges during the interventions in Iraq and Yugoslavia: Primarily, there was the problem of clearly defining the territorial

dimension of the crisis. In other words, the mixed populations as well as the uncertainty emanating from counter claims for territory sharing had made it more challenging to clearly define and accept the territorial boundaries. In this context, both the problem of boundaries and the different ethnic groups living in the country made the conflict more complicated for the international community to intervene. This approach is an acceptable rationale for the states that did want to intervene in the conflict, since it was manifesting the legal problems those states were facing. However, the above-mentioned authors also argued that the ethnic minorities took the conflict away from the legal perspective in the context of state status and located the matter to a more socio-political context. Thereby, the authors provided hints as to the contradictions that prevented intervention in the crisis for a long time. Economides and Taylor argued that "*the borders, which were previously regarded as politically insignificant domestic administrative borders turned into international borders after the proclamation of independence by several states and the conflict created a threat against the ethnic minorities within these borders, who were promoting legitimacy and legality of their historical identities*". This argument gives hints with regard to the different perceptions of societies or states that have regional or cultural bonds with Bosnia-Herzegovina. A number of minorities or similar social fractions within European countries, however, were perceived to be in unity with the state and there was not any perception of segregation at all. Thus, it is not seen as a rational approach to claim that the differences in cosmopolitan structure of Bosnia-Herzegovina after it emerged as a state could create a perception that bore the possibility of leading to ethnic tensions.

Furthermore, there was not any clear view as to whether the UN's intervention in the crisis within the scope of the Chapter VII would be "use of force to

derive a certain result (peace enforcement)" or "positioning itself between the fighting parties to encourage them to make peace". For this uncertainty, it can be argued that the respective resolutions by the UN differed in terms of the above purposes. In this context, it can be argued that the UN was dragged into a dilemma whether to intervene with an attempt to "alleviate the troubles of the civilians affected by the armed conflict" or on the purpose of "protecting the principle of immunity of borders". This dilemma was also reflected on the UN resolutions. It was previously stated in the study that the UN resolutions were issued in accordance with the convictions of the Security Council members and contradictory situations were experienced with regard to this issue in the past. For that matter, the real issue in the crisis of Bosnia-Herzegovina was the confusion in determining the actual source of the conflict. In other words, the states that wanted to intervene in the crisis to terminate the humanitarian crisis could not identify the humanitarian crisis under the guise of conflicts among the ethnic groups within the republics that emerged from the dissolving federation. On the other hand, they accepted the fact that the Bosnian Serbs used violence to create ethnically cleansed areas for hegemonic enlargement as tolerance for the right to self-determination (Talentino, 2005, p. 177). Since an analysis of the political tendencies that were the sources of this tolerance fall out of the scope of this study, only the implications of such a tolerance in international law are scrutinized in the present dissertation.

As underlined before, the overall result of this process is that the international community experienced long-continued contradictions as to whether to intervene in Bosnia or not. The third challenge emphasized by Sypros Economides in his study was the confusion experienced at the background of the conflict. The important actors of the international community found it hard to answer fundamental

questions as to who would intervene in at least the humanitarian crisis and via what methods should be used for such an intervention. Still under the effect of the memories from the Iraqi crisis and Somali disaster, the US could not decide what to do for a long time and believed that the Bosnian crisis was a European matter. Indeed, Europe and particularly the European Community envisioned that it should be them, who were to solve the problem, and the crisis was an opportunity for the European Community for ensuring the implementation of a "Common Foreign and Security Policy". One of the great powers during the Cold War, Russia, on the other hand, was not fully active in the crisis. Nonetheless, the Russian government was concerned that certain implications regarding the borders - such as immunity of borders - would set an example for the nations within its borders. As it can be observed, several problematic features in the interactions between all the international actors marked the Bosnian crisis with state interests, level of relevance and responsibility.

Although the concepts of violation of sovereignty and aggression were clearly defined in the international context during the Iraqi crisis, differing dimensions of the Bosnian crisis prolonged the way for peace. Yet, certain problems emanating from manipulation of the crisis were solved, which was a periodic success for the international society with regard to commitment to the international legal norms.

As it was mentioned before, there were two important factors in the assessment of the Bosnian crisis by the international actors and organizations. The first was the right to international reaction against an aggressor, while the second was the concept of sacredness of sovereignty. Since the Bosnian crisis broke out after the states forming the former Yugoslavia proclaimed their independence as republics, the crisis was regarded as an inter-state matter. With this perspective, the Serbs were not deemed as aggressors stirring up revolts in a neighboring country. Thus, the UN as

well as the other actors of the international system focused only on the diplomatic aspect of the matter without taking into consideration the ethnic sensitivity of Bosnia. In fact, what turned this matter into this status was the recognition of the republics, which had been proclaiming their independence as of June 1991, primarily by the European Union as states fulfilling their governmental functions in full scale. In this sense, the European Union neglected that the fighting parties, in fact, bore national qualification and the Bosnian Serbs as well as the Bosnian Croats were in contradiction with the sovereignty of Bosnia-Herzegovina. The fact that the war was not deemed as an internal conflict and accompanying evaluations within this scope became the most important factor in obstructing consensus through negotiations. Reading the properties of the conflict through Serbia and Milošević, the international community focused on blockading armed conflicts by sanctions and political pressure, as the first reaction against the crisis. In this context, the persistence in regarding Bosnia as a settled and independent state and the corresponding idea that the crisis could be terminated through a rational negotiation eliminated the need for intervention by deviating the focus to other directions. In other words, the international actors perceived the possible solutions for the crisis from a different perspective, since they believed the violence experienced was due to the weakness of the state. With a more comprehensive expression, the European countries saw Bosnia as a fully functional and powerful state and deemed it necessary to execute peace negotiations on state level within the UN, although there was a state that had not been fully legitimate on the lands of Bosnia-Herzegovina. In fact, it was defined in a Red Cross report that there was not a strong and legitimate Bosnian state on the lands of Bosnia and instead, there was political vacuum due to the warring Muslims and other parties (Talentino, 2005, p. 185). Despite this uncertainty in the country's territory,

the states that regarded the issue as an inter-state conflict - France, Germany and Russia - backed the idea of resolving the conflict through negotiations for a long time. To put it in another way, it would not be wrong to deduce that the international actors misdiagnosed the real reasons and facts of the humanitarian crisis in Bosnia.

However, the international observers started to understand that there was contradiction with regard to the basic definition of the state, as the conflict expanded day by day. When the Serbian attacks started in summer of the year 1994, the international perspective towards the incidents was that the primary factor in resolving the conflicts would be putting endeavor to conserve the functioning state system in the country. As a matter of fact, it became evident that the source of the crisis was the collapse of the state. As a result of the crumbling of the state mechanism, the international peace and security faced direct threat. Thus, it was necessary to upgrade the Bosnian state and ensure its sovereignty. By this means, it was understood that humanitarian protection could be ensured and a responsible government could be established by only consolidating the Bosnian state. Associating the internal conflicts and humanitarian disasters in a dissolving country with the reactions given by the Western bloc from a perspective of New World Order, Professor Lawrence Freedman provided the following projection in NATO's Review journal in November 1995: "In a sense, Bosnia has made intervention in the problems of the weak states with vulnerable political institutions, fragmented social structures and poor economies a matter of choice. Intervention in such matter is becoming more and more valid in the new world order. Therefore, the Western democratic states now encounter "wars of choice" instead of strategic imperatives against a known enemy" (Freedman L. , 1995). This evaluation can be interpreted as follows: The turbulence created by the balance disorder at the end of the Cold War shook the neighboring

countries to their foundations and paved the way for new conflict zones. Still, the West adhered to a moral impulse that advocated for the idea that the right to intervene in conflicts remained under the initiative of the Western countries. Therefore, automatic intervention by the West to any crisis - particularly humanitarian - creating threat against the international stability should have been expected, since their strategic interests would be at stake.

Expanding Professor Freedman's approach with the case of Bosnia, the following conceptual nexus can be obtained: If an internal conflict worsens the security of the state and the weakness of the state contributes to the conflicts, then weak states and international security become intertwined. As a matter of fact, it can be asserted that the international community, being primarily the Western countries, can only "prefer" to intervene in crises as a result of comprehensive evaluations regarding their moral obligations and interests, since they cannot be strategically obligated to intervene in conflicts in the new world order. In this context, it is a contradictive issue whether the severe reaction with the impact of international community's pressure against the Kosovo crisis in 1999 was a preference or not, although there was not any evident strategic imperative.

2.2.3 Military Intervention in Bosnia

The Bosnian crisis was not settled due to the differentiating views of the Western actors as of the year 1994. The international community, in this line, started to adopt the idea that the conflicts emanating from the internal matter in Bosnia as well as the ever-increasing violations of human rights could only be solved through

subduing the aggressive Serbs. On the other hand, it can be observed that the UN and many other international organizations had been conducting diplomatic initiatives for four years to stop the Serbian aggression, while NATO also pushed the Serbs to peace through efficient use of force. Within this scope, NATO implemented coercive and deterring military interventions as per the UN resolutions. Upon the fact that the UN ad other international organizations could not end the Serbian aggression through negotiations and peaceful methods, the international setting necessitated NATO, as an authorized power, to intervene in the conflicts. By this means, the US stepped in as a central arbiter, as is elaborated below, and prepared the process for the setting of the Dayton Peace Agreement. This had ensured that NATO could use military facilities, as well.

Putting effort to intervene in the Bosnian crisis in diplomatic terms from the very beginning, the European states took action firstly through the European Community (EC). As such initiatives failed, the European countries continued the negotiations through establishing a unit known as the ***Contact Group of Five***.[23] None of these attempts could terminate the turmoil and the humanitarian crisis for a long time of four years. On the contrary, they caused the Serbian aggressiveness to aggrandize. The ultimate military intervention of the US in the conflict paved the way for the coalition of NATO member countries to put forward their target clearly in a political consistency and act decisively for the settlement of the crisis. In this context, an international consensus was reached with regard to the fact that use of military force was essential in order to be able to terminate humanitarian crises developing under the control of aggressive forces implementing massive killings and violence. On the other side, it may well be argued that the proceedings in Bosnia were sort of

[23] **Contact Group of Five**: Starting to be effective as of April 1994, the Contact Group of Five Nations - France, Russia, Germany, and United Kingdom-US - took leading role in diplomatic initiatives.

experiments in implementing humanitarian interventions as a common decision of the international community within the scope of international law in the following crises of Kosovo in 1999 and Libya in 2011. These experiments can be argued to facilitate determination of political as well as military targets in a very short time. In order to derive positive results from such interventions, there was need for international principles and rules as well as an approach for use of force in line with political targets. Further, there was a need for cooperation. If not, it was clear that the international principles would not work without the oppressed state being "powerful". In this context, the fall of Srebrenica in July 1995 and killing of thousands of Muslims revealed the fact that the UN task force (UNPROFOR) was not powerful enough to stop the conflicts in Bosnia. Upon this incident, only two political options were left in front of the international community: Either to withdraw the UN task force or impose peace by using force against the warring parties. The fact that the Croatian forces outmaneuvered the Serbs in the west made the second option more feasible. Beyond that, the US took a firmer step to stop the war in Bosnia after the advancement of the Croats (Daniel, Hayes, & Oudraat, 1999, p. 77).

Due to the arms embargo imposed on Serbia and Montenegro at the beginning of the Bosnian crisis, the NATO and WEU ships conducted the task of supervising on the Adriatic Sea as of the year 1992. As a military force, NATO later intervened in the crisis in the lands of Bosnia-Herzegovina (NATO, 2001, p. 115). Starting with the application of no-flight zone as of 1992, the NATO air operation became effective in inertization of the Serbian forces striking in civil residences in 1994. The Serbs continued to inflict violence, but bombardment of a bazaar in Sarajevo in 1995 to kill 38 people was the last straw. After this incident, the US decided to start an air operation, accepting that use of force was necessary to defend

the international principles. Upon this decision, firstly the NATO stroke with a strong air operation in August 1995. Starting the air operation Deliberate Force, NATO's air forces bombarded the Serbian targets for two weeks and thereby, the aggressive Serbs were managed to be stopped finally. This bombardment certainly became the most effective sanction of the international community to force the Serbs for peace. Following the bombardment by NATO, the international society agreed on an act of starting a peace process and deploying military force in the conflicted area to support and observe that peace process. This consensus can be accepted as a change of policy that altered the destiny of Bosnia. The international decisiveness envisioned for stopping the conflicts and ensuring peace afterwards convinced the Serbs to peace and the negotiations for the Dayton Peace agreement started.

2.2.4 DAYTON Peace Agreement

The negotiations for the Dayton Agreement that pressed the Serbs for making peace and terminated the war were conducted by the support of the US. Milošević participated in the peace negotiations in Dayton Ohio on behalf of the Bosnian Serbs. Lasting for approximately four years and causing a heavy death toll, the Bosnian crisis could only be terminated via the Dayton Agreement. Prepared under the US leadership in Ohio, the Dayton Agreement text incorporated three signatories as the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia. The plan brought by the Dayton Agreement, in fact, resembled to the model previously proposed by the Contact Group of Five Nations. The Dayton Agreement was signed by the three signatory states on December 14, 1995 in Paris, while the European Union, France, United Kingdom, Russian Federation, Federal Germany and the US also signed the agreement as

observers (Dalar, 2008, s. 99). As per the agreement, Bosnia-Herzegovina was divided in compliance with the lines of ethnic groups and was structured on the basis of ethnic autonomy. Two new structures were defined as the "Federation of Bosnia and Herzegovina" and "Republika Srpska/Serbian Republic". As a consequence, the Republic of Bosnia-Herzegovina was terminated with the Dayton Agreement. Instead, new political units were established under the names of Bosnian-Croatian Federation and the Republic of Serbia. With the federation envisioned by the Dayton Agreement, 51% of the territory was given to the Bosnian-Croatian Federation; while 49% was given to the Serbian Republic of Bosnian Serbs (Republika Srpska). Thus and so, a state consisting of a republic and a federation was founded for the first time in the history of world. These two new units were later divided by a 1,400 km-long border and a separating line controlled by IFOR-SFOR.[24]

Authorized with the UN Security Council Resolution No. 1031 on December 15 and formed under the command of NATO as a unit of 60,000 soldiers, the IFOR was assigned to implement the military tasks and protect the peace in the region for a year (Security Council resolution 1088, 1995).[25] The force of IFOR completed its task, when the election in Bosnia in September 1996 was conducted peacefully and turned over its duty to SFOR on December 12, 1996 with the UN Resolution No.

[24] The force of IFOR was composed of the countries member to NATO at that time. Except for the NATO members, many countries participated in the task force under the status of Partnership for Peace (PFP) in cooperation with NATO. These countries are: Albania, Austria, the Czech Republic, Estonia, Finland, Hungary, Latvia, Lithuania, Poland, Romania, Russia, Sweden and Ukraine. In addition, other countries that took part in this cooperation were Egypt, Jordan, Malaysia and Morocco.

[25] **IFOR (Implementation Force):** To put into action the military provisions of the Dayton Peace Agreement, NATO's Peacekeeping Unit was deployed in Bosnia and Croatia in December 1995 with the UN Security Council Resolution No. 1031, instead of the UN Peacekeeping Task Forces. Successful elections in Bosnia in September 1996 terminated the duty term of IFOR in December 1996 and **SFOR (Stabilization Force)** with a reduced armed force was activated to ensure stability and security as of December 20, 1996. SFOR was founded with the UN Security Council Resolution No. 1088 on December 12, 1996 and assigned with putting into action the military provision of the Peace Agreement. SFOR continued its activity until the year 2004. It was discharged in December 2004 after a more comprehensive security was established in Bosnia and Herzegovina. Then, the European Union took over from NATO the duty of overseeing stability in the region.

1088. IFOR executed a vital duty to ensure the setting of security to allow implementation of civil provisions of the Dayton Peace Agreement. At the same time, it supported civil tasks within the framework of its mandate and possibilities. Assigned essentially for protecting peace, the combatant unit IFOR was authorized to obligate any opposing/unsubmissive party to abide by the Dayton Agreement (Daniel, Hayes, & Oudraat, 1999, p. 77). During the course of its task, IFOR cooperated with the UN OHR (Office of High Representative), IPTF, ICRC, UN HCR, OSCE, ICTY and other representatives serving in the region (NATO, 2001, p. 115). Taking over the task from IFOR, SFOR continued to build a peace environment and support civil organizations by preventing re-emergence of atrocities as well as threats against peace. Although the time limit for SFOR was 18 months starting from 1996, this task force continued to serve until the year 2004 and then handed over its duty to the European Union. In addition to NATO members, 18 non-member countries provided support to IFOR and SFOR and exhibited a solid example of international cooperation. Now that the international political decisiveness was finally ensured, it became possible to establish peace in a complex society formed in ethnic lines thanks to the military support provided by the Dayton Agreement. By this means, the Dayton Agreement established permanent peace in Bosnia-Herzegovina. Further and thereby, an international order that could survive with the support of the international organizations was established. While the security in the country was ensured considerably by the SFOR and the International Police Task Force (IPTF), the elections were held under the supervision and control of OSCE (Organization for Security and Cooperation in Europe). Since the infrastructure and the industrial plants in the country were largely damaged, the economy of the country was backed within

the frame of the EU and international donors (Morgenthau, Uluslarası politika: Güç ve barış mücadelesi, cilt II :1980-2001, 2002, p. 498).

2.2.5 Force in the Bosnian Crisis (Coercion and/or Persuasion)

Edited by Professor Donald C. F., the book "*Coercive Inducement*" analyzes international interventions and the efficiency of military functions including "peacekeeping" and "coercing for peace" in deriving the desired results. Analyzing the interventions by military force in this context, Professor Donald C. F. argues that there is a need for an intermediate category between the models of "peacekeeping" and "enforcement". He (1999, pp. 21-39) put forward the contributions of such an intermediate model in acquiring the desired results with interventions. On the basis of this approach, Chantal de Jonge Oudraat also analyzed the effects of the international threats emanating from the Bosnian crisis and the results of using armed force by UN and NATO with regard to the warring factions and the peace-building process afterwards. Oudraat (1999, p. 75) provided the following assumptions: (1) Although IFOR and SFOR were not peacekeeping forces, they were deployed in Bosnia, since the UD decided to enforce peace on the warring factions, not because the parties invited the West to intervene in the conflict. (2) Peace was established by the local parties' consent through coercive diplomacy and forceful persuasion. (3) Therefore, the consent and cooperation between the parties will most probably terminate, when the international force withdraws. These assumptions never came through; on the contrary, the Dayton Agreement stopped the Serbian aggression and created a new political formation. This new political formation was recognized and backed by the international community. The peace in Bosnia-Herzegovina is still on-going today.

However, the Serbs have been observed to repeat their efforts to obtain lands by ethnic cleansing in Kosovo. For this reason, the Dayton Agreement became a peace agreement that could only terminate the land hunger of the Serbs in Bosnia-Herzegovina and could not prevent the Serbs from inflicting violation in Kosovo as well as conflicts and ethnic cleansing in the region later. All these Serbian ambitions could only be terminated after the crisis in Kosovo ended.

The conflicts were based on atrocities against ethnic origins and caused massive genocides. Thus, it analyzed in detail above that use of coercive force as much as the method of persuasion is essential in stopping such large-scale armed conflicts and re-establishing unity. For the continuation of the established peace order, the need for observing power justified itself within time. This justification can be understood from the following fact: the UN, OSCE and NATO observed and oversaw the processes of re-establishing Bosnia-Herzegovina Federation after the Dayton Peace Agreement, facilitating the state system, revitalization of the economy and operationalizing the institutions. The more comprehensive parts of the intervention in the Bosnian crisis were the actions on "rebuilding the state" and supporting formation of civil organizations.

The international organizations did not take any initiative for intervening in the Bosnian crisis initially, since the states abstained from intervention as the major actors of the international system. Nevertheless, the European Community did intervene in this crisis in the European continent, but handed over the process to the UN without finding any resolution due to the internal conflicts. The UN, on the other hand, endeavored to find diplomatic and political solutions, instead of coercive measures due to a lack of consensus among its members for a long time. Thus, the UN could not obstruct the humanitarian crisis from happening, either. In the meantime,

NATO undertook limited military tasks from the very beginning of the crisis in implementing the UN Security Council Resolutions. Yet, NATO made use of punitive and deterrent forces against the aggressive Serbians after the US meddled in the crisis in full-scale, as desired by the United Kingdom from the very beginning of the crisis. These developments paved the way for a peaceful agreement to end the crisis. Although the international organizations were desired to primarily intervene actively in the crisis, countries with prominent relations with the Serbs - including Russia, France, Germany, United Kingdom and Turkey - took important roles in the crisis as individual actors. In addition to states, a number of official, such as the UN envoy Cyrus Vance, and unofficial personal contacts were conducted in order to facilitate settlement of the conflict.

Initiated with an attempt to ensure stability in Bosnia, the international attempts leaded by the UN incorporated an important step: On December 15, 1995, a High Representation Office (SRGS) was established in Bosnia with the UN Security Council Resolution No. 1031 (Security Council Resolution 1031, 1995). The duty of this High Representative was to coordinate the civil initiatives and actions of agencies in the region to build peace in the region as per the Dayton Agreement. In addition, the tasks of the representative included mobilization and guidance as well as managing all UN activities in the region (Bosnia and Herzegovina - UNMIBH - Background: United Nations Mission in Bosnia and Herzegovina). Following this, the UN consolidated its force in Bosnia-Herzegovina to a greater extent on December 21, 1995 by establishing the UNMIBH (UN Mission in Bosnia and Herzegovina) and UN International Police Task Force (IPTF). Continuing its duty until the year 2002, the UNMIBH was discharged from its responsibility on December 31, 2002 with the Resolution No. 1423. This duty of overseeing the peace in the region was taken over

by the European Union Police Mission-EUPM on January 1, 2003 (Security Council Resolution 1423, 2002).

2.2.6 Contribution of the Bosnian Crisis in the Concept of Humanitarian Intervention

The ongoing globalization process has absolutely brought along new economic opportunities and made borders more permeable. Bringing new standard for legitimacy on the agenda, the globalization process is also a rather comprehensive process that has changed the nature of the concept of state. Besides, globalization has also altered the nature of the international community by extending the consensus on liberal ideas and making concepts such as human rights and conflict resolution a central part of the international agenda (Talentino, 2005, p. 276). However, these changes have created effect only on the governments and observes that have experience of being involved in crises. Therefore, governments have had to opt for responsibility standards that attach great importance on protection of individuals instead of state concessions. As a consequence, the practice of intervention has facilitated a change in the perceptions of states, since they adopted use of military force as a part of conflict resolution, especially with regard to "extreme situations" to stop violence and support the rebuilding process. As it is seen in the case of Bosnia, the concept of intervention that had long been regarded as an aggressive and illegal act in inter-state relations did change its form and turned into an act that was not prohibited, but desired as an international strategy in building in-state and international peace.

On the other hand, use of force that is not institutional or that does not have a common target has lost its reputation. For good and all, the following evaluation can

be rendered when all facts from the beginning to the end of an international crisis are taken into consideration: All changes reflect a normative revolution that seems to praise principles on the basis of force and redefine the concept of legitimacy in the context of responsibility (Talentino, 2005, p. 276). In this regard, it can be argued that some of the fundamental expectations in international relations - state behaviors, law and norms - have changed largely due to several crises in the international arena. Yet, these changes have not emerged automatically on the basis of a single incident or resolution. This study elaborated through a chain of historical events on a series of developments that paved the way for these gradual changes as well as evolution in the structure and targets of international interventions. Whether the humanitarian interventions before the Bosnian crisis were successful or not, there is no doubt that they ensured taking vital lessons. For instance, the case of Somali has taught the international society that there must be harmony between humanitarian targets and military force, and if sufficient amount of force is not used in a conflict zone, even peaceful contributions are not possible. Indeed, the international powers, being primarily the US, had to leave Somali, when a disaster broke out. The Bosnian crisis, on the other hand, revealed the fact that a unidimensional intervention cannot work in conflicts with ethnic atrocities. Rather, only military intervention can facilitate rebuilding of the relevant country as well as long-term peace and structuring. Kosovo, on the other hand, made the way for the building of a different assumption on all these experiences: The crisis gave an opportunity to consider all theoretical approaches including sovereignty, legitimacy and security together in the assessment of interventions and allowed for discussion of these elements in the international setting. The developments in humanitarian interventions from limited targets in Somali and Haiti to interventions in internal conflicts have underlined the changing tendencies in

the understanding of international intervention. Now, the approaches of interest-driven interventions by states have lost their value in the conscious of the international community. Instead, interventions that are recognized as legitimate in legal and moral terms and have targets and purposes of eliminating humanitarian issues have gained meaning.

As one of the international organizations coming to the forefront in the process of military intervention to Bosnia, NATO's role became evident in the international system. However, it is significant to underline that although NATO was a Cold War alliance and a symbol of the traditional security interests of the Western block, it intervened militarily in the Bosnian conflicts and conducted efficient functions. Further, NATO committed to ensure security for rebuilding of the country after signing the Dayton Peace Agreement. Therefore, as is seen in the Libyan crisis after Bosnia, NATO acts today as law enforcement branch to the UN for assuring the necessary conditions for an efficient conflict resolution, even if in situational sense. Undertaking the duty of ISAF in Afghanistan and thereby, taking an initiative in a location outside Europe, NATO consolidated the connections between the concepts of intervention, conflict resolution and restructuring and made its deployment limitless (Talentino, 2005, p. 278).

2.2.7 Consequential Evaluations with regard to the Bosnian Crisis

2.2.7.1 Authority in the International System

The effect of the uni-polar hegemonic understanding in the international system evidently started to signal changes after the crisis of Iraq. The Bosnian crisis offered an opportunity for the emergence of a new international understanding, through which institutional solutions started to gain prominence. The Bosnian crisis started with the proclamation of independence by Bosnia-Herzegovina in November 1991 and lasted until the Dayton Agreement was signed on December 15, 1995. Encompassing such a long time, the crisis was a complicated and comprehensive one, in which all significant international actors got involved and nearly all international conflict resolutions were implemented in a way (or endeavored to be implemented). Primarily the UN and other international actors including the OSCE, EC, NATO, Contact Group of Five endeavored to put into action nearly all known negotiation methods and tools including Individual State Initiatives, Personal (special representative) Visits and Shuttle Diplomacy in different dimensions during the Bosnian crisis. A a matter of fact the Bosnian crisis in the aftermath of the Iraqi crisis, actually, marked a certain confidence in the international system, where international organizations, democracy, human rights and law came to prominence and global initiatives were taken in large scale.

On the other hand, the crisis was prolonged and caused the erosion of the UN authority due to the fact that the UN failed to properly define the conflict experienced in the lands of Bosnia-Herzegovina and consecutively could not combine the right methods and tools for collective usage. It can be regarded as a severe weakness that a global institution like UN failed to tackle the crisis in a way that could have terminate the contradiction between the state sovereignty and human rights. However, the real source of this inertia was explained above as the differing evaluations of the states taking role in the decision-making mechanism with regard to the crisis. By means of

ethnic cleansing, all-out slaughter and oppression, the paramilitary forces and armed Serbian minorities displaced the Muslims in Bosnia-Herzegovina and it is obvious that such an aggression should not have been allowed in the post-Cold War era. The fact that the leader of a dissolving country dared to inflict ethnic cleansing to the former republics while the world was watching comes to mean severe violation of the international law and the UN authority during that period.

Obviously the ethnic ambitions of the Serbians, who had dominance over the administration of the Federal Republic of Yugoslavia, as well as their desires to have rule over the former republics caused the objectives suppressed in the past to come to the surface once again with ethnic conflicts. For this reason, the most primary rights - sovereignty and territorial integrity - of the republics composing a dissolving federation were attempted to be invaded by violating also the UN authority and principles, in addition to grave human rights violations. Thus, it can be argued that the most important weakness regarding the UN authority that must be questioned is the fact that it failed to detect immediately and explicitly the responsibilities of the conflicting parties of the Bosnian issue. Since the identification of the perpetrators and the victims was not properly and fairly conducted, this particularlyallowed the aggressor Serbain forces to act relentlessly.

On the other hand, failure in intervening in the crisis on the basis of the assumption that this was an inter-state issue and it was not proper to violate the sacred sovereignties of states to protect human rights demonstrates that the Security Council could not fulfill its primary responsibility of ensuring international peace and stability.

Still, Sypros ECONOMIDES and Paul TAYLOR argue that it is nearly impossible to determine whether the UN succeeded in intervening in the crisis or not.

According to this rhetoric, the crisis changed shape after the resolutions in such a way that it was impossible to assess the effect of the envisioned measures only by comparing the resolution texts with the real situation in the country (Berdal & Economides, 2007, p. 70). In fact, such discourses explicitly show the intense dynamism of the violence and armed conflicts experienced in the country. At the same time, this was a proof that the international system was pursuing producing short term solutions in accordance with the phenomena rather than long-term solution vital for Bosnian conflict. The most important reason for the crisis to last for four years was that the international community pursued only temporary updated solutions until an agreement was assured in terms of both views and actions.

2.2.7.1.1 Consequent Ramifications:

(1) It can be deduced that the UN revealed severe weakness as an institutional authority in determining the factors corrupting international peace and stability and taking the necessary measures (not just stopping the armed conflicts) in an impartial way that would protect the party that was suffering from violation. In terms of determining the sources and factors of violence in comparison to the Iraqi crisis, it was obvious that the Bosnian crisis was a way more complicated situation. Along with this, it is also quite evident that the UN failed to prevent the crisis in time by falling under the effect of the prejudices and historical bonds of the countries forming it as well as the international actors.

(2) The contradictions of the International Society regarding the immunity of state sovereignty and human rights can be articulated as the most important feature

that caused the inertia of the international society while allowing both expansion of the conflicts and human massacre for three years.

(3) As a consequence, the only positive aspect of Bosnian crisis was that it paved the way for the development of an international understanding that would enable formation of certain norms on the basis of specifically the concept and practice of humanitarian intervention.

2.2.7.2 International Actors

The Bosnian matter was a unique crisis, where a high number of actors involved in extending from the Western world to the Russian and Islamic world due to geographical proximity as well as cultural, ethnic and religious affinity. In addition to states, global organizations such as the UN, OSCE, EC and NATO were involved in the crisis at different levels. A high number of special representatives and personal diplomatic initiatives were also among the participants in the crisis in addition to the afore-mentioned two basic groups of actors.

Actually, as the crisis erupted the European actors adopted the approach of intervening in the Bosnia-Herzegovina crisis with their institutional identities so as to cover their incompetency during the Iraqi crisis. However, it was only possible to adopt decisive and consistent intervention options in three years in the international platform that turned out to be contradictive with differing interests of states. It was apparent that, the international actors opted for realist solutions as of the beginning and chose to stay distant from the crisis on the basis of the excuses they produced in the context of international law. In a sense, it can be purported that the pressure

inflicted by the international public opinion against human massacres forced the international organizations to take steps in stopping the Serbian attacks. On the other side, it can also be argued that the international actors did not have a common understanding toward intervention in crises, and they only drew lessons from the relevant crisis.

Since the crisis of Bosnia-Herzegovina occurred in the European geography, at the beginging it was tackled as differentiation of responsibilities among the leading countries of the international society. The US was a mere spectator to the crisis for a long time, as the American government thought this was a purely European issue. On the other hand, although the European Community (EC) and the European states claimed the matter, they could not take decisive steps for preventing human rights violations.

Looking from the perspective of the actors involved in the crisis, it can be seen that the countries in the proximity of - geographically and culturally - Bosnia-Herzegovina tried to put efforts to resolve the conflict by means of the international institutions. As is stated above, the Serbian-Croatian conflict, the first matter in the FRY issue, was prevented and a ceasefire was established when the European Community handled the issue. However, the common attacks by the Bosnian Serbs and Serbian state supported paramilitary forces against the Bosnian Muslims continued for more than three years until the Dayton Agreement was signed. From this perspective, the proceedings that occurred until the Dayton Agreement proved that the international actors had different views towards the humanitarian crisis in the Balkans and therefore, had difficulty in coming to the phase of humanitarian intervention. For this reason, not only the states but also international organizations had failed in showing successful initiatives in conflict resolution for a long time.

However it can be admitted that Bosnian Crisis was later resolved by the decisive interference that resulted from strong collaboration of states and institutions.

Thanks to the participation of all international actors in the process of the Dayton Agreement at the end of the crisis, a state composed of a republic and a federation was established on ethnic lines for the first time in the history of world. Following that, a mechanism and a peace process was initiated with the support of the international community and a new administration was ensured under the coordination of the UN Office of High Representative (OHR). Various entities such as IPTF, ICRC, UN HCR, OSCE and ICTY became supportive of this new process.[26] The fact that the security of this new period was protected by the IFOR and SFOR under the command of NATO laid the ground for a new understanding in such interventions.

2.2.7.2.1 Consequent Ramifications:

1. It is observed that the heavy pressure resulting from the international intervention started by the US to rescue Kuwait and the Somali intervention, which ended with tragedy, caused indecisiveness and hesitance for both the international public opinion and the international actors in intervening intrastate conflicts.

2. The international actors regarded the conflicts starting with Slovenia and Croatia, and later continuing with Bosnia-Herzegovina only from the perspective of their security interests and reacted against these issues only within the scope of their connections to the countries that were involved in the crises. Therefore, groups and

[26] IPTF (International Police Task Force), ICRC (International Committe of Red CRoss), UNHCR (UN High Commission for Refugees), OSCE (Organization for Security and Cooperation in Europe), ICTY (International Criminal Tribunal for the Former Yugoslavia)

institutional structures bringing together various concerns and security needs of the Western countries could not be decisive and efficient in intervening in the crises and overlooked the expansion of human rights violations more than three years.

3. The fact that state sovereignty and the conditions for a domestic conflict intermingled in the Bosnian crisis prevented perception of the situation clearly, and therefore, the international actors reacted in a way that prioritized their security needs in major part of the crisis. From this perspective, the international actors were stuck with the dilemma of being between the international principles prioritizing human rights after the Cold War and national interest and security of states between the years 1992 and 1995.

4. The Bosnian crisis revealed that it was wrong to assume that the Western states constituting the European community had the option to intervene in a massacre of a civil war, since it did not have any strategic priority. It also brought the fact to the surface that conflicts that may break out in the small states which are centered in the European geography will weaken states and ultimately such a development will lead to erosion of the international security.

2.2.7.3 Force (Coercion and/or Persuasion)

The UN resolutions were primarily to demand termination of the armed conflicts at the very beginning of the Serbian attacks on Croatia. In addition, the UN imposed weapons embargo against the conflicting parties. Within this scope, the NATO components also took action and put endeavors to prevent the parties from supplying weapons from the sea. Consecutively, ceasefire was established by thorough diplomatic endeavors and the Cyrus Vance plan within this scope. Yet, the

Serbians and Milošević were not subjected to international penalty for intervening in Croatia. They were regarded as mere parties of the conflict. The conflicts were terminated with the ceasefire, though, and the interference in Croatian by the Serbs was curbed. In this context, the previous attacks by the Serbs on Croatia, and the former military operations by the Serbs in Slovenia as well as the ethnic violence and massacres in Bosnia-Herzegovina were absolutely issues that necessitated serious reactions within the scope of the international law and the UN Charter. The fact that the Serbian violent attempts to gain territory from the republics that proclaimed their independence from the former Federal Republic of Yugoslavia did not meet a severe international sanction is a pre-condition that needs questioning in terms of the UN.

The following is sharply evident: Although there was not a direct threat toward the Serbian lands, attacks on a sovereign state are, above all, violations of the rights to sovereignty and the UN Charter. Still, Milošević and Serbia repeated the violation two times and they were not punished by the UN Security Council. Therefore, a third attempt to strike in Bosnia-Herzegovina by the Serbs was, in a way, encouraged. In other words, the UN implemented sanctions that were only to make the conflicting parties take a step back and reduce the amount of tension to some extent, although the attacker state repeated the violation for two times and also did not recognize the UN charter. The party that corrupted the international peace was made consent the ceasefire without paying the price for violating the peace. This can also been seen as lending credence to the attacker state. Lasting for another three years after two aggressive acts of the Serbs, the Bosnia-Herzegovina crisis gave prodromes with the Slovenia and Croatia issues. Still, it can be argued that the concessions given by the international system to the aggressor were the primary reasons for the Bosnia-Herzegovina tragedy.

Thus, it can be stated that the measures taken by the UN from the beginning of the crisis were not sufficient in accomplishing results in terms of technical methods of persuasion and coercion. In this sense, neither comprehensive economic sanctions nor gradual military measures were implemented within the scope of the UN Charter. The measure of arms embargo, on the other hand, paved the way for a more encompassing massacre by the Serbs due to limiting the force of the oppressed party of the conflict. It can absolutely be argued that the responsibility of the Serbian side was not evidently purported, and subsequently coercive measures were not taken and put into action. Structured as the peacekeeping unit during the Bosnia-Herzegovina crisis, the UNPROFOR was not effective in halting the Serbian aggression, which is why this unit cannot be regarded as a gradual coercive measure against the violent state. Only NATO's air bombardment on Serbian targets at various times can be regarded to have partial effect on the Serbians. When Sarajevo was bombarded by the Serbs, the air assault in return for this violence executed for two weeks in the late August 1995 can be defined as a decisive international measure oriented towards deriving precise results in halting the aggressor. Being the most intensive air assaults against the limited targets previously, this operation also ensured coercing the Serbians to the Dayton Agreement.

As it is obvious, the crisis of Bosnia-Herzegovina was one that started by an aggressive state in a small territory and prevailed so as to seize the lands of a sovereign state, while the international community was a mere spectator. The most important reason for not being able to diagnose the crisis precisely in the very beginning was that international concepts such as self-determination, sovereignty, inviolability of the borders and humanitarian intervention were confused. Since the individual interests and associations were conflicting due to the varying

interpretations of these concepts, the international institutions could not produce a common decision. Most likely, NATO can be articulated as an exemption due to its role it played during the crisis. Undoubtedly, NATO enhanced its position although its existence was questioned after the cold war. The use of force implemented by NATO from time to time bore the purpose of satisfying the international public opinion. Yet, the strong NATO unit (IFOR) established after the Dayton Agreement was intended to protect stability and prevent any probable tension and conflict that could emerge from the new federative ethnic formation. Due to the fact that peace was established on the basis of division of territories in accordance with the ethnic lines, an international peacekeeping unit was provided to these new territories, which leads us to understand that the model proposed by the international society was in need of protection.

