

# AVRASYA

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## **RUSYA-UKRAYNA SAVAŞI / RUSSIA-UKRAINE WAR: AVRASYA'DA KAOSA ARALANAN KAPI MI? A GATEWAY TO CHAOS IN EURASIA?**



**Russia's War Against  
Ukraine: Security  
Dilemma or What?**

**Seeking Peace with  
Foreign Policy Choice:  
Turkmenistan and  
Permanent Neutrality**

**Prospects of the  
South Caucasus After  
the 44-Day War**

#### Yayın Sahibi

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## Değerli Okurlar,

**S**izlerle Avrasya Dünyası dergimizin 10. sayısı vesilesiyle bir kez daha buluşmanın onur ve mutluluğu içerisindeyiz.

Gerçekten 4 küsur yıl önce birlikte başladığımız yolculuğumuz konular, sorunlar ve mekanlar değişse de en azından bizim açımızdan aynı heyecan ve yüksek bir motivasyonla devam ediyor. Hatırlayacağınız gibi bu yolculuğun başlarında bir süre Avrasya coğrafyasını meşgul eden bazı konu ve sorunları her sayımızda ayrı ayrı ve derinlemesine ele almak suretiyle tahlil etmeye çalıştık. Bu hususlara ilgi duyan değerli okurlarımızın birikimlerine katkı getirmeye çabaladık. Serüvenimizin ilerleyen merhalelerinde sahne ışıklarını bizim anladığımız manada Avrasya coğrafyasını oluşturan alt-bölgeler üzerinde yoğunlaştırdık. Bu çerçevede, Balkanlar, Kafkaslar, Orta Asya ve nihayet Avrasya'nın batı ucunu oluşturan "Yeni Doğu Avrupa"yı makalelerimizle birlikte tanımayı ve tanıtmayı amaçladık.

Bu noktada, "Yeni Doğu Avrupa"nın iki önemli ülkesi olan Rusya ve Ukrayna'nın bir gün gelip savaşılabileceklerini, bölgenin kan gölüne döneceğini, insani konularda dramlar yaşanacağını, Rusya-Ukrayna çatışmasının Avrasya coğrafyası sınırları içinde kalmayıp üçüncü dünya savaşına yol açabilecek küresel bir boyut kazanmasının dahi gündeme gelebileceğini ve nihayet böyle bir ihtimal çerçevesinde dünya halklarının nükleer savaş tehdidinden korkar hale geleceklerini tabiki düşünemedik. Bu ölçülerde vahim bir tablo değerlendirmelerimize konu olamazdı. Oysa bunların hepsi gerçek oldu. Nitekim yakın geçmişte birçoğumuza "futuristik" senaryolar olarak gelebilecek bütün bu gelişmeleri el'an yaşıyor ve belli ölçüde bir tedirginlikle izliyoruz.

Dergimiz, Rusya Federasyonu'nun geçen yıl Ukrayna sınırlarında askeri yığınakla başladığı, bu yılın 21 Şubat'ında Donetsk ve Luhansk'daki iki küçük devletçiği önce tanıyarak bilahare işgal ederek hızlandırdığı ve nihayet 24 Şubat 2022 sabahından itibaren Ukrayna'yı fiilen işgali aşamasına ulaşan bu gelişmelere bittabi ilgisiz kalamazdı. Böylece başlayan Rusya-Ukrayna savaşının 21. asırda ve Avrupa'nın göbeğinde yer almasının yanı sıra, bizim açımızdan önem taşıyan husus bu savaşın aynı zamanda bir Avrasya savaşı niteliğinde olmasıdır. Biz de 2022 yılı ilkbahar sayımızda bu konuyu çeşitli yönleriyle ele almayı planladık ve daha önceki sayılarımızdaki uygulamamız doğrultusunda Rusya-Ukrayna savaşını özel konumuz olarak belirledik. Hiç şüphesiz temennimiz Sonbahar'da çıkacak yeni sayımıza kadar Avrupa'da silahların susması ve bu savaşın barışçı bir sonuca ulaşmasıdır. Böylece bizim de bu konuya avdet etmemize gerek kalmamasıdır. Bu umutla Avrasya Dünyası gelişmeleri izlemeye devam edecektir.

Bu duygu ve düşüncelerle sizlere iyi okumalar diliyor, Avrasya Dünyası'na göstermekte olduğunuz ilginin devam etmesinden duyduğumuz memnuniyeti ve teşekkürlerimizi ifade etmek istiyoruz.

Kalın sağlıcakla.

Yiğit Alpogan  
Editör

# from the editor

## Dear Readers,

**W**e are pleased to meet you once again on the occasion of the publication of the 10<sup>th</sup> issue of the Eurasian World.

Even though issues, challenges and locations have changed; our journey, which we started together 4 years ago, continues with the same excitement and high motivation. Just as you may remember, at the beginning of this journey, we tried to analyze issues and challenges that occupied the Eurasian agenda for a certain period of time by discussing them separately and profoundly. We made efforts to contribute to our readers' understanding who are interested in those issues. Later on, we turned our focus into the sub-regions which comprise the Eurasia as we understand it. Within this frame, we aimed to understand and introduce the Balkans, Caucasus, Central Asia and finally the western end of Eurasia, "New Eastern Europe."

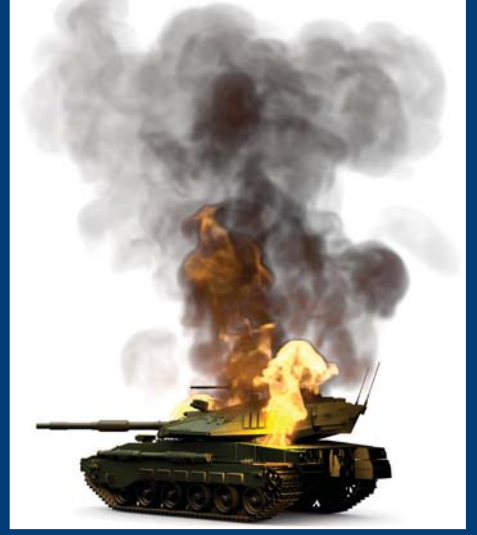
At this point, of course we could not have thought that Russia and Ukraine, the two most important countries of the "New Eastern Europe," would engage in a war of this intensity and turn the region into a bloodbath; that we would see heartbreaking human tragedies; that it might be possible for the war to exceed Eurasian borders and become global in a way that could cause a third world war; and that finally world citizens would dread the threat of a nuclear war. Unfortunate circumstances at this scale could not even be foreseen in our reviews. However, all these came to be true. As a matter of fact, we are experiencing all those scenarios that may have seemed to many of us as "futuristic" in the recent past and we are witnessing them with a certain degree of discomfort.

