

## ABSTRACTS & KEYWORDS

### **Human Rights Protection Role of the UN Security Council and the Basis and Limitations of Security Council's Authority**

**Author:** A. Füsün ARSAVA

**Abstract:** *United Nations' practices in 1990's have brought Security Council in a position of human rights protector. Today one of the most controversial issues is to determine the criteria of the Security Council's interference to the human rights violations and also to determine the criteria for the Security Council to be able to act in the framework of the United Nations Charter Part VII. This article on one hand will highlight the developments in relation with the mentioned criteria; on the other hand, it will draw attention to the issue that there is not uniformity in the United Nations' practices.*

**Keywords:** UN Security Council, Protection of Human Rights, Human Rights Violations, Rule of not to Interfere Domestic Issues, Terrorism.

### **Turkish – American Relations: A Problem of Systemic Transformation?**

**Author:** Tayyar ARI

**Abstract:** *During the Cold War which lasted nearly fifty years, Turkish-American relations characterized a relation that generally depends on mutual trust with few exceptions stemming from the conjuncture. However, in the process started after the end of the bipolar system, and especially after the 9/11 attacks and Iraq crisis, it is not easy to explain the transformation of the relations only with the attitudes of the both sides. Instead, examining how the both sides have to manage executing the relations also considering the sui generis feature of the post-Cold War era including the factors derived from the international structure would be more felicitous. This article has been written with the thought that by emphasizing Turkish-American relations especially the recent developments would bring a more precise perspective for the future in the framework of a model and on a theoretical ground.*

**Keywords:** System, Security Paradox, Turkish-American Relations, Bush Doctrine, Iraq Crisis, Terrorism.

### **Security Dimension of European Union's Enlargement Policy**

**Author:** Zeynep YÜCEL

**Abstract:** *The new situation and replacing conditions of European security architecture created deep impact on European integration process. In 1990's, the European integration was connected to enlargement process. There is a strong interaction between effects of those two processes and creating a security and stability zone in Europe which is the primary aim of the EU. In this article, enlargement policy was analyzed in terms of own security core. Eastward enlargement as an important phase of European integration process provides eligible opportunities and facilities that help promoting security assets of the EU. The EU, as a unique security actor, has been implementing nontraditional security policies throughout integration*

process. It is quite true that unanimity principle and incompetence of military assets lead to serious problems in ESDP, but thanks to its diversified political attempts, the EU is quite able to compensate this deficiency. Enlargement policy to which Central and East European and Balkan countries are subjected, helps strengthening the existence of the EU in international and regional level. The EU provides an effective security model for whole Europe. Therefore, the Union's enlargement policy and relations with the Balkan countries were formulated according to reality of European security.

**Keywords:** Security actor, European Union, Eastward enlargement, European security, Wider Europe, Balkans.

### **The International Legality of Military Intervention in Iraq**

**Author:** Sercan REÇBER

**Abstract:** The military intervention in Iraq by the USA and its allies left many questions have within the framework of the law which needs answering. The most important question we believe is whether there was or was not sufficient right and validation in terms of international law. The UN Founding Agreement specifies the conditions under which the use of force may be accepted as the right to defence and where authority lies when concerned with the use of force. It is clear that these conditions of extraordinary circumstances do not encompass the USA and its allies' intervention in Iraq. The point in question here is that the USA and the UK in the name of self defence interpreted The UN' s decisions regarding Iraq to their own benefit and subsequently based on their own justice, commenced a period of siege in Iraq. The consequence of this was a tragedy of humanity together with UN legal structure being completely discarded and losing credibility within international law. Unless this period of the stranger side creating own laws is prevented .It is clear that similar interventions breaching international law will be unavoidable in the future.

**Keywords:** The USA and its allies' military intervention, international law, prohibition of general violence, preventive self defence, the United Nations.

### **The Complementary Role of the United Nations General Assembly in Peace Management**

**Author:** Kamrul HOSSAIN

**Abstract:** For the maintenance of international peace and security, the United Nations Charter places 'primary responsibility' upon the Security Council. This 'primary responsibility', however, does not necessarily mean 'exclusive responsibility'. Therefore, there is other responsibility - 'secondary' or 'residuary' - in the maintenance of international peace and security. The idea was also once confirmed in the Certain Expenses case. The General Assembly is the only body in which all the states of the United Nations are members. It is the only body where all the members get an equal chance to discuss all the common issues of global importance including international peace and security. Thus, 'secondary' or 'residuary' responsibility in peace maintenance rests, inter alia, on the General Assembly. In the case where the Security Council fails to discharge its 'primary responsibility' either due to the lack of unanimity or because of unwillingness, the General Assembly is the body that may legitimately come forward to take the issue up in order to maintain international peace and secu-

ity. The article analyses the complementary role of the General Assembly in peace management and its increasing involvement in the maintenance of international peace and security.