2.2.7.3.1 Consequent Ramifications:

(1) It can be argued that the dichotomy in the international community was a great weakness in halting the expansionism of the Serbian over the territories of the other republics that emerged during the process of dissolution of former Yugoslavia. The classical methods of diplomacy and persuasion as well as the ineffectiveness of UN sanctions that did have the right goals used to solve this crisis did not do any more than disintegrating the territory of the country, the people of which were massacred during occupation.

(2) On the other hand, it is undeniable that after 4 years of failed attempts, a decisive military intervention, the final step of coercive measures, endorsed by the international society assured the peace. Therefore, conclusively, it can be asserted that

the international community had a consensus that solid military measures are much more essential than political negotiations, when the issue is to stop ethic violence.

2.2.7.4 Hegemony or Multilateralism

As emphasized above, the Bosnian crisis was a matter, in which nearly all international organizations such as the UN, EC, OSCE and NATO as well as all great powers were involved in a way. If we are to conduct an analysis from the solution of the crisis - Dayton Agreement - toward the beginning of the conflict, it draws attention that the US was holding plans and negotiations with the parties as of the year 1994. The US had considerable military and moral support to particularly the process of pressing the Serbs severely by means of the heavy NATO bombardment in August 1995. If it is taken into consideration that the decision to start such a military operation was taken through consensus in NATO's decision-making mechanism, it is obvious that at least all NATO members supported this military operation and most probably they took the decision in the hope of forcing the Serbs to peace. It was a policy peculiar to that period of crisis that the states taking place in the initiatives of conflict resolution preferred to establish multilateral unions (such as the Contact Group of Five and the European Community) instead of individual solutions. As opposed to the Iraqi crisis, it also becomes evident that there was a broad scope of coordination and cooperation from the fact that the UN granted support and authority to multilateral formations as well as groups and regional organizations in the process of intervention in the Bosnian crisis. For instance, the UN started embargo against the former Yugoslavia with its first Resolution No. 713 on September 25, 1991 and desired the European Community to cooperate in the projected procedures. Turning a

hand to the crisis as of the beginning, the European Community and OSCE interfered in the matter within the scope of the UN Charter, Section VIII and this is an example for international institutionalization.

The most distinctive feature of this crisis is that there was not any action in the shape of a forceful gathering around a hegemonic discourse and leadership that prevailed during the Iraqi crisis. Although there is resemblance with the Iraqi crisis in terms of violating the international law and UN principles by the aggressor, the regional organizations and major states intervened in the Bosnian crisis without the need for an international coalition. Further, the international actors mostly endeavored to offer solutions through multilateral negotiations. On the contrary to the unilateralism experienced in Iraq, a multi-participation process was experienced during the Bosnian crisis. However, it is a very important weakness that it took a long time for this polyphony to generate a decisive solution.

Another important feature is that the actors who were effective during the Bosnian crisis and their political ambitions were quite complex. Undoubtedly, the fact that the multi-dimensional structure of the matter was not as explicit and understandable as in the Iraqi crisis has made it more difficult to create a precise definition and determine a suitable military intervention option. This made it even more difficult to determine the method for intervention, let alone the definition of the crisis. It should not be also forgotten that the high number of states involving in the crisis further complicated the issue with many different interests and commitments. Therefore, the conflict resolution process was delayed for a long time. The states in the European geography had connections with the disintegrating republics of the former Yugoslavia; Russia provided support to Serbia and Muslim countries backed the Muslims living in Bosnia. Thus, it can be deduced that there were differing

support from the international community to different sects of the conflict. It was formerly underlined in this study that long-term and reconciliatory grounds can be assured in international crises by means of multilateral resolutions. Within the same scope, the military and political support provided by the international community absolutely demonstrates the consent and broad participation of the international actors in the conflict resolution process, although it took a long time to reach the peace agreement. This gaining assuring a long-term peace and stability was certainly acquired through the support that was not seen during the Iraqi crisis in 2003.

On the contrary to the Iraqi crisis, the members of the international community provided support - even if limited - to the Bosnian victims for a long time in order to re-establish the political balance. Consequently the support allowed the Bosnian community to gain a global position through recognition by the international society.

For this reason, the contribution provided by the majority of the international actors laid the grounds for a long-term legitimacy of the Bosnian -Dayton- Agreement and reassurance of the borders by the international community, although certain disadvantages of multilateralism in the decision-making mechanism were tested for the first time during this crisis of Bosnia.

2.2.7.4.1 Consequent Ramifications:

(1) The Bosnia-Herzegovina crisis turned out to be one, in which major actors of the international society and organizations were involved to a great extent in the aftermath of the Iraqi crisis in 1990-91. This crisis was not tackled with a

hegemonic understanding, since there was not any aspiration for geopolitical power and strategic interests. On the contrary, the crisis was managed by a multilateral process with broad participation. The fact that the crisis broke out in the European geography and bore properties that could lead up to regional instability made the European states primarily concerned and feel responsible to take action in resolving the crisis. However, the process of conflict resolution took many years to give results, since the attempts to participate in the process starting in the European continent were not harmonized in a reconciliatory platform and the parties shaped their approaches on the basis of their individual interests and perceptions.

(2) The support of the international community and other institutions since the emergence of the Dayton Agreement made it possible for this crisis to be resolved on a stable basis in the context of common values to ensure a solid reconstruction process for future policies. Since important components of multilateralism were harmonized during the final stage of the crisis, the international support in political and other spheres secured the future of Bosnia-Herzegovina.

2.3 KOSOVO CRISIS

2.3.1 Force in the Kosovo Crisis (Coercion and/or Persuasion)

Starting with the bombardment of the Serbian targets in Kosovo by the NATO aircrafts, the international intervention process marked the first significant step in terminating the ever-increasing violence resulting from an internal conflict and later forming a new political structure. Becoming an autonomous country after the

World War II with the 1946 Constitution, Kosovo turned into one of the political units composing Yugoslavia and expanded its political as well as cultural rights with the 1974 Constitution and acquired a broad status of autonomy. However, the Serbian leader Slobodan Milošević removed the autonomy of Kosovo in late 1989 and took under direct control of Belgrade, confiscating all rights of the Albanians, who constitute the majority of Kosovo population (90% Albanian and 10% Serbian). The reaction against this by the Albanians was to proclaim the Republic of Kosovo in 1991 and cut all contacts with the Serbian authorities (Morgenthau, Uluslarası politika: Güç ve barış mücadelesi, cilt II :1980-2001, 2002, p. 509). After 1992, the Kosovan Albanians established an underground government and executed their own administrative tasks such as education and health clandestinely.

Although the Kosovan Albanians had expected that the Dayton Agreement would solve their political conflict, too, the agreement did not provide them with any gaining. There was not any improvement in the situation of the Albanians and therefore, they founded the Kosovo Liberation Army (UÇK-Ushtria Çlirimtare Kosoves) and initiated armed struggle as of 1997. In addition to the individual participation of many countries in the Kosovo crisis; the UN, the Contact Group of Five, OSCE and NATO took their places in the issue as international organizations. Having been active previously in the past Bosnian crisis, as well, the "Contact Group of Five" is striking as the multinational platform that provided the first reaction against the issue of Kosovo.[27] This platform played an active role as a diplomatic agent of the international community in the crisis of Kosovo as of the beginning. In September 1997, the Contact Group called for a dialogue between the representatives of Kosovo resistance and Belgrade when the tension started to climb between the

[27]Members of Contact Group of Five: Russian Federation, USA, United Kingdom, Germany, France and Italy.

parties, purporting that the members of the Contact Group support “neither independence nor the status quo” (Independent International Commission on Kosovo, 2000, p. 137). In addition to the Contact Group, the Parliamentary Assembly of the Council of Europe called for termination of oppressing the ethnic Albanians and urgently establishing dialogue between the parties in January 1998, warning that the region was on the brink of a civil war.

As of January 1998, Serbia deployed more security forces to Kosovo and this increased the number of counter attacks. Further, armed conflicts became even more intense since the Kosovo Liberation Army UÇK supplied arms from Albania. Against the heavy pressure on Kosovan Albanians inflicted by Serbia, the Contact Group demanded arms embargo on Serbia and this shaped the basis of the UN Security Council Resolution No. 1160. The UN, upon this resolution, initiated the arms embargo and called for a meaningful “self-determination” act for Kosovo (Security Council Resolution 1160, 1998). At the same time, the ICTY (International Criminal Tribunal for the former Yugoslavia) declared its jurisdiction over the potential human rights violations in Kosovo. Yet, these decisions and authorities did not affect the Serbs much (Talentino, 2005, p. 250). Indeed, the Serbs strengthened their forces by the support of the government in consolidating organization of police, soldiers and paramilitary forces and extended their attacks to target both ÇKU and civilians.

Gathering on May 28, 1998, the North Atlantic Council (NAC) conducted the first assessment with regard to the Kosovo crisis and determined its targets as follows: To contribute in the intervention to be rendered by the international community and help ensuring a peaceful resolution and support the stability and security in the neighboring countries (NATO's role in relation to the conflict in Kosovo, 1999). In addition to NATO, the UN Security Council identified the Kosovo

crisis as a threat against peace and security in the region with the Resolution No. 1199 in September 1998. Being quite comprehensive, the Resolution No. 1190 encompassed the following issues: **(1)** The human casualty was too high in numbers in Kosovo due to use of unproportional force by the Yugoslavian army and 230,000 people had to leave their homes, **(2)** A number of people leaving their countries due to the crisis in Kosovo created a massive refugee crisis in the neighboring countries including Bosnia-Herzegovina, Albania and other European countries, **(3)** The violence inflicted by the parties, terrorist attacks for attaining political objectives and external support - primarily arms aid - are all condemned by the UN. Following all the assignations, this Resolution demanded all parties, groups and individuals to stop their atrocities immediately and frame a ceasefire. Further, the Resolution dictated the Kosovan Albanians and leaders of the Federal Republic of Yugoslavia to immediately establish a meaningful dialogue in order to terminate the crisis through negotiations on the basis of a timetable (Security Council Resolution 1119, 1998).

As per this pressure coming from the international field, an agreement was concluded to limit the amount of Serbian forces in Kosovo as well as their operations. The architect of the Dayton Agreement, Richard Hoolbroke contacted the Serbian leader Milošević in October 1998 and thereby, laid the foundations for the UN Resolution No. 1203[28] (Security Council Resolution 1203, 1998). Since there was not any intention with regard to use of force for the international society and the Security Council during the course of this first diplomatic intervention process, it was not possible to press the Serbian leader Milošević to a serious level. On the contrary, an agreement was reached only on the ceasefire and other simple measures. In order to

[28] The Security Council Resolution No. 1203 issued on October 23, 1998 primarily regulated and approved the agreement between FRY and OSCE to establish a Verification Mission in Kosovo as well as an agreement between FRY and NATO to establish of an Air Verification Mission over Kosovo, ensuring completion of the OSCE mission in Kosovo.

support this development, OSCE Organization for Security and Cooperation in Europe assigned the "Kosovo Verification Mission (KVM)" to observe the conformity in the region to the UN limitations. Furthermore, NATO started its mission to observe the air space of Kosovo. These two missions were approved by the UN Resolution No. 1203 (NATO, 2001, p. 125).

Nonetheless, the conflicts between the Serbian units – supported by the army as well as the private police – and the Kosovan population intensified since January 1999. Thereupon, the Contact Group took an urgent decision to conduct negotiations between the parties through international arbitrations in order to come up with a political solution (Independent International Commission on Kosovo, 2000, p. 82). NATO declared that this method of solution would be supported by air assaults, if deemed necessary, and warned both conflicting parties. The first round of peace negotiations organized by the contact group was held in Rambouillet/Paris on February 6, 1999 with the participation of Serbian and Kosovan leaders. The Contact Group proposed a series of solutions including measures such as disarmament of the KLA, withdrawal of the Serbian forces, restoration of the Serbian authority and its independent institutions as well as hosting a NATO task force of 30,000 soldiers. The first round of negotiations did not yield tangible results, though, since the Contact Group could not formulate the above-mentioned measures properly. The second round of negotiations was planned for March 15-19; however, this plan did not come true, since the Serbians rejected the proposal, while the Kosovan Albanians did accept it. Therefore, the Rambouillet negotiations of the Contact Group failed.

Immediately after these unsuccessful attempts, the Serbians violated the agreements that was facilitated by Hoolbroke and entered Kosovo by tanks and strong military units. Thousands of Kosovan Albanians had to leave their homes upon this

incident. In the solution of the Bosnian crisis, the American Ambassador Richard Hoolbroke, who managed negotiations with Milošević, went to Belgrade to convince Milošević with one final effort for ensuring peace diplomatically. Yet, Milošević did not agree to sign the agreement again. The Serbians were not giving an inch to the negotiations and they were continuing their attacks. Thus, NATO initiated its operation of bombarding the Serbian units in Kosovo on March 14, 1999 by air strikes. (As elaborated below, this air operation by NATO was not referred to an open UN Security Council Resolution.) The Serbians still did not retrieve from the Kosovan territory despite the bombardment. Thereupon, the air bombardment was extended to include the dual-use premises such as the radio stations, bridges, power communication lines in Yugoslavia and the operation continued for 77 days. This operation was terminated on June 10, when the Yugoslavian units started to withdraw from Kosovo. The withdrawal of the Serbians, at the same time, was in line with the agreement completed between the FRY (Federal Republic of Yugoslavia) and the European Community and Russian special representatives. As a matter of fact, the UN Security Council demanded the Federal Republic of Yugoslavia to stop its violence immediately and retrieve its military, paramilitary and police forces from Kosovo with the Resolution No. 1244 on June 10 (1999). All members of the Security Council approved this resolution, except China, which abstained from voting. This resolution was also a plan that encompassed the regulations to be made after peace was set. In addition, the UN put forward its principle to establish a civil organization in Kosovo - more accurately, a temporary administration - to assure autonomy of Kosovo by the help of international institutions. Ensuring military force for the establishment of such a mechanism as well as guaranteeing peace was also significant for UN. As it can be seen, the efforts put by the international community to stop the crisis in Kosovo

included the following: Yugoslavia was bombarded, although this act was not based on any UN Security Council resolution. This operation was initiated and managed by the common decision of the international institutions as well as all the member states for ensuring the conditions of peace. In addition, personal representatives from states contributed to the cooperation process to a great extent. Following the UN resolution, KFOR (Kosovo Force) was deployed in Kosovo to execute duties under the NATO command by implementing UN's peace plan. KFOR's deployment in the region started on June 12, 1999 (1999, p. 128).

The part of the humanitarian crisis in Kosovo reflected in the UNHCR figures are as follows: Approximately 1,5 million people composing 90% of the Kosovan population were banished from their houses; 580,000 people were left homeless; 225,000 Kosovan men disappeared and 5000 Kosovans were massacred (NATO, 2001, p. 131). The military intervention in Kosovo to stop the aggression of the Serbian was quite heavy. The establishment of UN presence in the region to provide support for the administration of the country after the military operation was even more important, since this was a sign that the intervention in Kosovo was more comprehensive than the others that had been conducted to that day. As a matter of fact, UN formed the UNMIK (UN Mission in Kosovo) task force for the reconstruction of Kosovo after the establishment of peace. Through the UN Secretary General's special representative and security support of the KFOR, the country entered a reconstruction process to dress the humanitarian wounds. The military force formed by the NATO played a vital role in the process of establishing a civil administration in Kosovo. NATO committed the fulfillment of the following promises in order to enable effective actions by UNMIK for security: Prevention of ethnic violence, providing security and protection for all minorities, assisting the refugees

(Albanian, Serbian and others) in returning their home country and supporting OSCE in making choices in free, fair and secure settings. Indeed, the UN had not partaken in the reconstruction process of Iraq after the invasion of this country in 2003 due to exclusion by the US. The task force of UNMIK in Kosovo, on the other hand, provided support both in the reconstruction of the country and reassuring the social order by the support of the international community (Mandate). Starting its duty on July 1999, UNMIK continues to fulfill its duties by means of the UN Secretary General Special Representative (SRSG) to ensure that Kosovo stand on its own legs.[29]

2.3.2 NATO Military Intervention (Air Bombardment) and its Implications

The UN Charter brings clear principles, particularly with regard to defense against the aggressor - who threatens the sovereignty of a member of the international community - or even within the scope of humanitarian intervention, the authority to exercise force by the Security Council. The only exception to this principle is the right of the states to self-defense. To terminate the massacre of the Kosovan Albanians by the Serbians, NATO intervened in Kosovo, although it did not have any legitimate resolution. This intervention, indeed, satisfied the international community in moral terms (the Security Council regulated the intervention in Kosovo with the Resolution No. 1244 after the operation was over). However, it is very clear that the bombing operation without any resolution by the Security Council - which would force the

[29]Established by UN Resolution No. 1244 in 1999, the UNMIK (UN Interim Administration Mission in Kosovo) was assigned with providing the residents of Kosovo a peaceful and normal life and backing the development of stability in the western Balkans. With its central headquarters in Priština, UNMIK cooperates with OSCE, EU Law Mission in Kosovo (EULEX) and a number of UN organizations. Kosovo proclaimed its independence on February 17, 2008 and was recognized by over 100 UN members. The European Union still continues to manage a process of dialogue between Belgrade and Priština.

Serbs to peace by rendering them ineffective - would violate the international law and the basic UN Charter. Although three members of the Security Council were also NATO members and the humanitarian intervention was also supported by the EU, it can be argued that the Kosovo operation brought certain questions that are still unanswered in terms of international jurisprudence. The answers of these questions will be examined in the following chapters and the aim is to determine the conceptual understanding of the international community and the periodical changes in the functions of the decision-making practices as well as the international law in cases of humanitarian intervention.

International intervention in Kosovo has many unique features. Firstly, it is the sole intervention in the country that had a government with no conflicts and clear dominance. The second important feature is that it is the "first" post-Cold War intervention without UN approval (Talentino, 2005, p. 242). (The US conducted the operation without a Security Council Resolution that directly authorized or legitimized the Iraq invasion in 2003.) The western members of the Security Council - the United States, France and the United Kingdom - reached consensus in NATO and did not seek authorization by Security Council resolution under the UN for an intervention in Kosovo. Without doubt, these countries knew that such an intervention would be necessary and that the Security Council would not be able to make such a decision. In that, they were assured that such an intervention in the UN would be vetoed, because Russia had historical bonds and Orthodox Slavic ties with the Serbs. Therefore, the afore-mentioned countries were sure that taking military measures against the Serbia would be prevented by Russia, in addition to China, since China was against the idea of intervention in sovereign states as a principle. That is why, by bypassing the UN, they used NATO's decision and authority mechanism, since Russia

and China were not NATO members. While the dismissal of the UN caused controversy about the lawfulness of the intervention, it also caused tensions between Russia and the United States. The reason for this is that Russia was involved in the international diplomatic initiatives since the beginning of the Kosovo crisis. Therefore, it was not pleased to be excluded from such a decision-making process. In fact, Russia's overall position in the Kosovo crisis was ambivalent. Despite its historical and cultural ties with the Serbs, Russia did not support Milošević in his oppressive policy in Kosovo. Rather, the Russian government backed western views regarding Kosovo as an autonomous region. However, Russia was not warm to use force against its historical ally - Serbia - while also objecting to see NATO as an effective decision-making authority for this intervention. Therefore, this attitude of Russia prevented the Security Council from using its legitimate authority, while the West was performing an intervention operation using NATO's force.

It can be said, however, that the NATO operation was different from the interventions up to that day with the heavy bombardment lasting 77 days as well as targeting Serbian locations in Kosovo and civilian facilities in Yugoslavia. In this regard, the intervention by NATO was a concrete example of direct use of force for stopping aggression. The initiation of the peace process rapidly after this intervention manifested the changing scope of the conflict resolution process. The change was that the measures that could provide ever-lasting peace were made a part of the intervention plan from that time on. Based on this understanding, the UN initiated restructuring of Kosovo in all respects and established a new administration model that was backed by the international community. This, in turn, constituted a new approach to intervention that was widely accepted. At the same time, the peace achieved after the operation ensured that the UN became the authority in Kosovo,

rising to a dominant position in the administration. Further, it meant the international community was able to fulfill its heavy responsibility to establish stable and effective administration in a very confrontational geography, as well.

The operation brought positive results such as the abolition of human rights violations and establishment of peace and security through a new administration under the auspices of the UN following the termination of the inhuman massacres and pressures experienced by the Kosovo Albanian people. On the other hand, it should be acknowledged that the decision taken for the intervention and the methods applied have brought controversial theoretical problems in terms of the international law and inter-state relations. Firstly, the use of military force for resolving the crisis was not endorsed by the UN, which was the source of international legitimacy back then. A serious conflict emerged between the international community's commitment to the protection of human rights and the concept of the immunity of state sovereignty. Despite reached by multilateral consensus, the idea that another international agency other than the UN could be accepted as a source of legitimacy created a tension between the idea that the decision for such an intervention should belong to the UN even if it is accepted in moral terms for the protection of human principles and the idea that there could be other sources of legitimacy than the UN. Yet, the Security Council was considered to be the competent authority for peace and security matters, however it is argued that it is not the only institution to authorize an intervention type of action, and that other international institutions or ad hoc coalitions are also authorized to do so under predetermined conditions. Theoretical debates about the legitimacy of agencies or actors for humanitarian intervention other than the UN may lay the groundwork for the UN's global authority or the acceptance of open exploitation.

On the other hand, the book *Turkish Foreign Policy, Volume II: 1980-2001* (Morgenthau, 2002, p. 512) which was edited by Baskın Oran includes that there is not yet a "rule" showing that the intervention is lawful, despite an opinion that Kosovo intervention was a humanitarian intervention. Oran: With the Security Council Resolution No. 1199 on September 23, 1998, the member countries determined that the situation in Kosovo was a threat against the peace and security in the region. However, there was not any common decision to take measures (use of force with arms) according to Article 42 of the Charter (Security Council Resolution 1199, 1998). For this reason, Oran argues that it is not possible to say that NATO's military operation was to fulfill the UN Resolution No. 1199. He underlined the following theoretical explanations in his analysis as preconditions: "*In order to start an armed intervention in a country with a Security Council Resolution: (1) First of all, according to Article 39 of the UN Charter, it is necessary for the Security Council to determine a threat of peace, or deterioration of peace or an attack and then to (2) issue a resolution allowing for the use of all kinds of force according to Article 42 of the Charter"*. Oran then introduced the following interpretation for Kosovo intervention:

"There was also the opinion that the Kosovo intervention was a humanitarian intervention. Accordingly, if a state treats its citizens in a way that the citizens are denied from their fundamental human rights and shakes the conscience of mankind, this is not anymore a form of internal affairs, but a situation that becomes lawful to intervene in. Moreover, autonomy was desired for Kosovo, not independence. In other words, the territorial integrity of Yugoslavia was not deteriorated. Protection of human rights is one of the main aims of the UN already. Yet, there is no rule yet that states that humanitarian intervention is in conformity

with the international law. As there is not any case of pure humanitarian intervention, the vast majority of states and scholars reject the reason for this intervention, as it was vulnerable to abuse. Therefore, it seems difficult to defend the Kosovo intervention in this respect" (Morgenthau, 2002, p. 512).

These views of Baskin Oran are based on a legal framework in terms of the time period and conjuncture, but it is now necessary to draw attention to the priority of human rights over state sovereignty. The developments in the international community in this regard will be explained in detail below. Before that, it is necessary to emphasize that the policy-makers have begun to draw attention to the contradiction between the traditional expectations of states as acting autonomous as sovereign entities and the new expectations of "responsible governments" as "protection of human rights" (General Assembly World Summit 2005 Outcome Document, 2005).[30]

Due to the fact that the Federal Republic of Yugoslavia - which was a hegemonic part of the humanitarian crises in Bosnia and Kosovo - was threatening international peace and security, it was not only a legal, but also a moral obligation to conduct "peace enforcement". It was certainly not even possible to conceive of the idea of eroding the sovereignty of states by humanitarian interventions under the sharp pressure of the Cold War. The members of the Security Council did hesitate to interfere with such crises in the past, despite the UN Charter. The Bosnian and Kosovo interventions, on the other hand, demonstrate the common will as well as the changing and strengthening nature of the international community to provide moral support for interventions. The effect of this evident change was unignorable on the development of international legal norms since it created a global consensus and granted the Security Council the authority to obstruct violence by states. However,

[30] **Responsibility to Protect**: It is a global commitment at the World Summit 2005 that all the UN members accepted and committed to the prevention of crimes against genocide, war crimes, ethnic cleansing and crimes against humanity.

interventions like the one in Kosovo have become important sources in internalization of the humanitarian interventions by the international community in moral and legal terms.

2.3.3 Legal Analysis of the Kosovo Intervention and Customary Law

The legal debate for the Kosovo operation harbors two important concepts: "legality" and "legitimacy" of the operation. The most important argument for legitimacy was that the international law and sovereignty rules were in favor of Belgrade and that NATO was not authorized by the UN to attack Serbia. It is highly possible in an international system based on the sovereignty of states to abuse the concept of humanitarian intervention by hiding behind all kinds of justification of a powerful country. There is no serious controversy regarding the legitimacy of Kosovo intervention, because there is extensive support (except China) for intervention using a humanitarian force, though. Scrutinizing this issue in detail, the IICK Report (Independent International Commission on Kosovo, 2000, p. 132) puts forward the ideas of certain international political scientists purporting that NATO's campaign is illegal according to the current international rules of law, albeit it is legitimate (Talentino, 2005, p. 261). Looking at the overall picture of the violations of human rights particularly in Kosovo as well as the violation of the humanitarian law, the IICK Report states the following: International criticism against the reaction should not undermine the clarity of the moral imperative to act in the face of very

severe human rights violations[31] (Independent International Commission on Kosovo, 2000).

Analyzing the legal dimensions of international humanitarian interventions, J. L. Holzgrefe argues the following in the study *Human Rights Conventions*: The UN Charter regulates that the ban over unauthorized humanitarian intervention does prevent the states from treating their citizens as they wish. On the contrary, the signatory states have to respect the human rights of their citizens as per the many other conventions they are legally bound (Holzgrefe, 2003, p. 43). In spite of these obligations the states are bound by, no actor in the international field can force states to enforce these obligations and states are free to apply their own legal systems. On the other hand, the only exception to this rule is the Genocide Convention, signed in 1948. As per this convention, the signatories are obliged to prevent and punish the crime of genocide. Indeed, if such a situation of genocide is identified, the signatory parties must call upon the competent bodies of the UN to take the necessary measures. Therefore, unauthorized humanitarian intervention is not granted, even in the face of genocide. Holzgrefe analyses certain counter-arguments by some scholars in the context of customary law, while the UN Charter renders unauthorized humanitarian intervention impossible.

In this context, some academics argue that unauthorized humanitarian intervention is a right by customary law that has been continuing from past to the present. They claim that this right was granted with the state practices in 19th and 20th

[31] **Independent International Commission on Kosovo-IICK**: It is an independent group that investigates the Kosovo issue and reveals both the formation of the crisis and its consequences. The Commission was commenced by the initiative of Swedish Prime Minister Göran Persson and is not affiliated with any government or non-governmental organization. The Commission's organization was announced on 6 August 1999 and UN Secretary-General Kofi Annan approved the project. 13 members were appointed by the President and Vice-Chairpersons in Sweden, and the rest of the Commission members were appointed according to their expertise and geographical composition of the commission. The report, known as the IICK, results from examining all aspects of the Kosovo crisis, from the beginning to the end, including human rights, diplomatic efforts, involvement of UA actors, UA law in the context of intervention, and lessons for the UA community.

centuries. They further claim that even the establishment of the UN did not weaken or terminate the usage of this right to unauthorized humanitarian intervention. The "classical view" was a counter argument, opposing to the unauthorized interventions, despite being humanitarian. According to this classical view, not any historical case constitutes any customary law for humanitarian intervention. To add to this assumption, the international community never did consider such a right as legally binding *(opinio juris sive necessitatis),* since there is no evidence of this. Another argument has been derived from the classical view forwarding the idea that such a right needs to be previously accepted by the international community as "peremptory international norm" *(jus cogens).* Nonetheless, there is not enough evidence for such acceptance anyhow. Since unauthorized humanitarian intervention have not yet fulfilled the pre-conditions such as being a peremptory international norm and general observation, the advocates of the classical view also argue that a "selective approach" was experienced in the past, as this norm was not implemented in a number of humanitarian crises in the history. The counter-argument against the selective approach, on the other side, involved the idea that unauthorized humanitarian interventions were not "coercive norms", but rather "permissive" doctrines. Selectivity in the implementation of this norm does not prevent this norm to become customary law, as the prominent scholars of classical view argue. The reason for this is that the right to humanitarian intervention is not an obligation for a sovereign state. In this frame, a state does have the right to use its armed forces against another state, but that state does not have any obligation to do so. Therefore, this selective right does not prevent the humanitarian intervention from being a peremptory norm.

Taking into consideration both of the views, the international law analysis goes as follows: "Unauthorized humanitarian intervention" as customary law is

rejected and a lot many humanitarian crises before the formation of the UN Charter did not create any right to conduct humanitarian intervention (Holzgrefe, 2003, pp. 44-49). Holzgrefe is of the opinion that the UN General Assembly Resolutions also cannot be argued to fulfill the condition for the acceptance of unauthorized humanitarian intervention in the light of customary law: That condition was "turning the widely accepted norms into legality" (*opinio juris sive necessitatis*). In the past, the UN General Assembly adopted the "GA Resolution 2131" in 1965 and the GA Resolution 2625 in 1970 to regulate that states shall not have the right to directly or indirectly intervene in the internal or external affairs of another state for any reason. It can be said that these resolutions were issued because of the fact that the newly independent states were pretty much concerned due to possible intervention by the former colonial powers. It is also clear that a number of new independent states expressed their rejection against intervention by any state, even for the sake of humanitarian purposes; as such interventions would not be in conformity with the international law. Such attitudes by the new states were largely due to the fact that they did not aspire to allow for any erosion of their sovereignty. On the other hand, the same approach seems to be repeated in 1999. The UN General Assembly, which is composed of all UN member countries, has shown a similar understanding by repeating the rigid stance of NATO's humanitarian intervention in Kosovo not specifically authorized by UN Security Council. The UN General Assembly condemned NATO intervention in Kosovo with its GA Resolution 54/142 on December 17, 1999. The resolution follows:

"The General Assembly …Reaffirming…that no State may use or encourage the use of economic, political or any other type of measures to coerce another state in order to obtain from it the subordination of the exercise of its sovereign rights….

Urges all states to refrain from adopting or implementing any unilateral measures not in accordance with international law and the charter of the United Nations….Rejects unilateral coercive measures with all their extraterritorial effects as tools for political or economic pressure against any country, in particular against developing countries…..”

This was followed by 107 positive votes, 7 negative votes and 48 abstentions after the NATO operation in Kosovo. Hence, many world countries have redefined the general attitude towards such interventions. In this context, NATO's operation is deemed not in line with the international law. Two more approaches emerged from this resolution of the General Assembly, especially advocating classical understanding. Firstly, the countries intervened in to stop the human rights violations, defending the idea that unauthorized humanitarian intervention was customary law. However, it is understood from both the past and the final decisions of the General Assembly that there is not enough of international acceptance of humanitarian intervention in the context of a customary law. Secondly, the underdeveloped countries generally do not comply with the international legal norms and are opposed to the UN Charter in the sense of unilateral and unanimous intervention without a resolution by the Security Council, because they fear that powerful countries will intervene "for some reason" on their territory.

On the other hand, a different practice draws attention as countries inflicting the intervention advocate for such unauthorized humanitarian interventions. Customary law is sometimes used conceptually as a ground for validation. Yet, in most of the unilateral interventions in the past, countries did not refer to the concept of international law, but preferred, instead, to announce their intervention to the international public for different reasons. For instance, India showed the invasion of

East Pakistan as an act of self-defense; Vietnam demonstrated its operation in Cambodia as a counter-reaction against the previous large-scale attack of Cambodia; and NATO defended the idea that its intervention in Kosovo was in line with the Security Council's resolution numbers 1160, 1199 and 1203 respectively (Holzgrefe, 2003, p. 49). In fact, advocating customary law or declaring other objectives for unauthorized humanitarian intervention does not yield any difference in terms of outcomes, but helps preventing accusations for being contrary to the international rules of law. The afore-mentioned actions and operation certainly have some moral and legal explanations, and generally the terms legality and morality are so intertwined that it is nearly impossible to distinguish them. Article 2 (4) of the UN Charter, which prohibits the use of cross-border force, is an important aspect of this study with regard to the legality of the operation in Kosovo. The article is as follows:

"All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations."

For Article 2 (4) of the Charter, there are only two privileges: The first may authorize the use of force pursuant to Section VII with a resolution by the Security Council. The second is that a state has the right to remain in a restricted and equitable manner against an armed attack, and this is a right to "self-defense". Arguing that there is no legal justification for the Kosovo operation since none of these two conditions (armed attack and threat against peace) has taken place, Michael Byers and Simon Chesterman also purport that customary law cannot be the basis for this decision to intervene in Kosovo. It is also clear according to the international law that the UN Charter's articles are above the international customary law and an ordinary

customary law allowing intervention cannot surpass Article 2 (4) of the UN Charter (Byers & Chesterman, 2003, p. 182).

Asserting that the most of the international lawyers and jurists kept silent after the Kosovo intervention when it came to defining the legality of the intervention, Michael Byers and Simon Chesterman claimed that these jurists were often hesitant in claiming that the operation was illegal. Instead, they were providing definitions in line with the assumption that the intervention in Kosovo was acceptable in the context of "traditional international law" (Byers & Chesterman, 2003, p. 177). The authors summarize in their work that besides the basic sources of reference such as agreements and contracts, international customary law stemming from the practices of states - which are not written - are also significant sources for the international law. Still, they also argue that the concept of unilateral intervention cannot be explained only by customary law. According to Byers and Chesterman, in order for Kosovo intervention to be legal in the context of the traditional understanding of the international law, it is necessary that the right to unilateral humanitarian intervention be somewhat above the contradictory contractual properties that have gained *jus cogens* status. The basic requirement for determining the acceptance of such an understanding is that the practice should be assessed within the context of similar state behaviours that took place in the years preceding March 24, 1999. For better comprehension, the answer of the following question must be acquired: Did the *opinio juris* accompanied by the supremacy of state behaviour in the previous period show a change for humanitarian intervention in the absence of the authority of the Security Council? Interventions in countries such as Iberia, Somalia, Bosnia, Haiti and Rwanda - which have been around as states since the second half of the twentieth century- have been intentionally exercised by the Security Council.

However, previous interventions in countries such as Bangladesh, Cambodia and Uganda have other explanations. Moreover, the states have consistently declared through consensus that they have been decisive and agreeable to the principle of not interfering with the internal affairs of other states. The author says that except for all these interventions, the only example of unilateral humanitarian intervention is the "*No Fly-zone*" created in Iraq in 1992. As it is obvious, much more than a humanitarian-purpose, one-sided intervention that only takes place once in a half century is necessary in order to develop a definite international legal rule in view of customary law. In addition, the Kosovo intervention in view of the same traditional understanding of the international law cannot be seen as an example of contributing to the development of such a right. The reason for this is that the reactions given by the international community in this intervention are quite complicated: Russia, China and India vigorously objected to the intervention; while Namibia, Belarus, Ukraine, Iran, Thailand, Indonesia and South Africa - which took place in the Council - did not support this intervention in Kosovo. Following the intervention, 133 developing countries that are members of the G77 made two full-fledged declarations explaining that the unilateral intervention was illegal under the international law (Byers & Chesterman, 2003, p. 84).

Continuing to be an effective actor in the international decision-making mechanisms even after losing its superpower status after the Cold War, Russia is significant in its reaction against the intervention in Kosovo. Although Russia participated in the diplomatic negotiations for resolving the conflict of Kosovo, it produced negative reactions due to the fact that NATO operations were not authorized. After the NATO operation was put into action without a clear decision or resolution of the Security Council, Russia stated that NATO's actions were illegal,

and a drafted a decision text condemning the intervention. However, this decision was blocked by NATO members in the Council through vetoing. This decision by the rest of the Security Council members to veto Russia did not absolutely mean a positive sign in terms of empowering the NATO for inducing operation, which was required by the UN Charter.

Consequently, it seems impossible to develop a workable criterion on the basis of a purely legal analysis that allows the right to humanitarian intervention without the Security Council's resolution to satisfy a large number of states. A general criterion that can create a wide-ranging understanding is not sufficient to satisfy real-life examples of alleged humanitarian interventions. NATO leaders themselves do not want the bombing of Kosovo to be taken as an example in future crises. Within this framework, certain groups of countries - western liberal democracies and the United States - have agreed on certain criteria for not being granted with the authorization to intervene, as such interventions may **(a)** seriously harm the current international legal system, and **(b)** have serious level of damage to the position of UN, which has been an effective institution in the fields of peace and security so far.

On the other hand, the states regarded violation of human rights in a broad and systematic way as a serious element of concern. For this reason, certain states took various initiatives to stop human rights violations as part of protecting their national interests. Further, they came up with methods to prevent perpetrators and demanded justice by punishing the criminals. These attitudes are extremely important and determinative in terms of the international social norms and morality. Within the framework of the current international law, the fact that countries do not have the authority to act unilaterally and multilaterally for such interventions is a controversial norm. As a result, all the legal analyses underlying the precondition that the

international legal regime cannot be violated also abnegate such interventions without being legitimized by the UN. It can be argued, though, that legality is not the only factor in conflict resolution. Non-written norms such as the international morality that canonize human rights also bring obligations for states in conflict resolution, which proves the fact that resolution processes require multidimensional grounds.

As Byers and Chesterman purport, the greatest threat to the international rule of law is not that the laws are frequently infringed, since laws are sometimes violated in all legal systems for the best of reason. However, the most dangerous threat is in the efforts to change the laws in a way that facilitates adoption of the practices of whosoever is strong (Byers & Chesterman, 2003, p. 203).

2.3.4 Consequential Evaluations with regard to the Kosovo Crisis

2.3.4.1 Authority in the International System

From a certain perspective, the Kosovo crisis can be regarded as one that severely damaged the concept of international authority and violated the international law to a great extent. On the other hand, with regard to cause and effect relation, the crisis exposed a complicated image in terms of morally justifiable dimensions. Accordingly, it becomes only possible to see the changes in the concept of international authority through analyzing certain periods, not the entire crisis in an overall approach. The operation by the Serbian forces to dominate the new republics and autonomous regions emerging from the dissolving federation produced tragic results in the eyes of the international community, as was seen in the crisis of Bosnia-

Herzegovina. However, a similar tragedy was also experienced in Kosovo. It is, above all, a crime against humanity to inflict violence to the extent of ethnic cleansing by using armed forces (paramilitary and army forces) in an attempt to seize lands. In this context, it is obvious that the matter meant violation of all international humanitarian laws including the UN principles and that the Serbian state acted in full drive of aggression while committing the relevant crimes.