Our journal could not turn a blind eye to the process which Russian Federation initiated by putting a great mass of troops along Ukraine's border and later accelerating the pace first by recognizing the two entities in Donetsk and Luhansk on February 21, and later invading them and finally reaching to the point of invading Ukraine as of the morning of 24 February 2022. Aside from taking place in the middle of the Europe in 21<sup>st</sup> century, Russian- Ukrainian war is also important for us in terms of being a war in Eurasia . Therefore, we decided to tackle this subject from different angles in this issue. In accordance with our traditional approach, we selected to take up Russian-Ukrainian war as our primary subject of this issue. Without a doubt, it is our sincere wish that the war reaches to a peaceful end before long so that we would not have to dwell on this issue again. Eurasian World will continue to follow the developments with this ardent hope.

With these thoughts in our minds, we hope you enjoy reading this issue of the Eurasian journal. As always, we would like to end by expressing our pleasure and gratitude for your continued interest in our journal.

Stay safe.

**Yiğit Alpogan**  
Editor



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# CENTRAL ASIA IN BETWEEN RUSSIA, CHINA, AND THE UNITED STATES: COOPERATION OR COMPETITION?

Central Asia's importance in the world is mainly a result of its geopolitical location, rich energy and natural resources, and significant geo-economic potential. The main external actors, namely, Russia, the United States, the EU, and China, declared their support for peace and stability and regional cooperation in Central Asia, a message that is welcomed in the region.

**Nosirkhon Qodirov**

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**A**fter the 2016 presidential election in Uzbekistan, the October 2020 protests in Kyrgyzstan, the Taliban's power grab in Afghanistan (a country with which three Central Asian countries, namely, Tajikistan, Turkmenistan, and Uzbekistan have common borders), and the January 2022 uprising in Kazakhstan, Central Asia has once again become a region of interest in international politics for geopolitical, security, and economy-trade reasons. The region is a geopolitical area with significant implications for global security. It has a population of about 70 million people and is located at the crossroads of Europe, the Middle East, and Asia. It has vast natural resources, many of which are just beginning to be explored. These advantages have historically placed it at the center of tensions between some of the world's most powerful states. This paper investigates why the region is important from the standpoint of global superpowers and outlines Russia's, China's, and the United States' involvement in Central Asian politics.

Central Asia's importance in the world is mainly a result of its geopolitical location, rich energy and natural

resources, and significant geo-economic potential. The main external actors, namely, Russia, the United States, the EU, and China, declared their support for peace and stability and regional cooperation in Central Asia, a message that is welcomed in the region. Despite that, there are frictions and competition between these actors. Russia traditionally views Central Asia as its sphere of influence and does not want either the United States or the EU to become deeply involved in the region. China has expressed its understanding of Russia's strong role in the region. It also welcomes the Russian military presence in the region over the US presence as it considers the latter as an actor endangering the safety of its north-western separatist region. The United States supports the Central

Asian states' multi-vector foreign policies and cooperates with Central Asian countries in political, economic and security spheres. This paper analyses the

Central Asian countries' views and policy as a region; however, depending on the political situation and the level of economic development, relations may change country by country. The academic literature still focuses to a large extent on the perspectives of the great powers in Central Asia



and less on the foreign policies pursued by these states themselves. In this paper, views from Central Asia are analyzed, as well. The paper argues that Central Asia is interested in maintaining its sovereignty and agency in international relations while keeping various alternatives to the growing Sino-Russian competitive cooperation in the region.

From a Central Asian perspective, strong and mutually beneficial bilateral and multilateral relations would be appreciated. The Central Asian republics have already established relations with major powers. They are members or have working relations with different regional and international organizations and formats of cooperation such as the Collective Security Treaty Organisation (CSTO), the Shanghai Cooperation Organisation (SCO), and the C5+1 format of Central Asian states with the USA. Though the interests of global actors are diverse and partly contradicting, coordination in bilateral as well as multilateral formats on security, economic, and transport projects is crucial for the region. At the same time, political stability and the economic restoration of Afghanistan remain key objectives for all actors involved in the region. However, different actors in Central Asia and Afghanistan face many problems because of their different approaches and understanding of the situation in Afghanistan.

China and Russia are attractive actors for Central Asian countries for economic and political reasons, while the USA is important to the region for the maintenance of independence, regional security, and international recognition in the international arena.<sup>1</sup> In general, all Central Asian countries have the same interests in the US maintaining their sovereignty and recognition in different international agencies. However, the interests of Central Asian countries regarding the US differ depending on their individual concerns, political regimes, and other political and economic factors. The United States mainly acted as a security partner when it was in Afghanistan, and also as an alternative to the Russian-led security insurances. In terms of economic partnership, China is a more important actor in the region than the US and Russia.

### **Russia's Role and Interests in Central Asia**

Since the collapse of the Soviet Union, Russia has been trying to maintain its influence in the former Soviet countries. Russia was not too successful in the Caucasus region in this regard, and in Central Asia has reached its goals to a certain level. Russia's foreign policy in Central Asia aims to promote security and military-technical cooperation. It also seeks to facilitate projects in the energy and economic sectors.

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Moscow's main security priority in cooperation with Central Asian states is to insulate Russia from the worst effects of regional instability. Politically and economically, Central Asian countries mainly depend on the Russian economy. For instance, about 40% of the GDP of Kyrgyzstan and Tajikistan depends on remittances of Kyrgyz and Tajik labour migrants who are working in Russia, mostly in the construction sphere.<sup>2</sup> In most cases, this dependency keeps Central Asian countries in compliance with Russia. Furthermore, regarding economic relations, Russia is expanding the membership of the Eurasian Economic Union (EAEU) towards Central Asian countries; Kazakhstan and Kyrgyzstan are full members, Uzbekistan is an observer state, and Tajikistan is a prospective member.<sup>3</sup>

After the collapse of the Soviet Union, the Commonwealth of the Independent States was created by the former member states of the Union, including all the Central Asian countries. However, currently this organization is not salient. Russia also formed the CSTO in 1992, which included all the Central Asian countries – except for Turkmenistan and Uzbekistan. Unlike the Shanghai Cooperation Organisation, which is a much broader initiative of Russia and China with political-security aims, the CSTO aims to strengthen peace and protect regional security, territorial integrity, and the sovereignty of the following member states: Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia and Tajikistan. In general, Russia does not want Western countries to become geopolitical actors in Central Asia. At the same time, Russia cannot be the only hegemonic power in the region with its current Central Asia policy and the multi-vector foreign policy of Central Asian countries. The US intervention in Afghanistan and China's investment in Central Asia has undermined Russia's hegemonic position in the region.