**Keywords:** International peace and security, threat to peace, self-defence and uniting for peace.

### **Law and Intervention**

**Author:** Brendon HOWE

**Abstract:** The end of the Cold War led to a proliferation of military intervention in violation of the principles of political sovereignty and territorial integrity. As with all forms of human interaction, intervention comes in various forms, of varying degrees of legitimacy, and which are contested to a greater or lesser extent. This paper considers differing sets of legal justifications for going to war, or for refraining from so doing, including analysis of the tension between legality and legitimacy and between codified 'positive' international law and customary international law, as well as the ramifications of political ethics and ethical dilemmas in terms of humanitarian justifications for going to war. The findings are that a shift in the practice of states and interpretations by the leading publicists has led to a more permissive norm of intervention and therefore a disjuncture between customary and positive international law.

**Keywords:** Humanitarian intervention, just war, sovereignty, human rights, positive law, customary law.

### **Determinants of German Foreign Policy toward the Arab-Israeli Conflict**

**Author:** Mohammad ABO KAZLEH

**Abstract:** The purpose of this paper is to examine the German foreign policy toward the Arab-Israeli conflict. It particularly focuses on the driving forces in the making of this policy. It first briefly reviews German interests and priorities in the region which include, economic interests related to safe access to energy sources and boosting German exports to regional markets; security interests related to avoiding risks emerged from the Arab-Israeli conflict, terrorism and the proliferation of the weapons of mass destructions, and preventing any further increase in refugees coming from the region; and finally political interests which is related to the peace process between Palestinians and Israelis, and enhancing stability in other regional areas such as Lebanon. These interests generally represent a pragmatic approach in German foreign policy towards the region. However, and despite the increase of German interests, pragmatism is not the driving force in German foreign policy toward the region. But the special relationship with Israel has been the guideline in making this policy. The analysis of pragmatism and the special relationship with Israel as main determinants of German foreign policy toward the Arab-Israeli conflict shows that the interplay of these factors leaves Germany with a problem of striking balance between its strong support to Israel and commitments to maintain its security and existence, on one hand, and its acceptance and clear support to the Palestinian right of self-determination and independent state, on the other. To deal with this problem, Germany is enhancing its political and diplomatic engagement in the ongoing endeavors to solve the Arab-Israeli conflict and, boosting its economic relations and trade exchanges with Arab countries.

**Keywords:** German foreign policy; Arab-Israeli conflict, historical factor; pragmatism, national framework, European framework.

### **Evolution of the Idea of a Permanent International Criminal Court Prior to World War I**

**Author:** Cenap ÇAKMAK

**Abstract:** The article reviews the evolution of the idea to create a permanent international criminal court to deal with the worst crimes since early times through the breakout of the World War II. The historical survey in this article demonstrates that despite attempts to establish such an institution, the idea did not come to life due to concerns over national sovereignty. The study of the history of international criminal law clearly demonstrates that the international community has always shown interest towards establishing strong institutions and mechanisms to achieve global justice. On the other hand, states have shown that they were interested in the prosecution and punishment of those individuals responsible for the commission of international crimes only to the extent that the engagement would not negatively affect their prerogatives as a sovereign unit.

**Key words:** international criminal law, international criminal court, World War I, international humanitarian law

### **Black Sea Region: Impetus for the Neighborhood Relations with the European Union**

**Author:** Hristofor HRISOSKULOV

**Abstract:** The European Union (EU) realized the Eastern enlargement with the accession of Bulgaria and Romania in 2007. A reorganization of political dynamic occurs in a broad and global political environment. Political actors like the EU incurs the challenges of globalization by dint of regional, below or above the nation state, organized policy decision-making areas. For this reason, the EU established the European Neighborhood policy to promote stability, security and prosperity in the neighborhood and in this context, in the Black Sea region. After the Eastern enlargement the Black Sea region consistently comes in EU's foreign policy field of vision. Regional organizations like the Black Sea Economic Cooperation and policy areas like energy and transport play a decisive role in this regard. As a result of the increasing role of the Black Sea region in international politics, this paper gives attention to problems of energy security, regional cooperation, and inclusion of the immediate neighboring countries in the context of the European Neighborhood policy.

**Keywords:** European Neighborhood Policy, ENPI, Black Sea region, Black Sea Economic Cooperation, energy security, transport, regional cooperation