On the other hand, the characteristics of the assaults against Kosovo conduced toward the international community to take immediate action of intervening in the crisis and reaching impartial decision thanks to the experience gained during the Bosnian crisis. In this context, the international community, being primarily the UN, opted for punishing the Serbian aggression on the basis of norm of protecting human rights. It can particularly be underlined that the UN spread on effort to follow an undeterred attitude in implementing the necessary sanctions in Kosovo in an amount that was not present during the Bosnian crisis. Besides, the UN took a regulative role in terms of both the international authority and law by authorizing the ICTY (International Criminal Tribunal for the Former Yugoslavia) to try the human rights violations in the context of violence and ethnic cleansing inflicted by the Serbian forces over the Kosovan Muslims. In addition, assignment of a UN special representative was an initiative symbolizing the weight of the UN for diplomatic resolution.

Yet, the most important attempt that damaged the authority of the UN in Kosovo was the bombardment of the Serbian targets by NATO without UN authorization. Although NATO's decision to intervene in Kosovo had an institutional characteristic, the UN was bypassed due to the concern over the fact that NATO member countries including the US, UK and France would not prevent Russia and

China from vetoing in the Security Council. Although the operation paved the way for starting a peace process thanks to deterring the Serbians, it created a certain ambiguousness as to whether the UN was the sole global authority competent in use of force. The most dangerous aspect of this ambiguousness was that a state would seek legitimacy from sources other than the UN in order to commence an intervention process in another country to protect and reclaim the human rights. For this reason, it may well be argued that the consensus over the fact that the one-and-only authority in assuring the international peace and security is the UN was sometimes subjected to severe questioning due to predominantly the NATO operation.

When evaluating the overall aspects of the Kosovo crisis, on the other hand, it can also be argued that the global effect of the UN and thereby the concept of its international authority were consolidated thanks to the UN contribution in assuring the global peace and stability as well as the post-crisis period of securing peace in the Balkan region. Yet, it is also a fact that: Revealing as a violation of the international norms of law at the beginning, the NATO intervention and the following peace process allowed re-participation of all the parties (including the conflicting ones) in the international system on the basis of an inter-state consensus.

2.3.4.1.1 Consequential Ramifications:

(1) It can be argued that the UN was way more effective in Kosovo in comparison to the previous crises and pioneered in taking protective measures for human rights. In the aftermath of establishment of peace, on the other side, UN's international authority started to increase in strength through founding a civilian administration in Kosovo anew and conducting reconstruction activities by gathering

support from the international community to secure the newly-founded political formation.

(2) On the other hand, although the NATO's bombardment to stop the Serbian aggression without the UN authorization was approved with regard to international morality, it can be claimed that this act paved the way for abrasion and questioning of the concepts such as international law and legitimate use of force in the international field.

2.3.4.2 International Actors

Beginning under Milosevic's leadership in the former Yugoslavia - which had a delicate political structure after the collapse of the Soviets - the Serbian aggression sparked and prevailed ethnic conflicts. Starting with the announcement of independence of Slovenia and Croatia in 1991 and continuing with intensive violence in Bosnia-Herzegovina, the ethnic aggression had left all countries in the European geography to deal and intervene with the issue in cultural, strategic and security terms. In addition to the states, other international organizations such as primarily the EC and OSCE intervened in the issues emanating from the collapse of former Yugoslavia as of 1991. However, these states and international institutions, as stated in the ICCK report (2000, p. 56), could not give much importance to the Kosovo crisis, since they focused rather on the issue of Bosnia-Herzegovina in 1990s. Nonetheless, since the dimensions of Serbian violence towards civil society in Kosovo revealed the need for humanitarian intervention, the institutions and states in the region had been observed to somehow take part in the political initiatives since the Bosnia and Herzegovina issue.

During the Kosovo crisis, it is possible to see that the international actors were more stable and more determined in eliminating the contradiction of humanitarian intervention-state sovereignty compared to the Bosnian crisis. International actors had adopted the option of intervening in the Kosovo crisis in several ways, both through individual states and institutions. On the other hand, intervention or other political decisions cannot be argued to be taken at the institutional level. In particular, it appears that the states did not prefer to leave the actions associated with their own security and interests to the decision-making mechanisms of the institutions, but on the contrary, they are observed to carry out a realistic approach on the basis of their own initiatives. In addition to the Western major actors, Russia - whose activity in international affairs had decreased after the Cold War –was observed to adopt an attitude in the Kosovo crisis to actualize its own security and strategic priorities, due to its proximity to the region.

The fact that the diplomatic processes executed by the major powers in the international system during the Kosovo crisis concentrated on the process of the NATO bombardment, which began on 24 March and ended on June 10, 1999, shows both the peace and initiatives commenced to shape the peace-building process. Particularly Russia, whose right to veto in the Security Council was divested, increased its diplomatic initiatives since April to ensure that its traditional ally – Serbia – could achieve a good outcome from this issue. Russia did not support the idea of use of force against its historical ally, Serbia, and could not accept NATO's decisive role in the crisis. In a sense, it can be said that this dilemma by Russia prevented the Security Council from resolving this issue, and this caused the NATO to take an even bigger role (Talentino, 2005, p. 260).

On the other hand, major actors were keen to reconcile on international decisions and sanctions for stopping Serbian aggression, while they were observed to be more in conflict with regard to the character of the Kosovan administration after peace was to be established. Although the international major actors agreed with the Security Council Resolution No. 1244, which ended the conflict and set up a new Kosovo government, they disputed over the structure of the UN's protectorate on Kosovo. The international community could not agree on the extent to which Kosovo should have remained autonomous, while continuing to stay within Serbia. Despite these disagreements, it can be argued that they acknowledged and reconciled on the fact that international humanitarian intervention as well as formation of stable political and administrative structure are crucial steps in assuring perpetual peace, following the termination of conflicts by the humanitarian interventions by the major powers, including Russia. In an attempt to prevent the aggression against the Kosovan civilians and to stop the Serbian military activities in the region, the measures requested by NATO under the "Military Technical Agreement" were supported by the international actors including Russia, which can be deemed as an important step in terms of the reconciliation established in Kosovo. After these requests were ensured to be accepted by the Serbian leader Milosevic, the NATO bombardment was terminated (Talentino, 2005, p. 255). On the same day (June 10, 1999), the Security Council achieved its ultimate goal of coordinating international actors by both establishing peace in Kosovo and assuring the UN civilian government and the international security force under the NATO command (Security Council Resolution 1244, 1999).

Even though all the members of the Security Council had taken the decision to end the Kosovo crisis and establish a new order, the NATO bombardment inflicted

without a Security Council decision, created a serious resentment among non-Western members of the Security Council, namely Russia and China. Kosova cirisis was actually resolved by the decisive initiatives of Western Bloc, but, it also paved the way for Russia and China to take part in the reconciliation process. Despite the NATO operation, China and Russia provided partial support for the humanitarian approach of the international community in Kosovo. It can be argued that their efforts to take part in the decision making processes of post conflict can be argued to be the evidence to put their weight in the international balance in the new period.

In this respect, the constructive and supportive contribution of the international actors in the conflict resolution process in Kosovo - in which the UN and NATO took leading roles - a long-term peace setting was established. Thanks to the peaceful environment and security ensured by NATO's KFOR, the processes of reconstruction, binding up the wounds and increasing the welfare level for the society were started and managed through the support of the international actors in a stable political setting and under the supervision of the UN in Kosovo.

2.3.4.2.1 Consequential Ramifications:

(1) The crisis of Kosovo marked the following consequences: On the basis of the experiences acquired during the issue of Bosnia-Herzegovina, universal values including the human rights were underlined with a higher tone of voice by the international society. Within this framework, the mechanisms of the international actors as well as organizations became more effective. Therefore, the period of crisis was one that was backed by common solutions, rather than individual initiatives.

(2) Exerting the most efficient struggle against the Serbian aggression in institutional scope, the NATO bombardment reflected the common will of the states; however this act was perceived as an initiative against the UN authority and caused hot debates with regard to the UN Charter as well as the customary law. It can be also argued that the operation was accepted as an urgent and vital need as well as a temporary and exceptional action by the international society and there was not any trend to spread it globally.

2.3.4.3 Force (Coercion and/or Persuasion)

The Kosovo crisis was a process, in which options of diplomatic negotiations and use of force were blended together against the aggressive attempts of the Serbs. During the course of the crisis, NATO threatened Serbian Leader Milošević from time to time by use of force in order to make him stop oppressive and violent actions. These intimidations and coercive measures taken in parallel to the consecutive negotiations paved the way for a partial reconciliation. Moreover, the fact that the Security Council ruled expansion of the jurisdictional power of the ICTY in Kosovo by the Resolution No.1207 on November 1998 can be deemed as a decisive authority approach in the name of coercive measures. By resolution 1207, the UN also demanded from the Federative Republic of Yugoslavia any support necessary during the jurisdictional process[32] (Security Council Resolution 827, 1993). Except for the sanctions initiated for stopping the armed conflicts, that the UN further validated the juridical power of the ICTY over the Milošević administration to handle the human

[32] The UN Security Council established the ICTY (International Criminal Tribune for former Yugoslavia) by the Resolution No. 827 to juridify the human rights violations in former Yugoslavia in 1993.

rights violations may well be regarded as a significant approach expanding the concept of universal justice.

The Kosovo crisis, thus, was a case, during which approaches of coercive and persuasive measures were used in a coordinated way in order to halt the belligerence. The international actors tried various diplomatic and pacific measures with patience until the crisis came to a point that it was not possible to solve without use of force. Inevitably, aggression and violent attacks could be terminated by demolition of the Serbian military capabilities. Finally, a peace process was ensured encompassing all countries in the region, including Serbia, providing regional stability and reassuring international strategic balance. Persuasive and coercive measures were used in this crisis to an extent that is incomparable to the Iraqi crisis. Further, international community and actors exhibited decisive and consistent attitudes toward the conflict resolution in a goal-oriented way, which collectively facilitated the process of getting the desired results from the collective efforts. Since each and every conflict bears its own peculiar circumstances, there is not any standard prescription to resolve all conflicts and crisis. In addition to the great agreement between the major actors to stop the aggression and massacre with forceful measures, the emerging international consensus on the measures to be taken post intervention exhibit an important step towards stability and enduring peace.

2.3.4.3.1 Consequential Ramifications:

(1) The Kosovo crisis set an example for the use of persuasive and coercive measures in a coordinated way by the international society in humanitarian interventions. Moreover, the international actors' consensus can be summarized as

follows: The sovereign rights of the countries cannot be respected to an extent that allows violation of human rights.

(2) An international approach was achieved with regard to using any sort of methods - including gradual use of armed force - to stop such violations, provided that diplomatic negotiations do not yield the desired results. Additionally, it can be fairly claimed that use of force to stop an aggressor state has moral support of the international community, although there has been intense debates over the legitimacy of international armed intervention.

2.3.4.4 Hegemony or Multilateralism

As it was previously seen in the Bosnia-Herzegovina crisis, the international actors managed the Kosovo crisis through interaction and cooperation in establishing contacts with the conflicting parties and leaded several attempts to facilitate reconciliation between the Serbian and Kosovan Albanians at different levels. On the basis of the respective UN resolutions, the UN provided support to international conferences and other initiatives with individual states, in addition to the coordination it established with the regional institutions with regard to the projects of conflict resolution. Differently from the previous interventions, the UN can be deemed to act as a maestro leading the international community during the process of resolving this crisis.

From this perspective, the fact that Kosovo crisis was successive to the crisis of Bosnia-Herzegovina and was more or less an expected problem in the region ensured that the negotiations started by the Contact Group of Five for Bosnia would also contribute to the resolution of the Kosovo crisis. The architect of the Dayton

Peace Agreement concluding the crisis of Bosnia-Herzegovina, the US special representative Richard Holbrooke managed an effective process of negotiation with the Serbian administration at both individual and inter-state level putting forward the US dominance. The factors that deed the Kosovo intervention different from the Iraqi and Bosnia-Herzegovina interventions in terms of multilateralism are as follows: Primarily, there was not any hegemonic practice in handling and managing the crisis, since multilateral solution efforts were formed by groups, institutions and NATO. On the contrary of the Iraqi crisis, the UN was rather effective in conducting a large scope of diplomatic negotiation process by cooperating with other institutions and groups in the international field.

The most important difference of the intervention in the Kosovo crisis from that of Bosnia-Herzegovina was that there was not any complication with regard to futile debates over whether to intervene or not, emanating from the various interests and cultural affinities of the states. In a sense, the threat created by the Serbian aggression over the regional stability and particularly the human rights violations pushed the states to reach a consensus and prevented them from putting forward their different views and thereby, obstructing ultimately from halting the process of intervention. It can be stated that the international community reached a consensus during the Kosovo intervention in terms of not only international law, but also certain common humanitarian values.

The fact that the precise moment of taking action took place only after the US ensured its willingness decisively does not demonstrate that the intervention was a unilateral step by a hegemonic power. On the contrary, the intervention was managed multilaterally by cooperation and diplomacy with all actors in the international system. No matter how the NATO intervention was conducted without UN

authorization, it obtained approval from all members of NATO and was morally supported by the international society. Consequently, the implications of the NATO military operation were largely accepted and acclaimed, since it stopped a humanitarian crisis, although it bore certain legal contradictions. As a conclusion, it can be argued that a multilateral intervention in the humanitarian crisis in Kosovo as well as putting forward promising solution methods for the future paved the way for developing common norms and values for the international society.

2.3.4.4.1 Consequential Ramifications:

(1) The Kosovo crisis provided moral and rational understanding to the international society, so that the controversies between the two fundamental concepts - state sovereignty and human rights – were obviated by giving the priority to the human rights. The crisis further demonstrated multilateral approaches can be established for intervention without leaving much room for confusion.

(2) It can be deduced that this crisis, where particular hegemonic oppression was not experienced, was also a manifest indication that a new period was about to start in the international system, where the international organizations were taking a consistent a solid position toward peace and stability.

(3) Although there emerged the concern over the fact that the UN Security Council's authority and responsibility in protecting the international peace and stability would wear out, it was explicitly emphasized during and after the crisis by the General Assembly, too, that pursuits of legitimacy from sources other than the UN cannot be ever accepted (General Assembly Resolution 54/172, 1999).

2.4 INVASION OF IRAQ BY THE US IN 2003

2.4.1 Iraq-US Relations (1991-2003)

The US continued its punitive bombings on Iraq from time to time, while also going on to violate Iraq's sovereignty under the Operation Provide Comfort, which aimed to support the Kurdish and Shi'ite population after the 1991 Iraqi War they had started. In the meantime, while the people were struggling with poverty due to the economic sanctions, Saddam Hussein won the referendum held on October 1996 that gave the power to be the president for another seven years. In other words, in a democratic country, while the poverty and troubles caused by these sanctions could have caused the rulers and even the regime to change, Saddam kept his seat having the Iraqi people's "support".

The Clinton administration, which came to power in 1993, envisaged the goal of implementing a peace plan in the post-war Middle East region including Israel (Clinton, 1994, p. 25). Due to the concern that the implementation of this plan could be prevented by an Iranian or an Iraqi threat, a dual containment was initiated in order to establish full control, which would be implemented at the same time against both countries (INDYK, 1993). This policy was intended to be used to cut Iraq's foreign trade to a point, where it became extremely powerless and to enforce economic containment by believing that Iran would use the resources they would gain from selling energy to obtain weapons of mass destruction. In this context, the US administration forbade American companies from investing in Iran and Iraq, and in

1996 they declared that they would impose sanctions on foreign companies that would invest more than 20 million dollars. However, European companies ignored the US's threats and invested billions of dollars in Iran's energy development. Clinton administration did not compromise on the American oil companies that wanted to change the decision on this issue and in a way they adopted a rather hostile behavior towards Iran (Edwards, 2014, p. 138).

Iraq had threatened Israel and Saudi Arabia that they would carry out a chemical weapons attack using long-range missiles during Kuwait invasion, but they had only used conventional headers in their attacks. The UN started to impose comprehensive sanctions to eliminate the threats posed in the region countries and international community to prevent Iraq from having the same potential again. In this context, in order to inspect the destruction of chemical, biological and nuclear weapons of mass destruction (WMD) and obligations under disarmament, the UN established and appointed a Special Commission (UNSCOM) affiliated to the Security Council with the UN resolution 687 that sets out the terms of the UN ceasefire. Even though Iraq did not fully cooperate with the UN inspecting commission after the war, the commission established an improved inspection system and made significant progress in its disarmament efforts. However, on December 1998, when the UN's UNSCOM's right of access in Iraq faced an armed obstruction, inspecting activity went into a crisis and Saddam requested the termination of the sanctions for UNSCOM to be able to continue their work. After this conflict, on 31 October 1998, Iraq terminated their cooperation with the UN's inspection commission responsible for the destruction of weapons of mass destruction.

However, the US and Britain reacted harshly and organized a three-day air bombardment called the *Desert Fox* to destroy Iraq's nuclear, chemical and biological

weapons; the aim was to weaken and overthrow the Saddam regime. In a country with a certain level of democratic system such an expectation could be realized, but in a totalitarian dictatorship regime in the Middle East, this was not realistic. After this date, the war of attrition against Iraq continued at certain intervals and shaped the period until the invasion of Iraq in 2003. On the other hand, it can be said that this military operation created two major disadvantages related to the control in Iraq: First of all, UNSCOM had established a certain level of inspection system and thanks to the investigations on the field they obtained information and came to a certain stage in ensuring that the material contained was destroyed. However, due to the crisis, it was forbidden for the commission to enter Iraq which caused the loss of power to inspect the weapon inspection and Western countries have been left with the option of making estimates based solely on their intelligence resources. It can be said that, when the reliable source of information on Iraq's weapons of mass destruction was destroyed, exaggerated information on weapons of mass destruction from unreliable intelligence sources caused Bush administration to blame Iraq in 2002. In reality, if the crisis and compromise diplomacy had been carried out mutually with Iraq and the UNSCOM had continued its mission, it would be possible to continue to inspect and to obtain healthy information. On the contrary, the departure of the commission from Iraq prevented Western sources' firsthand information and led to an increase in tension due to the intelligence reports from unknown sources. As a matter of fact, none of the weapons of mass destruction claimed to be in Iraq after the Gulf War could be found (Priest & Pincus, U.S. 'Almost All Wrong' on Weapons, 2004).

The UN felt the need to inspect the weapons of mass destruction in Iraq and on 17 December 1999, taking the resolution 1284, the UN established the UN inspection and Supervision Commission (UNMOVIC) to carry out the inspection

instead of UNSCOM; but Iraq did not accept the commission (Security Council Resolution 1284, 1999). Thereupon, the US and England organized another bombardment on February 2001 to make Iraq's air defense systems. The suspicion and disturbance of Iraq's weapons of mass destruction caused the US to continue its punitive military actions and continued until 2003 invasion as a political controversy continuously repeating itself in a circle. Although the random and arbitrary bombings created severe destruction in Iraq, the more influential result was the psychological effect. The poverty and the suffering of the Iraqi people caused serious rage among all Arabic people and even bothered the US's Arab allies.

2.4.2 Suspicion over Chemical Weapons and Pre-emptive Intervention

As mentioned above, Iraq was inspected by the UN's commissions and was sometimes oppressed by military measures in the event of noncompliance with the UN inspection. However, the US wanted to have a punitive military operation in 1998 for Iraq. They could only have the support of the United Kingdom from the west block for this operation. Even Saudi Arabia did not allow the use of its bases for this bombardment, which Kuwait also opposed. France, Russia and China, the permanent members of the Security Council, have opposed the use of force in this way, and the US could not get a global support like in 1991. Undoubtedly, this change of heart can be evaluated as: After the cold war (beginning of 1990s) the US's position as the uni-polar world period has come to an end and a new "uni - multipolar" system, which includes other major states and regional countries, has taken the place (Huntington, 1999, p. 11). While this change demonstrated that a new structure of global power balance has begun, it has also shown that the institutional authority of the UN Security Council may be stronger; which was in fact the result of the increasing

relative power situation of the member states relative to the United States, and in another sense, it became the most important evidence that shows a more centralized authority mentality began to settle.

Speaking to world leaders at the UN General Assembly meeting on September 2, 2002, President George W. Bush accused Iraq in many ways and called for action, warning about the heavy and upcoming threat that Iraq has created. In his speech to the UN member states, Bush accused Iraq of: their efforts to develop weapons of mass destruction; supporting terrorist organizations direct violence against Iran, Israel and Western states; hosting al-Qaeda terrorists who fled from Afghanistan to Iraq; violating the resolution of 1373 that the Security Council took after the 9/11 attacks on the prevention of terrorism by all states (President's Remarks at the United Nations General Assembly, 2002). President Bush also accused Iraq of that according to the 2001 UN Human Rights Commission's findings; Iraq has made very serious human rights violations and allegations in areas other than those reported under truce conditions (President's Remarks at the United Nations General Assembly, 2002). President Bush has showed the US's commitment on the issue of Iraq by saying that if the skeptical world leaders do not do anything about this issue, they should not prevent the US from taking action against it. In other words, the US revealed that their goal was to forcibly remove the worries over Iraq, like they did in Afghanistan.

As a matter of fact, in response to these statements of the US president, the UN Security Council took resolution numbered 1441, which can be considered historic, on 8 November 2002 and indicated that Iraq was in a "material breach" of the conditions stated in the previous ceasefire decision numbered 687. During the preparation of the UN resolution numbered 1441, the draft was prepared by the US

and UK, the common opinion of the Security Council members on making serious warnings to Iraq was reflected in the resolution. Nevertheless, France did not allow this decision to automatically start war or use force in the event of a violation of the material breach found by the inspectors. But they insisted that the UN should make a separate decision for the subsequent course of action, so the text of the resolution did not use the "... all necessary means" referring to the UN Charter section VII (Security Council Resolution 1441, 2002).

In Resolution 1441, it was also stated that Saddam Hussein was given a last chance to fulfill the disarmament obligations laid down in the previous UN resolutions. The violations accused were very extensive and covered all decisions taken to that date. These violations included many areas such as; violations related to weapons of mass destruction, producing prohibited types of missiles, buying and importing prohibited weapons, continuous refusal of reparation for looting done by Iraqi soldiers in Kuwait in 1990-91. Resolution 1441 that includes the allegations against Iraq was approved by the 15 members of the UN Security Council on 8 November. There was a greater consensus for this resolution than the resolution 678 which allowed taking any kind of measures against Iraq due to the invasion of Kuwait. Despite a sanction to this extent against Iraq, the US was not satisfied and continued the effort to make Security Council to issue a resolution that authorized the use of military force against Iraq.

On the other hand, even though Saddam denied the allegations against Iraq, he declared that he allowed the UN Weapons inspectors to enter the country on 13th November. As a matter of fact, instead of the inspection commission UNSCOM that left Iraq after the operation of Desert Fox in 1988, UNMOVIC inspection commission, established in relation to UN Resolution 1284 in December 1999

returned to Iraq on November 27,2002, with Hans Blix as the chairman and UA Atom Energy President Mohamed El Baradie. On December 7, 2002, the Iraqi government delivered a 12,000 page weapons declaration report in accordance with the UN resolution. Hans Blix examined the reports and referring to the previous Iraqi reports, stated on December 19th, that these reports did not reflect the truth and could not be trusted.

The inspectors continued their inspections and on December 2002 and February 2003, they reported that the decisions regarding the notification and destruction of existing weapons of mass destruction and their location were partially complied with and they requested time to complete their mission. The commission detected that Iraq had taken some action to destroy the banned weapons and chemical substances. They could not find any trace of WMD production and inventories for these items. They also could not find enough evidence on destruction of the previously identified nerve agent VX, Anthrax and long-range missiles; and the evidences provided by Iraqi government were not found convincing. Hence, commission chairman Hans Blix presented a report on 27th January to the UN Security Council and stated that "Iraq has not reached a full understanding of disarmament as it is demanded in order to gain the trust of the world and to live in peace."; and said that "Iraq changed the location of their 1000 tons of VX nerve agent" (Blix, 2003). Blix concluded his report stating that the UN Security Council should convene to discuss the situation regarding the US's allegation that Iraq completely violates the UN resolution. Subsequent works proved that a majority of members of the UN Security Council (especially French President Mitterrand) were not in favor of a decision that could lead to war. In the end, despite the inspection commission's negative report, Security Council could not take a new decision. After

this development, the US President, the British Prime Minister, the Spanish and Portuguese prime ministers, gathered on the Azores on 16th March and gave Iraq a notice to comply with UN resolutions until 17th March. Bush and Blair clearly declared on 17th March that the diplomatic period has ended and before the invasion of Iraq, even if such a decision is diplomatically desired, no new UN mandate will be sought.

Meanwhile, the US took action to make a major military build-up in Iraq's neighboring countries; Kuwait and Qatar. They took a resolution from the Congress allowing the use of force against Saddam Hussein (Joint Resolution to Authorize the Use of United States Armed Forces Against Iraq, 2012). Considering that the upcoming hot weather condition would affect the operation negatively and that the troops are ready, President Bush thought that a new postponement would slow down the attempt and although no separate decision was taken by the Security Council to intervene in Iraq he, along with UK and a small coalition (Coalition of Willing), started launching an invasion (Operation Iraqi Freedom) in Iraq on March 20, 2003 arguing that the previous decision 1441 was a legal basis. As a matter of fact, in a short period of time as three and a half weeks, Baghdad was invaded and Saddam had escaped. After the coalition forces captured Iraq, a temporary government was appointed by the US in July. Joseph S. Nye (2010, p. 316), in his study of Iraqi occupation, mentions three arguments that have been shown as the reason for the war: It was understood that two of the three reasons - claims that said Saddam was linked to the events of September 11 and his possession of weapons of mass destruction - shown by the United States before the invasion were based on false intelligence and political exaggeration. In this context, it can be claimed that the serious allegations against Iraq by President Bush, especially his speech on 12th September 2002,

manipulated the international community. Undoubtedly, with the effect of these allegations, resolution 1441 was approved by all members of the Security Council on November 8th. However, in the researches done, no weapons of mass destruction were found and there was no evidence of Saddam supporting terrorist organization. In a a statement he made in October 2004, President Bush said that the report prepared by Weapons Inspection Chairman Charles A. Duelfer had approved the information David Kay primarily gathered which stated that Iraq in fact did not possessed the claimed weapons (Priest & Pincus, U.S. 'Almost All Wrong' on Weapons, 2004).

The remaining reason: The claim that said overthrowing Saddam's oppressive regime would help establishing a democratic Iraq and this would lead a democratic transformation in the Middle East remained only as a dream. Even though the US established an interim government, Iraq went into a serious chaos and was shaken by sectarian violence conflicts for many years. The US had to constantly increase the number of the troops to protect the peace. Despite the rebellion and violence movements in the country, elections were held in 2005, but it was not possible to create an institutional democracy under these conditions. Due to the general characteristics of Middle Eastern societies such as; division on ethnic and religious basis, the weakness of institutions and the absence of a sense of collectivism that encourages the majority being ruled by the minorities, the elections to be made in a society like Iraq were not enough to create liberal democracy.

2.4.2.1 The US and the Preemption Concept

Prior to the invasion of Iraq in 2003, international support was weak since there was no evidence of a clear and serious threat regarding the weapons of mass

destruction. However, more importantly, since this military operation was not directly authorized by a Security Council decision, it caused a debate on whether this operation was legitimate under the UN Charter or not. In addition, since this operation was put into action due to the legitimate allegations which stated that Iraq has created an " imminent threat" because of their chemical weapons, Although there is principle authorizing countries to defend themselves individually or collectively against a possible assaulter according to the Article 51 of the UN Charter, this authorization was interpreted by the US with a broad understanding which created the "pre-emptive intervention" notion in the operation against Iraq. We can see the basis of this understanding in the "National Security Strategy" document published in 2002 which shaped the US strategy in the Bush administration period. According to this strategy, the US took one step further from the self-defense right stated in the Article 51 UN Charter and accepted "pre-emptive" intervention as a legal measure for countries under a threat (The National Security Strategy of the United States of America, 2002). The reasons for President Bush's pre-emptive intervention have been expressed quite clearly in his speech;

"*For centuries, international law recognized that nations need not suffer an attack before they can lawfully take action to defend themselves against forces that present an imminent danger of attack….We must adapt the concept of imminent threat to the capabilities and objectives of today's adversaries. Rouge states and terrorists do not seek to attack us using conventional means……The targets of these attacks are our military forces and our civilian population, in direct violation of one of the principal norms of the law or warfare…The United States has long maintained the option of preemptive actions to counter a sufficient threat to our national security. The greater the threat, the greater the risk of inaction-and the more compelling the*

case for taking anticipatory action to defend ourselves, even if uncertainty remains as to the time and place of the enemy's attack. To forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act preemptively…. The United States will not use force in all cases to preempt emerging threats, nor should nations use preemption as a pretext for aggression. Yet in an age where the enemies of civilization openly and actively seek the world's most destructive technologies, the united Sates cannot remain idle while dangers gather."

Since there was no resolution by the Security Council allowing the use of direct military force and to legitimize the intervention in Iraq in 2003, the US defended the legitimacy of the operation by showing Resolution 1441 and the prior decisions taken as a reason. However, since this mentality was used by a super power like the US to legitimize a de facto operation and that it could be perceived as the natural right of a nation, international community considered this mentality as a serious concern. On the other hand, the report of Council on Foreign Relations published in 2002 which examined the Preemption concept in terms of the US politics reveals that factors such as the proliferation of weapons of mass destruction (WMD) after the Cold War, increasing number of failing states and terrorism becoming a coordinated and global phenomenon led the US to the preemptive understanding. However, even though the preemption understanding is based on the "war of necessity" notion, the council report claims that this understanding has the potential to create a tendency towards a one-sided action and therefore may lead to erosion of institutional rules of which the US is trying to place globally. Ultimately, this report contradicts the preemption doctrine, saying that international communities can not react to significant changes in the face of threats and opportunities (2004, pp. 1-9).

Although this analysis has reached the result that preemption doctrine will not serve the US's global benefits, it can be seen that the implementation of this concept can shape the intervention understanding as a purely political choice. As pointed out in the conceptual frame, however, the US adopts to be perceived in an exceptionalist position and does not pretty much prefer other states using such a practice. From a purely legal point of view, it can be said that although the preemptive intervention, without precedent, is defined as a doctrine, neither the international nor the customary law can legitimize this concept. Considering the fact that even the legitimacy of the 1999 Kosovo intervention, which was morally approved by the international community, is still being discussed today; it should not be expected of this doctrine, which has to be one-sided before anything else, to become a custom. Political scientist Prof. Marc Weller argues that preventive or preemptive war / intervention has been widely rejected according to the studies conducted on many international platforms. Prof. Marc Weller (2010, p. 143), however, states that even though in a letter dated March 20, 2003 written by the UN Representative of the United States to the President of the Security Council it is said that; "*To say that defending the US and the international community is an important step against the threat posed by Iraq*", there is no clear indication on the nature of the threat or more importantly how close it is. The UN is the global platform in which preemptive war discussions are taking place. The expression in the "2005 World Summit Outcome" document, which was approved at the 2005 summit, is extremely important. Because it states that the UN has the authority in ensuring peace and security in the international community and that the legal framework in the charter must be taken into account. At the same time, this statement also means a commitment to prevent the behavior of other countries taking the United States as an example. It also shows that the international community

is committed to the legal framework. The document (General Assembly Resolution A/60/1, 2005) says that:

"We reaffirm that the relevant provisions of the Charter are sufficient to address the full range of threats to international peace and security. We further reaffirm the authority of the Security Council to mandate coercive action to maintain and restore international peace and security. We stress the importance of action in accordance with the purposes and principles of the Charter."

On the other hand, many analyses also have been made examining the military operation in Iraq in terms of preemptive intervention and international law and found the decision justified. In this context, William TAFT and Todd BUCHWARD, Legal Advisers of the US State Department, in their legal analysis (2003, s. 557-563) claim that: reasons such as; the failure of Iraq to comply with the UN resolutions after 2nd August 1990; especially the weapons of mass destruction threatening both the regional and other countries; violation of the sanctions stated in the resolution 687, which brought obligations to Iraq together with the ceasefire, justify the operation of "Operation Iraqi Freedom" as a preemptive intervention. However, even though a pre-emptive intervention was advocated by the Legal Advisors, Marc Weller (2010, p. 143) infroms that in the official justification of the US that was given to the Security Council, the Iraqi intervention was based on "that Iraq does not comply with sanctions on chemical weapons, is in material breach, and that these violations constitute a violation of the conditions of ceasefire No. 678".

On the other hand, as it can be seen in the US' related document, the US is against preemptive intervention by other countries and in fact, wants to keep this authority on themselves only. However, it cannot be denied that the operation of the US has created the concern that such an example would be used in the future as a

justification by a state to intervene in another country. It is quite difficult to find a rational explanation for both UN Charter and international law preparing a legitimate ground for preemptive action against a threat that could create an imminent threat. Pre-emptive Concept: generally addressed as an important factor in the context of Iraq Invasion in 2003 and the political attitudes of the US, however, it is considered that the detailed legal analysis lie outside the scope of this study.

In the context of these evaluations, and taking into consideration that the responsibility and authority recognized by the Security Council to ensure the World Peace and Security are integrated phenomena, it does not seem possible to argue that the previous UN resolutions with various reasons or intelligence data provides a sufficient justifiable ground for a pre-emptive military operation – as it was observed in the case of Iraq – if the Council does not have a statement on the will to ensure legitimacy for direct intervention in a crisis.

2.4.3 The UN-US Friction after the Invasion

Before the Iraq invasion began, President Bush established a unit in Pentagon on 21st January 2003 responsible for the planning and execution of Iraq's administration post invasion; the Office for Reconstruction and Humanitarian Assistance (ORHA). Retired General Jay Garner was appointed head to this unit. Although ORHA did not have enough time for planning, has faced problems such as oil fires, major refugee crises and regional instability during the reconstruction of Iraq. Even though ORHA seemed like a military administration, it also made some efforts to leave the duties to an Iraqi government. As an example of the work on this issue; they made effort to gather a constituent assembly that would provide a

constitution to be used during an election to be held in two years (Malone, 2006, p. 203). However, due to the lack of coordination between civilian and military units in Iraq, ORHA became ineffective. Thus, as of May 6, 2003, President Bush appointed senior diplomat Paul Bremer as the head of "Coalition Provisional Authority (CPA)", a new American unit in Iraq. Bremer took action to secure the control in the country and was the architect of the process of purifying the entire country from the Baath regime. The CPA's duties were terminated on June 28, 2004, just before the Interim Government of Iraq took office on 30 June 2004 (Iraq Coalition provisional Authority Order Number One, De-Ba'athification of Iraqi Society).

The US and UK, which have carried out the invasion of Iraq together, also became the determinant of the UN's responsibilities in the restructuring of Iraq. Secretary General Kofi Annan was not pleased with the exclusion of the UN from the decision-making process in Iraq, and wanted the UN to be involved in the humanitarian and peace building process in Iraq. In fact, this participation had a contradiction due to the thought that it would make the US's Iraq invasion gain legitimacy. On the other hand, during the first period, the coalition between the US and UK did not lean towards the UN playing an important role in Iraq except humanitarian aid. Other states also began to make financial contributions to the reconstruction activities initiated in Iraq. However, international community was concerned that the funds of aid for Iraq would legitimize a war they had been against and at the same time they were not pleased with the militarization of the aid process.

As a matter of fact, UN Security Council put forward the intentions and cooperation in Iraq with the resolution 1483 taken on May 22, 2003. The context of this decision meant a compromise between the US-UK front and France-Russia and China front. In fact, the US-UK frontline was expecting a very comprehensive

consensus, recalling its decision No. 687 (the 1991 Terms of the Truce). The other side wanted to refrain from repeating their attitudes in the Kosovo intervention which led to the Resolution 1244 (1999) to be taken afterwards. In a way, because they agreed with Resolution 1244 which foresaw Kosovo's peace process and restructuring, they did not want to give the impression that they, again, had approved military intervention without UN decision. The introductory part of the Security Council Resolution 1483 contained two important points. First one put forth the power of UN over Iraq post invasion stating that UN has a vital role for providing humanitarian aid, restructuring of Iraq, restoration and installation of local institutions for the interim government. The other important decision stated that: the US and UK recognized Northern Ireland as "occupying powers" and confirmed that they had the over the unified command; and within this scope confirmed that they has certain powers, obligations and responsibilities for the administration of Iraq.

Although this was contradictory, this resolution gave CPA a central role for Iraq's transformation in political and constitutional context at the same time. Additionally, resolution 1483 stated that the UN would play a vital role in Iraq and to fulfill the functions undertaken, the UN appointed as "Special Representative of the Secretary-General (SRSG)". Areas in which SRSG is responsible for coordinating were determined as; humanitarian aid, restructuring, infrastructure rehabilitation, legal and judicial reforms, human rights, the return of refugees, providing civilian police support. At the same time, resolution 1483 authorized CPA to appoint a temporary Iraqi administration in coordination with the SRSG. In a way, this resolution tried to determine some important principles that blend and reconcile the US invasion power with the UN authority (international will). However, after the arrival of SGRG as the representative of UN, the US gave substantially technical roles to the UN such as the

development of the Iraqi Constitution, the making of elections and the establishment of a government to limit the UN's power over Iraq (Malone, 2006, pp. 202-208). In other words, the US expressed in every way that this was not a UN operation and that they are the true determiner in the restructuring of Iraq.

On the other hand, US - UK coalition went through a simple tactic in relation to the UN. First of all, the coalition would function in its own designated areas, but when the UN's "seal / approval" was possible and useful, they would return to the Security Council. This mentality meant that for the international approval of this coalition's operations, the UN was going to be used. An important example of the UN's dependence on the US was related to the "Development Fund for Iraq" fund, which was established with Iraq's oil revenues for activities to be carried out in Iraq. The US stated that only the coalition countries could participate in the biddings which was in a way to punish France and German for not supporting the US in the Security Council (Malone, 2006, p. 206). This way, the initiative to use the income from petroleum sales, which was limited for Iraq, for repairs or restructuring in the country was in the US's hands. This way, on one hand, the UN's authority was restricted and on the other hand, it is clear that the invasion forces, the US, tried to maintain the hegemonic understanding of the intervention process by controlling the resources of the country in their own interest.