In the last few years, Russia's policy towards Central Asia has been changing and there are signs of change in the region, such as the crisis in the relations between Russia and the West, the withdrawal of American troops from Afghanistan, and Chinese economic expansion in the region. Considering these recent events, Russia is trying to be more active in the region. The current Ukraine-Russia conflict shows that Russia is losing its influence in most post-Soviet countries. It is most probable that Russia will try to develop its relationship

**The US is mainly interested in instituting democratization and liberal values such as human rights, which countries of the region are not much interested in.**

with Central Asian countries even further. Russia does not want the USA and the European countries to become effective geopolitical actors in the Central Asian region. Accordingly, Russia tends towards cooperation with China in the region. In doing so, it focuses on regional projects with China, such as the Shanghai Cooperation Organization.

### **China's Presence in Central Asia**

Diplomatic relations between China and the Central Asian countries have been developing since 1991. Besides, China's role in Central Asia is growing due to its broad regional connectivity, energy, and raw material resources, and China is now one of the main economic partners of the countries of the region. Chinese aims in Central Asia include promoting political and social stability through development, finding new markets for Chinese companies, and establishing transportation networks to assist Chinese exports.<sup>4</sup> China is the region's biggest trading partner, having replaced Russia's prior dominance in trade with Central Asia.<sup>5</sup>

The Shanghai Cooperation Organisation (SCO) was founded in 2001 and now has eight member states, namely, China, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Uzbekistan, India, and Pakistan, as well as observer states. Since its inception, the SCO has been portrayed as a joint Russian-Chinese effort to counter Western geopolitical initiatives in the Eurasian continent. However, this narrative may appear overly simplistic and biased, as the SCO was designed primarily as a hub for the coordination of specific security and, to a lesser extent, economic policy issues, and it is a key player in shaping regional politics and security in Eurasia. The SCO member states are committed to uniting in the fight against 'three evil forces,' namely, terrorism, extremism, and separatism.<sup>6</sup> From the standpoint of the Central Asian countries, the SCO is a unique venue that allows them to engage with both Russia and China at the same time, thereby counterbalancing either power's undue influence. These countries have greater opportunities to promote their objectives within the SCO than they would if they negotiated independently with Russia or China because the organization ensures that the agenda is not dominated by a single external sponsor.

During an official visit to Kazakhstan at the end of 2013, Chinese President Xi Jinping disclosed China's plan to carry out an unprecedented political-economic programme, calling for the realization of a 'New Silk Road' to connect Asia and Europe. The Central Asian region is a key area for the realization of this gigantic project, as Kazakh President Kassym-Jomart Tokayev emphasised at the Munich Security Conference in February 2020.<sup>7</sup> The Chinese authorities considered Central Asia as a commercial and infrastructural hub for the entire Eurasian continent when choosing the Kazakh capital to introduce the Belt and Road Initiative (BRI). The BRI, which was previously known as "One Belt, One Road" until 2016, is Xi Jinping's and China's most ambitious project. Its main goal is to deepen China's ties with the rest of the world and to assist it in achieving geopolitical goals by economically tying up its neighbors. In this regard, the BRI aims to build a vast infrastructural network that connects East Asia and Europe.<sup>8</sup> Currently, China is the main economic partner of all Central Asian countries, and most of their foreign debts are from China. Economically, each Central Asian country's economy somehow depends on Chinese investments and debts.

### **The US Policy on Central Asia**

During the 1990s, Central Asia had almost no geopolitical significance for the US, which is why the country was not heavily involved in the region. However, following 9/11, US involvement in the region increased dramatically. According to the US's new Central Asian strategy, its main interests in the region are to strengthen the countries' sovereignty, increase security, and develop connectivity between Afghanistan and the Central Asian region.<sup>9</sup> However, the United States' involvement in Afghanistan following 9/11 added geopolitical value to Central Asia, resulting in hundreds of millions of dollars being poured into these republics and, to some extent, assisting these countries both politically and economically. Between 2001 and 2004, the US significantly increased its support for the region, as did competition for the region between Russia, China, and the European Union. As a result, the US is a good partner for Central Asia, from which these countries can benefit economically and politically. However, compared to Russia and China, the US is mainly interested in instituting democratization and liberal values such as human rights, which countries of the region are not much interested in.

However, focusing on relations between Central Asia and the US, Central Asian states have two priorities in cooperation with the US. First, following the collapse of the Soviet Union, the Central Asian states needed to broaden their relations to avoid being bounded solely by Russia. When they were newly independent, it was





important for them to form more political alliances. Then, in the aftermath of 1991, the world was more inclined to Western values, particularly American values, and states were attempting to comply with democracy standards. As a result, the US's political support was an effective tool for Central Asian states to gain more recognition, which will undoubtedly aid them in seizing upcoming opportunities. In other words, the Central Asian states needed the US's political support to see themselves as capable of engaging in relations with great powers. Second, the Central Asian states want to expand their economic ties. These states were subjected to severe economic shocks following the events of 1991. Before its collapse, the Soviet Union was a staunch supporter of these states, resulting in their high dependency. Following the collapse of communism, the region's states were unable to meet their obligations and faced a decade-long economic crisis.

In his article "Central Asia in the Contexts of Western and Russian Interests," Mirzokhid Rahkimov emphasises that relations with the US and cooperation with the developed Western countries are important for carrying out democratic and economic reforms in the region, and these reforms aim to help Central Asian republics join international organizations.<sup>10</sup> According to Rahkimov, the US involvement in Central Asia is more pragmatic and primarily motivated by geopolitical considerations. Furthermore, trade between the United States and the states of this region has aided economic prosperity. The three great powers, the United States, China, and Russia provide economic assistance to the region's states; however, they also pursue their political interests within the framework of economic assistance.

Central Asian countries regard the US not only as a regional balancer but also as a partner through which they can gain more international recognition and economic and political support. In that sense, it is understandable that Central Asian countries have attempted to pursue their interests in the competition between Russia, China, and the United States. As a result, the US appears to be an outsider in Central Asia, to whom they turn when their interests are threatened, or other regional powers act unexpectedly. Furthermore, the United States is a guarantor of the benefits of globalization in the region, with the potential to strengthen Central Asia's economic integration into global economic networks. Compared to Russia and China, the five Central Asian states and the US have different relations: from neutral Turkmenistan, which focuses on economic cooperation and less on political aspects, to Uzbekistan's newly emerged interest in stronger ties with the US. In a 2018 report, General Joseph Votel is quoted as saying that the increased engagement of Kyrgyzstan with Russia and China has limited the security and political options of the US involvement in the country, especially following the

**According to Halford Mackinder's famous Heartland Theory, the power that controls Central Asia – the Great Pivot – will eventually emerge as the most powerful state in international politics. This is why Central Asia is becoming geographically important for all regional and global actors.**



closing of the Manas air force base.<sup>11</sup> On the contrary, since the 2016 power transition, Uzbekistan has not only strengthened its economic relations with the US by attracting foreign direct investment, increasing business-to-business cooperation, and maintaining its observer status in the EAEU, but also developed stronger military ties with the US, both for the sake of the Uzbek military and the implications for Afghanistan, as Sanjar Valiev indicated in a 2018 article for CACI Analyst.<sup>12</sup>