Both the UN Secretary General and leaders of France, Russia and Germany objected in their many statements to the US unilaterally shaping postwar environment in Iraq. As a matter of fact, Secretary General Kofi Annan, making an effort to make the UN more effective in Iraq, established the "UN Assistance Mission for Iraq-(UNAMI)" organization in order to carry out the UN functions envisaged in Iraq. However, UN Special Representative Sergio Vieira Mello and 20 UN officers were

killed and 150 were injured as a result of a bombed truck attack on UNAMI headquarters on August 19, 2003. As a result of a second attack in a month, about 20 UN officers were injured and Kofi Annan radically reduced the UN presence in Iraq (Malone, 2006, p. 208).

David Malone states that President Bush's UN speech on September 12, 2002 in which he offered two choices to the world states: either to support the United States or not to interfere with the United States was not an empty talk and proved his own prophecy by making it real. David MALONE examines the process before the invasion of Iraq in terms of both international law and UN-US relations, and gives two different interpretations of the invasion of Iraq regarding that it was a kind of experiment. The first view belongs to Lawrence Freedman who: characterizes the invasion of Iraq as a kind of "experiment" in which Western powers use "preventive strategy" instead of "reactive strategy". David Malone (2006, p. 212), on the other hand, claims that, in the context of US-UN relations: it is an experiment in UN - US relations as to whether this invasion would serve the US's legitimacy to achieve its own foreign policy goals.

The practical counterpart of these evaluations can be read as follows: The defendants of institutionalism (Russia and China are cautious and allow France to lead this field), in the security council oppose The United States, which is re-recognizing its own power and the champion of the Realist approach. On the other hand, although France and Russia have been accused of corruption in their petroleum program for food, even though it was symbolic; and although these states claim that they are in the position of idealism and institutionalism championship, it can be said that they act with a mercantilist approach to the decisions of the council and the implementation

mechanism which can be condemned even more than the US's instrumentalist perspective.

Even though it is explained above how the US started the Iraq War based on indefinite evidence, we find the signs of a return to a hegemonic understanding in the context of the administration established in Iraq after the war. It is clearly seen that: Although not only Russia and China but also other Western powers did not support the idea of the Iraq Invasion, this operation was done solely with the US's own means and neutralized an attacker they had defined themselves. Therefore, the US excluded the UN, including those that did not support this "victory" and prevented them from participating in the process of restructuring Iraq. The fact that even the use of financial resources within the scope of political restructuring was in the possession of the US shows that there is a serious discrimination. It can be said that, these practices of the US in Iraq are due to the perception of threat that they felt globally after the tragedy of September 11 and the defense concept they developed against it and thus indirectly reflect the concept of categorizing the countries of the world. In this regard, an analysis of the stance of the US post September 11 is discussed below.

2.4.4 International Actors and the Concept of Legitimacy

The contradiction between the US, the coalition in general, and the UN in the invasion of Iraq in 2003 is a process that has lost much in terms of business and principles where there was no winner with regards to the international community. Resolution 1244, which was taken immediately after the NATO intervention in Kosovo in 1999, restructured Kosovo with the establishment of UNMIK (UN Mission in Kosovo), which would run the UN process in Kosovo, as well as the appointment

of IFOR for the protection of this process. In a sense, referring to the resolution 1244, the UN's implementation of the "state building" process in Kosovo was accepted as a somewhat late legitimacy of the intervention by the international community. However, same thing did not happen for the invasion of Iraq in 2003 and even though in the resolution 1483 it was stated that the UN would play a vital role during the restructuring of Iraq, this did not happen. However, the US suffered from this because both political and financial bills of all the processes carried out in Iraq had to be undertaken by the US themselves only. David Malone states that the relations with the UN were quite important during this transition period where the US was the sole superpower. In this context, he claims that: "*The US supremacy is both an opportunity and a challenge for the UN and the Iraqi issue shows us that the UN and the US actually need each other*" (Malone, 2006, p. 249). On the other hand Malone states that; *"For the Security Council, the most serious challenge in the future - without complying with dangerous incidents in important security matters - is to be able to have a courage to appeal to the US when something is wrong, but if it is true, showing the maturity of accepting it and engaging in the US* " Undoubtedly, during this process, what expected from the Security Council is to fully protect its integrity as it develops its own activity. The UN, which has a predominant role among international actors, is obliged to coexist with the US in every regional crisis or events in the global context. As the mutual interactions of these two actors have the power to create serious implications at the international level, they will continue to occupy a special place in state - international institutional relations in the new period.

Therefore, it is necessary to examine the international relations in a different level than the state-state or state-international institutions that exists in the classical literature. The United States-UN relations is a broad research subject, but especially

those on the technical level of US-UN conflict before and after the war in the occupation of Iraq is set forth. As a result, these rivalries became mutual accusations that were expressed at the highest level after the war, which is an important indicator in terms of recognizing the relationship between these two actors. In an interview with the BBC in September 2004, UN Secretary General Kofi Annan clearly stated in a diplomatic language that, the invasion of Iraq led by the US was a behavior that would breach the UN Charter and the war is actually not legal: "*...it was not in conformity with the UN Charter from our point of view, from the charter point of view, it was illegal*" (Iraq war illegal, says Annan, 2004). In addition to his opinions, Kofi Annan also stated that the United States should have not acted according the Security Council Resolution 1441, which explains that Iraq does not comply with arms control, and that they should have waited for a second UN resolution. This further clarifies the profound disagreement between the UN and the United States. In the face of these comments by Kofi Annan, the former President Bush administration settled with the accusation of substituting the judgments of the member states with the personal judgment of the Secretary General. On the other hand, the British and Australian governments have responded to this criticism with legal considerations on the suitability of the authorities in their national legal systems for the intervention (Iraq war illegal, says Annan, 2004).

On the other hand, UK's explanation that they based their Iraq operation on the assessment made by the national "attorney general", who is considered to be an expert and competent in international law – instead of the option of political justification – shows their effort to legitimize the operation (Weller, 2010, pp. 202-209). Apart from the statements from British politicians, Marc Weller, in his book explaining the legal process of using force in the Iraqi operation states that the UK

general public prosecutor and other legal experts would not enter a war based solely on 1441 and that they have made a comment on the need for a new resolution from the Security Council to use force (Weller, 2010, pp. 144-188). Despite the difference of opinions between the government and the legal units concerning the decision of the resolution 1441 in UK and the intent of the United States, Weller says that eventually the following views gained importance : **(1)** The approval of the resolution 1441 which allows the use of force legally is ironic for the United Kingdom, **(2)** UK will work sincerely to make a second decision that will provide a legitimate authority, **(3)** If the US decides to go to war without paying attention to the UN debates, the discussion on documenting the approaches such as "stay in the presence" of the US initiative demonstrates how the other coalition partner of the US has been driven into intervention (Weller, 2010, p. 186).

It can be said that due the emphasis on legal grounds of the official statements from England, these are intended to be used as a basis for future legal inquiries. On the other hand, a similar statement made by the Australian Prime Minister shows that there is an understanding of the need to respect the international law interpretations, especially in the Anglo Saxon world, in order to be able to execute such an intervention. Based on this and similar statements, it can be said that the contradictions of international law in such interventions are so complicated that they cannot be justified by just narrow interpretations of the legal norms. Hence, the legal debates in the context of Iraq's invasion in 2003 do not constitute a basis for the facts of Bosnia and Kosovo. It is now accepted that, as the international humanitarian theories evolves for humanitarian intervention, there is a need for conversion that will

support a political commitment to secure the "Responsibility to Protect" concept.[33] However, it can be said that it is not possible to justify the past Iraqi operation within a violation of chemical weapons or humanitarian intervention. It should not be expected from this operation to set an example or customary norm of law for the future since it was not supported by the international community.

Although a "unilateralism" approach based on the US supremacy was made dominant by President Bush during the Iraqi invasion and the post-war period instead of a multilateral understanding, a different approach was seen in Afghanistan. The Afghanistan operation began with the Enduring Freedom operation under the leadership of the United States, and later NATO got involved to build Peacekeeping and Peace. In addition to the UN's political, economic and human development operations, relative improvements have also been achieved with cooperation of many international institutions. It is claimed that the "multilateral understanding" that the US consents its implementation in Afghanistan is appropriate for the goals of the US wanting to win the support of the world after 9/11 and at the same time for the geopolitical purposes. It is also clear that the intervention made is politically and morally supported by the international community.

The following statements by Kofi Annan, who criticized the Iraq war in 2003, have revealed the future expectations at least to reassure the international

[33]**Responsibility to Protect**: is a global political commitment which was endorsed by all member states of the United Nations at the 2005 World Summit to prevent genocide, war crimes, ethnic cleansing and crimes against humanity. The principle of the Responsibility to Protect is based upon the underlying premise that sovereignty entails a responsibility to protect all populations from mass atrocity crimes and human rights violations. The international community will encourage and encourage states to fulfill this responsibility and support the early warning of the issue of the UN. In the second article of the Concept, it was stated that the international community is responsible for using appropriate diplomatic, humanitarian and other peaceful means in terms of Articles VI and VI of the UN Charter to protect societies against crimes against genocide, war crimes, ethnic cleansing and humanity. In this context, if the national authorities do not fulfill their responsibilities even though witnessing crimes against humanity, genocide, and war crimes, ethnic cleansing or peaceful methods are not sufficient in this respect; the international community has stated that they are ready to take the necessary measures collectively and through the Security Council in accordance with Section VII. As of 2005, UN Secretary-General annually issues a report entitled Implementing the Responsibility to Protect.

community. *“Lessons for the US, the UN and other member states: I think in the end everybody's concluded it's best to work together with our allies and through the UN," and "I hope we do not see another Iraq-type operation for a long time - without UN approval and much broader support from the international community,*". As it can be seen, the UN secretary General made a statement wishing that the United States or another power in such crises not to act without the broad support of the UN or the international community in the future. In this context, in a way, the US acting in cooperation with all other western countries and institutions during the Libyan crisis in 2011 shows that there is a change in the US-UN relations, therefore in the basis of stronger actors, and that the US respects the UN authority. The difference of opinion on the issue of Iraq between the United States and UK from both the UN and other European countries did not happen for the Libyan crisis. All the relevant institutions, in particular the European Union, have reached a consensus in the evaluation of the crisis, in the decision phase and in practice. For example, the reasons Libya letting the US to solve regional crises in cooperation with the international community and institutions could be: international compromise, cost reduction and internal support. However, the issue of Libya is not evidence that the US will again show similar behavior - multilateralism and institutionalism - in this kind of future crisis. Based on the many crises developing since 1999, it can be said that there is a very high possibility of the US acting in their way to solve their problems related to the potentially strategic interests and vulnerable issues such as homeland security, with their own understanding and without seeking legitimacy.

2.4.5 The US Trauma of 9/11 and its Reaction in the International System

The trauma caused on the US by the terrorist attacks on twin towers in New York City and Pentagon using commercial aircraft on September 11, 2001 has made serious changes in its relations with the International community and its connections with the world. The US reacted to 9/11 issue focusing on the national defense by reviving the concept of an enemy world and by bringing security necessities to the forefront in order to justify an aggressive foreign policy implementation. In his book "The Post American World," Fareed Zakaria, who examined the periodical effects of the US public policy on US foreign policy states that, the main reason for the security-oriented policies carried out by President W.Bush is the 9/11 incident. According to Fareed Zakaria, after the initiatives in the international areas such as; Clinton-era Balkan interventions, international expansion of NATO and assistance to Russia, the US has lost its popularity in the public eye for issues like military intervention and assistance to foreign countries. The public wanted the US to withdraw from the world after experiencing the unrelenting struggles of the cold war.

But according to Fareed Zakaria (2009, p. 223), the 9/11 disaster radically changed this understanding and lifted all internal restrictions on US policy. In his study on the United States, Fareed Zakaria draws attention to the attitude change of the United States, especially in relation to the world, caused by 9/11 while examining the change in the US power politics. He argued, "*The US no longer needed the rest of the world or its legitimacy mechanisms and co-operation. In a way, the US is a new global empire that can make its own reality in the world.* "In this context, Zakaria states that the US's style of international relations policy that they carried out after 9/11 was very "imperial and arrogant"; and it turned into a model where despite the

proliferation of negotiations with foreign leaders, this communication is "unilateral"; there was no negotiation and dialogue with foreign governments, instead, states were just "informed" about the US policy. American officials living a full security paranoia after 9/11 began living only in their "balloons", and having a very limited real contact with their colleagues in overseas countries. The US diplomats were no longer negotiating with colleagues around the world, they just wanted confirmation on what they say about their position. Even the visits made by the President were planned to serve only for the purpose of sharing the US's statements which had an imperial mentality. Apart from Fareed Zakaria, David Malone also stated in this study that, after 9/11, the US policymakers lost their habit of consultation and compromise, which they have developed with the allies since the Cold War. This also provides a substantial evidence of the US's attitude (Malone, 2006, p. 14).

All these observations and claims can be evaluated, within the scope of the US's intervention in Afghanistan, as: when the US, the only superpower after the Cold War, faced a threat to its own territory; it was proved that the US puts its own security in front of everything; does not care about the world; and thinks that it is not inconvenient to carry out relations with the world countries on an arrogant level where it is done just for the sake of the acceptance of their demands. The United States is one of the rare countries that have not fought an enemy on their territory and whose land has not ever been invaded. (It is thought that the Japanese raid on the US Navy in Hawaii should be considered separately from the concept of a war with the enemy in their homeland) In the two world wars, a large number of European countries suffered from the heavy destruction of war in their own lands while the US, has not experienced the horrors of a war in its own territory thanks to its geographical advantage. On the other hand, post-World War II, despite the balance of terror of the

Cold War, both the US and the Soviets have succeeded in keeping their conflicts out of their homelands due to the ideological polarization. In this sense, 9/11 attacks were a first in the US history, but the attitude the US has taken against the world afterwards are rather disturbing.

In this context, we can say that the unilateral relations of the US with the countries of the world after 9/11 led to the destruction of normative values in the international field for a short term. On the other hand, it is thought that this attitude is a source of serious concern in terms of its negative effects on the international system, which was expected to take shape in the forthcoming period.

This conception of the United States, which emerged in the form of pursuing power politics at the highest level against the international society triggered the process of the invasion of Iraq in 2003 despite all the international criticism. Even though the US tried to legitimize the invasion (by using the arguments in President Bush's speech at the UN, on September 12, 2002) the preventive strike in the name of human rights and a regime change in Iraq to free Iraqi citizens from Saddam regime, and to prevent Saddam from supporting terrorists. Despite this rhetoric neither the UN nor NATO provided legitimacy for this invasion (Talentino, 2005, p. 285). The international community's reason to object the intervention was determined as follows: "*No matter how the US tried to show Iraq as a state that violated the international norms, the regime's crimes and violations during an invasion was not a definite excuse for intervention"* (Talentino, 2005, p. 286). Ultimately, Saddam's most brutal crimes against human rights actually took place a decade ago during his attempt to invade Kuwait. And in 2002, Iraq was a sudden threat neither to the international community, nor to the neighbor countries. Despite Iraq's weapons of mass destruction put forward as a reason by the United States for war, as claimed by man post-war

reports and inspections, except for some mistakes in the chemical weapons declaration, no Nuclear or biological weapons and production facilities were found as claimed before. In the context of these solid evidences, Iraq was not an imminent threat to the United States or the international community. Therefore, it cannot be said that there is a condition that would justify the direct assault according to any article of the UN Charter.

The conceptual and practical contradictions of the US's attempt to invade Iraq caused anger from Security Council members Russia, China and France and as well as Germany. But, at the same time, it raised a concern that the US had the power to turn the UN into an "irrelevant" institution. Undoubtedly: The US's invasion of Iraq was contrary to a number of normative expectations that was developed under international law and morality after the Cold War such as: "Restrictions on the use of force; The development of the concept of intervention supported by multilateral and international community; Increased institutional legitimacy of the UN; no intervention would force the countries to collapse, but rather support the reconstruction of the collapsed states" (Talentino, 2005, p. 285). As a result of the operation against Afghanistan firstly, which then continued with the invasion of Iraq after the 9/11 disaster, it is clear that the US created a worry that the norms the international community actors agreed on about the power and intervention process were being destroyed.

2.4.6 Intervention in Afghanistan

After President Clinton's administration in 2001, President George W. Bush criticized the policy of the previous administration's intervention in the Middle East

peace process and made it clear that he would stay away from the conflict in the region. Bush desired to carry out an aggressive foreign policy agenda that emphasized the importance of China and Russia and of the Great Powers. However, after the September 11 tragedy, the war on terrorism unexpectedly became the number one agenda item of the Bush administration.

The Islamist al-Qaeda terrorists killed more than 3,000 people on September 11, 2001 in the attacks on New York and Pentagon done by commercial aircrafts. The terrorist attacks on the World Trade Center and the Pentagon by using commercial aircrafts on September 11, 2001, caused the US to shape a new global enemy and war statement. Describing this catastrophe as an attack on the US homeland, President Bush declared a war against terrorism. As a matter of fact, the United States wanted the al-Qaeda terrorists who carried out this attack to surrender Osama bin Laden, the leader of the terrorist group in Afghanistan's Taliban administration. When the US's request was not met, they, along with Britain, launched a military operation against Afghanistan on October 7, 2001, on the grounds that the Taliban patronized al-Qaeda terrorists. The United States has carried out air strikes targeting the Taliban in Afghanistan with the operation named "Operation Enduring Freedom" and worked with Special Forces (U.S. War in Afghanistan). These attacks also allowed the Northern alliance, which fought against the Taliban in Afghanistan, to overthrow the fundamentalist Taliban government.

In order for the UN's to fight against terrorist acts against international peace and security, the US based its operation on the Taliban targets in Afghanistan on Resolution 1368, which was taken on 12 September 2001, and on Resolution 1373 taken on 28 September. In particular, Resolution 1373 demanded to be fought against terrorism many areas, but it did not give a direct authority to take military measures.

Because fight against terrorism was a global war and the target was not clear yet. However, it is clear that; as the Security Council's decisions do not convey a direct mandate to use force, it also did not give authorization for a response to the threat of international peace and security under UN Charter Section 7 (Katzman & Thomas, 2017). Nevertheless, both decisions were interpreted and used as a legitimate support by the United States for the military operation (Enduring Freedom operation) done against al-Qaeda terrorist organization that carried out September 11 attacks and the Taliban regime in Afghanistan who was protecting the organization. In addition to the UN, the North Atlantic Council took a decision on 12 September 2001; stating that in accordance with Article 5 of the NATO Agreement, the 9/11 attacks on the United States were deemed to have been conducted against all NATO member states and therefore, the alliance mechanism would provide collective defense support to the US (Statement by the North Atlantic Council, 2001).

Although UN resolutions did not directly legitimize a military operation against an aggressor, NATO has agreed to implement the resolution which obliges all member states to provide collective support in accordance with the alliance agreement since the attack on the US requires self-defense. Thus, for the second time after the Kosovo crisis in 1999, NATO had ratified a military operation without a UN Mandate.

Marc Weller (2010, p. 133), who examines the use of force in the international field, says there has been a wide international sympathy for the 9/11 tragedy of the United States, and so there is no objection from the Security Council against the operation against Afghanistan, but also no confirmation has been made either. First air operation against Afghanistan was completed between 7-13 November 2001 and land operations then continued as a long operation, in which the land troops

with the help of the opposition forces in Afghanistan arrested Al-Qaeda terrorists and went as far as to overthrow the Taliban government with the participation of other Western countries. Later, apart from NATO's military involvement (ISAF) and the Taliban being taken down in Afghanistan, the process of restructuring Afghanistan has been shaped by the political support of the UN and other international institutions (NATO and Afghanistan , 2016). Meanwhile, the US continued its worldwide fight against the 9/11 attacks and terrorist organizations related to al-Qaeda. It also can be said that, the fact that al-Qaeda's leader and Osama Bin Ladin, a planner of the 9/11 disaster, was killed by an operation in Pakistan on May 1, 2011, was an important achievement of justice for the United States.

The US military action in Afghanistan which went as far as to overthrow the Taliban regime protecting the al-Qaeda terrorist organization did not get much response internationally. However, it is clear that this initiative is the first example of forcible regime change. As a matter of fact, due to the success achieved in Afghanistan and international support and the possible power to shape the international environment, US President George W. Bush issued a directive to Defense Secretary Donald Rumsfeld on November 21, 2001, to plan for the invasion of Iraq. President Bush even went further and described the countries North Korea, Iran and Iraq as "axis of evil" in his Speech of the Union on 29 January 2002 (President Delivers State of the Union Address , 2002).

Professor Richard Falk, an international relations expert, has commented that the post 9/11 reaction of the US in the international field, including Afghanistan and Iraq, has a heavy cost. According to Falk: The reactionary behavior of the United States has seriously damaged the global normative framework which includes the international law, the cautious limits of the war, the authority of the UN, the

remuneration of human rights and democracy and other widely accepted pre-acceptances of international morality (Talentino, 2005, p. 286).

The two international interventions the US carried out in Afghanistan and Iraq in 2003 have seriously damaged the achievements of the international consensus and the multilateral solution, especially in the Balkan affairs. In this respect, the international community which could not enter into a power comparison with the US in the new period, increased the security concerns and reduced the relative importance of other international affairs. From this point of view, it can easily be argued that the 9/11 issue is a system changing moment. Within the scope of US domestic policy dynamics, since 9/11 put the security issue back as a priority among the international concerns, it seems to have changed the liberal and normative trends with realist trends, especially in terms of the US domestic policy. Therefore, after 1991, it would not be a pessimistic approach to say that the achievements of the international community, in such as human intervention and international law, have begun to disappear under the silent but hegemonic threat of one superpower. If we accept the globally deterministic weight of such a prerequisite; we can say that the humanistic and multilateral norms discussed are a luxury that central actors tolerate when faced with minimal threats rather than being an evidence of a marked change in state behavior (Talentino, 2005, p. 284).

2.4.7 Consequential Evaluations with regard to the Invasion of Iraq by the US in 2003

2.4.7.1 Authority in the International System

Due to certain attempts that undermined the UN authority during the Iraqi crisis in 2003 and the intervention in Afghanistan, this term became a peculiar period, when the powerful states interpreted the international law in accordance with their individual priorities and as a result, concern was spreading overall the international society. It is essential to underline primarily the fact that the international society produced different reactions toward the interventions in Afghanistan and Iraq, although both were conducted without direct UN authorization. Essentially due to the heavy trauma resulting from the 9/11 attack, the US operation against the terrorists in Afghanistan collected great support from the international public opinion in the prevailing circumstances. However, it can be stated that the invasion of Iraq in 2003 and the following developments could not be accepted by the international law and in this context, these incidents pushed the international society into another paranoia of anarchy in the international system. No matter how the reasons were justifiable and consistent, the invasion of a sovereign state without a legitimate ground was an evident action that could not be accepted by the international community on the grounds of the UN authority.

Moreover, a number of Third World Countries emphasized in the aftermath of the Kosovo crisis in the UN General Assembly that they were against interventions taken without a Security Council resolution. It is pretty obvious that: Although the NATO operation in Kosovo was not based on legitimate grounds, it was accepted by the conscious of the international society. However, the hegemonic unilateralism experienced during the invasion of Iraq, on the other hand, was not approved as valid and justifiable. The fact that the invasion of Iraq by the US did not have any grounds suitable for the international law caused the members of the international society to

act differently. The most important of those reactions, undoubtedly, was that the states turned to new realist searches resulting from "uncertainty" and "concern". Despite the lack of support by the international society, the invasion of Iraq by the assertion of an imminent threat could be argued to orient states toward a pursuit of power that prioritizes their own security. As a matter of fact, it is a rational assumption that the increasing number of arms sales after the Iraqi war results from the growing perception of concern and anarchy for the states in the international system.

It is necessary to underline that: As purported in the concept "National Security" signed by President George W. Bush in 2002, the United States declared that it has the right to adopt military interventions on the basis of the concept of **preemption,** provided that it is facing a threat to its integrity. This approach, indeed, was the conceptual base manifested for the intervention in Iraq in 2003, apparent the concept of preemption was exploited by the US. Despite this, the US submitted an official justification document to the UN after the attack, stating that the intervention in Iraq was based on the fact that "*Iraq was not abiding by the sanctions with regard to chemical weapons and was executing material breach and this meant that the violations inflicted by Iraq were violating the conditions of ceasefire regulated in the Resolution No. 678*". Whatever the official rhetoric was, the fact that the US took action under the trauma of 9/11 attack in 2001, using the Iraqi threat of chemical weapons as an excuse introduced the concept of "preemptive war" to the international political agenda. It is obvious that the preemption concept was contrary to the UN principles: In order to eliminate a threat defined as imminent by any state, that state can expand the definition of "right to self-defense" given in Article 51. In this sense, the states were given the liberty to use the initiative to defuse the threats before they turned into actual attacks.

Whether the invasion of Iraq dependent on the concept of preemptive war or evidences that Iraq was inflicting material breach, the invasion of the country by the US in 2003 was different from the operation in 1990-1991 in two folds. The first dilemma is about the legal basis the operation, since the US could not obtain a Security Council resolution for a direct intervention in Iraq by convincing the members of the Council. Secondly, the world states did not line up behind the US in the style of band wagoning at that time, on the contrary to the operations Desert Shield –Desert Storm in 1991. In spite of these two basic deficiencies, the US invaded Iraq by showing several evidences to justify the invasion and this, indeed, devastated the international norms. In light of these developments, although the US advocated for a number of justifiable reasons for the 2003 invasion as a continuation of the operation in Iraq 1991, following its military operations in Afghanistan as of 2001, the international society never supported this intervention.

2.4.7.1.1 Consequential Ramifications:

(1) Neither the UN and other international organizations nor the individual great powers managed to take the US under control within the scope of the UN principles and could not prevent it from invading Iraq, although Iraq was not demonstrating any imminent threat. Therefore, the intervention in Iraq can be defined as a development in the wake of the 21st century that harmed institutional authority in the international field, reversed the tendencies for international balance of power and thereby, once again triggered the pursuits of security and power of the states.

(2) On the other hand, although the international society could not deter the US from invading Iraq in 2003, with its "reaction" by not providing support to the

operation, the international community started a new balancing process in the international system. By this means, it can be argued that the the reaction of International society prompted the U.S. to intervene in crises/conflicts through reconciling with the UN and the international society in the future.

2.4.7.2 International Actors

Differently from the crisis in 1990, the Iraqi crisis in 2003 was a breaking point, since the members of the international community did not partake in the intervention process. Furthermore, the international actors did not provide support to the US in taking the decision for the invasion/intervention as well as in the military operation, as they did not perceive any imminent threat coming from Iraq. Not being able to acquire support from the international community, the US, on the other hand, inactivated or excluded the UN as well as other countries and organizations in the process of reconstructing Iraq after the invasion. The fact that the UN and other primary international actors were left out of this process prevented facilitation of political stability in the region, after all. Furthermore, the absence of the UN and other actors caused the country to be devastated in a spiral of violent terrorist attacks and internal fights. It is a very-well known fact that the ISIS terrorist organization, creating an active military threat against all countries in the Middle East and capable of threatening western countries by terrorist activities was born in the chaotic environment after the invasion of Iraq. On the other side, behaviors by the international actors such as sticking to the UN principles and international norms of law as well as not taking part in the hegemonic front in the invasion of Iraq in 2003

can be argued to contribute in establishing a new sort of balance in the international domain.

2.4.7.2.1 Consequential Ramifications:

(1) After the Iraqi crisis in 1990-91, the international society as well as the other major actors increased their attempts to be politically involved in the crises. In this line, although the structure of the uni-polar transitional period was starting to change after the 1990 Iraqi crisis ended, the crisis in 2003 and especially the approach of preemptive war strengthened the perception of anarchy and caused the states to experience concern over their security.

(2) Although the hegemonic oppression of the uni-polar Cold War period re-emerged due to the invasion of Iraq the hegemonic structuring of the international system (band wagoning) similar to that in 1990-91 was not repeated, ,thanks to non-participation of the international community in the coalition against Iraq.

2.4.7.3 Force (Coercion and/or Persuasion)

In the context of tackling and intervening with political and military coalitions, the crises of Afghanistan and Iraq were incidents, where the US was predominant with a hegemonic approach. If it is necessary to establish a direct connections between the invasion in 2003 and the Iraqi crisis in 1991, it can be seen that the US and UK continued their oppressive policies on Iraq as of 1991 with economic sanctions as well as sporadic punishment operations. By putting forward as the justification for the operations the fact that Iraq was no abiding by the UN

conditions for a ceasefire among other reasons, the US made Iraqi government scapegoat as of the year 2002 and used more and more trenchant words against Iraq throughout the years. On the other side, neither the international community nor the UN adopted an institutional attempt in order to alleviate the concerns rising from the stocks of Weapons of Mass Destruction determined by the UN Inspection Commission (UNMOVIC). In fact, this attitude was not a surprise, because the relationship between Iraq after its defeat in 1991 and the international community was based on the understanding that the Iraqi sovereignty was constantly violated on the basis of the assumption that Iraq was a potential threat. For this reason, similar to the crisis in 1990-1991, the process of preventive diplomatic negotiations for resolving the crisis of Weapons of Mass Destruction in 2003 was considerably weak and this was a period, when oppression and violence were extremely severe. In other terms, although the international community did not partake in the unilateral and hegemonic front during the time when the issue of invasion of Iraq was maturing after 2003; the international community remained only a spectator to the incidents. Furthermore, the fact that the countries not participating in the Security Council resolutions stayed away from contributing to the UN legitimacy could not prevent the US from taking coercive military measures all the time.

In this context, it can be argued that the operation Iraqi Freedom in Iraq conducted by a particular US and UK coalition was the result of the transpiring threat after the Afghanistan issue on the one hand, and on the other hand, this operation was also the result of the hegemonic aptitude, which had been continuing since 1991. Thus, a general evaluation of the relevant developments is as follows: The perception of threat by a global power eliminated the methods of persuasive diplomacy and

gradual coercion in the resolution of crises. Instead, the approach to intervene by a sharp military force has weakened the targets of the international society.

2.4.7.3.1 Consequential Ramifications:

The invasion of Iraq in 2003 became a turning point that reversed the progress in the international system towards the targets of the international society with regard to conflict resolution through cooperation after the 1990s. It was subtly accepted that the most valid method in suppressing international threats was use of force. In this line, the international organizations failed to be effective in the fields of diplomacy, persuasion and reconciliation.

2.4.7.4 Hegemony or Multilateralism

Continuing as of the early 1990s, the Balkan crises became successful examples for international cooperation and multilateral negotiations in resolving crises. As a matter of fact, such achievements paved the way for organizations such as the European Community and European Union (EC and EU) to be effective in the field of foreign policy. Jurisdictional mechanisms such as the International Criminal Tribunal for the Former Yugoslavia (ICTY) and United Nations International Criminal Tribunal for Rwanda (ICTR) have brought in new prospects for spreading the understanding of institutional and universal justice. Yet, with the impact of the 9/11 terrorist attacks, the US imposed an harsh approach in the crises of Afghanistan in 2001 and Iraq in 2003 solely on the basis of its own security and even regulated its

relations with the world in consideration with its own security imperatives. Neverthless that U.S. attacked Al-Qaida targets in Afghanistan was deemed as a part of the effort to punish the global terrorists and the international community provided evident support to the US in this intervention. Actually, the support provided by the major powers to the US has two goals: First was to reduce the threat of global terror on their homelands and the second was not to stand against the US in this challenging endeavor.

For sure, the 9/11 attack affected the US decision-making mechanisms by justifying its excessive pursuit of security and understanding of punishing the threat-releaser. However, the invasion of Iraq immediately after Afghanistan did not have any correspondence in terms of both threats and international stability. For that matter, the invasion found support neither from the international society nor the UN. Despite this, the US preferred the option to act unilaterally and terminate the threat, believing that its military power would suffice to do so. In addition to threat perception, it is obvious that unilateral hegemonic understanding of the US laid the grounds to punish a country at the expense of demolishing the understanding of multilateralism that had been consolidating globally. Consequently, these motives were harmonized and assured the emergence of the US hegemonic approach once again in the stage of the international system. And this development caused a drastic change in the direction of the understanding of international consensus that developed after the Cold War. Moreover, the contradictions resulted from the clash between unilateral solutions of the super power and the international system assured questioning of norms of international society.

Consecutively, other major actors endeavored to balance the US, which started to act rigorously in early 1990s by hegemonic behaviors in the system. As a

result, the concepts of international law and UN authority were consolidated successfully in the Balkans. However, after the 9/11 attacks, all those positive developments were about to demolish by a perception of threat adopted by the super power. The point of concern here is as follows: A super power, which was not possible to counter-balance, lost its reflex to cooperate with the international community in the face of a threat against its own security. What attracted notice, though, was that there was a large-scope of international consensus to eliminate such a concern, the effects of which can also be seen in the later crises of Libya and Iran. This change was not, of course, spontaneous: The general consensus in the international arena was established after 2003 with the changing dynamics of international relations. It is also a fact that both crises were not formed around threatening the vital interests of a super power. It is currently unknown as to how the US would act in terms of its security and connections with the world, in case of provoking the internal dynamics of the US. To wrap up, it can be argued that the 2003 crisis and the accompanying developments strengthened the anarchic property of the international system and thereby, the most important compounds of the international society - the UN authority, international law, collective defense and cooperation - were severely damaged.

2.4.7.4.1 Consequential Ramifications:

(1) The US attempt to invade Iraq without a legitimate UN resolution in 2003 abraded the consensus of the international society as a hegemonic action with regard to UN authority as well as international law once again after the Cold War.

(2) The fact that Iraq was perceived as an imminent threat by the US in 2003 and invasion of Iraq by the US for evidence of Weapons of Mass Destruction damaged the understandings of institutionalization and multilateralism that started to shape in early 2000s. Additionally, the tendency to shape and interpret the international law unilaterally through force caused a grave damage to the objectives of a progressing international society.

(3) On the other hand, the 2003 invasion created a source of global concern about how the US might have reacted to a threat that could harm its vital security interests. After the 2001 Twin Towers attack and the 2003 Iraqi crisis, there has not yet emerged a threat that could damage the US vital security interests (North Korea and China are not yet at high threat level). If the US encounters such a threat, it can not be foreseen in any way how much the reaction can compromise the international system norms.

(4) Primarily the UN and other international organizations and actors were excluded in the reconstruction process after the Iraqi crisis in 2003 and this caused chaos and internal conflicts as well as political instabilities for decades. The benefits of institutional experience achieved in terms of cooperation and contributions of the UN and the international community as well as those in maintaining the stability in the process of building peace after the crises in Bosnia-Herzegovina and Kosovo could not be reflected on Iraq to ensure stability.

2.5 2011 LIBYAN CRISIS

2.5.1 Libyan Crisis (Coercion and/or Persuasion)

Due to the massacre against civilians protesting the Gaddafi regime in Benghazi city of Libya in February 2011 and systematically continuing violence and tyranny, the UN Security Council, took the resolution no. 1970 of 26 February 2011, condemned the situation in Libya and launched an embargo against Libya. Upon this embargo decision, NATO air surveillance and naval elements began to support these sanctions. With the resolution no. 1970, The Security Council demanded from the Libyan government that they should immediately stop the violence and meet the legitimate demands of the people. However, the Gaddafi administration did not take this decision into consideration and systematically increased the violence against the opposition movement. Understanding that the rapidly deteriorating situation can not be rectified by simple embargo measures, the Security Council took the resolution no. 1973 on 17 March 2011 on the deterioration of the situation in the country and the increasing human rights violations. This resolution demanded the end of hostilities in order to prevent the Libyan government forces from increasing human rights violations and authorized NATO to establish a no-fly zone to protect the civilians. The most important content of this decision, which has imposed many sanctions against Libya, was the statement: "*to use all necessary measures to protect Libyan civilians and civilian populated areas*" that allowed the use of military force against Libya (Security Council Resolution 1973, 2011). Two permanent members (Russia and China) of 15 members of the Security Council and Brazil, Germany and India made reservations on the Security Council's resolution 1973, but none of them directly opposed it.

As a matter of fact, the military intervention was initiated by the international community, showing their rapid determination referring the resolution 1973, in order

to take down the forces of Gaddafi, since it was posing a threat to the civilian population in Libya. At the beginning of this intervention, US military played a central role in the combat, but later, moved back to the option of providing support and logistical support for the military operation due to the operation turning into a multinational structure (Western & Goldstein, 2011, p. 7).

Although stopping the violence acts of the Libyan government against the civilian population is a human necessity and it is accepted as morally right, military intervention by the US and other coalition countries was undoubtedly based on the Security Council's resolution 1973. Later on, the operation of the embargo and other coalition countries carried out by NATO factors was once again carried out in accordance with the UN's resolutions that provide legitimacy.

The most striking aspect of the resolution No. 1973 is that it was taken within a short period of only one month from the initial resolution. This resolution which was taken within a short period of time allowed the use of military force to protect Libyan civilians and settlements against the attacks of Gaddafi troops or paramilitary forces. Therefore, it is understood that an embargo-type sanction against Libya imposed by the first resolution no. 1970 after the emergence of the crisis was not enough to deter the Libyan government from attacks on human rights. Since the UN Resolution 1973 was a general decision authorizing the member states, the coalition countries initiated the military operations urgently, but later, on March 31, the control of the military operation was taken over by NATO. With decisions taken at the level of ministers of NATO and coalition countries on April 14 and June 8, the military actions initiated to stop the attacks of the Gaddafi regime against the insurgents were allowed to continue. Upon the achievement of desired results, the military operation in Libya was terminated with the decision of the Atlantic Council

on 31 October. In conclusion, apart from the fact that the emergence and development of the Libyan Crisis took place very rapidly, due to the intense use of violence by the armed forces and the violation of human rights, diplomatic negotiations in the crisis could not be used for solution purposes. Therefore, it has been possible for an administration to be controlled only by a force of alliance since they had the capacity of destroying their own people who are opposed to the government with the force of arms.

The reasons of the need to intervene in this humanitarian crisis were that; the issue developed in a very short period of time, the armed Libyan government was using violence against the opposing groups and the Libyan government was disregarding the calls of international community. After the end of the military operation, the UN Security Council asserted the protection of civilians in Libya by taking resolution 2009 on September 16, 2011 with the support of all the member states. The UN also established the "United Nations Support Mission in Libya (UNSMIL)" organization to support Libya's transition period. UNSMIL, led by special representative connected to the General Secretary, has been assigned the following tasks within the framework of supporting Libya's national efforts**: (1)** Restoration of public security and order and validation of rule of law, **(2)** To carry out an intensive political dialogue, to support the national reconciliation process and to get involved in the constitution and the election process, **(3)** Extension of the State Authority by strengthening trustworthy institutions, **(4)** To protect and promote human rights, especially of the vulnerable groups, and to support the justice system during the transitional period, **(5)** Taking immediate steps to start the economic recovery, **(6)** To coordinate the support to be provided from other multilateral or bilateral sources. As it can be seen, since the administration of Gaddafi was taken

down after the crisis in Libya, the UN showed its support for a democratic process and to provide support for economic and justice issues in the transition period.

To solve the problems between the states by reconciliation with peaceful methods or methods of persuasion, it is a priority for the international institution or other actors to have enough time and space to mediate. However, in urgent matters such as; conflicts among competing groups within the country, the use of armed terror against the opponents of the administration which has the power of the state itself, the first priority of the international community is to stop human losses as soon as possible. Especially in crises of hostility or state tyranny, urgent military measures must be taken to force the parties to peace. Since there were rapid and large-scale human rights abuses in the Libyan crisis, negotiation and diplomacy became non-functional, and so the international community was forced to act immediately to stop the casualties. Although the international community was quite late in the Bosnian tragedy, the intervention of the international community during the Libyan crisis shows that the principle of protecting human life and human rights are considered as the first priority.

As each crisis develops under different circumstances, it is clear that the precautions that can be taken to resolve each crisis must be different. In this context: It seen that the measures were taken progressively to stop the violence. At first the international community tried to persuade the both sides with diplomatic and politic negotiations. Then, appealed for peaceful / passive compulsive measures (economic and financial sanctions, etc.). Eventually, military force had to be used to end the violence.

2.5.2 Libyan Crisis, the UN and the US

It is clear that the 2011 Libyan crisis is a matter that develops on a completely different ground from the Iraqi issue. The first definition in this context would be that it is an attempt to reflect a compelling humanitarian intervention to stop the violence and oppression a government imposes on its citizens. The UN stated that if a ruling government imposes violence on its people where the Security Council is dominant, it is defined as a crime against humanity and allowed international collective intervention to prevent this behavior which has important messages for the coming period. Some differences compared to the transition period such as the UN's cooperation with other international institutions and actors on the Libyan issue, quick decision making and allowing the use of power, can be seen as signs of the change of the international community. The first thing that should be mentioned, different from the experience of the issue in Bosnia-Herzegovina and Kosovo, is the UN's quick analysis of the situation and the fair revelation among the conflicting parties. As a result, decision processes have been carried out much faster. Second of all, according to the UN Charter Section VII, the UN has been in an effective coordination with regional organizations such as Arab League, African Union, and Organization of Islamic Conference and carried out the process by engaging in political negotiations and co-operation with the EU and NATO for intervention. It was then, immediately and quickly decided to intervene. For the intervention, firstly, they were being attentive to create legal conditions in accordance with international law and after agreeing on a common understanding of the law, a military initiative was made.

Multilateral diplomatic efforts have taken place, especially among the UN, the US and NATO, and other states about the UN sanctions against Libyan administration. It was tried to produce solutions that would help Libya to create a new order with the international cooperation and under platforms such as "Friends of

Libya" which was created just before the Gaddafi administration was taken down. There are two factors that separate the crisis from other humanitarian the interventions. First of all, the US dropped the idea of being a hegemonic superpower like in 2003, changed the notion of decision-making alone and the tendency to attract other countries; and started to support a multilateral international decision-making mechanism. Even though after the UN resolution allowing military intervention, the US took the lead of the operation until the NATO took responsibility of the military operation, they later withdrew from the scene. This change in the US shows that, they have the intention to leave the position "acting unilaterally by excluding the international community" especially in matters such as the occupation of Kosovo and Iraq, which are the cause of the accusations of the US.

In this context, another significant feature of the crisis is that the international society could take the decisions with regard to a resolution in a very short time. Comparing the Libyan crisis with that of Bosnia, the US President Barack Obama (Libya: Barack Obama speech in full, 2011) stated with regard to the process as follows:

"*In just a month or so, the US has worked with our international partners to mobilize a large coalition to help protect civilians, stop a progressive army, prevent a massacre and establish a "no-fly zone" with our allies and partners with a common international decision. The perspective on how quickly these military and diplomatic reactions are taken should be compared to the 1990s when the violence in Bosnia caused spending of more than a year in the international community in order to take a decision on protection via intervening with air force to*."

As it can be seen in these clear statements, even though the US led the Libyan operation at first, they have supported the crisis to be handled together with

the regional countries and all relevant parties, particularly the UN. Therefore, we can understand from the words of President Barack Obama that the multilateral approach the US has pursued in cooperation, in the time of being the only superpower, is an important sign of the new era:

"*In this effort, the United States has not acted alone. Instead, we have been joined by a strong and growing coalition. This includes our closest allies - nations like the United Kingdom, France, Canada, Denmark, Norway, Italy, Spain, Greece, and Turkey - all of whom have fought by our side for decades. And it includes Arab partners like Qatar and the United Arab Emirates, who have chosen to meet their responsibility to defend the Libyan people"* (Libya: Barack Obama speech in full, 2011).

This statement of Barack Obama is quite different from President Bush's speech, which has taken the whole world against the US, on the 20th of September, 2001, at the Congress of the Congress, following the September 11 tragedy of the United States in 2001.

"Every nation, in every region, now has a decision to make. Either you are with us, or you are with the terrorists. From this day forward, any nation that continues to harbor or to support terrorism will be regarded by the United States as a hostile regime" (p. 69).

Bearing in mind that the superpower policy is a very important regulator that should be addressed in the direction of an international community; in this period which we can define as the 21st century's new era, It can be argued that the politics that started with the Libyan crisis and applied in many areas, are the most important indicators of the United States acting not only unilaterally, but also showing a

tendency towards multilateral approaches with other major powers and institutions and trying to solve the international crisis with compromising methods.

On the other hand, in his speech on March 29, Barack Obama (Libya: Barack Obama speech in full, 2011) gave an important message for the future saying: "*In cases where not only for our safety or benefits, but also common values are threatened, we should not be afraid to act*".

"There will be times, though, when our safety is not directly threatened, but our interests and values are. Sometimes, the course of history poses challenges that threaten our common humanity and common security - responding to natural disasters, for example; or preventing genocide and keeping the peace; ensuring regional security, and maintaining the flow of commerce. These may not be America's problems alone, but they are important to us, and they are problems worth solving. And in these circumstances, we know that the United States, as the world's most powerful nation, will often be called upon to help. In such cases, we should not be afraid to act "

It is evaluated that, the statement expressed by this speech is considered to have a high importance in determining the influence of the dominant power over the reforming international system. Within the scope of Henderson's claims (Henderson, 1998, p. 18) which state that the international community must have common values in addition to legal norms, thanks to the fact that such a statement on human values is a global trend, it will be a very serious step towards the goals of the international community.

In case where the United States acts as a superpower to act unilaterally on world affairs and forcefully imposes its will on international community, we can say that it weakens the reputation and authority of institutions like the UN and destroys

the potential for cooperation of the international community. However, the United States interfering with crises by increasing cooperation with a multilateral understanding with other members and institutions of the international community will provide an opportunity for the international community to develop the cooperation orientation; and for the expansion of the reputation and authority of all international institutions, especially the UN.

2.5.3 Assignment of the ICC during the Libyan Crisis

An important factor that distinguishes the crisis from the others is the international community's commitment to intervene in the inhuman behavior of the Libyan government towards its own people. This shows that the international community's sense of moral justice is strengthening. In fact, there was a short period of time between the start of the events in Libya and the decision of the UN. All regional and international institutions had cooperated. Apart from the western countries, many countries such as Sweden, Qatar, United Arab Emirates, Jordan and Morocco also gave their own support. Immediately after the UN decision, the embargo was implemented, and NATO had taken measures by observing conflicts with the opportunities of airborne discovery to understand the situation better. The fact that these measures were implemented in a very short period of time at the international level and NATO took the necessary military measures quickly with full consensus undoubtedly made it possible to save many people's lives. Another important issue is that, for the first resolution no 1970, due the crises the UN experienced in the past, The UN demanded from the International Criminal Court (ICC) to appoint a prosecutor to investigate the case. There is no doubt that there

won't be a need for ad hoc courts to be established in a similar case of violence against their civilian population. The ICC will initiate a direct inquiry with the decision of the UN Security Council and initiate legal proceedings on those responsible for such incidents. Therefore, it can be claimed that the international community will end military force used to stop the violence and at the same time, it will punish the criminals who violated the human rights which will fulfill the concept of justice. Thus, it can be argued that such interventions will make the international community provide more moral support.

2.5.4 Consequential Evaluations with regard to the Libyan Crisis in 2011

2.5.4.1 Authority in the International System

In order to prevent the human rights violations in the Libya crisis, a strong and decisive message was delivered with regard to intervention without violating the international law on the basis of resolutions acquiring the support of all Security Council members. Being involved in the process of reconstruction after the intervention, the UN contributed in establishment of new reconciliation areas as well as political processes by the opponents of the Kaddafi regime through its post-conflict supports. Both initiatives took place, of course, upon the event that international intervention became unavoidable and the UN had to take control of the issue as the legitimate organization by the support of the international community. Therefore, the Libya crisis, where a high number of international organizations and actors were involved in, was one that underlined the authority of the UN once again following the Kosovo crisis in 1999 and the Iraqi issue in 2003. Furthermore, the resolution of

Libya crisis marked a turning point by which the international legal norms were further consolidated and the global anarchic perception started to

2.5.4.1.1 Consequential Ramifications

(1) The Libya crisis demonstrated that the protection given by the right to sovereignty to the states would not be taken into consideration in case of human rights violations. The international community achieved a consensus over humanitarian intervention in domestic fields of the countries upon such incidents of humanitarian crisesand agreed on the resolutions to protect the common values of human rights. This shows that the UN and the Security Council internalized and harmonized themselves with the evident change in the international community - as a central authority.

(2) That the newly-founded ICC (International Court of Justice) was authorized immediately by the UN for the matters of the crisis, therefore this act can be regarded as an important step with regard to solidifying the universal principle of justice as well as the international law.

2.5.4.2 International Actors

Regional and international organizations cooperated for a resolution in the Libya crisis. Further, other organizations as well as countries outside the Western states lie Qatar, United Arab Emirates, Jordan and Morocco in addition to the EU and Arab League provided direct supply to the resolution of crisis. One of the parties of

the conflict was the government forces inflicting violence on the opponent people, and the other party was the civilian population exposed to violence. This fact ensured assessment of the crisis in advance without leaving room for much doubt. Therefore, the relationship between the perpetrator of violence and the ones exposing to violence was determined within the framework of the international justice and humanitarian norms. Once this was clear, it was easy for the international community to gather around the common values to ensure the humanitarian intervention. Now that the support of the international organizations was crystal clear, more consistent decisions were taken against the crisis.

The fact that the US made its presence felt at the stage of urgent military intervention in the crisis created positive effects in the international public opinion in terms of both political legitimacy and support from a super power. The withdrawal of the US after the first urgent intervention was compensated by the other actors' efforts and especially NATO ensured attaining the desired result as the central power of the humanitarian operation in accordance with the values that the member countries were gathering around.

Thanks to the coordination ensured in a short time with the international actors, who were interested in the crisis, the UN allowed internalization of common approaches and played effective role in authorizing the urgent intervention. Later, the UN provided support to the process of reconstructing Libya at institutional level. The Libya crisis in 2011 can be regarded as the revitalization of the UN principles, since the harmful effects of the 2003 Iraqi crisis on the UN authority were eliminated. The participation and cooperation of international actors was a substantial achievement to a great extent and therefore, proved to be a positive advancement with regard to the objectives of the international community.

2.5.4.2.1 Consequential Ramifications:

(1) Although it can be stated that the fundamental anarchic structure of the international system did not undergo a tremendous change between the years 2003 and 2011, the following situations demonstrate on the contrary: The intervention process in the Libya crisis proved that a significant consensus on the international legal norms that were the references in protection human rights, with the impact of the increasing global interdependence between major actors and organizations as of 2000s, was reached.

(2) As a matter of fact, the Declaration of *Responsibility to Protect* taken by the General Assembly during the UN summit in 2005 revealed the vital commitment of the international community in internalizing common values of protecting human rights not only on the basis of legal norms, but also on moral terms.

2.5.4.3 Force (Coercion and/or Persuasion)

Due to the fast development of incidents during the Libya crisis, the primary target of the international community became to stop the massacres, of course. As asserted by President Obama with regard to this issue, the international society as well as the international organizations managed to take the decision to intervene in a short time of a month. It cannot be denied that the international decision-making process was run in a relatively shorter time for intervening in Libya than the countless

attempts to intervene in the conflicts and massacres in Bosnia. The humanitarian intervention in Libya showed that in today's globalizing world it is unacceptable to suppress peaceful political reactions of opposing groups via armed forces and violence. The intervention also provided the consensus of the international society that: The administrations, which restrict their own people's political participation through undemocratic practices or react with violence, will be forced by the international society to abide by the humanitarian norms.

Due to the differing conditions - under which crises develop - persuasion and coercion measures had also been implemented by the international system in a unique way during the Libyan crisis. Because of the possibility that the violent acts in the Libya crisis would turn into a massive bloodbath, firstly a call was made to the administration to stop violence and an arms embargo was imposed. Later, "coercive measures" were taken in a short time to stop the aggression and protect the civilians. The need for urgent intervention due to the violent practices of the administration over the people did not allow waiting for seeing the results of the gradual passive measures. It can be seen that the international community adopted a new understanding and momentum of a faster decision-making mechanism with regard to the fact that the intervention to halt the aggressor party required absolute use of force. Besides, the fact that the government forces inflicted violence on the opposition during this crisis - that was qualified as a civil war - eased the process of defining the aggression evidently and fairly by the international community, and later starting the process of armed intervention. It can be purported that the facilitating factor in this context was as follows: The past experiences from the former humanitarian crises and political lessons helped the international community take any sort of steps necessary to stop the human rights violations in Libya.

2.5.4.3.1 Consequential Ramifications:

The Libya crisis in 2011 clearly demonstrated the fact that International Society will evidently not tolerate human rights violations, despite the right to state sovereignty. Moreover the international society showed its decisiveness for implementing any measure without hesitation, including the use of force with this intent.

2.5.4.4 Hegemony or Multilateralism

In the Libyan crisis, there was a wide participation from the international community members. Further, the US or another state did not endeavor alone to establish a coalition to steer the decision-making process of intervention. On the contrary, the intervention was based on it more voluntary participation and an understanding of cooperation. Institutional participation including the UN, the EU as well as NATO is indicative of the large involvement of the states in the decision-making processes. The consensus among the actors on general principles absolutely paved the way for a rapid and definitive intervention in the crisis. It can be observed that the multilateral dialogue towards the crisis to find solutions by means of several platforms provided legal, diplomatic and moral consensus for humanitarian intervention. Moreover, the UN started a mission in the post-crisis period to launch a reconstruction of the political system and institutionalization. The other states also provided multilateral support and cooperation to re-establish stability in the country.

Therefore, the multilateral approach commencing with the military intervention continued until the reconstruction of Libya, indicating that the global decision-making mechanisms reached a positive level of collective cooperation at the time. It was absolutely an initiative that would enable the establishment of a more inclusive political structure, since the UN took active role in the process of restructuring the country after political turmoil was left behind, rather than leaving the process to a single country or group of countries. However, it should not be forgotten that the final solution has always been in the hands of the Libyan people.

2.5.4.4.1 Consequential Ramifications:

(1) Although the Libyan crisis was a domestic issue and was not touching upon the interests and sensitivity of the great powers in terms of security; the international community exhibited a great cooperation in defining the crisis and taking the decision to militarily intervene in the country.

(2) The extensive collaboration and multilateralism adopted by the international society during Libyan crisis showed that the international organizations and major powers started to build a new international system in which new balancing factors emerge.

(3) Further, it was obvious that the US, which gained weight in 2003, started to weaken in terms of hegemony, which marks the beginning of a new period in the international relations.

2.6 IRANIAN NUCLEAR CRISIS

2.6.1 Emergence of the Iran Nuclear Crisis

Since the concerns on Iran's goal of developing nuclear weapon technology were solved thanks to the international society's key actors' extensive dialogue and negotiations; it can be said that solving this long process of 13 years hold and importance as a multilateral and institutional development. It can be said that the negotiation process with Iran is a successful example of persuasive and compelling persuasion mechanism in terms of strengthening the process with diplomatic initiatives and other sanctions. With the historic agreement reached in Vienna on July 14, 2015, 13 years of tension between West and Iran ended. Apart from putting a Nuclear weapons restriction, the agreement opened the way for Iran to return to the western and world community. Indeed following the Islamic revolution of Iran in 1979, the economic and diplomatic relations of Iran with the western world especially the US and were lost. At the end of this long and painful process that Iran ordered 80 passenger planes from Boeing Company in the US for 16,6 billion dollars and 20 billion dollars' worth passenger planes from the European Airbus company in 2016, was an example that can be shown as a success of the negotiation of the international society (İran, ABD'den 16 milyar dolarlık uçak alıyor, 2016).

The concern about Iran's nuclear weapon technology began in August 2002 when the exiled Iranian opposition group informed that the constructions of a "heavy-water production plant" in Arak and a nuclear fuel production in Natanz began.[34]

[34] **Heavy-water:** High-density water with a heavy hydrogen isotope (deuterium with 1 proton and 2 neutrons in core) instead of hydrogen, used in nuclear reactors. **Nuclear Fuel:** Substances used to

These two pieces of information created anxiety and fear in the West that Iran was moving towards a goal of developing nuclear weapons (Iran nuclear talks: timeline, 2015). As a matter of fact, Iranian President Khatami confirmed the presence of the Natanz plant in February 2003; but announced that it only produced low-grade enriched uranium for nuclear power plants. Immediately afterwards, Iran allowed the International Atomic Energy Agency (IAEA), the only institution of the UN authorized in the nuclear field, to inspect the plant. [35] However, contrary to the agreement, when Iran prevented the inspection commission from doing their work, the IAEA announced in a report that Iran did not fulfill its responsibilities. As a matter of fact, after this report, Britain, Germany and France started a united diplomatic initiative "EU-3" on Iran's nuclear policy. This first initiative of the EU, in which the US did not want to be involved, had two objectives. The first objective was the concern about the spread of Nuclear weapons. The other one was to prevent the US from attacking Iran after the Iraq intervention (Martin, 2015). Iran stepped back because of the EU-3's threat of taking the matter to the Security Council; and with an agreement known as the "Tehran Declaration", agreed to cooperate fully with the IAEA and suspend the entire uranium enrichment program.[36]

After Ahmadinejad, who was known to support his country's nuclear program was elected as the president in August 2005, Iran started the uranium

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obtain nuclear energy (fusion or fission). The most commonly used nuclear fuels are plutonium or uranium.

[35] **International Atomic Energy Agency (IAEA)**: The International Atomic Energy Agency (IAEA), established on 23 October 1956 and currently active under the UN, is an international organization that seeks to promote the peaceful use of nuclear energy and technologies and help member stated in planning.

[36] Germany, France and England are known as the Big Three, initiated initiatives to carry out negotiations with Iran. While this initiative initially seen as an offensive move for other EU members, the trio continued to cooperate with the EU on a regular basis. Finally, in 2004, the EU High Representative for the Common Foreign and Defense, Javier Solana, officially joined the negotiations conducted by "Big Three" and became their official spokesperson. Even though Russia, China and the US later joined the group, Solana continued keep the spokesperson position. Subsequently, this task was carried out by Catherine Ashton and Federica Mogherini, who served as the EU High Representative for Foreign and Commonwealth Defense.

conversion activities at Isfahan plant. Subsequently, in a speech to the UN, Ahmadinejad explained that Iran had the right to develop nuclear power (Iran nuclear talks: timeline, 2015). In 2006, Ahmadinejad announced that Iran was now one of the Nuclear Technology Countries, but it only had the intention of obtaining energy, and had no intention of producing nuclear weapons. In June 2006, members of the Security Council; China, US and Russia (also major trading partners of Iran) joined the EU-3 group who was negotiating with Iran, and so, P5 + 1 group was formed. The expansion of the E-3 group by the other members of the Security Council showed that all the great powers believed that they had to control Iran's nuclear weapons intentions. Due to concerns about Iran's ability to make nuclear weapons, Security Council's Resolution 1696 taken on July 31, 2006, demanded, for the first time, from Iran to end their uranium enrichment and processing activities. The Security Council's Resolution 1696 was favored by 14 out of 15 members and only Qatar had voted unfavorably (Security Council Resolution 1696, 2003).

In this initial decision, according to the Article 41 of Section VI of the UN Charter, the Security Council also expressed the intention to take "appropriate measures", in case Iran does not cooperate. However, the Security Council stated that these measures were not going to be implemented automatically and that the council would "take a separate decision" if needed. It can be argued that this statement was put to prevent the US from automatically using the resolution 1441 (although it did not actually foresee a need to take measures), which stated that Iraq seriously violated the restrictions on their weapons of mass destruction (WMD), for legitimizing an intervention in Iraq before the actual invasion took place in 2003. In this initial decision, the Council did not launch comprehensive economic sanctions on Iran; it only imposed sanctions that would prevent Iran from developing nuclear weapons. In

this context, Resolution 1696 called on member states to be alert according to their domestic and international rules of law and to prevent Iran from transferring materials, equipment and technology that would contribute to ballistic missile technology, uranium enrichment and processing activities. With this resolution, Iran was granted a period of up to 31st August and was warned that punitive measures, especially economic sanctions, would be applied if they did not comply (Davenport, 2015).

However, Iran secretly continued to develop the technological level in the nuclear field. Therefore, regarding the Iranian nuclear enrichment program, the Security Council took seven resolutions between 2006 and 2010: Resolution no. 1737 on 23 December 2006, 1747 on March 24, 2007, 1803 on March 3, 2008, 1835 on September 27, 2008, 1929 on June 9, 2010, and 2231 on July 20. With these resolutions within the scope of Part VI of the UN Charter, persons and companies' assets related to Iran's nuclear enrichment program were frozen, and the procurement of all nuclear-related technologies to Iran were banned. In 2009, President Barak Obama's announcement on the existence of an underground enrichment facility in the Fordow region of Iran caused tension and as a matter of fact, the US and Israel immediately began to mention air assaults against Iran. In March 2013, the US began a series of secret negotiations with Iran, separately from its partners in the P5 + 1 group. As a sign of the new term policy of the United States, as of September 2013, a telephone conversation took place between the US president and Iran's newly elected President Rouhani for the first time since 1979. A similar discussion was repeated between the Foreign Ministers (John Kerry and Mohammad Javad Zarif). These conversations constituted an important step that marked the beginning of a new era of business cooperation between the two countries.

As of November 2013, an interim agreement, known as the "Joint Plan of Action", was signed between Iran, the P5 + 1 group and the EU's High Representative of Foreign Affairs. With this agreement, all parties agreed on the restriction Iran's nuclear program; termination of the heavy-water production reactor; and dilution of the bulk of enriched to the middle level Uranium stock. As a matter of fact, due to these positive steps of Iran, some economic sanctions were removed by the UN and frozen assets were released (İran'la tarihi anlaşma, 2013). A comprehensive agreement with Iran was foreseen after a period of six months of this interim agreement. However, when the anticipated deadline for a comprehensive agreement after the interim one could not be met twice, in July 2014 and November 2014, it was extended. Finally, on April 2, 2015, the Iranian and negotiating group in Lausanne, Switzerland, Iran pledged to complete a comprehensive agreement by the end of June and an agreed on a "framework agreement" to limit Iran's nuclear program in exchange for removing the sanctions. This step was described as a "decisive step" by the EU's Foreign Policy Chief Federica Mogherini (Martin, 2015).

As a matter of fact, after the negotiations started in June and continued without interruption, finally, on July 14, 2015, a comprehensive and historic agreement was signed in Vienna between Iran, the P5 + 1 group and the High Representative of the EU Foreign Affairs, entitled "Joint Comprehensive Plan of Action (JCPOA)". The deal did not only bring an end to about a13-year stand-off, but also made it possible for a new period to begin between Iran and the West. After the agreement, with the resolution 2231, the Security Council unanimously passed on 22 July 2015, they approved both the agreement (Joint Comprehensive Plan of Action-JCPOA) signed between P5 + 1 and Iran, and the sanctions imposed by the UN to be lifted as Iran take steps to limit its nuclear activities, according to the agreement

(Security Council Resolution 2231, 2015). At the same time, the IAEA was commissioned to monitor the implementation of the agreement (The UN Nuclear Watchdog). Despite these positive developments in the international system and the efforts including the US government, a serious obstacle came from the US domestic politics. Because there was a strong opposition to the US Senate for Iran's nuclear weapons target. Republican opponents wanted a Congress for the resolution to be not approved. Due to the attempts of this opposition group, the approval process of the Iranian agreement in the US senate could not be completed until the end of September.

2.6.2 European Union and Soft Balancing during the Iran Nuclear Crisis

On January 17, 2017, the EU High Representative for Foreign Affairs Federica Mogherini stated about Iran's nuclear program that she confirmed IAEA (The UN Nuclear Watchdog)'s last four reports on Iran complying with the nuclear obligations. Within this scope, Mogherini moreover stated that thanks to the removal of economic and financial sanctions imposed on Iran, Iran will grow 6.6% in 2016-17 period according to the IMF sources and added that the trade volume between the EU and Iran grew by 63% in the first three quarters of 2016. She also stated that, after 30 years of diplomatic cold period, the EU and Iran were negotiating on not only the economy, but also on co-operation in environmental protection, migration, culture and many other issues. After 13 years of negotiations, Iran gave up its nuclear ambitions and thanks to cooperating in the establishment of controllable nuclear technology in conditions that the international community accepted, both the concerns of the international community were overcome and the level of prosperity of the Iranian

people entered into an improvement path. This became a good example of the tension and friction caused by national or doctrinal ideological ambitions could be solved with mutual negotiations and diplomacy. It is clear that the EU, the UN, the IAEA and other actors involved in the process had a great role in obtaining this result. Following the signing of the agreement, Mogherini (2015) summarized the current situation reached by the fulfillment of the conditions set forth, by Iran:

"There should be no doubt that the EU stands firmly by the deal, which is a multilateral endeavor. It was borne out of the efforts of the "E3/EU+3" – Britain, Germany, France plus the US, Russia and China – and Iran, but it now belongs to the entire international community, through its endorsement by the UN Security Council. Without the agreement, the regional situation would be even more alarming. And we would be losing a historic opportunity if we missed the chance to build a more cooperative regional environment. Against a dramatic regional background, the nuclear deal is a glimpse of what is possible in international relations, by tackling the conflicts affecting the region in a cooperative manner. We can mark the first anniversary of the start of the implementation of the nuclear deal by clearly saying that it is working, thanks to the commitment and determination of all. And we can start 2017 by reaffirming our strong collective interest in living up to the commitments we have all made, building security not only for the region but for the entire world".

It can be claimed that EU actively showed a positive approach during the negotiations between international society and Iran, which provided a power balance against the US and removed the option of solving this issue with a military intervention. Obviously the debate on whether the states within the EU carried out a successful "soft balancing" policy in international affairs would be understood by the

evaluating thebalancing practices of the EU on international affairs. It is clear that examining the balance between the EU and the US in terms of soft and hard balance will provide rational data. On this subject, Jolyon Howort and Anand Menon claim that the EU does not balance the US and other states and that the European Security and Defense Policy (ESDP) in no way aims to balance the military power of the United States (Howorth & Menon, 2009). Jolyon Howort and Anand Menon argued in their studies that after the fall of Berlin Wall, in contrary to Kenneth Waltz's claim, the expectation of a new balance to be shaped thanks to the small states supporting each other against the threatening strong states would not come true, at least in the near future due to the huge military power the US has (a military imbalance). On the other hand, in his article "Soft Balancing against the United States" Robert A. Pape defended the counter claims that a balance would be only gained when the opposing states apply the potential of "soft balancing" they possess.[37] According to Robert A. Pape (2005, pp. 38-41); due to the concern caused by the inability of the other states to balance America's power and increasing unilateralism in military terms, **(1)** they will not initiate to limit the US in any way and **(2)** improving their action abilities reveals their "soft balancing" attitude against the US.

Moreover, Robert A. Pape claims that the dynamics of a unipolar system cannot be changed by a single country; however, if various states act collectively, balancing can be established in the system. He also emphasizes that a balancing act against a superpower is a coordination game. In this context, according to Pape – who clarifies the soft balancing measures – these measures do not directly challenge the

[37] Soft Balancing involves tacit balancing short of formal alliances. It occurs when state generally develop ententes or limited security understandings with one another to balance a potentially threatening state or a rising power. Soft balancing is often based on a limited arms buildup, ad hoc cooperative exercises, or collaboration in regional or international institutions; these policies may be converted to open, hard-balancing strategies if and when security competition becomes intense and the powerful state becomes threatening (Paul, The Enduring Axioms of Balance of Power Theory and Their Contemporary Relevance, 2004, pp. 2-25).

military superiority of a unipolar leader, but it can delay, complicate or increase the cost of using extraordinary power. On the other hand, T.V. Paul states in his essay "Soft Balancing in the Age of U.S. Primacy" that in the post-Cold War Period, the second-tier states implemented limited and silent "indirect balancing" strategies through applications such as coalition construction or diplomatic bargaining at international institutions and all these institutional and diplomatic strategies intended to limit the US's power composed soft balancing. According to T.V Paul, soft balancing during the post-cold war era became an attractive strategy for second-tier major powers (major powers except the US are: Germany, UK, France, Japan). Because thanks to that: They were able to fight against the intrusive policies of the US and its allies both internationally and in the context of the US domestic public opinion (Paul, 2005).

Jolyon Howort and Anand Menon who examined soft balancing in terms of hard balancing which is the opposite of soft balancing concept claim in their studies that states apply soft balancing in situations where current conditions make traditional "hard balancing" against the US impossible.[38] Referring to the term *soft balancing* in the book of one of the important political scientists, Stephen Walt "*Taming of American Power*", Jolyon Howort and Anand Menon define the term as "to obtain results against US priority through conscious coordination of diplomatic actions". Such an interpretation proves with great clarity that the practical application of soft balancing is only a policy against the US (the power of the United States) and that the conceptual ground is based on the analysis of this power balance system. These two authors (Howorth & Menon, 2009, p. 730) define specifically soft balancing by quoting from T. V. Paul: *"Soft balancing involves tacit non-offensive coalition*

[38] **Hard balancing** term is a much more classical power balancing; it is rather defined as a strong arming or re-arming policy, or the creation of alliances to counterbalance a powerful state or to prevent the rise of a threatening state.

building to neutralize a rising or potentially threating power…States can adopt means to engage in soft balancing: tacit understandings or entestes (short or formal alliances), the use of international institutions to create ad hoc coalitions and limit the power of the threatening state, or both." Conceptually, contradicting the characteristics of hard balancing such as the use of military force, economic power and leverage and formation of official alliances, soft balancing is being carried out through practices such as forming unofficial alliances and using voting power at international institutions.

Neverthless, Jolyon Howort and Anand Menon state in their article that EU did not do operations to support the soft balancing thesis and did not collectively make an effort to strengthen the autonomous mobility of EU members. It was a fact that the EU was trying to prevent a possible military intervention by the US in Iran after Iraq. Because, it was clear that the US made a distinction of friend or foe just like they did for Iraq and identified Iran as Axis of Evil and saw Iran as a threat. In his speech in 2002, the US President George W. Bush spoke of Iran as an "axis of evil" as well as Iraq, signaling the possibility of an operation against Iran after Iraq (President Delivers State of the Union Address , 2002). On the other hand T. V. Paul (2005, pp. 57-58), in his article, showed that in all crises interfered by the US, such as the invasion of Iraq in 2003 and Kosovo crisis, the international community, and especially the European states, were doing soft balancing with the measures they have taken against the unilateral approaches of the US. In this context, as continuation the best example of T.V. Paul's claims would be EU's soft balancing initiative on the suppression of Iran's attempts to possess nuclear weapons program without causing a military intervention.

Undoubtedly after the report of the IAEA in June 2003 which stated that Iran did not comply with its obligations, the European leaders, under the influence of the deep disagreements that they had experienced in Iraq, had the approach that this issue should be resolved with peaceful negotiations. For this purpose, they attempted to take the initiative by putting the EU as an international actor again (EU normative power and the Iranian nuclear program). In this context, EU leaders considered the Iranian issue as a test case for EU norms such as negotiation, engagement, multilateralism and compliance with international law. Rather than a military dispute that could very clearly be initiated by the US, the EU guided the international community to reduce the tension experienced with Iran through patient negotiations and economic sanctions. As a matter of fact, the US then joined the dialogue led by EU and after a long discussed crisis management method in which both sides win and focused on getting results; the military options, although discussed for a period of time, were out of question. Undoubtedly, it is clear that both the international community and the profitability of Iran in this process is a bilateral success. Such a result can be said to be a remarkable achievement considering that there could be extremely negative results such as a collapsed government, a destroyed administrative system, a divided society, anarchy, and a country where ethnic wars were persisting for years like how it happened in Iraq after the military intervention.

2.6.3 Coercive Diplomacy during the Iran Nuclear Crisis

While the most important part of international initiatives that prevent Iran from acquiring nuclear weapon technology was negotiations, the other factor was

definitely imposed sanctions. In 2009, after the US made a statement that there was a secret uranium enrichment facility in Fordow, near Qom city, the US and Israel began to talk about air attacks targeting Iran. It can be said that these and similar military intervention discourses served as a kind of intimidation to create deterrence. On the other hand, the United States and Israel, which were planning to make an impact on the cyber field, developed a joint initiative and attacked Iran with a computer virus (Stuxnet). These "cyber-attacks", which appeared to continue in the following years, seriously hampered Iran's uranium enrichment program (Beaumont & Hopkins, 2012). Undoubtedly, all these non-destructive and kinetic destructive measures were taken in the context of "cyber warfare", the new conflict dimension of today's technology. On the other hand negotiations with Iran during this period could only bring restrictions on nuclear technology to Iran because of the lack of support of China and Russia in the UN. But it was clear that these sanctions were not enough to make Iran take a step back. Therefore, from the beginning of 2010, the US unilaterally launched economic sanctions against Iran, and the EU joined these sanctions as of 26 July 2010. The EU passed a decision that banned all member countries from importing Iranian oil beginning July 1, 2012 and stopped Iranian ships from providing London-based international ship insurance services as well as banking services. As a matter of fact, the sanctions of the EU countries and the financial sanctions of the US created a heavy impact on the Iranian economy. Following the election of President Hassan Rouhani in 2013, who was a more moderate and open-minded politician in, the way for Iran to return to the negotiating process with the EU and the US opened (Iran nuclear talks: timeline, 2015).

Hence, it is seen that diplomatic initiatives and persuasive methods were used during the negotiations with Iran while at the same time applying concurrent and

comprehensive coercive methods. The EU's leadership in this negotiation process laid the groundwork for the execution of a controlled process without a need to claim and use military power thanks to the universal principles, such as international law and multilateralism. On the other hand, unlike the attitude of the US, we can argue that the EU provided a more positive approach in persuading the Iranian public with the diplomatic attitudes and statements. However, considering the integrity of all these initiatives, it is clear that the EU emerged an "anti-US" soft power and used soft balancing.

As a result, the EU countries (except UK), which did not approve the invasion of Iraq in 2003, followed a patient but decisive policy and by prioritizing democratic values and welfare and keeping military options out of the table. Thereore it can be argued that the EU: **(1)** did not allow the US to solve the Iranian issue with a hegemonic power statement by means of military methods due to the possibility of creating an instability in the Middle East and in the global sense, **(2)** prevented the reoccurrence of the chaos occurred in the establishment of political stability in the country by the exclusion of other European countries, especially the UN during the restructuring of Iraq.

Ian Manners argues in his article that the EU can be regarded as a normative ethical source which can make universal contributions towards the goal of the international community model. According to Manners, the EU has become a "normative force" in world politics. Although it might be seen as a contradiction in itself when a political union is both normative and power at the same time, he claimed that the EU actively represents and encourages normative principles that are universal in nine categories such as; peace, freedom, democracy, human rights, rule of law, equality, social solidarity, sustainable development and good governance.

Moreover, this union does not only apply these values and interests to the citizens of their own countries, but also makes an effort to spread these values and to promote them again all around the world (Manners, 2005). According to Ian Manners, it is evident that EU is consistent that they can apply its universal ethical values both in its own way and in its relations with the outside world. In other words, they show a virtuous ethical understanding where they can reveal what they apply in their internal policies to the outside world (international system) in prescriptions and actions. In a way, the universal values defined as virtue ethics are implemented and promoted by the EU both within the member states and within their social cohesion, but at the same time they are acting according to the same values showing the same coherence and consistency in their relations with the world. In a different sense, the EU uses concepts such as persuasion, argument and shaming in its relations with the world instead of replacing the world politics with their legitimate power by using their principles and the constructive elements (Manners, 2005, p. 58).

In the context of these arguments, it can be argued that the EU can have a more universal approach to global crises from a normative standpoint, and that it can lead the parties to become more consensual on similar issues. Therefore, it can be said that Iran was the most important example in this context. Undoubtedly, all these possibilities and values ultimately provide a weight and prestige integrating within the scope of the EU's soft balancing which may balance the US's unipolarity of solving the world's crises solely on the basis of military interventions. As it can be seen in the Iranian context, while the EU process is based on its own values, it also applied the principles of dialogue and engagement sensitively. Today, when the international system is in a transition period, we can argue that this balancing is an important

development especially because of the way the crisis has led to the implementation of multilateral international policies and the act of consensus

2.6.4 Consequential Evaluations with regard to the Iran Nuclear Crisis

2.6.4.1 Authority in the International System

The Iranian crisis is based on the projection that the efforts of a state, which regards owning nuclear arms force a national target – Iran – may create a regional escalation and global instability. In this context, it is a long-term international process of orienting Iran's nuclear technology towards only peaceful purposes by the international society. Despite all the international treaties (NPT) and measures to prevent the proliferation of nuclear weapons, Iran's long-term initiatives toward nuclear weapons have been a source of concern both locally and globally.[39] It is very clear that the perception of threat due to possession of chemical weapons as well as launcher missile systems by Iraq resulted in a regional war created long term instability in the region in the past. Above all, taking into consideration that Iran was not directly exposed to a nuclear threat, it can be argued that the ambition of nuclear weapons was not for the defense of Iran, but for deterrence and superiority over the other states in the region. Even, it can be argued that the goal of possessing nuclear weapons was related with with the intent of having force and a voice in the global sphere.

[39]The NPT (Treaty on the non-Proliferation of Nuclear Weapons): The UN-controlled NPT undertakes that the states other than ones known to have nuclear silos will not make nuclear weapons and open their peaceful nuclear facilities to the audits by the IAEA (International Atomic Energy Agency).