## Conclusion

According to Halford Mackinder's famous Heartland Theory, the power that controls Central Asia — the Great Pivot — will eventually emerge as the most powerful state in international politics. This is why Central Asia is becoming geographically important for all regional and global actors.<sup>13</sup> Russia is currently focusing on economic and military cooperation with Central Asian states and facilitating energy-related projects. Russia has already lost its hegemonic position in Central Asia, with Kazakhstan and Uzbekistan distancing themselves from Russia, and Tajikistan, Kyrgyzstan, and Turkmenistan having signed massive economic agreements with China. China's Central Asian strategy is motivated by the need to ensure domestic stability, protect national unity, suppress internal unrest in its western regions, increase her influence and thus

limit the influence of other powers, promote its economic interests, and improve energy security. The current US Central Asia strategy aims to encourage connectivity among Central Asian countries and promote US investment in the region, while Washington feels the need to counter Chinese assertiveness by promoting infrastructure, trade, and connectivity throughout Asia, repeatedly invoking its own Silk Road policy.

Central Asian countries are pursuing an open-door and multi-vector foreign policy with all actors in international relations. The five leaders of the region's countries have said they do not want Central Asia to become an arena of rivalry between great powers, but being at the crossroads of Eurasia, the five countries inevitably fell into the trap of different and sometimes conflicting interests, influences and ideas. However, before their fourth decade of independence, they seem to finally realize that some form of regional solidarity is the best solution to many of their problems. One sign of this is the summits of Central Asian leaders, which had not been held for almost 20 years but have recently been resumed and organized three times since 2018. The frequency of bilateral meetings between Central Asian leaders has also increased. This new spirit of cooperation could be the best guarantee for the sovereignty of the five countries facing the heterogeneous influence of the major powers that surround and permeate their region.

## Endnotes

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# UNDERSTANDING THE SIGNIFICANCE OF REGIONAL COOPERATION: CASE STUDY OF CENTRAL-SOUTH ASIA

When countries modernize their economies, they tend to change their societies and eventually their political systems to be more inclusive, open, democratic, and accountable. In this aspect, analyzing different means to revitalize 'Central and South Asia Regional Connectivity' is imperative.

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**R**egional cooperation is a key catchword in contemporary geo-economic and political discourse. With a persistent evolution in international affairs and global politics, various patterns have emerged, i.e., multiple modernities, civilizational outlooks, and regionalism. Among these concepts, 'regionalism' or 'regionalization' has brought new developments in international relations or global politics. In this aspect, the modern values and transforming trends in this world order have enabled states to shed the traditional notion of a clash of civilizations and move towards cooperation or dialogue to resolve common challenges with a shared approach.

Regional cooperation is significant for the socio-economic development of any state. The world has become more multipolar. Dysfunctional and orthodox ways of divergence are replaced with advanced trends of cooperation, and assistance. The multiplex civilizational patterns, innovative ideas, economic alignment and constructive engagements have encouraged countries to find avenues for joint ventures. This integration offers a rationale coherence for upgrading and revising the world's narratives and policies to match the pace with the time. Likewise, the global structural reforms have paved the way for the states to indulge in multilateral integration in various aspects.

When countries modernize their economies, they tend to change their societies and eventually their political systems to be more inclusive, open, democratic, and accountable. In this aspect, analyzing different means to revitalize 'Central and South Asia Regional Connectivity' is imperative. This grand idea was proposed by the Pres-

ident of Uzbekistan Shavkat Mirziyoyev in 2021. The world is amid common threats ranging from regional conflicts, social disruptions to the Covid-19 pandemic and other environmental challenges. These global issues call for shared solutions through cooperation among states. Therefore, the idea aims to deepen economic cooperation in Central Asia by reaching South Asia, especially Pakistan. Both regions have historically been closely linked in economic, social, cultural, and religious dimensions. In this context, the paper highlights major contours of regional cooperation by analyzing the case study of South and Central Asia. The study also provides an in-depth analysis of the contemporary regional outlook (Central-South Asia) and existing potential among the regional partners in multiple domains that could harness connectivity in the future.

### **Central-South Asia: Regional Outlook and Historical Background**

The 21<sup>st</sup> century has many key determinants as it is arguably the most revolutionary age in history. The pace and scope of the transformation have never been this great. Now, countries are moving towards cooperation and wider integration through economic connectivity in the multipolar world, pursuing their common goals. Therefore, it is important to consider the complex balance sheet involving challenges and opportunities to access different aspects of security in the Central and South Asian regions.

Central Asia has remained the hub of the world's at-



attention in economic and cultural terms. One of the primary reasons for this region's progress was the Old Silk Road that has made it the center of excellence, art, famous cuisine, innovation, spiritual land, and exceptional cultural norms. The wonderful architecture of Tashkent, Samarkand, Khiva and Bukhara reflect the ancient and varied nature of Central Asian historical heritage.

Central-South Asia had been interconnected with experience of spiritual emancipation, religious pilgrims, united as one entity under Abbasids and then the great Ameer Taimoor. Islam and the religious legacy traveled from Central Asia to South Asia/Sub Continent. In the 9<sup>th</sup> and 10<sup>th</sup> centuries, Islam developed rapidly mainly due to the Arab and Persian trades who traveled through the old Silk Road.<sup>1</sup> By the end of the 19<sup>th</sup> century, both regions of Central Asia or the Sub-Continent (today known as the South Asian region) were under the colonial rule of the British and Soviet empires. Unfortunately, the connectivity between both regions was broken in the 19<sup>th</sup> century and many obstacles came. However, with the fall of the Berlin Wall and the end of the Cold War, major developments took place in the region.

First, the colonial rule ended in Central and South Asia.

Second, with the disintegration of the Soviets Union (USSR) in 1991, five Central Asian states (Uzbekistan,

Kyrgyz Republic, Tajikistan, Turkmenistan, and Kazakhstan) emerged as independent, sovereign nations. The policy reforms have paved the way for these countries to modernize their economies. The governments have moderated the needed structural adjustment by adopting the strategy of gradual transition to market economy.

Third, in 2013, China announced its exceptional Belt & Road Initiative (BRI) for inclusive economic development and connected countries worldwide to work to build a community with a shared future.

Fourth, building blocks for cooperation among Central and South Asian countries to revive the centuries-old historical relationships were begun to be set.

### **Interregional Cooperation: Reviving Ancient Contacts between South and Central Asia**

In the 21<sup>st</sup> century, socioeconomic and political dynamics of the regions have been changed. The world has entered into an era of geoeconomics transformation, which brings both challenges and new opportunities. The initiative of South and Central Asian regional cooperation by Shavkat Mirziyoyev has emerged as a significant factor in reinvigorating centuries-old traditional and cultural linkages between countries. Compared to the Karimov regime, the most noticeable paradigm change with Pres-

ident Mirziyoyev is in his Central Asian regional and neighborhood policy. In this aspect, Pakistan-Uzbekistan relations are touching new heights of collaboration.

Pakistan and Uzbekistan enjoy cordial relations and for more than a decade, bilateral ties have been strengthening via multilateral collaboration and persistent diplomatic engagements. Imam Bukhari and Imam Naqshbandi have a large following in Pakistan. Their interpretation of history, heroes, aspirations for the future and our outlook for the region are the same. Thus, a new journey towards regional cooperation and peace has stimulated mutual cooperation in a number of fields. In this regard, certain aspects are necessary to highlight for regional alignments and multilateral dialogue process amid cooperation with extra-regional partners:

- Enhanced collaboration between allied/partner countries;
- Regional unity and a holistic framework of cooperation to counter hostilities and common challenges;
- The amalgamation of enhanced cooperation with other regional countries and goodwill;
- Broader regional alliances and accepting culture diversities;
- Joint ventures and enhanced academic cooperation.

### **President Shavkat Mirziyoyev: A Visionary Statesman**

Presently, President Mirziyoyev has emerged as one of the most popular leaders in the realm of international politics. In this transformative time, the potential rise of Uzbekistan within and outside Central Asia has been witnessed due to the startling nature of his policies. Mirziyoyev's successful conduct of statecraft and dynamic policy approach have made Uzbekistan an important country in the region. 'Renaissance' is a French word that means to be reborn. The Uzbek concept 'Uigonish Davri' (evolutionary period or Renaissance) is a synonym for this term. Under the concept 'Uigonish Davri,' the new Uzbekistan's reforms are worth mentioning and praising. The 'Uigonish Davri' is amid the new paradigm shift that Uzbekistan has taken to play a full-fledged and pro-active role in the uplifting of the economy, maintaining and promoting regional peace and stability.

The grand idea of reviving Central-South Asian cooperation proposed by President Mirziyoyev is a clear manifestation that Uzbekistan has opened its border for

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wider regional integration. The idea of connectivity encapsulates wider aspects, i.e., economic growth and revival of cultural and humanitarian relations. It will further strengthen friendship and confidence, ensuring the security of cross-border infrastructure and formulating effective policies for countering common threats. In general, by promoting socio-economic, energy, transport and communication projects and enhancing trade ties, Uzbekistan seeks to establish the transformative link between Central and South Asia.

Pakistan, as a good ally, appreciates and supports this exceptional initiative. In this context, Pakistan is ready to enhance its cooperation in multiple fields to curtail the differences, bring regional peace, promote friendly relations, enhance cultural integration, unity, and combat common challenges.

### **10-Point Agenda: A Roadmap for Central-South Asian Cooperation**

The international conference titled "Central and South Asia: Regional Interconnectedness. Challenges and Opportunities" was successfully held in Tashkent in 2021. President Mirziyoyev provided significant ten-point agenda to enhance regional cooperation and combat challenges. The details of the ten-points agenda are as follows:<sup>2</sup>

- i. Expansion of scientific, cultural, and humanitarian exchanges;
- ii. Strengthening peace and friendship, trust, and good-neighbourliness;
- iii. Building an open and constructive policy to meet the common interests of all countries of Central and South Asia;
- iv. Strengthening trade, investment, and economic expansion between the two regions;

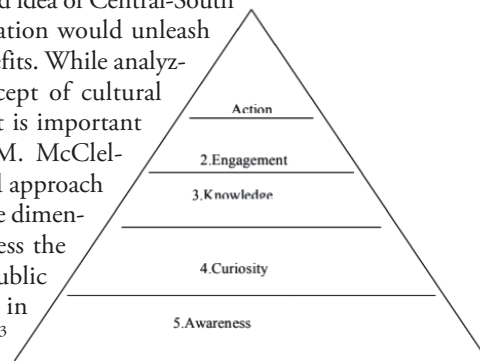


- v. Building a transport and logistics infrastructure that will effectively and safely connect Central and South Asia. In this regard, the Termez-Mazar-i-Sharif-Kabul-Peshawar railway is to become a key element of the entire architecture of the interconnectedness of regions;
- vi. To develop specific measures to implement digital connectivity in trade, transit, and border crossing to adopt a Joint Action Strategy;
- vii. Measures to strengthen security and stability in the region to combat terrorism and extremism;
- viii. Environmental protection and the development of a green economy;
- ix. To develop a single platform for stimulating tourism industries;
- x. Reinvigorating cooperation in the fields of joint research and exchange programs and introducing an easy visa regime for scientists and researchers.

The abovementioned assertions clearly depict a broader paradigm of new Uzbekistan's efforts to reinvigorate regional linkages. Thus, the ten-point agenda must be taken as an umbrella approach for joint ventures.

### Prospects under Regional Integration

The grand idea of Central-South Asian integration would unleash cultural benefits. While analyzing the concept of cultural diplomacy, it is important to refer to M. McClellan's pyramid approach (based on five dimensions) to assess the benefits of public diplomacy in recent times.<sup>3</sup>



The top of the pyramid can be understood under the auspicious of international laws, strategic alliance formation, organizations or trade agreements. The top-down approach then requires a two-stage flow of information. This pattern takes to the next level of developing knowledge through projecting a state's soft image, facilitating exchange programs, building academic linkages, promoting R&D, and establishing cultural hubs. This leads to the search for information about the country, i.e., knowing the language, traditions, norms, etc. The pyramid's foundation is consciousness/awareness about the country, i.e., media awareness, international status, role in regional or international platforms, global outreach, programs etc. The approach reflects the general structural hierarchy of



building relationships or developing cultural connections with states. These factors are also imperative to counter common menaces with a forward-looking spirit between countries.

The pyramid approach can be best explained by applying it to the case study of Central-South Asian interconnectivity. From enhancing awareness to the practical implementation of a set of guidelines, South and Central countries can indulge in a win-win game.

### **Pakistan and Central Asian Countries: Assessing Benefits of Broader Alignment**

Central Asian countries ambitious implementation of market orientated economic policies and reforms has provided Pakistan and the neighboring states great opportunity to collaborate in various dimensions. In this context, it is pertinent to discuss the structural economic indicators of Central Asia that has made the region to diversify its economic patterns along with it. There are many policy imperatives for the region that can provide feasible diplomatic and economic connectivity options. Central Asian Republics are geo-strategically connected with Pakistan, Afghanistan, China (particularly Xinjiang), Iran and Turkey. Unfortunately, due to security related conditions in Afghanistan, cooperation has been limited. Nonetheless, the way for the landlocked region to adopt the policy of openness and integrate more with neighboring states has been paved with the idea of Central-South Asian cooperation.