On the other hand, from the perspective of Nuclear weapons concept, the fact that nuclear weapons provide an advantage of unproportional power to the states owning them against their rivalries does not necessarily mean that these weapons will be used. It must be remembered that the stability during the Cold War was ensured via the deterrence provided by the nuclear weapons, while being aware of the fact that nuclear weapons could not be used again (Waltz, 1988). It can be argued that Iran's ambition to become a regional power through its nuclear weapons is a countervailing action resulting from the perception of the international anarchic system as a direct and immediate threat to Iran. In this sense, the Iranian possession of nuclear weapons can be regarded to result from its drive to assure balance by obtaining maximum force against the anarchic threat. It is very clear that the goal of obtaining highly destructive arsenal in comparison to conventional weapons is purely due to the search for extreme power, especially for a state that does not need to counter-balance itself against a prominent nuclear enemy. Therefore, it should also be noted that the reason why Iran aimed at obtaining nuclear weapons is closely related with the international system. In addition to Iran’s ambitions, that Iran felt threatened during the relevant period and did not trust the international community - particularly the UN and its Charter - in its understanding of collective security could be the other cause, which why the Iranian government directed towards the pursuit of maximum power. Whatever the case, both approaches prove that the anarchic perception in the international system is widespread and powerful, and that a state like Iran does not intend to link its security to the international law or the UN Charter. From this perspective, the Iranian effort to possess nuclear weapons should not only be seen as a violation within the scope of the NPT. However, it is a vital issue related first to the international structure that has the

potential to cause an enhanced triggering of having nuclear power and second the lack of essential security commitments in the system.

However, based on an assessment of Iran's challenges towards the international domain, it can be argued that the Iranian ambition over nuclear weapons is beyond its concern for national security and is oriented towards a state struggle that can be ensured through superiority with weapons that will ensure regional or global deterrence. Thus, what was important in the Iranian conflict was not the annihilation of the Iranian nuclear weapon production facilities by a military intervention, but ensuring the international setting for cooperation that would eliminate Iran's ambition and need for nuclear weapons. Looking from this perspective to the crisis, the long-term, but consistent initiatives of the international community, which were clarified above - became the right method. The process of negotiations undertaken by first (E-3) and later (P5+1) with Iran should be regarded as a comprehensive effort oriented towards eliminating the perception of anarchy of a state, which went beyond the aim of executing a direct intervention. The EU, as an international institution having been respected with its democratic and ethical rules managed to induce Iran from its target to possess nuclear weapons (some gradual sanctions were implemented by the UN Security Council) without applying to the threat of use of force. This result was undeniably a significant initiative serving global peace. Moreover, it can even be argued that the dialogue and consultations undertaken by the EU within this process ensured improving Iran's domestic governance system on the basis of the reference EU norms, as well. It is an indisputable fact that the achievement was owed to the UN and EU, as they were considerably strong in terms of international treaties and international law. But the most important achievement is that the issue was managed to be resolved without causing a new conflict in the Middle East. More importantly,

that the Security Council members provided commitments that would ensure elimination of Iran's perception of anarchy within the framework of the global security understanding should be taken a vital development towards peace and stability.

2.6.4.1.1 Consequential Ramifications:

(1) The Iranian nuclear crisis was a long and struggling process, in which both the global and regional institutions - primarily the UN and EU - together with other major powers could negotiate in peaceful and consistent terms with Iran, which desired possession of nuclear weapons. Accordingly, these peaceful efforts successfully resulted by preventing a threat of massive war that may might be leading up to regional and global crises.

(2) More importantly, it was understood that the major powers can be efficient in ensuring international peace and stability thanks to the normative balance established against the US.

2.6.4.2 International Actors

Although the possession and technology of nuclear weapons is under the control of the IAEA (International Atomic Energy Agency), Iran, for many years, managed to acquire knowledge and technology with regard to nuclear weapons from sources that are not under the control of this institution. Thus the development in the nuclear area was conducted clandestinely from the Western states and relevant

institutions. The Iranian attempts for nuclear weapons could only reveal when the Iranian opposition leaked this issue to the media. Although the US cut its economic and diplomatic relations with Iran after 1980s, the European countries continued their economic relations with Iran. This economic potential and interdependence contributed to a great extent in the resolution of the conflict peacefully. As is underlined above, since Iran's targets for nuclear weapons had regional and global implications, the European countries evaluated the issue collectively and for this reason, established first the tripartite group to start negotiations with Iran and then expanded this group to the level of P5+1. As a matter of fact, the common political power of the EU countries was effective on Iran thanks to the fact that the EU tackled the issue at institutional level. In the long process of negotiations, although the internal political dynamics of Iran triggered certain tensions, the EU and the US managed, through their collective efforts, to make Iran take a step back to prevent nuclear instability.

The peaceful settlement of Iranian crisis proved that as the major states, that are the basic actors in the international field increase their effect in the international system, they can balance the US and facilitate multilateral solutions. Subsequently as they grow in effect and counter balance, they will most probably continue to shape the trends in world politics. Therefore, we can assert that there is a correlation between the rise of institutional solutions and the international society. Undeniably, as the influence of international institutions increase, the international rule of law as well as the UN authority will also enhance. Moreover, the initiatives such as exclusion of use of force options and hard coercion measures and preferring more peaceful approaches in Iranian crisis indicated that hard military measures should not be the solely option to successfully resolve such crisis.

The successful result of the crisis can also be attributed to the economic relations of the negotiating states and international organizations with Iran as well as their sanction power over Iran. In this context the institutional power of the EU was also largely effective in getting the desired results. Conclusively, a peaceful result was acquired through the contribution of states and international organizations as well as the UN in a coordinated way. The most important lesson to take from Iranian crisis is that how paramount the problem is, dangerous escalations in the international relations can be prevented by peaceful persuasion measures instead of immediately applying to military solutions that might trigger bigger international crises.

Admittedly, if such collective efforts were undertaken during the Cold War, the proliferation of nuclear weapons to other states outside the Security Council members could have been avoided. Since, the resolution of Iranian Nuclear crisis is a unique one in international relations, there is not an equivalent crisis in the past, which can be compared with it. Therefore, its implications can only be evaluated in the context of the emerging international dynamics.

2.6.4.2.1 Consequential Ramifications:

The Iranian crisis became the evident proof that international crises can be resolved by means of the international organizations via collective and multilateral initiatives without causing regional and global implications and most importantly, without resorting to war.

2.6.4.3 Force (Coercion and/or Persuasion)

Having had intensive objectives and ambitions for nuclear weapons technology, Iran was deterred from such aspirations as a result of extensive efforts lasting for 13 years to prevent the troublesome effects of a possible spread of nuclear weapons. Further, Iran was regained in the international community after the efforts yielded good results. The two effective factors during this process were negotiations and sanctions. In the modern world, implementing sanctions in the fields that are indispensable for a modern society and economy were all experienced during the Iranian case, which proved that reconciliation is possible without the need for use of force. More over, that P5+1 and the EU conducted diplomatic negotiations competently by considering all factors enabled to achieve a peacefull solution. In addition it must be pointed that negotiations were executed within the framework of sovereign equality of an indepented state in a respected manner.

Moreover the fact that the EU countries formed a collective mechanism together with the US, Russia and China created pressure over Iran and this was as effective as use of force in terms of deterrence. For instance, efficient economic sanctions such as stopping the insurance process of Iranian ships by the U.K created such damage that it was not possible to be actualized by a modern state that is in constant communication with the world. From this perspective, all these initiatives have been important proves that such measures can be more efficient in conflict resolution than using of force and coercion.

Apparently Iran's trade partners have very well foreseen that compelling a military intervention in a country as large as Iran in the Middle East would lead to far greater devastation for probable regional and global negative implications than

purifying the country from nuclear weapons. Therefore all diplomatic negotiations and sanctions were taken sensitively without causing any escalation. In cases, where the negotiations could not be carried out solely through persuasion, the UN preferred to implement sanctions together with coercive measures against Iran. It must be stressed that the role of UN in the global enforcement of restrictions preventing Iran to purchase nuclear technology and equipment was significant in preventing Iran's goal of nuclear weapons. In addition to the UN and the US, the EU often had to apply certain sanctions against Iran, as well. Although a limited number of international actors interfered in the Iranian crisis, it can be argued conclusively that methods of state-level and institutional-level negotiations, diplomacy as well as coercive measures were all used consistently, efficiently and in a coordinated way.

It must stressed that the US defined Iraq in the category of axis of evil in the past, regarding this country as an imminent threat due to the stocks of chemical weapons resulted in chaotic consequences. Since the US saw Iran of the same category, it frequently provided discourses that hinted it was an option to execute military intervention in addition to individual sanctions. Therefore, thanks to all peaceful measures that such a miscourse was not allowed and thereby a possible chaos and turmoil in the region was avoided.

2.6.4.3.1 Consequential Ramifications:

In addition to the consistent policy exhibited by the EU, UN and international community during the Iranian crisis, the reconciliatory and rational dialogue as well as imposing of values showed that conflicts could be resolved without applying armed force.

2.6.4.4 Hegemony or Multilateralism

The fact that European countries have established multilateral dialogue mechanisms from the very beginning to prevent Iran's goal of becoming a nuclear power in a way that included negotiations and consultations with Iran as a common initiative makes the crisis considerably different than other crisis especially with regard to the handling of the process. Above all, since European countries had a high level of trade volume with Iran, they opted for using their collective power on Iran in resolving the conflict. When they had to transform these advantages into stricter sanctions on Iran, they managed to oblige Iran with a common economic oppression potential. While restrictive measures are a crucial part of this process, the negotiations were concluded within the framework of a multi-dimensional and bilateral political framework, in particular with the continuous imposition of diplomatic initiatives by the EU. As elaborated in detail above: It is an undeniable fact that the EU had a positive influence on the negotiations with Iran on the grounds of democracy, human rights as well as economic strength.

The most important aspect that distinguishes the Iranian crisis from the other crises examined in this dissertation is that the need for an intervention is prevented before the breaking out of potential threat. Although some international crises in the past were resolved through unilateral military operations, those were short-term solutions and international support for long-term stability was excluded. It is the most important achievement of the international community during this crisis that there was no chance of hegemonic rhetoric similar to the US-initiated preemptive war dictum to remove the danger posed by the Iraqi chemical weapons threat. In light of this

understanding, it is very clear that the international community not only made Iran give up on its nuclear power initiative, but also allowed Iran to re-establish its economic ties with the West, particularly the US. Hence, it was once again proved that multilateral political interventions - in comparison to hegemonic interventions - have the potential to ensure long-term stability and provide resources for integrating the parties of a crisis back into international society.

As highlighted in the analysis of this crisis, it has been observed by many political scientists that the EU has implemented the strategy of soft balancing against the United States, especially using its institutional power and values. After the mid 1990s, soft balancing for the major powers outside the United States became an attractive strategy, since they were able to fight against the intrusive policies of the US and its allies at both the international level and in the context of the US domestic public opinion (Paul, Soft Balancing in the Age of Primacy, 2005, pp. 58-59). It is seen that this power obtained by the stabilization in the aftermath of the Iranian crisis against the US gives important clues in terms of the international relations in the forthcoming period.

The argument of T. V. Paul (2004, pp. 2-25) "*In the future, if American military power increases dramatically and the unilateralist tendencies of Washington persist or even deepen, we may see increased practices of soft balancing by European States*"gives substantial vision for future. By virtue of that, the fact that the EU member countries could not challenge the US with their military power and hence, could not put into force a process of hard-balancing made them to ensure balance in the international system only through soft-balancing. In light of this assumption of T. V. Paul, indeed, it can be foreseen that the EU may well develop more comprehensive implementation of soft-balancing, in case the US continues its hegemonic tendencies.

2.6.4.4.1 Consequential Ramifications:

(1) Thanks to the initiatives carried out within the scope of this crisis; it may fairly be asserted that Iran was directed towards the international system by creating the advantages that enable cooperation with mainly the Western states to abandon aspirations for nuclear power, instead of applying strict and isolated sanctions. As a matter of fact, the most important indicator that shows the crisis was resolved in the spotlight of economic relations and welfare, since Boeing and Airbus companies ordered a high number of passenger planes immediately after the agreements between Iran and the West. **(2)** A more significant gaining in terms of international relations was the execution of the multilateral and multi-participatory cooperation process, excluding the one-dimensional solutions of the past. However, it remains a question whether the nuclear threats created by countries such as North Korea, which develop nuclear weapons and the launching missile system, will be prevented in the same way, taking into consideration if the fact that the afore-mentioned compromises cannot ever be unilateral.

2.7 REASONING OF DISSERTATION CRITERIA

Since detailed evaluation of the crises as of 1990 with respect to the criteria such as actors, force (coercion and/or coercion), and hegemony/multilateralism are

given in the relevant chapter results, a more coherent and broad results based on the findings are deemed important. Therefore, the aim of this chapter is to explain the general conclusions and trends in the international system according to the comprehensive results achieved in the fields of analysis. In order to be able to determine the changes in the international system from the perspective of the four main field factors selected, the incidents and decision-making processes during crises are scrutinized in cause effect relationship and phenomenal results are assessed. Accordingly in this section the phenomenal results of the chapters are reasoned from a collective perspective. Consequently, this chapter, by making an accumulated refinement of the examinations, will try to articulate the general results that provide justifications to the hypotheses claimed in the dissertation. Based on the general evaluations of this section, the refined conceptual conclusions that justify the general assertion of the thesis will be given in the next chapter.

2.7.1 Authority in the International System

First and foremost, it can be observed that the central authority and perception of international law of the UN were not consistent and stable during the crises as of the year 1990, on the contrary, periodic changes were experienced. It can also be asserted that the UN Charter could not constitute an absolute regulative ground in international crises, however was effective to the extent that was allowed by the dominant understanding in the international setting as well as the prevalent structure. While the Iraqi crisis starting in 1990 was shaped by the suppressive hegemony of the United States, the Iranian crisis was marked by a coordinated

process of coercive and compromising measures of the UN and the EU[40] (Ongur & Onur, 2004, pp. 314-315). It is quite evident that the far-reaching global changes at a scale that enabled the alteration of the international anarchic structure were not the reasons for the differentiation or extensive modifications observed in these crisis In spite of the fact that new international agreements were not drawn to consolidate the UN's global authority, and there was not any new commitment towards the resolution of the international problems via completely peaceful methods; we must admit that there were other factors allowing changes revealing in the resolution processes that were undertaken by the internatonal society.

The structural assumptions assert that the change in the international system can only be actualized depending on the rise or fall of these great powers after a war among them and the corresponding change in balance of power. Not contradicting with this assumption, Waltz argues the following: The Cold War did not mark such a tremendous change, but only paved the way for the emergence of a unipolar system (Waltz, 2000, p. 39). After the end of the cold war the anarchic structure of the system continued as the regulating principle, since there was not any transformation that could change the structure of the system in the context of structural theory (from anarchy to a central and legitimate government). It can also be assumed that the international order of anarchy is composed of the individual perceptions of state and these perceptions are the main motivations of their attitudes within the international

[40] The concept of hegemony requires the approval (legitimacy) of the rulers, as well as the basis of having the coercive tools of power. The main point that distinguishes hegemony from the forms of dominance encountered in different periods of world history is that the secondary states must be consenting to the leadership of the hegemony not only by the pressure created by the material power sources, but also by the effects of common interest perceptions. Stated in other words, a state can be a hegemonic power provided that it gains reliability to an extent that can form an opinion for the other states purporting that the increase in its power, relative to some or all states will also conform to the general interest of the citizens of others. According to Robert Cox, hegemony is based on three-layered shedding of ideas, material possibilities and institutions. Therefore, imitating the forms of hegemony by economic, social and political institutions and organizations of the secondary states should not be enough for the formation of hegemony. However, a "common value" must be brought to light after a process of similitude.

structure. Accordingly, states, the main actors of the international system in all the periods analyzed as of 1990, have endeavored to ensure their individual perpetuity through their own power and resources. And when possible, they opt for strengthening by means of alliances or coalitions.

On the other hand if not for such a drastic change, the international structure can change through the relevant modifications in the capacities of units. In this context, it can be argued that the enhancing capacities and compatibilities of the states after the Cold War became the primary source for the cumulative transformation created in the international system by means of the states' differing positions in the structure. In line with this asssumption, although the international system has not changed in itself, there have been differentiations in the capacity and power distribution of the countries within the system and this has caused overall changes in the system. From a conceptual perspective it is a foreseeable result that this process revealed after the elimination of both ideological camping and hegemonic oppression. It is evident that developing capacities and compatibilities of states after the Cold War as well as the enhancing efficiency of the international organizations have created stronger interactions among the actors of the international structure. As mentioned before, it can be said that these changing dynamics explained here are the main determinants of the different and periodic international reactions emerging during the crises after 1990s.

In addition, the argument of Neorealism that major powers should put effort to counter-balance the unipolar system in the post cold war period (Waltz, 2000, pp. 5-41), has turned into an impossible expectation due to the high level of US power. During the course of the Cold War, it was a reassuring position for the states gathering around the democracy and free market to stand against the Soviet bloc in

the context of the power granted by the allies of a front. As the rival of the USSR and observed meticulously by the Warsaw pact during the Cold War, the US power was regarded to be in the cluster of the allies in terms of the free world states. However the elimination of the Soviet threat paved the way for the emergence of the US not only as the greatest deterring power against the counter block (counter balance), but also a comparable force across all countries in the globe. In a sense this extraordinary difference in US power evidently became striking for all the democratic world states after the Cold War and the need emerged for taking this difference into consideration as a global factor of power. Hence, the new period starting with 1990s has brought in uncertainty for the states, although the Cold War was over and this naturally oriented the states to pursuits of power (in realistic understanding) and security (in neo-realistic understanding). Nevertheless, the anarchic structure obliged states to a new form, since a considerable amount of capacity building and other options were not possible to be put into force in short time. As a matter of fact, the perception of threat revealing as of the early 1990s leaved the states with the option to gather around the US front on the basis of the "band-wagoning" approach. Indeed, it can be observed that the political preparatory phase and military coalition for the Iraqi crisis were structured round this approach.

In his study on the international system and regional balance in the Middle east, Benjamin Miller (2004, p. 260) argues as follows: "*Following the Soviet collapse and the Gulf War, most of the states in the region band-wagoned with the United States because of the prospects of financial and territorial gains and chance to come under the American security umbrella*". There are two mistakes in such arguments: The first lies in the assumption that only the states in the region entered into the act of band-wagoning, while the second is the claim that the states started to

take the side of the US after the war in 1991. These two assumptions are in contrast with the drive to form a military front following the global international policies within the scope of the 1991 operation. Above all, not only the countries in the region, but also other countries from farther geographies of the world provided support to this front. And not all of them benefited from the war, but various developed countries contributed to the war costs. Moreover, the formation of the political front was established well before the military front was put into action, In other words the political unification of the states against the aggression of Iraq also marked the preparatory phase of the war. Moreover, the International society, despite being under US pressure, at least seemed to be acting deliberately for noble principles of the UN, and it was not in pursuit of any territorial gains.

Without any doubt, a number of states internalized as the best solution to tag behind the most powerful state of the term due to the ambiguity and threats emanating from the end of the Cold War in both political and geographical terms. It can easily be asserted that the method of band-wagoning was adopted immediately after the end of the Cold War, when taking into consideration the time of the formation of the political and military coalition participating in the war under the leadership of the US. Moreover, such a style of action is completely in line with the neo-realism that is based on the assumption that the states are in pursuit of security, not power.

In this context also assuming that the international anarchic structure is not changed, there are many proofs that the factors leading up to such changes are dependent upon structural and evolutionary other factors. The most important factor of these changes occurring in the international system as per the structural assumption is that the trend of the states participating in the US front with the bandwagoning principle and causing empowerment of the front even more had become reversed as of

mid 1990s. Hence, **(1)** the participation of the major states to the general power balance by giving up on the preference of bandwagoning (their attitudes that balance the US), **(2)** their increasing weight in the field of international politics, **(3)** and their empowerment of the international institutions they formed as of the end of 1990s caused changes in the solution of crises.

The fact that a number of countries participated in the act of band-wagoning in the US front, under the uncertain conditions of the Post Cold war, in fact, became the reason for ever strengthening of the US hegemony in an "indirect way" in accordance with the assumptions of Waltz (1979, p. 126). However, that the major states and international organizations have commenced to consolidate their power and capacities enabled them to put their effect in the political sphere since the late 1990s. Hence, the assumption that tagging behind the hegemonic power by the major powers will result in the increasing of power of the hegemony, on the contrary to withdraw such support will decrease the power of the hegemony. Consequently, such acts prevent the hegemon state from implementing aggressive policies based on unilateral and forceful aspirations. It can be said that this has been the greatest change in the way of multilateral solutions and long-term stabilization for international or regional crises.

Being the sole institutional authority for reversing the perception of international anarchy now that the UN is acknowledged as a central authority in providing international peace and stability. It is obvious that the growing power of the Security Council, from where the UN is deriving its force, means increasing role of the Security Council in world peace. Moreover, Institutional intervention to the international conflicts has demonstrated that the power and authority of the UN has also increased after the Cold War. In parallel to the expanding role and responsibility

of the UN in international crises after 1990, the functions and weight of the Secretary General have also increased in taking up a role of establishing coordination in international conflicts and crises. The role of the Secretary General became even more effective than the period of 1991 Iraq crisis.

Nonetheless, neither the increasing global power of the UN nor the evolution of the concept of humanitarian law superior than the state sovereignty show that there has been an orientation toward an international society. Further, the expansion of the legal norms regulating the international relations has not demonstrated a tendency toward a solid international community. Above all, there has been much concern over the way the US will interpret the international legal norms when it comes to its own security and shape the relations with the world countries since the incident of 9/11. Along with this, there has revealed the weakness of the international community members as well as the Security Council in counter-balancing the US with collective power. It is not enough for the members of the Security Council to have only veto power, since the existence of the preemptive warfare as well as legitimacy of sources other than the UN are accepted and acknowledged under today's circumstances. Although the UN still seems to be the only legitimate power of the use of force in the international field, it is now accepted that there are other regional organizations with such authorities. Although the US seeks to impose an "exceptionalist" understanding, claiming that such an authority can only belong to the US; it cannot be argued that similar approaches will not be experienced in other parts of the world.

On the other hand, it has been explained that the great powers outside the US have the capacity to make institutional balancing against the US in the international system by means of soft-balancing by putting normative weights as it was in the case of Iran. Nevertheless, the two major states, China and Russia, are left out of this

balance. The fact they have been maintaining their own interests paves the way for the US to retain its individual supremacy. In this context a comprehensive argument comes from T. V. Paul.

He (Paul, 2004) argued that "*soft-balancing must be global (systemic), rather than regional (sub-systemic), pointing out to the fact that the US must be balanced in global terms…. because the power differential between the United States and potential balancers is too big for a more aggressive strategy*." The deduction here can be that not only the EU, but also the other major states and organizations should endeavor to balance the US via soft-balancing. Nevertheless, the two major states, China and Russia, are left out of this balance. The fact they have been maintaining their own interests paves the way for the US to retain its individual supremacy. It can be asserted that the balance of power - where state security is of primary importance - is still preserved due to the global force capacity of the US and accordingly such states prefer to pursue hard balancing.

All the crises scrutinized in this study are, in a way, concluded with stability. Within this scope, it can be argued that the last potentials of armed conflicts in geographies such as the Middle East and the Balkans were firstly brought into surface and then resolved for good. However, not only the prevention of these crises, but also the provision of long-term solutions and the continuation of stability are quite significant. In these processes, the predominant tendency is to apply more international participation and legal norms.

Moreover it can argued that there is particularly a positive development regarding human rights violations, in conceptual and practical areas that have transformed the concept of intervention in the direction of prioritizing human rights against violence. In this context, the concept of *Responsibility to Protect - RTP*

accepted by the UN assured the states to guarantee the rights of their citizens to life, burdening them with the international system, as well. This has laid the grounds for the spreading of important universal norms for the future practices. Yet, the developments set on all these normative grounds were based also on global consensus, while these developments took place without ensuring a balance of power. This is raising concern, since the developments can remain under the shadow of a super power. The reason for this is that it is vital to provide cooperation among the UN and all other great states in order to realize all these concepts that were approved in theory.

Considering the reflections of the past political solutions on today, on the other hand, it would not be much wrong to assert the following assumption with regard to the UN authority and responsibilities: The authority granted by the UN Charter to the Security Council for the protection of peace and authority shall be prevention of any sort of violation to international peace and stability through prior diplomatic, fair, rational and peaceful solutions, not economic or military use of force. Seeing the Charter as a mechanism to challenge the masses of people with economic sanctions and military interventions that lead to loss of lives is nothing more than providing the basis for the emergence of new crises. Being the UN Secretary General between the years 1992 and 1996, Butros Ghali prepared "An Agenda for Peace". In the section of "Preventive Diplomacy" (Boutros-Ghali, 1992, pp. 13-19), it is revealed that the UN needs an early warning system to detect conflicts and tensions before they break out, confidence building measures and preventive diplomacy functions to extinguish conflicts. This rhetoric has not lost its importance until today as of the day it was brought to agenda. From a positive perspective, Ascendant initiatives to balance the international system by the great actors and the regional organizations

contributions to global politics ensured taking measures such as preventive diplomacy on time to reduce the amount of internal conflicts as well as international issues.

2.7.1.1 Consequential Ramifications:

In the aftermath of the Cold War, the international law and UN authority can be claimed to be bound to the following sources:

(1) The fact that the understanding of regarding the veto power of the Security Council as a tool for an ideological camp was terminated can be argued to lead the UN resolutions to be more in line with the international law and international morality in comparison to the past.

(2) The fact that the other actors balanced the US power gave an opportunity for cooperation between the UN and the US. Thereby, the reputability and effect of the UN in international matters have increased.

2.7.2 International Actors

As of the mid-1990s, the international actors started to show differentiation of capacity with regard to the interactions composed of growing globalization and interdependence. Accordingly, by the potential that these main actors in the system possessed started to form or enhance organizations to combine their political forces. The new political climate stemmed from the demolishing of the communist camp also enabled various opportunities to the democratic bloc. The Rome summit of NATO in 1991 was an important step this line. At the Rome Summit Allied leaders established

the North Atlantic Cooperation Council (NACC) with the purpose of creating a setting of solidarity and cooperation between the Alliance and the Eastern European Countries (NATO, 2001, p. 18).

Being 16 in early 1990s, the number of NATO members increased to 19 in 1999 with the participation of eastern European countries such as the Czech Republic, Hungary and Poland and to 26 in 2004 with the participation of the other seven countries[41] (Member countries, 2017). The EC, on the other hand, took the name European Union (EU) in 1993 with the signing of the Maastricht Agreement and started to be a political as much as economic union. Further, the Western European Union (WEU) established in 1948 for the defense of the European countries worked together with NATO in the Balkan operations as the military force of the EU after a long time of ineffectiveness. The WEU provided support to Albania and Kosovo.

It can be seen that the increasing number of similar occurrences after the Cold War has leaded to institutional enlargement in the international system, while also empowering organizations that are concerned with global problems. Hereby, it can be deduced that the states and international organizations have been able to counter-balance the US hegemonic superiority via their increasing power in the international system especially at the end of 1990s. The processes of intervention by these actors have varied in accordance with the consolidation of the concepts such as counter-balance, international law and UN authority. The source of this change, on the other hand, as can be seen from the cases analyzed in this dissertation, is as follows: Towards the end of 1990s, the dynamics of the international community exhibited comprehensive development and this facilitated growing of the interactions of the international actors (states and organizations) with the other powers in the

[41] States that became NATO members in 2004: Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia. With the participation of Montenegro (Montenegro) in 2017, the number of NATO member countries became 29.

system in the context of global concepts, while also triggering alterations in the international decision-making mechanisms.[42]

Today's international system became so complex that such unified front that was founded to environ many countries around a hegemonic rhetoric in 1991, is not possible to establish due to the "international balances" deriving from differentiation under today's circumstances.

On the other hand, it is determined that the fact that multiple groups were active during the different period crises examined, does not mean that the importance of states was reduced, but their weight increased in the international matters with the sum of their relative powers by the gathering of the states. However, in the context of the continued anarchic system, it is underlined that the states are still the basic determinants in practically every field and the relative power of the multiple groups are determined in accordance with the states, as also put forward by Mearsheimer. It can also be argued that an important factor in determining the main actor (state-institution) involved in the solutions depends mainly on the level of the concern over security that the crisis creates. In this context, while realist approaches where the states are in the forefront in the solution of international crises are observed; solutions oriented towards an international society model where institutions collaborate with states are in the forefront are also observed.

The crises of Bosnia-Herzegovina and Kosovo were the first crises, where organizations like the OSCE and EC (at that time) were involved in the intervention processes with broad participation. After turning into a political union by the Maastricht Agreement in 1993, the EU has particularly been observed to take active

[42]As a matter of fact, as defined by neo-realist approaches, all the actors in the structure (states and international organizations) are found to interact with both each other and the system itself due to systemic effects. Therefore, international relations are not only a form of interaction among the states, but also one that facilitates intensive interaction with the system itself.

roles in the crises of Iran and Libya. In a sense, the individual contributions of the European states were combined to form a stronger collective political activism. As is seen in the Bosnian crisis, taking into consideration the ultimate potentials and powers of the states as the main actors, though, corporate activity may well be inefficient and indecisive in cases, where the states are not consistent in their behaviors. The result to be deduced from here is that organizations can be strengthened in proportion to the consolidation of the corporate decision mechanisms, since corporate power depends on the will and contributions of the states that form the relevant organization. Obviously the number of organizations or groups of states remained limited during the Cold War due to the particular polarization and the existent organizations had limited international roles. Due to the inherited inefficiencies of the cold war, the interventions in the crises in early 1990s were carried out individually by states, rather than by organizations or groups of states. Nevertheless, as of the mid 1990s, it has been observed that corporate structures or groups of states have been undertaking more active roles in the international crises.

Based on the refinement of various interventions conducted by International organizations, it can be claimed that corporate dominance in the international system constitutes two fundamental elements with regard to both efficiency and balance. The first is that groups of states can be effective on any conflicting parties by using their normative forces in line with their corporate and institutional purposes. The reason for this is that their power stem from their corporate reputability and collective power even further. The second is that international organizations or groups of states can combine their collective political and economic forces (the potential of economic interdependence) in order to effect conflicting parties. The use of global economic and financial dependencies as sanctions will come to mean exclusion from the global

market today, which is something that all states abstain from. Thus, the global economic dependencies provide a severe bargaining power. Specifically the sanctions or bargaining powers of the industrialized organizations or groups of states equips them with much greater power than the individual powers of the states. The US, the greatest producer in the weapons industry and technological products, can be the only exception in this field since it can impose sanctions individually.

As a consequence, the international system has not yet undergone a transformation that can form a global authority that can substitute the states. Thus, the states as the main actors of the international system still maintain their predominant regulatory rules in order to eliminate the sources of instabilities that can result from regional and global inequalities, internal dynamics of the states or the historical fault lines. What is important is that this predominance of states leads to the adoption of regulations oriented towards international society model by means of the growing effect of the international law that covers the entire system. Therefore, the following deduction can be obtained on the basis of the crises examined throughout the dissertation: Within the scope of the purposes of establishment of international organizations composed of high number of states, these organizations have been increasing their political capacities and using their resources for international peace and stability, particularly during the international crises. These efforts have come to a way more comprehensive dimension today ever since 1990s and institutional solutions in the international system for conflicts paved the way for endurance of peaceful resolution methods without applying to war, while also guaranteeing long-term stability.

2.7.2.1 Consequential Ramifications:

The increasing capacities of the states are also increasing the power of the groups of states or regional organizations. This results in:

(1) The possibility of a change that will ensure alteration of the global anarchic structure and

(2) The opportunity to resolve crises before they come to a level of damaging the international balance without use of armed force.

2.7.3 Force (Coercion and/or Persuasion)

The legitimacy of the interventions conducted ro resolve the Iraqi crises of 1990-91 and 2003 were frequently questioned in terms of politics and international law, since use of force was much more adopted instead of diplomacy and persuasion. On the other hand, over-emphasis on persuasive and reconciliatory methods in crises of Bosnia-Herzegovina and Kosovo, where humanitarian crises were staged during internal conflicts, without distinguishing the aggressor and the victims caused the prolongation of conflicts and more human loss. Therefore, the methods used in crises with different conditions usually have direct effect on the results, which comes to the fore as the most important problem for the international actors in intervening in such crises. While it is not possible to prevent human loss by deploying a peacekeeping force between the conflicting parties of a humanitarian crisis; use of direct military force instead of workable economic and progressive military measures - which lead to human loss, too - is also open for questioning of the purpose of the intervention. Cases including attacking on Iraq in 1991 without waiting to see the results of the sanctions as well as the invasion of Iraq in 2003 without taking into consideration the

gradual military measures caused massive human losses, which is the reason why the need for a harmony of persuasion and coercion emerged in the context of intervention.

The substitution of heavy military force by coordinated persuasive and gradual/coercive measures to counter any aggression on the international order or a state sovereignty is seen during the crises of Kosovo, Iran nuclear conflict and Libya. However, each and every one of these conflicts emerged and developed under different conditions. In the crisis of Kosovo, the reason for imposing a heavy bombardment on the targets of Federative Republic of Yugoslavia (FRY) was that there was not any possibility left to stop the aggression peacefully. On the other hand, we could see economically coercive and normative (persuasive) measures as well as sanctions by the UN and other involving actors during the Iranian conflict. Therefore, a balanced harmony of the two different measures ensured reconciliation in this conflict, which can be perceived as a future-oriented development.

As it can be observed from many developments in the Middle East, though, the Cold War left a heritage of unresolved conflicts and potential armed struggles in a vast region. The Balkan crises emerged as a chaos created by the nationalist burst in the dissolving Soviet Bloc. Although the Balkan crises were suppressed by international efforts, it is probable in the next period that new and different conflict may break out in various geographies. Thus, the international society needs to take lessons from the measures to be implemented. In this context, the most important mechanism necessary for turning the states to peaceful resolution of conflicts has been proved to be the UN, which is equipped with universal authority and compatibility. Although the UN is the one-and-only authority to permit use of lethal power, it is also the sole organization of decision-making processes to allow gradual implementation of measures to bring any attacker in line. As it was seen from the crises examined in

this study, it has been proved that the international organizations or groups of countries or other states (actors) can use non-lethal coercive sanctions or efficient economic restrictions to orient the states or parties that violate the international stability towards peaceful settlement.

In the context of resolving crises by means of persuasion and diplomacy, it has frequently been emphasized that the periods of 1991 and 2003 Iraqi crises involved interventions with use of absolute armed forces - sometimes unnecessarily in high volumes. It was a great weakness that the option of implementing gradual coercive and persuasive measures decisively and timely by the UN was not into put action, since this option could have terminated the armed conflicts, even if in a long time. On the other hand the unilateral solutions of particular periods were much more effective in crises, where the international organizations were not active. In the same way, it can be observed that use of military force was preferred more than the other measures in the hegemonic process of decision-making that did not involve multilateralism. Apparently, it is not a coincidence that use of excessive military power was the conflict resolution method in a hegemonic environment; in fact it was dictated by the conditions of the period. An international system, where international actors and organizations cannot maintain peace and stability with persuasive measures, is forced for such choices. This claim can be justified with the Iranian crisis, where a precise opposite reality was experienced. Contrary to the crises of 1991 and 2003, the balance provided by international organizations and actors yielded an opportunity to deactivate the military solution that can be imposed by a hegemonic power such as the US. That initiative proved that the international actors and organizations can be rather effective through implementing various diplomatic activities, negotiations and sanctions in a coordinated way.

Yet, it is also necessary to point out to the below fact with regard to the crises of Iran and Iraq: These crises did not create any conditions that posed imminent threat to the vital interests or national securities of great states, being primarily the US. Despite this, the US undertook an approach of categorizing the countries as either enemies or friendly countries after the 9/11 attacks and yielded excessive global reactions. The fact that international relations started to be shaped around this approach of the US is a factor that cannot go unnoticed. What is particularly difficult to clarify with regard to this issue is that the US - as a super power - preferred to inflict preemptive military force in order to eliminate the factors that were seen as threats posed by the crises of Afghanistan and Iraq in 2003. Not having any basis in the UN Charter, these interventions hinted severe sources of concern as to what the US can do, when its territory and basic security fields are under threat. Among the great powers as the US, the United Kingdom embarked an imperial assault in 1982 to seize the Falkland Islands that had previously been invaded by Argentina and managed to do so, which also sets an example like the US. All in all, if we take into consideration the fact that the international or domestic conflicts under analysis were not posing direct threats to the great powers, it may fairly be argued that the definitions of right or just interventions were only dependent on the perceptions of these great powers.

2.7.3.1 Consequential Ramifications:

(1) With an attempt to ensure international peace and security on the basis of the UN Charter, the UN and Security Council developed common understanding with regard to efficient usage of a wide variety of measures from diplomatic persuasion to

coercive sanctions against the international or domestic crises that pose threat of violating the Charter. It can also be stated that in addition to the UN, other international organizations and actors (states) have made use of their peaceful means such as corporate economic powers as well as normative negotiation capacities and reduced the tendency of use of unproportional armed forces that give grave damage to the international relations for a long time.

(2) On the other side, it may well be argued that the heavy reactions given by the US and other great powers against the threats to their vital interests and securities in the past created a sort of question mark and uncertainty with regard to the future of the international system.

2.7.4 Hegemony or Multilateralism

As it was detailed based on the evident the hegemonic approach has been the determinant of the transitional period starting in early 1990s (Gözen, 2014, p. 313).[43] The fact that such a hegemonic approach tackles global tensions only with regard to a single country's interests and undermines different solution proposals is an obvious hinder to the operational (or interactional) capability of the international system.

[43] According to Robert Cox, the financial means on which a hegemonic world order is based are: (a) Technological and organizational capabilities with both destructive and potentially destructive means; (b) accumulated inventories of natural resources that can be converted into destructive means through technology; (c) equipment stocks such as industrial facilities and military equipment as well as the necessary welfare level to manage these stocks. Although the distinctive feature of a hegemonic world order is agreement; all political, military, economic and psychological elements that rely on coercive opportunities created by the material possibilities are all present and important in a hegemonic relationship. The potential of coercion takes place in the context of material force relations and the strong country can impose its will on the weak countries when it necessary.