On the other hand, the BRI and China-Pakistan Economic Corridors (CPEC) have also pushed Pakistan for enhanced economic engagement with regional states. These projects of inclusive economic growth will open many doors for joint collaboration. Academic coopera-

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tion, enhancing the spheres of tread, business, investment and entrepreneurship, diversifying energy routes, improving security architecture and physical infrastructure are the possible fields of partnership. Pakistan is also a member of the Central Asian Regional Economic Cooperation (CAREC), which with the collaboration of the Asian Development Bank (ADB), will allow or offer many projects of strategic collaboration in the region.

### **Conclusion**

The above analysis intended to give a comprehensive analysis of regional cooperation by taking Central-South Asia as a case study by discussing the role of Uzbekistan. The study also highlighted the benefits of Pakistan and Central Asian cooperation. It can be seen that Central Asian and South Asian countries can increase people-to-people contacts and revive the centuries-old historical ties. In a nutshell, there is huge untapped potential lies in both regions. By operationalizing all the above-mentioned options, Central- South Asia could explore new ventures for economic cooperation, political integration, mutual trust & respect and lead the multilateral partnership to an unprecedented level.

### **Endnotes**

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# INDIA AND PAKISTAN, THE QUEST TO REACH OUT TO CENTRAL ASIA

Apprehensive of its long and unsecured borders with India and Afghanistan, and in pursuit of further extending its strategic depth well into Afghanistan, and further into Central Asia, Islamabad quickly formulated an ambitious strategy to establish a reliable and long lasting link with Central Asia before its rivals did so.

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The disintegration of the Soviet Union in 1991 and the subsequent birth of Central Asian republics transformed the landscape of international relations at both the regional and global levels. The five landlocked newly independent states of Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan and Turkmenistan offered ample opportunities in the fields of energy, transit routes and trade collaborations. Their desire to embrace free trade and integration into the global economy, and to move away from the dictates of the old framework of centralized socialist policies provided encouraging prospects for the regional players to not only eye on exploiting the vast potentials of economic gains, but also to extend their sphere of influence. In some instances, these newly independent republics turned into new grounds of the rivalry among different players.

Pakistan, already locked at odds with India for many decades, was among the first to draw its roadmap of active engagement with the Central Asian republics. Apprehensive of its long and unsecured borders with India and Afghanistan, and in pursuit of further extending its strategic depth well into Afghanistan, and further into Central Asia, Islamabad quickly formulated an ambitious strategy to establish a reliable and long lasting link with Central Asia before its rivals did so. Aside from geostrategic considerations, the unsurpassed benefits of entering into economic, trade and energy dealings with the region for the struggling economy of Pakistan was of paramount importance that could justify every possible endeavor in the shortest span of time.

The dissolution of the Soviet Union in 1991 coincided with the extensive turmoil and internal strife in Afghanistan. Eager to install a Pashtun dominated rule in Kabul after the fall of the Soviet-backed Najibullah government, Pakistan chose to support the Hezb-E-Islami of Hekmatyar to force out the internationally recognized administration of Tajik President Burhaniddin Rabbani. With no encouraging sign of Hekmatyar's success on sight, Islamabad decided to abandon him and instead, invested heavily in forming a religious and initially non-political entity called the 'Taliban Movement' from amongst Afghan Pashtuns studying in religious schools in Pakistan. With Taliban fast consolidating their presence in southern and western parts of Afghanistan, Pakistan launched the pivotal phase of its arrangements by successfully dispatching a truck convoy of commercial goods destined for the Turkmen borders through areas already secured by Taliban. The euphoria generated by the safe arrival of the convoy to Turkmen territory offered a brighter prospect for total pacification of Afghanistan. This gave weight to serious consideration of passing major transit routes as well as oil and gas pipelines transporting energy from Turkmen sources to international markets crossing all the way from Afghanistan to Pakistani sea ports in the open seas.

The scenario also earned the blessings of the United States at the backdrop of Washington's opposition to the more feasible alternative transit route or energy pipeline through the Iranian territory. In this direction, the United States lent its support to the funding of the project and





entered into interaction with the first Taliban administration as the de facto ruler of Afghanistan. However, alignment of Taliban with Al-Qaeda and the September 11<sup>th</sup>, 2001 attack altered the seemingly favorable grounds for further implementation of the project and brought every previously agreed arrangement to a total standstill. This setback did not dissuade Pakistan from actively pursuing the core idea of seeking access to Central Asian energy sources and despite the severe disagreements with the new western-backed Afghan administrations, construction of a major natural gas pipeline transporting Turkmen gas to Pakistan via Afghanistan remained high on the agenda.

By May 2002, the agreement on the Turkmenistan-Afghanistan-Pakistan pipeline (TAP) venture was inked in Islamabad. This project received further boost in December 2010 with the conclusion of the Turkmenistan-Afghanistan-Pakistan-India gas pipeline (TAPI) by the petroleum ministries of the four countries concerned. The project despite all high hopes attached to it is still struggling to commence and is facing trouble not only owing to the uncertain situation in Afghanistan, but also in part, due to the security concerns in Pakistan's Baluchistan region. Though India has officially joined TAPI, its motive to stand on this shared platform with Pakistan has to be

scrutinized as New Delhi is highly unlikely to compromise its energy security and to agree on a shared energy source passing through the territory of Pakistan prior to the final settlement of their long-standing disputes and rivalries. It seems wise for India to officially remain committed to TAPI for keeping Pakistan in check, and also to maintain a closed and friendly association with the source country of Turkmenistan.

In 2016 the Pakistani sponsored initiative of the Central Asia-South Asia Power Project (CASA-1000) to export the surplus hydroelectricity from Kyrgyzstan and Tajikistan to Afghanistan and Pakistan got underway. However, the unstable environment in Afghanistan im-

**After the breakup of the Soviet Union and in an environment devoid of the valuable blessings of one superpower, India in line with the dictates of the new global order had to prioritize its foreign policy objectives that caused inevitable drift in its relations with Central Asia.**



peded the phased implementation of the project. The departure of NATO forces from Afghanistan and the collapse of Ashraf Ghani administration in August 2021 further added to the complexity of the issue with less encouraging prospects for the near future as the viability of the project could be compromised due to the uncertain situation in the Afghanistan-Pakistan region.

Pakistan's ambition to monopolize the rail and road access of the Central Asian republics to the open seas received a stimulus by the introduction of the China-Pakistan Economic Corridor (CPEC) in 2013. Backed by Chinese financial investment and technical expertise and as a part of China's Belt and Road Initiative (BRI), CPEC is mainly focused on the upgrade of the Pakistan sea port of Gawadar and the overland communication links to the Afghan border.