Formed under the US leadership during the invasion of Kuwait; the political front, the military coalition and the concomitant large-scale military intervention were products of a hegemonic process that did not even allow for debates over a different option. It can be argued that the emergence and development of this hegemonic process was a natural consequence of that significant period. The reason for this is that the democratic countries felt a lack of security in the transitional period that was full of uncertainties, although they were expecting a freer and more secure world after the collapse of communism. Thus, the states generally preferred to tag behind a super power (band-wagoning). In this line, as is seen during the Iraqi crisis, the states - which could not manage to create an alternative solution with rhetorics powerful enough - had to come to terms with the attitudes of the strong front of the US. Furthermore, they were subjected to blackmailing such as cutting of the military aids and financial assistance to the countries not supportive of the political or military coalition forces. They were observed to be obliged to take part in the campaign pioneered by the hegemonic power. In a sense, the victorious state of the Cold War - the US - trailed the world as it was the strongest country in the post-war period.

Although an attempt by the U.S. similar to 1990-91 Iraqi crisis was repeated in 2003, and this attracted a great reaction from the international community. Then, the states acquired the right to say no, since they could now afford being outside a hegemonic formation. Along with this, as it was seen when scrutinizing the crises of Bosnia and Kosovo, not only major powers but also international organizations and small and medium sized states consolidating their collective power, participated in conflict resolution processes, although reaching a resolution took a long time. Consequently, multilateral involvement of states and institutional support from the international system in crises such as Bosnia and Kosovo proved that a more balanced

compromise between the parties and thus, a long-standing stable structure in the post-conflict periods can be available. Accordingly, it can be observed that there are mainly two negative developments distinguishing the conflicts finalized under the hegemony of a great power and ones that were finalized by means if international consensus. **The first** is that international laws may be bent or abused in a way in cases, where a hegemonic power trails the other states in the system. More importantly, the UN, as the central authority, may turn into a mechanism that legitimizes a hegemonic state (the US). **The other** negative development is that stability may not be provided after a hegemonic state uses military force to settle a conflict. It is an example to the first development explained above that the measures taken by the UN and Security Council to punish the attacker during the Iraqi crisis in 1991 served for the coalition objectives lead by the US. Particularly Operation Provide Comfort in 1991 was a real violation of territorial sovereignty of Iraq, for which a direct UN authorization was not given. The best sample for the second development is the chaos emerged after the 2003 Iraqi invasion by the US. In the 2003 crisis, the international actors - especially the UN - were excluded from the restructuring process of Iraq after the war, which prevented to form a long term stability in the country, besides causing much more loss and destruction in Iraq than during the war itself. Additionally, achieving internal order and political stability in Iraq took a very long time, while regional instability continued.

However, multilateral involvement of states and institutional support from the international system in crises such as Bosnia and Kosovo enabled a more balanced compromise between the parties and thus, a long-standing stable structure in the post-conflict periods.

It crystal clear that: Crises or interventions that involve use of hegemonic power neglecting the established norms, and legitimacy of international law and the principles of UN Charter pave the way for the erosion and undermining of the perception of international central authority. According to the phenomena taken under analysis in this study, even if crises are suppressed via military forces and security is achieved in the short term; a much more challenging and abrasive struggles are experienced in the long-term. Still, a contradictive, but accepted process with this regard was the Kosovo crisis. No matter how the Kosovo crisis is a topic for a legal debate due to the fact that the NATO bombardment was inflicted without UN authorizing resolution, it is undeniable that this act made the aggressor state (FRY) to take a step back so as to ensure a peaceful atmosphere. Consequently, coercive intervention in Kosovo prevented conflicts on the one hand; it also established a stable political structure for the Kosovan Albanians by the support of the UN and other international organizations to assure their future. In other words: Since the resolution in Kosovo was based on a collective understanding and reconciliation within the scope of all the Western countries and NATO, the intervention has gained moral legitimacy in time, because of the peace and stability it ensured, although the intervention has been subjected to legal criticism.

Particularly the crises in Libya and Iran analyzed in this study showed that peaceful results can be driven - as desired by the international society - thanks to dialogue and reconciliation processes carried out by multilateral and consistent corporate organizations, instead of hegemonic approaches. Thereby, new international instabilities are prevented from breaking out, as well. Another significant contribution of this peaceful resolution was to integrate Iran with the international community once again with an encompassing approach and giving motivation to Iran. Hence, the most

important gaining from the resolution of the Iranian crisis with the above consequences is that it is commonly accepted that any international crisis now can be resolved through multilateral participation and common values of the states. In this context, it is far from symbolic that the EU put its institutional weight on the Iranian crisis. Rather, it is a sign of a particular period that the US has been balanced and that the international system in general has begun to turn into a balance of power. On the basis of this fact, it can also be asserted that the hegemonic and unilateral approaches of the transitional period after the Cold War showcased a serious change towards a multiple and multi-participatory model of international system (Gözen, 2014, p. 314). [44] This change can be argued to be only possible via the harmonization of the political activities of the great powers with the system and implementation of the process of balancing in the system of states. This level of interaction is surely not enough, but it can be predicted that global system of balance will facilitate conflict resolution via peaceful means with the effect of institutionalizing great powers as well as other states and organizations, the collective force of which have been increasing in a way that allows them to be politically influential in the world system.

2.7.4.1 Consequential Ramifications:

[44] There is an inverse proportion between the application of force and the hegemonic nature of the system. Although its presence is always felt, the place of force in hegemonic relations is much more prominent than consent. However, when the contrary situation is realized and obedience does not seek consent, and the most powerful begins to pursue its private interests; the power relations start to lose the qualification of being hegemonic. In the first case, the leadership is hegemonic, while the second is defined as the possibility of self-leadership or resistance to trigger a chain of counter-hegemony, encouraging competition, rather than protecting the power of the hegemonic power over time.

As it was concluded from the evaluation of international and regional crises in the period of 1990-2015, the hegemonic and unilateral understanding prevailed post-Cold War period has lost its effect. Despite some discrepancies, as of the late 1990s, the international multilateral mechanisms have been proven to be more effective in setting negotiation/reconciliation and ultimately international stability.

In conclusion: General international trends revealing during the crises analyzed in accordance with the given criteria are compiled in **Table-2: Developing Trends in International Relations in Accordance with the Crises (Period of 1990-2015)** in order to determine whether the international system has demonstrated any changes towards the formation of a developing international society.

Table 2: Developing Trends in International Relations in Accordance with the Crises (Period of 1990-2015)

	INTERNATIONAL AUTHORITY (UN and International Law)	INTERNATIONAL ACTORS (States, Int. and Supranational Organizations)	FORCE (Coercion and/or Persuasion)	HEGEMONY and/or MULTILATERALISM	INVOLVEMENT OF THE U.S.	SITUATION OF INTERNATIONAL ORDER
OCCUPATION OF KUWAIT IN 1990-91	STRONG AUTHORITY BUT IGNORANCE OF INT. LAW (UN UNDER THE U.S. DOMINANCE)	WEAK (STATES BANDWAGONED THE U.S.) (INT. ACTORS SUPRESSED BY THE U.S.)	MOSTLY HARD POWER (WEAK DIPLOMACY and COERCION)	HEGEMONIC and UNILATERAL (BANDWAGONING FORGED THE U.S. HEGEMONY)	STRONG ((NEGATIVE EFFECT OF UNILATERAL INTERVENTION)	WEAK AND DOMINATED INTERNATIONAL SOCIETY
BOSNIAN CRISIS	WEAK, UNSTABLE, UNDECISIVE	INEFFECTIVE (UNDECISIVE ACTORS, WEAK ORGANIZATIONS)	FAILED DIPLOMACY and PERSUASION. INEFFICENT COERCION	FAILED MULTI-PARTY	AVERAGE (POSITIVE EFFECT)	WEAKLY COLLABORATING INTERNATIONAL SOCIETY
KOSOVO CRISIS	MODERATE (BY-PASSED BY NATO)	EFFECTIVE AND COOPERATING (STRONG ACTORS) (DECISIVE NATO)	EFFECTIVE HARMONIZATION OF PERSUASION and COERCION	EFFECTIVE AND MULTILATERAL COOPERATION	AVERAGE (POSITIVE EFFECT) (DECISIVE ROLE)	MODERATE INTERNATIONAL SOCIETY
OCCUPATION OF IRAQ IN 2003	WEAK AND INEFFECTIVE (IGNORED BY THE U.S.)	INEFFECTIVE (WEAK ACTORS) (IGNORED BY THE U.S.)	SOLELY HARD POWER	HEAVY HEGEMONIC (NO INTERNATIONAL SOCIETY'S ENDORSEMENT)	STRONG (HIGH NEGATIVE EFFECT OF UNILATERAL INTERVENTION)	WEAK BUT CHALLENGING INTERNATIONAL SOCIETY
2011 LIBYAN CRISIS	STRONG AND DECISIVE (UN LEADING)	EFFECTIVE DECISIVE ACTORS and ORGANIZATONS (UN and NATO LEADING)	EFFECTIVE COERCION and HARD POWER	EFFECTIVE AND MULTILATERAL INTERVENTION	AVERAGE (POSITIVE EFFECT)	EMPOWERED INTERNATIONAL SOCIETY
NUCLEAR CRISIS OF IRAN (2002-2015)	STRONG (UN LEADING NUCLEAR SANCTIONS)	EFFECTIVE COOPERATIVE and DECISIVE ACTORS (UN, EU, P5+1 LEADING)	EFFECTIVE HARMONIZATION OF DIPLOMACY, COERCION and PERSUASION	SUCCESSFUL AND MULTILATERAL HANDLING (COOPERATION of STATES and INT. ORGANIZATIONS)	AVERAGE (POSITIVE EFFECT IN COOPERATION) (UNILATERAL SANCTIONS)	EMPOWERED AND DEVELOPING INTERNATIONAL SOCIETY
TREND IN THE INTERNATIONAL SOCIETY	SUSTAINED PROGRESS IN UN AUTHORITY	STATES ARE MORE EFFECTIVE CONSIDERABLE PROGRESS IN THE ROLES OF MAJOR ACTORS IN GLOBAL CRISES	MODERATE PROGRESS IN HARMONIZATION OF MEASURES	SLOW PROGRESS TOWARDS MULTILATERALISM	DECISIVE IN GLOBAL TERMS, PROVIDING SUPPORT INT. SOCIETY. (BUT UNFORSEEABLE WHEN NATIONAL SECURITY IS AT STAKE)	RELATIVE PROGRESS TOWARDS DEVELOPING INTERNATIONAL SOCIETY **

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****While the Grotian understanding made important progress with respect to the past, the development process of the international society has been negatively affected by the power-security struggles among states.**

2.8 CONCLUSIONS OF THE DISSERTATION HYPOTHESES

2.8.1 Essential Systemic Conditions

Before outlining the conclusions of the study, it is deemed essential to articulate the main factors, which were refined from the analysis, influencing the observed transformations. According to the crises analyzed so far, the changing dynamics and the interactions taking place within the International System since 1990, the four systemic conditions below are asserted as the main determinants in shaping the current international system.

1. The anarchic nature of the post-Cold War era continues, as there has not yet been a dramatic change in the system to dissolve this understanding. Due to the fact that the states continue to pursue interests and power-security in the uni-multi polar period that we are still going through, possibilities of conflicts and crises will remain.

2. It was deduced that **the systematic unity of the international system** is still continuing to exist, since there has been no destructive competition that is capable of changing the traditional positions of the Great Powers within the system (and no such competition is foreseen for the near future).

3. The developments in **the soft and hard balancing capacities** of the countries in the post-Cold War period have paved the way for a more comprehensive and prevalent balance in the international system, instead of the traditional understanding balance of power.

4. Thanks to the empowerment of **the international law and the UN's position** as well as the increasing effectiveness of the multilateral organizations in the international system, the enhancement of institutions and institutional approaches have contributed to the development of a more advanced international society.

5. In spite of **the prevailing anarchy** (lack of a central authority) and absolute sovereignty of states, the examined events and international resolutions proved that the struggle for power has been in a relative decrease. Thus it may fairly be argued that these developments constitute a moderate tendency towards developing an international society in accordance with the Grotian understanding. However International society has not reached to a certain level at which all states compromise and achieve consensus when their security requirements are prioritized. Moreover, the states have been pursuing their ambitions to maintain their national priorities despite the Grotian developments. The following factors are argued as the actual driving forces of orientation towards a comprehensive international society.

(a) The systemic positions of the great powers have become more effective in the international order due to their increasing capacities,

(b) The scope and operability of the international law have become more prevalent,

(c) UN's authority has increased,

(d) Peaceful methods have gained weight in the solution of crises,

(e) Multilateral approaches in the international crises have been acknowledged to have a potential to create stability.

6. Based on the conceptual examination, the international system, which has "negative entropy" and concomitantly is an "open system", has the property of renewing-developing itself. Thanks to this property, the system has not only protected

its previous situations, but also has been preserving its general equilibrium status by preserving the comprehensive “dynamic homeostasis” in consideration of the fact that all changes in the international system have been in line with the systems theory.

7. It has been detected that the changes in some of the units within the structure are not in a size that would lead to a transformation from anarchic to a "hierarchical" structure.

2.8.2 Assessment of the Effect of Major Actors on the International System

As is determined through analyzed changes in the international system, institutionalization and international consensus-based multilateral solutions have become more supportive of the international society’s conscience for peace and stability. On the other side, it does not seem, in the near future, possible to achieve a system of political, legal and economic balance that will encapsulate all members of the international society due to the tensions emanating from the clashes of sovereignty rights and pursuits of power by individual states. The inequalities in three areas will certainly continue to be the determinant factors as well as the source of possible future conflicts. In the context of the fields examined in this study, three evaluations are deemed important to define the effect of the major actors on the International System.

1. After the Cold War, the major states (Russia, China, United Kingdom, Germany, and France) generally could not be effective on the international system

during the transitional period when the US was in a hegemonic position. Yet, the major states improved their political effectiveness by restructuring and increasing their capacities after the Iraqi crisis, subsequently they started to put their weight on the international system as of the beginning of 2000s. Thus, the fact that the political tendencies of major states had an effect on the international system paved the way for elimination of the unipolar balance of power dominated by the US and creation of a multipolar balance. Undoubtedly, the fact that major Western states other than the US increased their weight on the UN Security Council in this new system of balance ensured that multilateral solution processes developed in international matters. On the other hand, the lack of a global authority mechanism causes states to continue their approaches that prioritize their own interests and therefore, certain challenges are experienced with regard to solution of international crises with collective and reconciliatory approaches.

2. The competition between the two ideological camps kept the states and international organizations under pressure during the time of the Cold War by preventing them from developing effective discourses in the international system except for individual power and interest. However, the developments as of mid-1990s provided primarily the major states and all other countries as well as international organizations with the opportunity to utter different ideas and solutions in the international system. Therefore, this development laid the ground for effectiveness of a multilateral understanding in handling and solving crises particularly as of 2000s. On the other hand, the relative increase of state powers and their incrementing support to the organizations paved the way for the empowering of also the international organizations, which made the regional and continental organizations efficient

platforms in the solution of international crises. Increasing powers of the international organizations and giving weight on institutional solutions provided an opportunity for the extension of reputation and authority of the UN, while also preventing unilateral solution processes from being a political option. It is determined that the solution processes executed by multilateral and particularly international organizations are more successful in establishing stability and restructuring in conflicted geographies after the crises and conflicts reach an end. Despite all these, while unilateralism gains a new solution process quality in the international system, the fact that states make preferences that partially prioritize their interests and security needs reveals that the target in this area is still out of reach.

3. The fact that a very intensive balance of power such as bipolar confrontation was dominant in the international system prevented the UN from fully executing its authorities and responsibilities granted by the UN Charter pertaining to establishing global peace and stability during the course of the Cold War. Nevertheless, the changing balance of power condition in the international system after 1990s prevented the vetoes of super powers from blocking the international matters. In the same context, there have been developments through which the Security Council changed from being a tool for global dominance struggle into one that uses authority and competency for international peace and international society as a real mission. Along with these achievements, the fact that the reshaping global power structure as a multi polar structure where more and more powers were added have changed the UN from being a mechanism that legitimizes a hegemonic power and on the other hand, paved the way for its transformation into a reconciliation platform. For this reason, it can be argued that not only the Security Council but also the General Assembly have created solutions by taking initiatives with regard to the protection of human rights and

prevention of conflicts. Consequently, the UN, compared to the past, has played vital roles by executing effective orchestration between states and organizations to resolve the regional and global matters.

2.8.3 Assessment of the Evolution of the International Society

1. It is observed that the existing norms and international rules as well as common values inherited from the history of humanity have become effective in the solution of post-cold war international crises. This has brought to the international society a new set of global responsibilities with regard to ethics, democracy and human rights. Within the process of the restructuring the international system after the Cold War in the context of its natural evolution thanks to the elimination of ideological polarization and balance of nuclear terror, common values have started to be so efficient in the solution of international crises that have not been witnessed at any time during the history.

In the solution of crises dating from mid 1990s to 21st century, perfectionism of the international law, diplomacy and power-security contemplations as well as the developing norms and common civilization values have been the direct results of the developing international society. Moreover, the formation of similar reactions and demands in different civilization centers for solution of crises can be demonstrated as

among the most important signs of the development of the international society towards a common destiny.

2. While the international regimes (Maritime Law, Space Law, etc.) supplied to eliminate the possible conflicts that may result from the states' security needs and interests have reduced the possibility of conflict, they at the same time increased further cooperation. The states increase their capacities in competition while they are in constant interaction, while it has only been possible for them to gather around common interests to assure their relations via comprehensive legal and regime-related regulations. At the same time, this paves the way for the development of a global level Grotian understanding through this dynamic process that has historical accumulation. Until a central authority (Kantian type Federation or a Global Government) that has the power to eradicate the sources of instability is established, implementing comprehensive laws and norms to regulate any kind of interaction among states can be said to be the sole way to advance toward an ideal international society.

The international society, the development of which was restricted under the conditions of the Cold War, caused the states to shape their fields of interest on the basis of solidarity with other states with the support of the globalization experienced in the economic and finance areas as of 2000s. In parallel to this development, despite a short term uncertainty after the Cold War, efforts have been exerted to resolve the later crises and conflicts through multilateral and international legal norms. These new resolution processes can be evaluated as the most important dynamic in the stable structural development of the international system. Despite all these developments, while it is observed that the Grotian understanding has been developing today, the

development process of the international society is negatively affected by the power-security struggles among states.

3. The fact that the international system is not only a "system of states" composed of co-existing states, on the contrary, it bears a quality of an "international society" composed of states is a continuation of a historical process. The global society of states starting with the Central European states and later encompassing all states has created, before everything, a rather rich formation by blending all the accumulation of the history of humanity as well as its norms with today's economic and democratic values. Providing an opportunity for each country to share its peculiar values with the world, this international harmony encourages sovereign states to interact on a legal basis with solidarity so that they gather around common values rather than a system of states. For the society of states, which managed to solve many crises after the end of the ideological polarization based on nuclear balance of terror, the sole way to ensure global peace, stability and welfare can be argued to be a Grotian world built upon legal grounds.

4. In consideration with the fact that there is not any central authority in the international system, but the anarchic structure has shown decrease in its sharpness compared to the past; it is observed that today the society of states have to struggle against two types of threats. First of these threats is the ones that are hostile behaviors originating from states or non-state formations against their sovereignty, security or national interests and naturally, the reactions of states are undertaken in realist nature. The second is the global threats (global warming, migration, drug trafficking, etc.) against which cannot be fought with realist approaches, but only through collective efforts of the states. The common point of the measures that need to be taken against both threats is the obligation to comply with certain international legal norms. Starting

from 1990s, in crises such as Kuwait, Kosovo and Iraq, the violation of the international law has greatly damaged the target of international society. Yet, it has been observed that the international system including states and organizations have made a retrospective assessment and managed to define its failures. By this means, moral and legal common approaches are acquired in order to prevent similar mistakes in the future. It is fairly clear that the society of states will allow neither the similar mistakes to happen today, nor the erosion of the institutional authority of the UN. The fact that all states – being primarily the super powers and great powers – have provided more and more support to the regulatory features of the international law and norms underlies this entire global development.

The solidarity basis as well as the legal foundations acquired through the struggles up until today has put forward how the global solidarity and common action by the international society is necessary for eliminating the global threats. The fact that the UN's related organizations lead comprehensive struggles against such global threats by means of international norms, regimes, various agreements and states' solidarity over reconciliations will surely provide the biggest support to the development of the international society in the next period. In addition to these regulations, the cooperation as well as support from NGOs and INGOs as the most important factors of international level cooperation is regarded as vital in collective struggles against global threats rather than classical realist approaches. Along with the global organization capacity of these institutions, their normative effects and intellectual accumulations in the determination of regulatory rules are among significant factors that will contribute to the development of the international society.

2.8.4 Dissertation Conclusions

The following implications have been obtained from all the areas examined, which support the claims of the hypotheses of the dissertation:

1. Considering that the US will continue to preserve and sustain its position with a high industrial power and military capacity; it is projected that the "uni-multi polar" system will continue, unless a severe challenge is created by a new major power (such as China or Russia). However, the emerging international system, contrary to Huntington's projections, will not allow the US to retain a hegemonic position. It is quite obvious that this transformation has taken place according to the foreign policy orientations of the predominant actors of the international system (major states and international organizations) by balancing the hegemonic ambitions of the US.

2. As was before the Cold War, the security needs and interests of the states continued to differentiate after the cold-War, thus many more conflict areas inevitably emerged. Against this fact, the states showed the courage to make new regulations, build international norms and regimes and expand the scope of the international law by new interpretations so as to help resolving the conflicts that outbreak in such intersection points. Thereby, relative improvements were obtained in resolution of crises emerging after the Cold War without resorting military interventions, but via peaceful measures. Since the international system could not prevent two great wars in 20th Century; the UN Charter and the Security Council established a strong

mechanism to ensure peace only by achievement of consensus among the five war-winning powerful states. In spite of the fact that the UN managed to stop certain conflicts during the course of the Cold War, it could not fulfill its ideal function and thereby, it could not prevent some ideological wars. However, the UN reached a full opportunity to use its authority in protecting peace and stability after the demolition of the bipolar balance. Moreover, it increased its regulatory weight in the international system by regaining its effectiveness as a global authority after 2000s and thereby managed to prevent actions that could spoil the international stability. Despite all these developments, since realist approaches of major states' prevent strong international consensus, the system of states is still distant from accepting a central authority. In sum, the interventions of powerful states in dispute resolution might suppress the UN authority, although the UN has been relatively for effective.

3. Despite being inefficient immediately after the Cold War due to the US hegemony in the international system, the major states (Germany, France, UK, Russia, China) increased their effects as of the end of 1990s and started to intervene in the international system. Obviously that they put their weights paved the way for the international system to grow towards a more decisive and stable structure. Compared to the hegemonic solutions, the multilateral approaches of the major powers became more effective in restructuring the demolished political authority and public system after the crises, establishing more stable structures and forming international legitimacy particularly in countries that had suffered from internal conflicts and military interventions. It can be said that the possibility to experience a fracture at a size that can lead to a radical change in the current international system of major states is very low. The reason for this is that the international system, where the major powers put their weight, is stronger than the time after the Cold War and it has the

capacity to regulate any harmful impact. Nevertheless, failing to achieve full consensus among major powers in each international crisis today causes difficulties in preventing crises and creates global insecurity and instability.

4. Living under the pressure of two blocs during the Cold War and failing to be strong enough, the international and supranational organizations have started to become effective in the new order shaped only after the Cold War. These organizations (EU, NATO, etc.) grew by incorporating the former Eastern Bloc states and increased their capacities; moreover, they enhanced their political coherence and power. Therefore, becoming efficient tools of stability and international order after the Cold War, the international organizations provided institutional framework and reduced the pressure and limitations on states imposed by the anarchic structure. Consequently, their achievements contributed to the formation of more reasonable behaviors in the state pursuits of power and security. Yet, it can be observed that this stabilization is due to the extent of the collective power of the states within the body of organizations. Since the political orientations of major powers are also effective on the international organizations this process affects the reconciliation grounds of the organizations. Finally, it can be argued that states' dominance in the international system is so high that international organizations have managed only to play a moderate role in reducing the provoking effects of the international anarchy by their contributions.

5. In crises where the sovereign rights of states are attacked or human rights are violated, coordinated application of any sanction – coercive or persuasive – to stop the aggression without causing a bigger disaster is seen to be the most important function of the international system. Therefore, the main principle of preventing crises is that the UN authorizes the necessary intervention in any kind of conflict or violence

that corrupt the international peace and stability to make the violator retrieve. Besides, in case any state, making an interpretation of the self-defense right granted by the UN Charter, goes beyond its definition (pre-emptive war) and takes initiatives, then it both threatens the international peace and also creates harmful effects on the established international legal order. In sum, any intervention conducted without obtaining the approval and authorization of the UN Security Council creates great damage and consequences on the international law and UN principles. In order to prevent these situations to distort the global orientation towards the target of international society, it is of great importance that the states in the UN Security Council act with global responsibility.

6. It has become impossible for states to resist against global threats (climate, environment, migration, etc.) today only by looking from their security perspectives. It is understood that such problems that cannot be limited with any state's physical structure, but has global dimensions require full solidarity and cooperation by states, instead of realist approaches. Thus, there is the obligation that the global measures to be taken by the related bodies of the UN encompass both the states and the international organizations that are established for certain purposes, as well as collective synergy among all these factors and global level of cooperation. Taking into consideration the fact that the principles of global cooperation should be built on legal and regulatory rules, it is envisioned that the global threats, which are giving grave damages to the countries and the humanity and which will turn into more complicated and difficult to solve in future, can be tackled by developing the international society criteria based on the Grotian understanding within the scope of the international system.

7. Although international laws and norms become more effective in the international system, it can be observed that in case international crises negatively affect security interests of states, they adopt realist behaviors and approaches. As a matter of fact, the states were observed to have highly maximized their power and security pursuits due to the uncertainty during the transition period immediately after the Cold War. Today, despite the UN and other the international organizations have become effective in reducing the impact of international anarchy; the states are still prioritizing realist behaviors in the fields of sovereign rights and national security. Thus, although in certain areas of the analyzed crises as of 1990s solutions tending towards an international society are observed, it is not possible to mention a linear and uninterrupted development in this area. Despite there is relative advancement to the level of international society, the ongoing conflicts today demonstrate that the conditional are not yet fully met.

8. Conflicts unavoidably continue today due to the problems inherited from certain geographies (Syria, Crimea, North Korea, etc.) or ideological-imperial state ambitions or new conflicts are at a phase of emergence. It is an undeniable fact that all these crises and conflicts will continue until a global authority is established. Yet, it can be argued that global wars showed reducing tendency after World War II; regional wars after the Cold War and finally the civil wars reduced as of 21st century. The conflicts and wars in were not only effective on the period they were experienced, but at the same time they gave significant hints for how the next period would shape. Looking exactly from this perspective, it can be argued that the following deduction based on the six past crises analyzed in the study sheds light to the next period.

The most important changes observed in the resolution of crises and conflicts emerging as of 1990s: **(1)** The increasing global authority of the UN, **(2)** The increasing trust by the states to the international law and norms in the resolution of conflicts, **(3)** The support provided by the practices of international organizations by prioritizing cooperation in forming a more stable international system. As per these developments: compared to the uni-polar balance of power post- Cold War era, the international system today has been in a relatively weak development towards being an international society. However the strongest hinder in front of a higher level of development can be argued to be the realist approaches adopted by the major states.

3 APPENDICES

3.1 APPENDIX 1

3.1.1 International Anarchy and International Society

Since anarchy is the absence of a central authority, we need to elaborate whether anarchic feature of today's international system (independent of its polarity) conflicts with the international society concept, which can be facilitated by comprehensive regulatory laws and norms. From a conceptual perspective, anarchy in the system of states is accepted as the main cause for inter-state wars, and thus the elimination of this feature is assumed to create a peaceful state-system. Subsequently, either Kantian style federation of republics or a developed Grotian international society is validated as an option to eradicate the anarchic structure of the international society. That group of individuals, who are in state of nature assumed to live in anarchy, is the main analogy when a group of states exist without any higher authority. The general features efficient in shaping a system of states are predominantly defined on this basis of the model of a society, composed of individuals. In other words, as per the Hobbesian theory, when the individuals of a society living in anarchic status (state of nature) are ensured with security only after the individuals transfer some of their rights to the Leviathan's authority, is taken as reference in the anarchic system of states, as well (Hobbes, 2012, p. 136). However, the international system composing of states, which gather together, with the

Hobbesian theory; it is absolute that inter-personal societal contents will not suffice, and a model dependent on more encompassing and regulatory rules and norms must be made functional. Whether national or international, the starting point of both systems are principally constituted by gathering of "elements" living in anarchy around a societal understanding and naturally entering into cooperative relations. In the national level, they become elements "subject" to the state as the supreme authority, which is structured according to the theoretical regulatory rules, whereby, the state of anarchy disappears. As per their natural qualities, however, states are not subject to any such authority; they determine their positions in the international system with their "sovereign" rights and capabilities to act independently. What reveals under these circumstances is that individual states make their destinies and futures subject to only themselves and they are not bound by any supreme authority.

Still, it may fairly be claimed that the concept of "sovereignty", which developed after the emergence of the concept of modern state in the history of humanity, is the most important factor that constrained the states from sharing their rights and authorities with others by becoming the sharpest concept in the international relations. In these circumstances, the real issue here must be sought between the sovereignty and anarchy: Is there harmony or conflict between the right to legislate granted to a state, in other words, the right to be sovereign and international anarchy? This is the most important question needing a solid answer so that the relationship between anarchy and international society can be determined. In this context, it must be determined "whether the anarchic feature of the international system is an obstacle against formation of an international society". In other words, "Is it necessary to eliminate the anarchy in the system to create an international society that functions according to norms and regulatory rules". Above all, identifying

"anarchy" as a social system, which is the situation of not being ruled by a central authority, is certainly a functional understanding that aims to specify the order of functioning for that social unit. While it is possible that individuals in a national society can rid of anarchy thanks to a central authority, we have to accept that groups of states, which can survive by their own capabilities and have sovereign rights, or the international system based on such entities are absolutely different paradigms than the societal anarchy. With regard to the sovereign rights of the states and relations of a state with an international authority, Hans Morgenthau says that "*sovereignty will show incoherence (conflict) with the centralized and stronger international legal system*" (Morgenthau, 2002, p. 404).

Moreover it is significant to underline that, the "imaginary state of nature" according to Hobbes, defines a wild/brutal anarchic structure for a community of people, while the concept of international anarchy in reality is only the absence of a supreme authority (a central supreme government). Complementarily with regard to the analogy made with the state of nature, the lack of a Leviathan in the quality of a global authority does not reveal the potential of war between states in a state of anarchy. Political scientist Hedley Bull, while analyzing the concept of anarchy, also does not adopt an international system defined by ***bellum omnium contra omnes*** - a war of all against all -. On the other hand, while individuals are subject to a supreme authority in a national society, the states are privileged with the right to sovereignty, which cannot be violated by any international authority. This privilege requires a different perspective towards the concept of anarchy for the states. With his words, "*National sovereignty forms the direct source of decentralization of the international system as well as its weakness and inefficiency*," Morgenthau (Morgenthau, 2002, p. 404) argues that anarchy in the international system is, in fact, a systemic feature, and

that dominance of either of authority or sovereignty will lead to trivialization of the other. On the basis of the discourses so far; it can be argued that **(1)** The state of anarchy in the international system cannot be associated with the analogy of state of nature, **(2)** The absolute sovereignty owned by the states is the essence of the system, although it might contradict to the idea of central authority. Thus, it is necessary to take into account relation between the concepts of sovereignty and international authority with anarchy when evaluating its role in terms of a Grotian society.

Furthermore, Bull (Bull, 2002, pp. 44-50) argues that the international system does not bear any resemblance with the Hobbesian state of nature. Arguing that the modern international community is different from the community defined in Hobbes' state of nature, Bull further says that states are not like individuals; they can always protect themselves against attacks and common interests as well as the idea of community can serve to ensure order in the system. Based on these arguments, it can be asserted that the anarchic feature of sovereign states stems from its own peculiarity and does not create any chaotic condition in which states fight with each other and cannot form an equilibrium. Therefore, the anarchy, the lack of a central authority, in a system of states do not resemble to the nature of state, in which a group of individuals live without a leviathan.

The obligation and need to interact together in all spheres of life by the individuals, who come together with a national contract and form a society, requires that society and individuals to be bound by regulatory laws at a minimum rate. The reason for this is that the relationship between the individual and the authority (state) is mutual and indispensable. A social authority meets the needs of individuals - being especially the need for security - while the individuals fulfill their obligations ranging from paying taxes, citizenship duties, to military service, towards the political system,

which they consent and are loyal to. States, on the other hand, can sustain their existence in accordance with their societies and power on the land they own and they are not obliged to give concessions to any authority, while fulfilling these functions. States that had been living under these conditions for hundreds of years created regulatory rules when their needs for security and economic welfare pushed them to cooperate with others in common areas. For sure, issuing legal regulations covering all functional areas between the states is necessary, as in the case of domestic law, however, determination of such regulatory rules is directly related to the fields of interaction among the states. For clarification, when war and among states urged them to make laws, contracts and treaties to regulate those two main type of relations, then development of trade and economic relations lead them to develop trade regimes for mutual benefits.

According to Neorealist theory, the international system's regulatory principle is anarchy, since the theory envisages a platform of political units, where there is not any central authority. However, anarchic feature of the system of states does not come to mean that it is chaotic. It can also be observed from the history of modern states that they obeyed the rules they agree upon - such as norms and customary laws in the absence of officially agreed laws. Various ancient civilizations prove that although there was not any institutional central authority that had the common consent of the states, the international system had some amount of regulatory rules or norms for shaping the relations among the states. Moreover, as in the analogy of state of nature, it cannot be deduced in this understanding that an anarchic system is one that everyone deems everyone as enemies; everyone is in conflict with everyone and there are not any rules regulating the relations. Beyond this, the fact that the state of international anarchy directs the states trying to survive

to the pursuit of power and even to make their ultimate target to gain maximum power does not necessarily mean that they are continuously after war. Another important dimension is that the state of international anarchy is a structural entity that is completely independent from the political systems of the states. As a matter of fact, according to Neorealist assumptions and as Kenneth Waltz (Waltz, 2000, pp. 6-11) argued, the state of anarchy does not disappear, even when all states in the international system are democratic.

In the same context, Conway Henderson regards the facts that states separate themselves from the state of nature; regulate their trade and diplomatic relations with rules and share international law institutions within the scope of the Grotian understanding of international community. Forming the basis of this theory, 17th century scholar, Hugo Grotius claimed that just like laws implemented during wartimes, there are other laws that can be applied during peace times, and by this means, the world can never be without laws and anarchic (Henderson, 1998, p. 12). For sure, despite the lack of a central authority Grotius regarded regulatory laws and cooperation among states as factors diminishing conflicts for a livable international society.

After theoretically putting forward that the state of anarchy does not create any obstacle for the creation of an international society, the question of "What kind of a ground the international system, where states coexist with their pursuits of security - according to the Neorealist assumption - allows for the establishment of an international society?" lies as one of the main concerns of this study. By referring to Adam Watson's work, "The Evolution of International Society", Barry Buzan (Buzan, 1993, p. 342) refutes the arguments that realist paradigm cannot form peaceful partnerships, but even he says that it is quite reasonable according to the Neorealist

theory that states can form such type of a social entity. The main argument of Barry Buzan in this discourse here is deduced from the assumptions of Neorealist theory. As follows: Units that compete against each other or even manifest antagonistic attitudes can promote rules through dialogue and consent for sustaining the relations with each other and they will recognize their common interests in order to conserve these rules. Arguing in his study that an international society can be established firstly by contracts and institutions, Barry Buzan departs from the Waltzian rationale in saying, "*the ever-growing interaction between the members of the international community will turn them into members, who resemble each other, and therefore, these members (states) can embrace each other more easily*". Moreover Buzan bases this argument on the assumption claiming that, "*Due to the effect of competition and socialization of similar units existing in a state of anarchy, these units face challenge in development*" (Waltz, 1979, pp. 127-128), as Kenneth Waltz underlined in his Neorealist theory. Therefore, it can be comprehended that the neorealist assumption saying that the states compete with one another in an anarchic structure pushes the natural dynamics of international relations and creates the conditions for the development of an international society. Consequently, it can be uttered on the basis of these assumptions that lie within the Neorealist theory that the international anarchy does not create any contraction with the creation of an international society; on the contrary, it plays a role in giving the opportunity for the development of such an international entity (Buzan, 1993, p. 346). More importantly, this argument brings clarification in seeing the driving force in creating a possibility to form shared identities in the modern international society by pointing out to the historical adoption of European values by the non-European civilizations as a fact. Conclusively, as reinforced by examples from the history, the realist understanding and its practices as well as the state of

anarchy have not prevented the states to draw up certain regulations; on the contrary they have advanced towards an international society model at the level of functional effect in order to regulate their increasing interactions.

As final comments, the following can be uttered: Departing from the analogy of national society, it can be argued that a social international system can be installed with very comprehensive rules and regulatory rules, however, as stated above, these rules and regulations can only be furnished by means of developing inter-state activity areas.

On the basis of the scrutiny so far, by underlining again the fact that a state of international anarchy is not a state of chaos, but is only a lack of a central authority, it can be uttered that today, the international form composed of independent and sovereign states does not preclude it to possess features of an international society to a certain extent. On the other hand, according to the Neorealist theory that acknowledges the state of international anarchy as an essential feature of the existing international system (so long as a central world state is not established, the "state of anarchy" will theoretically continue to define the current situation): Firstly, The minimum requirements of an international society are proved to be currently existent; and secondly the socialization and contestant states have been proved to foster the development of the international society. The supporting evidences to the above hypotheses are analyzed in the following two chapters: The development of the inter-state regulatory regimes in historical process is put forward in the context of the Grotian theory and various procedures and struggles in this field are explicated.

Conclusively, it may well be argued that the state of anarchy in the international system does not pose any hinder for the solution of international crises or conflicts with a mechanism based on Grotian understanding. The international

society, by expanding the international law, norms and institutions that inherited from the past, is able to sustain the effort to create a more peaceful and stable international structure. This understanding can be regarded as a dynamic that gave momentum to the development of the international society by proving efficient in the solution of the crises in the aftermath of the Cold War, as analyzed in the following chapters.

3.2 APPENDIX 2

3.2.1 Effect of International Organizations on the Formation of International Society

National actors do continue to be the main determinants of the international system that functions in accordance with the Grotian concept. However, international organizations and supranational actors have started to gain more space as other fundamental determinants of the system. A significant difference of the newly developing international order from the past systems (being dependent on a block) is that all actors in this system can have a relative efficiency without being overshadowed by others, just like in a national society. Therefore, the setting of the international relations differs in line with the changing roles of the actors, and all actors in this new structure can take more independent decisions. Depending on this assumption, it is also an important development for the international community that supranational actors have been extending the scope and efficiency of the regulatory rules to encompass all the fields of functional areas in line with the increasing relations. As a complementary fact to this, the relative decrease in the sharp anarchic

feature of the international system demonstrates that the current international society has been directing towards a certain level of deeper qualities of international community, as clearly explained by Balkan DEVLEN and Özgür ÖZDAMAR (Devlen & Özdamar, 2010, p. 60).

In the context of the international community tackled here, the increase of the number of international organizations as well as their fields of functions is directly and indirectly related to the below factors: Firstly, organizations have entered into the areas of functions, where states abstain from entering. By this means, they have increased awareness and with public support, they have been serving to the solutions of international problems. Secondly, non-state international organizations have been efficient and in an indirect way, they have contributed in formulating rules, regimes or procedures for the common areas between the states that coexist in the system. By this means, for the functions in the concerned areas, primarily the international legal rules and other norms and regulations have been expanded, a fact that serves for the development and improvement of the international community in Grotian terms. For example, in the context of inter-governmental organizations (IGO) such as the WHO, UNHCR, ICAO, and IMO; and other international non-governmental organizations (INGO) such as the ICRC (International Committee of the Red Cross), AI (Amnesty International) play regulatory roles in their fields of function thanks to the accepted rules and norms. Institutionalization with regard to the issue of refugees is the most proper example for this fact. As it is a known fact, large scale refugee problems breaking out during and after World War II were solved mainly by temporary solutions. However, the "UN High Commissioner for Refugees" established under the UN in 1951 took the issue of refugees in global level and increased global awareness. Furthermore, regulations were made for supporting the countries facing the problem

of refugees. The Amnesty International founded in 1961, on the other hand, have been active for protecting the human rights in general and with the support it has been providing for that purpose, it has impacted both the international law initiatives and behaviors of the states (Amnesty-International, 2017). According to Professor Faruk Sönmezoğlu (Sönmezoğlu, 2014, p. 736), who analyzes the non-governmental international organizations which deal with environmental issues, "*Even if these organizations are not capable of solving the problems on their own, they do contribute in the solution of the problems by convincing the governments, which possess the authority to assure such solutions*." Such similar cases prove that the reputable international non-governmental organizations serve to the formation of regulatory rules by interacting with both the states and other global IGOs within the scope of their fields of action.

Studying the global regimes regulating the use of seas and oceans as well as financial regimes, KEOHANE and Joseph S. NYE, draw attention to the resourcefulness of particularly the international organizations in drawing up regulations in these fields, in addition to the states. A high number of states have participated in the issues with regard to the oceans and monetary regulations, to which only a few powerful state representatives were involved in 1920s and 1930s. Thanks to the increasing multilateral relations, it can be observed that international organizations also have been participating in a growing fashion to the projects in these fields, in addition to the states (Keohane & Nye, 1989, s. 109). With regard to the use of seas, the number of international organizations, which was only five in 20th century, was quadrupled in the mid-century and when it came to 1975, the number increased to thirty. Similarly, even if not as vast as in the field of sea-related issues, inter-governmental organizations such as the BIS, IMF and OECD - which are few in

number but are efficient - have been undertaking serious roles in the monetary field. Due to the use of the seas for other economic benefits than for fishery industry and shipping; oil companies, mining companies, and transnational groups founded in the fields of science and ecology have been developing to put political pressure on the governments with regard to the use of oceans. In other words, the increasing economic diversity as well as the use of this opportunity by the civil organizations and companies in growing their transnational activities, their transnational political activities and contacts have been increasing in parallel. Not only oil or mining companies, but also scientific research groups such as the Scientific Committee on Oceans Research (SCOR) have been involved in the matters of oceans and contributed to the development of legal regulations. Besides, primarily the transnational organizations, the International Governmental Organizations/IGOs, multinational corporations, International Non-governmental organizations/INGO and even scientific groups have made enormous amount of contribution to this process. Moreover, various evidences demonstrate that the international regimes and regulations regarding the use of oceans have not developed only under the initiative of the great states in pursuit of security interests. In these long historical processes, smaller states have also been effective in addition to the great states. Robert KEOHANE and Joseph S. NYE (Keohane & Nye, 1989, s. 129-162) prove that the development of international regimes - which are regarded as conciliation on inter-state laws and norms - are determined by the process of complex interdependence experienced by all the actors involved in the process.

On the other hand, Conway Henderson (Henderson, 1998, p. 421) also states that the international organizations, which have been present as of 19th century in public or private, uni-functional or multi-functional, and global or regional forms,

have been spreading by means of the developing technologies and improvement of democracy, as two significant historical forces. As it was explained above, the common source of the intersection of interests among the states is that the technology has been increasing its function in the economic field and by this means; the expanding activities of the states or profit-seeking companies are meeting in a similar intersection point. Yet, the global understanding has paved the way for the emergence of the need for solving such conflicts of interest by legal regulations and various common institutional platforms. As a matter of fact, it can be observed that organizations established with this purpose have not been serving only to the interests of the states; they have been forming a union of forces to meet the needs of the public or large-scale manufacturers and serving to the execution of the functions in partnership for solving the existent problems. International organizations do not serve solely to economic purposes but, they are also founded only with the purpose of drawing international interests and regulating the relations in that line.

For sure, the League of Nations and in the past and today's United Nations have been the largest and most efficient international organizations, but the high number of other emerging organizations have been endeavoring to find solutions for regional, global or other types of problems. "The Economic and Social Committee" operating under the UN have been undertaking a leading role in a number of fields (protection of children, supporting environmental development, preparation for disasters) to heighten up the welfare and life standards of the humanity in global scale. It is particularly necessary to underline that the increasing number of democratic states has created a dynamic for the development of a global-scale civil society. In addition to inter-governmental organizations precisely these high-capacity have led to the flourish of other types of organizations, being the NGOs (Non-

Governmental Organizations) or INGOs (International Non-governmental Organizations) operating in very different fields; and the global civil society has been morally and materially supporting the functions of these organizations. Except for the international non-governmental organizations, involved in the inter-state fields of interests, the INGOs have been also densely active in humanitarian aid. There are 373 INGOs and 24 Foundations cooperating only with UNESCO (UNESCO). Such organizations provide food, medicine and shelter for people in need in particularly conflict of disaster zones, where the states fall deficient or insufficient. In a sense, the increasing number of various international organizations, being active in global or regional levels, as well as the growth of their scope and efficiency means that they are posing a significant development fostering inter-state cooperation

3.3 APPENDIX 3

3.3.1 Effect of Interdependence on the Formation of International Society

For sure, there are two fundamental conflictive factors influential in the process of developing the international law to regulate the relations among the states. The first one is “economic interests” and the second one is “security interests". Dating back to centuries, these two fundamental factors have always shaped the discourses and actions of the states in all negotiations and discussions. Although the humanity have used the seas for a number of purposes such as trade, welfare and sovereignty since the ancient ages, the humanity managed to reach a consensus on the conflicting economic and security interests on the seas only in 1982, through the convention on

Maritime Law. This consensus reached as a result of the global debates on the security and economic interests and subsequently it was shaped in accordance with both the concessions and the consent the states to establish a common ground. Therefore, the Maritime regime of 1982 was not a dictation of major naval powers, but it was an achievement resulting from the global consensus created by "interdependence" in inter-state relations. Therefore, it can be argued that interdependence is among the most important factors shaping the development of the international regimes and thereby forming the international community. As the agreed body of rules, the international regimes stipulate providing equal benefits for all states, and for this reason, they are formed with different geographical conditions or in a balanced and multi-directional way to prevent anyhow geopolitical superiority.

The international consensus on maritime issues was a key example to show the long process of how shared interests can be refined into a regime. Firstly, problems related to the use of oceans at international level were tackled in Hague Conference in 1930 and later in 1958 and 1960, the conferences on the Maritime Law tried to reconcile the interests and demands of the states in certain fields. In 1976, the biggest concern of the underdeveloped countries, which participated in the conference on Maritime Law, was the exploit of global resources by the technologically-developed countries. The most evident proof for the countries' increasing needs for economic gaining and security on seas is the numerical increase of the matters coming to the agenda in this field. Problems related to the "use of seas", leading to inter-state conflicts of interest, and frequently revisited in international law, were only 15 in number in 1945, while the highest number of matters, "130", were discussed in the Maritime Law Conference held in Caracas in 1974 (Keohane & Nye, 1989, s. 88).

Declaration of the deep sea beds as the common heritage of the humanity by the UN has been one of the most important steps of the international system in this regard (Keohane & Nye, 1989, s. 95). The Maritime Law Conference, convened in 1982, granted the right to extend the territorial waters of the coastal countries up to 12 nautical miles and provided a common and integrated legal base over other disputes such as contiguous zones and continental shelves. The below deduction is made with regard to the development of the international maritime regimes: The rights of the coastal states, which were only limited to the breadth of the territorial waters and fishery, have made it mandatory to bring about common legal norms on intersecting areas due to the increasing economic activities. However, as explained before, the realist paradigm is not always been as a determinative instrument in the development of these regimes. In case maritime rights of states such as the USA and United Kingdom were ambiguous in the past, preferring different approaches to claim their rights. Especially in the early 20th century, they preferred to threaten (or show of force) in order to deter the smaller countries, which were seeking more from the free seas regime (Keohane & Nye, 1989, s. 101). On the other hand, although the USA emerged with the most powerful navy in the world after World War II, it did not opt for using force in its problems against small and weaker states with regard to the maritime rights. The contradictory fact that attracts attention here is that especially small states frequently attempted to use force to extend their rights in exclusive fishery zones and to have a higher jurisdictional authority in the contiguous zones with economic and environmental purposes (Keohane & Nye, 1989, s. 102).

Liberal political scientists Robert O. Keohane and Joseph S. Nye put forward in their study, Power and Interdependence", where they analyze the concept of "complex interdependence" together with the power factor, that these concepts have

been influential in the creation of institutions and rules as well as norms among the states. Despite especially the anarchic structure of the international system, state interests and needs for security have become a pushing power to turn the system into an international society. With regard to this fact, the most realistic proofs emerge in the use of seas and shaping of international financial regimes. Primarily, Robert O. KEOHANE and Joseph S. NYE attract attention to the differences in the international regimes regulating the use of international regimes for use of oceans saying that such differences are directly related with the particular periods. During the period when the Great Britain was in possession of a navy fleet stronger than all countries and it favored free seas regime all around the World and all states enjoyed the free seas without any restriction. However this policy changed post-World War II and especially in the period after 1967, when technology facilitated the exploitation of sea bed resources, contradictory developments revealed. The contradicting demands of small coastal states and major naval powers to have sovereign rights on their coastal seas as well as open seas finally were harmonized by giving certain rights to all states according to their geographic advantages. For sure, the maritime regime took into account the rights all states in using the seas freely, while establishing a balanced approach.

As it can be understood, the source of the tensions experienced in the maritime field is that the policies of the states such as the USA and United Kingdom - which are forceful on seas - to support free sees regime, are in contradiction with the interests of small states that somehow endeavored to extend their realm of authority on seas. Generally the great powers stepped back in those conflicts, which sometimes extended to the International Court of Justice. According to Robert KEOHANE and Joseph S. NYE (Keohane & Nye, 1989, s. 103), the change in the understanding of

empowerment of the current regime (free seas) by the great states through using military means demonstrates the fact that use of force is not the sole factor in problem solutions among the states anymore. Defining the real situation with regard to the realm of authorities on seas to be between "Realism" and "Complex Interdependence", this assumption promotes the idea that use of force is now way more trivial and even out of use compared to before 1945.

It is evident that the power factor is not always determinative in the policies of the great states and subsequently the interactions with the small coastal states resisting to interests of great powers finally lead to the shaping of the regimes (Keohane & Nye, 1989, s. 92). As elaborated above, these processes are marked by more complex relations, negotiations and struggles of various actors. It can be asserted that power policy was not effective anymore after the change in the maritime regime following the year 1967; and new and weak states had started to create a formation against the "strong quasi regime" between the years 1945 and 1967 (Keohane & Nye, 1989, s. 145). Despite the superiority of the USA and Soviet Union on seas during that period, they had to take up a defense position with regard to use of oceans and resources, as a high number of smaller states raised their voices in the UN. Robert KEOHANE and Joseph S. NYE says, "*The erosion of the free seas regime since 1967 has been caused by the norms and the political processes of the United Nations*". The most important fact propounded by this claim is that the regulatory rules adopted commonly by the states under the roof of the UN as an international central authority allow execution of the inter-state relations within the scope of the international law, while also approving the sovereign equalities of the states. It is obvious that the free seas regimes were defended by major naval powers was replaced

by another regime since 1967 that granted the coastal states more comprehensive rights to use as well as other legal rights.

Wondering "why the USA and Soviets did not object to this change of regime", Robert KEOHANE and Joseph S. NYE ask the question, "*Why did the predominant naval powers allow these changes to occur*?" and answer as follows: "*The answer lays mainly in the growth of complex interdependence*". According to this expression, the diversity of matters and conditions made it very difficult for the USA to define and put into practice its national interests with regard to free sees. In addition, the fact that use of force is "more expensive" even for the great states had a negative effect on the USA's initiative in setting up rules over the oceans.

With a point of view that always prioritizes cooperation as the first and foremost instrument in preventing conflicts, it is undeniable that matters continuously causing tensions in the international system will create conditions unbearable even for the great states. Yet, the argument of Robert KEOHANE and Joseph S. NYE, saying that the great states neglect the option of use of force with the impact of cost factor, is in contradiction with the decisiveness of the states in their foreign policy targets. Although a part of these arguments is rightful, three significant factors need to be taken into account. First, there are changing structural features in the international system and the second is that the sovereign states are expected to act within the scope of the international law supported by the UN's charter. The third, but most important factor is the consensus on international society norms, flourishing thanks the to the emergence and expansion of the global law, provided the states with indirect benefits, as well, such as taking decisions more freely and sustaining their rights. In addition to these Grotian arguments, a fact that constitutes a different challenge is that not every state is equal in having scientific and technological capabilities to benefit from the

related resources. The great states, which have high technological capabilities, are at the same time in possession of opportunities that enable them to exploit ocean sources more than other states. Therefore, the legal norms based on international consensus may well provide more advantages for these great states. The hypothesis that complex interdependence is as efficient as the realist paradigm in the formation of inter-state regimes is based on proving the impacts of all the national and supranational actors involved in the related processes. . It is crystal clear that the entrenched norms and legal regulations advocated by a high number of states are way more effective than other factors and a peaceful consensus environment is ensured by this means. Ultimately, it cannot be denied that the understanding of international law has been constituted thanks to the conciliatory attitudes of the great states in considering the vital needs of the other states, as well. The function of the common law and international regimes in providing fair benefits to all states in the intersecting areas can be argued to be one of the most important dynamics in the development of the international society at a higher level. It can fairly be argued that the universal norms of contract law will expand and be acknowledged in the next years to allow entrenchment of a wider common understanding of law and such a system will be accepted by the world states. As for the current situation, the existence of contracts and agreements - which are drawn under the coordination of the UN and which set forth universal standards - can be regarded as a positive accumulation for the future international society.[45]

[45] There are more than 560 multilateral agreements covering subjects in 29 different categories, being primarily the human rights, disarmament and environment protection, for which the UN is the current depositor (Treaty Collection, n.d.).

4 Bibliography

Amnesty-International. (2017). *Who we are*. Retrieved from Amnesty International: https://www.amnesty.org/en/who-we-are/

Arı, T. (2006). *Uluslararası İlişkiler Teorileri: Çatışma, Hegemonya. İşbirliği* (4 ed.). İstanbul: Alfa Yayınları.

Baylis, J., Smith, S., & Owens, P. (2008). *The globalization of world politics: An introduction to international relations* (4th ed.). New York, N.Y: Oxford University Press.

BBC. (1991). Saddam's Iraq Key Events: Gulf War 1990-1991. *BBC News* .

Beaumont, P., & Hopkins, N. (2012, June 1). *US was 'key player in cyber-attacks on Iran's nuclear programme'*. Retrieved from The Guardian: https://www.theguardian.com/world/2012/jun/01/obama-sped-up-cyberattack-iran

Berdal, M. R., & Economides, S. (2007). *United Nations interventionism: 1991-2004.* Cambridge: Cambridge University Press.

Blix, H. (2003, February 27). *Security Council, an update on inspection.* Retrieved from United Nations: http://www.un.org/Depts/unmovic/Bx27.htm

BM İklim Değişikliği Çerçeve Sözleşmesi. (n.d.). Retrieved from Türkiye Cumhuriyeti Dışişleri Bakanlığı: http://www.mfa.gov.tr/bm-iklim-degisikligi-cerceve-sozlesmesi.tr.mfa

Bosnia and Herzegovina - UNMIBH - Background: United Nations Mission in Bosnia and Herzegovina. (n.d.). Retrieved from United Nations: http://www.un.org/en/peacekeeping/missions/past/unmibh/background.html

Boutros-Ghali, B. (1992). *An agenda for peace: Preventive diplomacy, peacemaking and peace-keeping.* United Nations.

Boyadjieva, N., & Grozev, K. (2004). Diplomacy, international intervention and post-war reconstruction: interactions between states, international organisations and local authorities in the implementation of the dayton accords for Bosnia and Herzegovina. *Intercultural Communication and Diplomacy* , 331-350.

Bull, H. (2002). *The anarchical society: A study of order in world polities* (3rd ed.). Estados Unidos: Palgrave.

Bush, G. (1991, March 6). *George Bush: Address Before a Joint Session of the Congress on the Cessation of the Persian Gulf Conflict*. UC Santa Barbara: http://www.presidency.ucsb.edu/ws/?pid=19364 adresinden alınmıştır

Buzan, B. (1993). From international system to international society: structural realism and regime theory meet the English school. *International Organization , 47* (3), 327-352.

Buzan, B. (2004). *From International to World Society? : English School Theory and the Social Structure of Globalisation.* Cambridge: Cambridge University Press.

Byers, M., & Chesterman, S. (2003). Changing the rules about rules? Intervention and the Future of International Law. In J. L. Holzgrefe, & R. O. Keohane (Eds.), *Humanitarian intervention: Ethical, legal, and political dilemmas.* Cambridge: Cambridge University Press.

Carter, J. (1990, October 1990). The Need to Negotiate. *Time Magazine* .

Cleveland, W. L. (2004). *A history of the modern Middle East.* Colorado: Westview Press.

Clinton, B. (1994). *National security strategy of engagement and enlargement.* Supt. of Docs.

Dalar, M. (2008). Dayton Barış Antlaşması ve Bosna-Hersek'in Geleceği. *Abant İzzet Baysal Üniversitesi Sosyal Bilimler Enstitüsü Dergisi , 1* (16), 91-123.

Daniel, D. C., Hayes, B. C., & Oudraat, C. J. (1999). *Coercive inducement: And the containment of international crises.* Washington, D.C.: United States Institute of Peace Press.

Davenport, K. (2015, August 6). *UN Security Council Resolutions on Iran*. Arms Control Association: https://www.armscontrol.org/factsheets/Security-Council-Resolutions-on-Iran adresinden alınmıştır

Devlen, B., & Özdamar, Ö. (2010). Uluslararası İlişkilerde İngiliz Okulu Kuramı: Kökenleri, Kavramları ve Tartışmaları. *Uluslararası İlişkiler , 7* (25), 43-68.

Edwards, A. (2014). *"Dual containment" policy in the Persian Gulf: The USA, Iran, and Iraq, 1991-2000.* Basingstoke: Palgrave Macmillan.

Ellis, D. C. (2009). On the possibility of "international community". *International Studies Review , 11* (1), 1-26.

EU normative power and the Iranian nuclear program. (n.d.). Retrieved from EU Studies: https://eustudies.org/conference/papers/download/40

First steps to a safer future: Introducing The United Nations Framework Convention on Climate Change. (n.d.). Retrieved from United Nations Framework Convention on Climate Change: http://unfccc.int/essential_background/convention/items/6036.php

Freedman, L. (1995). Bosnia: Does Peace Support Make Any Sense? *Nato Review , 43* (6).

Freedman, L. D., & Karsh, E. (1993). *The Gulf Conflict, 1990-1991: Diplomacy and war in the new world order.* Princeton, N.J: Princeton University Press.

Gause III, F. G. (1994). "The illogic of dual containment.". *Foreign Affairs* (March/April), 1-10.

General Assembly Resolution 54/172. (1999, December 17). United Nations: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/54/PV.83 adresinden alınmıştır

General Assembly Resolution A/60/1. (2005, October 24). Retrieved from United Nations: http://www.un.org/womenwatch/ods/A-RES-60-1-E.pdf

General Assembly World Summit 2005 Outcome Document. (2005, October 24). Retrieved from United Nations: http://www.un.org/womenwatch/ods/A-RES-60-1-E.pdf

George W. Bush Address to the Joint Session of the 107th Congress. In *Selected Speeches of President George W. Bush 2001 – 2008* (pp. 65-73). The White House.

Geyer, A. F., & Green, B. G. (1992). *Lines in the sand: Justice and the Gulf War.* Louisville, Ky: Westminster/John Knox Press.

Gözen, R. (2014). *Uluslararası ilişkiler teorileri.* İstanbul: İletişim Yayınları.

Gönlübol, M. (2000). *Uluslararası politika: İlkeler - kavramlar - kurumlar.* Ankara: Ankara Üniversitesi Siyasal Bilgiler Fakültesi Yayınları.

Greenwood, C. (1992). New World Order or Old? The Invasion of Kuwait and the Rule of Law. *The Modern Law Review , 55* (2), 153-178.

Grotius, H. (2011). *Savaş ve Barış Hukuku.* (S. L. Meray, Çev.) İstanbul: Say Yayınları.

Henderson, C. W. (1998). *International relations: Conflict and cooperation at the turn of the 21st century.* California: University of South California.

Hobbes, T. (2012). *Leviathan, or, The matter, forme and power of a commonwealth ecclesiasticall and civil.* New York: Macmillan Publishing.

Holzgrefe, J. L. (2003). *Humanitarian intervention: Ethical, legal, and political dilemmas.* (J. L. Holzgrefe, & R. O. Keohane, Eds.) Cambridge: Cambridge University Press.

Howorth, J., & Menon, A. (2009). Still not pushing back: why the European Union is not balancing the United States. *Journal of conflict resolution , 53* (5), 727-744.

Huntington, S. P. (1999, March 01). The lonely superpower. *Foreign Affairs , 78* (2).

Independent International Commission on Kosovo. (2000). *The Kosovo Report: Conflict, International Response, Lessons Learned.* Oxford University Press on Demand.

INDYK, M. (1993). *The Clinton Administration Approach to the Middle East.* The Washington Institute.

International Conference on the Former Yugoslavia (ICFY). (1996). Retrieved from United Nations Archives: https://search.archives.un.org/international-conference-on-former-yugoslavia-icfy

Iran nuclear talks: timeline. (2015, July 14). Retrieved from The Guardian: https://www.theguardian.com/world/2015/apr/02/iran-nuclear-talks-timeline

İran, ABD'den 16 milyar dolarlık uçak alıyor. (2016, December 12). Retrieved from Milliyet.com.tr: http://www.milliyet.com.tr/iran-abd-den-16-milyar-dolarlik-dunya-2360292/

İran'la tarihi anlaşma. (2013, November 24). Retrieved from Hürriyet.com.tr: http://www.hurriyet.com.tr/iran-la-tarihi-anlasma-25194798

Iraq Coalition provisional Authority Order Number One, De-Ba'athification of Iraqi Society. (n.d.). Retrieved from Council of Foreign Relations: https://www.cfr.org/iraq/iraq-coalition-provisional-authority-order-number-one-de-baathification-iraqi-society/p30235

Iraq war illegal, says Annan. (2004, September 16). BBC News: http://news.bbc.co.uk/2/hi/middle_east/3661134.stm adresinden alınmıştır

Joint Resolution to Authorize the Use of United States Armed Forces Against Iraq. (2012, October 2). Retrieved from The White House: https://georgewbush-whitehouse.archives.gov/news/releases/2002/10/20021002-2.html

Jordan, A. A., Taylor, W. J., & Mazarr, M. J. (1999). *American national security.* Baltimore: Johns Hopkins UP.

Kaplan, M. A. (1964). *System and process in international politics.* Chicago: University of Chicago.

Katzman, K., & Thomas, C. (2017). *Afghanistan: Post-Taliban Governance, Security, and US. Policy.* Congressional Research Service.

Keohane, R. O., & Nye, J. S. (1989). *Power and interdependence* (2nd b.). Glenview, III: Scott, Foresman.

Khadduri, M., & Ghareeb, E. (1997). *War in the Gulf, 1990-91: the Iraq-Kuwait conflict and its implications.* New York, N.Y: Oxford University Press.

Kissinger, H. (1994). *Diplomacy.* New York: Simon & Schuster.

Kissinger, H. (2014). *World order.* New York: Penguin Books.

Kreps, S. E. (2011). *Coalitions of Convenience: United States Military Interventions after the Cold War.* Cary: Oxford University Press.

Libya: Barack Obama speech in full. (2011, March 29). Retrieved from The Telegraph: http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8412809/Libya-Barack-Obama-speech-in-full.html

Malanczuk, P. (2010). *Akehurst's modern introduction to international law* (7th rev. ed.). London: Routledge.

Malone, D. (2006). *The international struggle over Iraq: Politics in the UN Security Council, 1980-2005.* Oxford: Oxford University Press.

Mandate. (n.d.). Retrieved from UNMIK: https://unmik.unmissions.org/mandate

Manners, I. A. (2005). The normative ethics of the European Union. *International affairs , 84* (1), 45-60.

Martin, G. (2015, May). *European diplomacy and the Iranian nuclear negotiations .* Retrieved from The European Institute: http://www.europeaninstitute.org/index.php/ei-blog/252-european-affairs/ea-may-2015/2066-auto-generate-from-title

Mearsheimer, J. J. (1994). The false promise of international institutions. *International security , 19* (3), 5-49.

Mearsheimer, J. J. (2001). *The tragedy of great power politics.* New York: Norton.

Member countries. (2017, June 17). Retrieved from NATO: http://www.nato.int/cps/en/natolive/topics_52044.htm

MFA, T. (2015). *İklim Değişikliğiyle Mücadelenin Önemi*. Retrieved from Türkiye Cumhuriyeti Dışişleri Bakanlığı: http://www.mfa.gov.tr/iklim-degisikligiyle-mucadelenin-onemi.tr.mfa

Miller, B. (2004). The international system and regional balance in the Middle East. In T. V. Paul, J. J. Wirtz, & M. Fortmann (Eds.), *Balance of Power: Theory and Practice in the 21st Century* (pp. 239-266). Stanford, California: Stanford University Press.

Mogherini, F. (2015, January 2017). *The Iran nuclear deal is a success – and the whole world is safer for it.* The Guardian: https://www.theguardian.com/commentisfree/2017/jan/17/iran-nuclear-deal adresinden alınmıştır

Morgenthau, H. J. (1970). *Uluslarası politika: Güç ve barış mücadelesi : cilt I.* (Ü. Oskay, & B. Oran, Trans.) Ankara: Türk Siyasi İlimler Derneği Yayınları.

Morgenthau, H. J. (2002). *Uluslarası politika: Güç ve barış mücadelesi, cilt II :1980-2001* (Vol. I). (Ü. Oskay, & B. Oran, Trans.) İstanbul: İletişim Yayınları.

Morgenthau, H. J., & Thompson, K. W. (1985). *Politics among nations: The struggle for power and peace* (Brief ed.). New York: Knopf.

National Security Directive 45. (1990, August 20). Federation of American Scientist: https://fas.org/irp/offdocs/nsd/nsd_45.htm adresinden alınmıştır

National Security Directive 54. (1991, January 15). Retrieved from The George Washington University: http://nsarchive2.gwu.edu/NSAEBB/NSAEBB39/document4.pdf

NATO and Afghanistan . (2016, October 13). Retrieved from NATO: http://www.nato.int/cps/en/natohq/topics_8189.htm

NATO. (2001). *NATO Handbook.* Brussels, Belgium: NATO Office of Information and Press.

NATO's role in relation to the conflict in Kosovo. (1999, July 15). Retrieved from NATO: http://www.nato.int/kosovo/history.htm

Nye, J. S., & Welch, D. (2010). *Küresel çatışmayı ve işbirliğini anlamak: Kurama ve tarihe giriş* (8th ed.). (R. Akman, Trans.) İstanbul: Türkiye İş Bankası Kültür Yayınları.

Ongur, H. Ö., & Onur, M. A. (2004). Uluslararası İlişkilerde Eleştirel Teori. In R. Gözen, & R. Gözen (Ed.), *Uluslararası İlişkiler Teorileri.* İstanbul: İletişim Yayınları.

Oran, B. (2002). *Türk Dış Politikası* (4th ed., Vol. II). (B. Oran, Ed.) İstanbul: İletişim Yayınları.

Oran, B. (1995). Uluslararası ve İç Hukukta Çekiç Güç'ün Yasal Dayanakları Sorunu. *Ankara Üniversitesi SBF Dergisi , 50* (3).

Pape, R. A. (2005). Soft balancing against the United States. *International security , 30* (1), 7-45.

Paul, T. V. (2005). Soft Balancing in the Age of Primacy. *International Security , 30* (1), 38-41.

Paul, T. V. (2004). The Enduring Axioms of Balance of Power Theory and Their Contemporary Relevance. T. V. Paul, J. Wirtz, & M. Fortmann içinde, *Balance of Power Theory and Practice in the 21st Century* (s. 2-25). Stanford: Stanford University Press.

President Delivers State of the Union Address . (2002, January 29). Retrieved from The White House: https://georgewbush-whitehouse.archives.gov/news/releases/2002/01/20020129-11.html

President Delivers State of the Union Address . (2002, January 29). Retrieved from The White House: https://georgewbush-whitehouse.archives.gov/news/releases/2002/01/20020129-11.html

President's Remarks at the United Nations General Assembly. (2002, September 12). The White House: https://georgewbush-whitehouse.archives.gov/news/releases/2002/09/20020912-1.html adresinden alınmıştır

Priest, D., & Pincus, W. (2004, October 7). *U.S. 'Almost All Wrong' on Weapons*. Retrieved from Washington Post: http://www.washingtonpost.com/wp-dyn/articles/A12115-2004Oct6.html

Priest, D., & Pincus, W. (2004, October 7). *U.S. 'Almost All Wrong' on Weapons.* Retrieved from Washington Post: http://www.washingtonpost.com/wp-dyn/articles/A12115-2004Oct6.html

Reus-Smit, C. (2013). Constructivism. In S. Burchill, & A. Linklater (Eds.), *Theories of international relations* (pp. 217-240). Basingstoke: Palgrave Macmillan.

Reuters. (1991, February 28). WAR IN THE GULF: Commander's Briefing; Excerpts From Schwarzkopf News Conference on Gulf War. *The New York Times* .

Roberts, A., Kingsbury, B., & Bull, H. (2015). *Hugo Grotius and International Relations.* Oxford: Clarendon Press.

Rouleau, E. (1995). America's unyielding policy toward Iraq. *Foreign Affairs* (January/February).

Sander, O. (2013). *Siyasi tarih: 1918-1994* (23th ed.). Ankara: İmge Yayınları.

Security Council Resolution 1031. (1995, December 15). United Nations: http://daccess-ods.un.org/access.nsf/Get?Open&DS=S/RES/1031%20(1995)&Lang=E&Area=UNDOC adresinden alınmıştır

Security Council resolution 1088. (1995, December 15). Retrieved from United Nations: http://daccess-ods.un.org/access.nsf/Get?Open&DS=S/RES/1031%20(1995)&Lang=E&Area=UNDOC

Security Council Resolution 1119. (1998, September 23). Retrieved from United Nations: http://daccess-ods.un.org/access.nsf/Get?Open&DS=S/RES/1119%20(1997)&Lang=E&Area=UNDOC

Security Council Resolution 1160. (1998, March 31). Retrieved from United Nations: http://daccess-ods.un.org/access.nsf/Get?Open&DS=S/RES/1160%20(1998)&Lang=E&Area=UNDOC

Security Council Resolution 1199. (1998, September 23). Retrieved from United Nations: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1199(1998)

Security Council Resolution 1203. (1998, October 23). Retrieved from United Nations: http://daccess-ods.un.org/access.nsf/Get?Open&DS=S/RES/1203%20(1998)&Lang=E&Area=UNDOC

Security Council Resolution 1244. (1999, June 10). Retrieved from United Nations: http://daccess-ods.un.org/access.nsf/Get?Open&DS=S/RES/1244%20(1999)&Lang=E&Area=UNDOC

Security Council Resolution 1284. (1999, December 17). Retrieved from United Nations: http://www.un.org/Depts/unscom/Keyresolutions/sres99-1284.htm

Security Council Resolution 1423. (2002, July 12). Retrieved from United Nations: http://daccess-ods.un.org/access.nsf/Get?Open&DS=S/RES/1423%20(2002)&Lang=E&Area=UNDOC

Security Council Resolution 1441. (2002, November 8). Retrieved from United Nations: http://www.un.org/Depts/unmovic/documents/1441.pdf

Security Council Resolution 1483. (2003, May 2003). Retrieved from UNSCR: http://unscr.com/en/resolutions/doc/1483

Security Council Resolution 1696. (2003, July 31). Retrieved from United Nations: https://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1696%282006%29

Security Council Resolution 1973. (2011, March 17). Retrieved from United Nations: http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1973%20%282011%29

Security Council Resolution. (1998, November 17). Retrieved from United Nations: http://daccess-ods.un.org/access.nsf/Get?Open&DS=S/RES/1207%20(1998)&Lang=E&Area=UNDOC

Security Council Resolution 2009. (2011, September 16). Retrieved from United Nations: http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2009%20%282011%29

Security Council Resolution 2231. (2015, July 20). Retrieved from United Nations: https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2231(2015)

Security Council Resolution 660. (1990, August 2). Retrieved from United Nations: https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/575/10/IMG/NR057510.pdf?OpenElement

Security Council Resolution 661. (1990, August 6). United Nations: https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/575/11/IMG/NR057511.pdf?OpenElement adresinden alınmıştır

Security Council Resolution 665. (1990, August 25). United Nations: http://daccess-ods.un.org/access.nsf/Get?Open&DS=S/RES/665%20(1990)&Lang=E&Area=RESOLUTION adresinden alınmıştır

Security Council Resolution 670. (1990, September 25). United Nations: http://daccess-ods.un.org/access.nsf/Get?Open&DS=S/RES/670%20(1990)&Lang=E&Area=RESOLUTION adresinden alınmıştır

Security Council Resolution 678. (1990, November 29). United Nations: http://daccess-ods.un.org/access.nsf/Get?Open&DS=S/RES/678%20(1990)&Lang=E&Area=RESOLUTION adresinden alınmıştır

Security Council Resolution 686. (1991, March 2). United Nations: http://daccess-ods.un.org/access.nsf/Get?Open&DS=S/RES/686%20(1991)&Lang=E&Area=RESOLUTION adresinden alınmıştır

Security Council Resolution 687. (1991, April 3). United Nations: http://daccess-ods.un.org/access.nsf/Get?Open&DS=S/RES/687%20(1991)&Lang=E&Area=RESOLUTION adresinden alınmıştır

Security Council Resolution 688. (1991, April 5). Retrieved from United Nations: http://daccess-ods.un.org/access.nsf/Get?Open&DS=S/RES/688%20(1991)&Lang=E&Area=RESOLUTION

Security Council Resolution 713. (1991, September 25). United Nations: http://daccess-ods.un.org/access.nsf/Get?Open&DS=S/RES/713%20(1991)&Lang=E&Area=RESOLUTION adresinden alınmıştır

Security Council Resolution 757. (1992, May 30). United Nations: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/757(1992) adresinden alınmıştır

Security Council Resolution 794. (1992, December 3). Retrieved from United Nations: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/794(1992)

Security Council Resolution 827. (1993, May 25). Retrieved from United Nations: http://daccess-ods.un.org/access.nsf/Get?Open&DS=S/RES/827%20(1993)&Lang=E&Area=UNDOC

Security Council Resolution 83. (1950, June 27). UNSCR: http://unscr.com/en/resolutions/doc/83 adresinden alınmıştır

Sönmezoğlu, F. (2014). *Uluslararası politika ve dış politika analizi* (6th ed.). İstanbul: Der Yayınları.

Statement by secretary general to European Parliament. (1991, April 18). *United Nations Press Release* .

Statement by the North Atlantic Council. (2001, September 12). Retrieved from NATO: http://www.nato.int/docu/pr/2001/p01-124e.htm

Stork, J., & Wenger, M. (1991). From rapid deployment to massive deployment. In M. L. Sifry, & C. Cerf (Eds.), *The Gulf War reader: History, documents, opinions* (pp. 197-199). New York: Times Books.

Taft IV, H. W., & T., B. F. (2003). Preemption, Iraq, and International Law. *The American Journal of International Law , 97* (3), 557-563.

Talentino, A. K. (2005). *Military intervention after the Cold War: The evolution of theory and practice.* Athens: Ohio University Press.

The Bush Administration's Doctrine of Preemption (and Prevention): When, How, Where? (2004, February 1). Retrieved from Council of Foreign Relations: http://www.cfr.org/world/bush-administrations-doctrine-preemption-prevention-/p6799

The National Security Strategy of the United States of America. (2002, September). Retrieved from U.S. Department of State: https://www.state.gov/documents/organization/63562.pdf

Treaty Collection. (n.d.). Retrieved from United Nations: https://treaties.un.org/

U.S. War in Afghanistan. (n.d.). Retrieved from http://www.cfr.org/afghanistan/us-war-afghanistan/p20018

UNESCO. (n.d.). *UNESCO Web Site*. Retrieved from UNESCO: http://en.unesco.org/partnerships/non-governmental-organizations

Waltz, K. N. (1990). Realist thought and neorealist theory. *Journal of International Affairs , 44* (1), 21-37.

Waltz, K. N. (2000). Structural realism after the Cold War. *International security , 25* (1), 5-41.

Waltz, K. N. (1988). The origins of war in neorealist theory. *The Journal of Interdisciplinary History , 18* (4), 615-628.

Waltz, K. N. (1979). *Theory of international politics.* New York: McGraw-Hill.

Walzer, M. (2010). *Haklı savaş haksız savaş: Tarihten örneklerle desteklenmiş ahlaki bir tez.* (M. Doğan, Trans.) İstanbul: Boğaziçi Üniversitesi Yayınevi.

Weller, M. (2010). *Iraq and the use of force in international law.* Oxford: Oxford University Press.

Western, J., & Goldstein, J. S. (2011). Humanitarian intervention comes of age: lessons from Somalia to Libya. *Foreign Affairs* (November/December).

Zakaria, F. (2009). *The post-American world.* New York: Norton.