India, on the other hand, did maintain a strong strategic, military, economic and diplomatic ties with the Soviet Union during the cold war. This special relationship allowed New Delhi to enter into close contacts and tangible engagements with the Soviet Central Asian republics, and was privileged to be amongst the very few nations that had a consulate at Tashkent. However, after the breakup of the Soviet Union and in an environment devoid of the valuable blessings of one superpower, India in line with the dictates of the new global order had to prioritize its foreign policy objectives that caused inevitable drift in its relations with Central Asia. Now New Delhi saw itself on its own in the new international system and among many preoccupations had to offer more thoughts to the situation in its immediate neighborhood already aggravated by the chronic territorial disputes with Pakistan. India's concern with Central Asia during this period was driven mainly by the fears that Pakistan may seek to gain strategic depth in that region. A major hurdle in India's route towards entering into a fresh phase of cooperation with the newly independent Central Asian states, as in the case for Pakistan, was the absence of a shared border and proper infrastructure connectivity which denied India the free hand to expand the focus to its extended neighborhood of Central Asia.

Towards the end of 1990's India's foreign policy gradually entered the process of adjusting to the post-Cold War global order. The policy did evolve to include a greater emphasis on engagement with India's extended neighborhood, which included Central Asia. Steady rise of China with its expanding economic footprint in Central Asia principally in the light of its massive project, the BRI posed fresh challenges for New Delhi to tackle. Beijing regarded Central Asia as vital not only for its security, but also as a gateway to the markets of Eurasia, Europe and Russia. Regretfully for India, China's proximity with Central Asia, its financial capabilities, and the coherence



of its policy have driven its initiatives much faster than those of India's.

New Delhi was also alarmed to note that it was close to losing even its 'immediate neighborhood' to China, which was efficiently developing closer political and economic relations with nearly all of India's neighbors, thereby increasing the risks of strategically encircling India. Against this background India in 2015 unveiled its 'Connect Central Asia' Policy that included strengthening



security, economic and cultural connections with the Central Asian republics of Uzbekistan, Kazakhstan, Turkmenistan, Kyrgyzstan and Tajikistan. Old days of friendship with the Soviet Union and the continued fraternal ties with present day Russia has earned New Delhi the concurrence of Moscow for what is interpreted as 'India's constructive approach' towards the Central Asian Region where Russian influence is strongly felt. Likewise, the Central Asian sovereign states have been willful to have new partners like India in order to balance China's grow-

**The recent unexpected turn in Russia's approach towards its periphery coupled with the new cold war in the offing may have adverse effect on the degree of liberty of Central Asian republics to interact with other global players including India and Pakistan.**

ing involvement in their region welcomed Indian initiatives.

In addition to expanding trade, investments and development assistance to the region, India also emphasized on shared secular values and drew attention to common threats such as fundamentalism, terrorism, narcotics trafficking and organized crime in its interactions with Central Asian Republics. In order to set the stage for long term ties New Delhi has also signed the 'Strategic Partnership Agreements' with Kazakhstan, Tajikistan and Uzbekistan to stimulate defense cooperation and to deepen trade relations.

To act as a formidable player and balancer to counter the efforts of two rivals of China and Pakistan in Central Asia, India had to settle the connectivity issue, which has compromised its access to the region. For India, the closest and most feasible land route to reach out to Central Asia was through Iranian southern coasts and the international corridors connecting Iran to Central Asia, the Caucasus and Russia. In 2003, New Delhi announced its plans to invest in the expansion and upgrade of the Iranian southern sea port of Chabahar. However, the venture did not progress as expected. Indian firms citing possible U.S. sanctions and doubtful of economic viability of the project showed little interest to invest in the port. Reported progress of CPEC and active engagement of China in the development of Pakistani port of Gawadar, together with India's growing geostrategic and security concerns regarding BRI has recently made New Delhi to remedy its inadequate strategy towards Central Asia marred by direct access issue and delayed investments in Chabahar port venture.

The recent unexpected turn in Russia's approach towards its periphery coupled with the new cold war in the offing may have adverse effect on the degree of liberty of Central Asian republics to interact with other global players including India and Pakistan. The emerging international groupings and alliances pursuant to Russian military intervention in Ukraine may decide the extent to which the countries considered Russia's backyard could remain open to external interaction without provoking Moscow.

# RUSSIA'S WAR AGAINST UKRAINE: SECURITY DILEMMA OR WHAT?

Russia blames NATO enlargement for the escalation of tensions in its relations with the West. For Moscow, NATO's eastward expansion poses a threat to Russia's national security. In fact, Russia indicates the unipolar international order as the source of the escalation.

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In the spring of 2021, particularly in March and April, international news agencies began reporting Russian military build-up along Ukraine's borders and in the Crimean Peninsula, which was annexed by Russia in 2014. It is estimated that Russia has deployed about 80,000 - 120,000 troops on the Ukrainian border in the spring of 2021.<sup>1</sup> Russia's military build-up led to a phone call between US President Joe Biden and his Russian counterpart, Vladimir Putin.<sup>2</sup> Nevertheless, the phone conversation between the leaders did not yield any tangible results. Yuri Ushakov, Putin's foreign policy adviser, for example, noted that there was little reason to be optimistic. Likewise, Kremlin spokesman Dmitry Peskov said that the negotiations were not easy.<sup>3</sup> Meanwhile, US officials claimed that most of the soldiers remained in their positions, even though Russia's Ministry of Defense announced that it had ordered its soldiers to return to their bases by May 1<sup>st</sup>.<sup>4</sup> Although the war rhetoric in news agencies relatively softened over the summer, it has begun to escalate once again starting from October 2021 which led to Russia's full-scale war against Ukraine on 24 February 2022.

This article seeks to answer the following questions: Why did Russia decide to invade Ukraine despite its upper hand in the peace negotiations with Kyiv? What is

Russia's endgame in Ukraine? Should we focus on relations between Russia and the United States, bypassing Ukraine, to find out a plausible explanation for the war? To what extent do Putin's personal desires play a role in escalating tensions? To answer these questions, we need to divide our way of thinking into at least three levels of analysis: systemic, state, and individual. To do that, it would be useful to begin with examining the enigma through the systemic level of analysis.

## **Was It Related to NATO Enlargement?**

Even in the early 1990's when liberal euphoria reigned in the country, the Kremlin had begun to voice its dissatisfaction with the West's attitude towards Russia. NATO's Operation Deliberate Force in Bosnia and Herzegovina alerted the Russian authorities in 1995. Regarding the operation, Yeltsin stated: "NATO expansion would mean the return of 'the flames of war' to Europe".<sup>5</sup> Russian complaints about NATO's eastward expansion intensified dramatically under the Putin administration. In his well-known speech at the Munich Conference on Security Policy in 2007, Putin stated: "I think it is obvious that NATO expansion does not have any relation with the modernization of the Alliance itself or with ensuring security in Europe. On the contrary, it represents a serious





provocation that reduces the level of mutual trust. And we have the right to ask: against whom is this expansion intended?”<sup>6</sup>

Regarding Russia's military build-up on Ukraine's borders, Russia initially demanded a highly controversial list of security guarantees, including a ban on Ukraine's membership in NATO and a demand to limit troop deployments to NATO's eastern flank. In essence, the Kremlin demanded that NATO forces be returned to the positions where they were deployed in 1997. The Kremlin's proposed agreement clearly demanded: “All member states of the North Atlantic Treaty Organization commit themselves to refrain from any further enlargement of NATO, including the accession of Ukraine as well as other States.”<sup>7</sup>

All in all, Russia blames NATO enlargement for the escalation of tensions in its relations with the West. For Moscow, NATO's eastward expansion poses a threat to Russia's national security. In fact, Russia indicates the unipolar international order as the source of the escalation. In his abovementioned speech in 2007, Putin blamed the USA for its attempt to design a unilateral world order. According to Russian officials, NATO en-

largement is not independent of the unipolar world order that the USA has forced the whole world to accept. On the contrary, the Kremlin emphasizes that it has no choice but to take countermeasures against the insecurity created by the unipolar world order. In this sense, it can be deductively asserted that the crisis in Ukraine, from Moscow's point of view, stems from an ‘unfair’ international order.

This reasoning can be simplified under the heading of the international systemic level of analysis and can be concluded that, for the Kremlin, the current world order poses a threat to Russia's national security and therefore its response is reflective. The systemic level of analysis provides an explanation for international outcomes in relation to the impact of the international system on

**Looking at the war in Ukraine from a systemic perspective, the crisis stems from the transformation of the international system from bipolar to unipolar.**



**The individual level of analysis suggests that the recent Russia's war against Ukraine stems from Putin's worldview to secure his position in the history books as a leader who brings the 'stolen' Ukraine back into the Russian orbit.**

international actors. In other words, the systemic level of analysis elucidates the relationship between the international system and state behaviors. Advocates of the systemic level of analysis, the frequency of the outbreak of wars in international relations varies depending on the types of the international system (unipolar, bipolar, multipolar, etc). For instance, John J. Mearsheimer, in his often-cited article published in 1990, claimed that a multipolar world would be more violent than a bipolar one.<sup>8</sup> Looking at the war in Ukraine from a systemic perspective, the crisis stems from the transformation of the international system from bipolar to unipolar. According to Moscow, post-cold war NATO's eastward expansion caused a 'security dilemma.' The situation in which the measures taken by State A to ensure its own security cause the insecurity of State B, and therefore the countermeasures of state B, is called the 'security dilemma' in international relations. In this respect, Russia's actions can be justified and even called defensive rather than offensive actions.

However, considering only the international systemic level of analysis would be inadequate to finalize our argument on recent Russia's war against Ukraine. It would be insufficient because, first, NATO's expansion into Russia's borders does not take place with Ukraine's possible NATO membership. Since its inception, NATO has been on the borders of Russia, as Norway is a founding member of the organization. In addition, NATO enlargement to the Russian borders took place with the membership of the Baltic states in 2004. Second, although NATO follows an open-door policy, it did not give any sign of Ukraine's membership in the organization. Even at the Bucharest NATO Summit in April 2008, NATO leaders avoided offering Membership Action Plan (MAP) to Ukraine which is the first step to enter NATO.<sup>9</sup> The MAP for Ukraine has been off the NATO agenda since the notorious August 2008 War between Russia and Georgia. Just before the start of Russia's full-scale invasion of Ukraine, German Chancellor Olaf Scholz made it clear, once again, that Ukraine's NATO membership was practically not on the agenda.<sup>10</sup> Nevertheless, the Kremlin, as mentioned above, demanded security guarantees from the West, including the prevention of Ukraine's NATO membership. Consequently, NATO enlargement alone hardly

explains Russia's war against Ukraine, and further explanations are therefore needed.

### **Was It about Putin?**

Alongside the international systemic level of analysis, the individual level of analysis is worth considering to broaden our understanding of why Moscow launched a war against Ukraine. Proponents of the individual level of analysis argue that war arises from human nature or behavior. Those who think that violent conflict is embedded in human nature tend to generalize human action. In contrast, advocates of the individual level of analysis, blaming human behavior as a source of warfare, mainly pay attention to human psychology, characteristics, worldview, or environment to shed light on the causes of war.<sup>11</sup> Regarding Russia's war against Ukraine, the focus will be on Putin's worldview rather than human nature, which cannot help us to explain this particular war. It is worth considering this level of analysis because few can deny the significance of Putin in the recent war between Russia and Ukraine. For instance, in his July 2021 article, Putin explicitly states that Russians and Ukrainians are 'one people' and the sovereignty of Ukraine depends on its relations with Russia. "I am confident that the true sovereignty of Ukraine is possible only in partnership with Russia."<sup>12</sup> Moreover, Putin considers Ukraine as an artificial country created by Lenin during the establishment of the Soviet Union.<sup>13</sup> He claims that Ukraine has never had a tradition of genuine statehood. Putin alleges that modern Ukraine was founded on the historical territory of Russia.<sup>14</sup>

According to some experts, Putin seeks to re-establish Moscow's control over Ukraine for his reputation. For instance, Mark Galeotti, a London-based scholar on Russian security affairs, pointed out that the tension between Kyiv and Moscow (before the war) was not about Russia but Putin.<sup>15</sup> Galeotti claimed that Russians see Ukrainians as part of the 'family.' In other words, a possible war between Ukraine and Russia would be unpopular among Russians and may even damage Putin's credibility. Galeotti added that Putin is very curious about his historical legacy. For Galeotti, "The last thing he [Putin] wants is for his legacy in the history books to be the guy who lost Ukraine".<sup>16</sup> In short, Putin wants to consolidate his place in history by re-establishing Russian control over its neighbor.

Commenting on the crisis, Taras Kuzio, professor at the National University of Kyiv Mohyla Academy, stated: "The roots of this artificial crisis lie in Putin's pan-Russianist obsession that Ukraine is a 'Russian land' and Ukrainians are a branch of the pan-Russian nation. Everything else flows from that. If Ukraine is 'Russian' it has no

right to decide a destiny separate from Russia.”<sup>17</sup> Alexander Baunov, a senior researcher at the Carnegie Moscow Center, drew attention to the relationship between the Kremlin's control over Kyiv and Putin's political career. Baunov underlines: “It appears that what he manages to achieve in Ukraine will be the deciding factor in whether or not Putin stays on after 2024.”<sup>18</sup> Others argue that Putin wants Ukraine back to Moscow's orbit to “correct what he has long viewed as a catastrophe of the 20th century: the disintegration of the former Soviet Union.”<sup>19</sup>

The individual level of analysis suggests that the recent Russia's war against Ukraine stems from Putin's worldview to secure his position in the history books as a leader who brings the ‘stolen’ Ukraine back into the Russian orbit. Nevertheless, the individual level of analysis would be too narrow to provide a genuine understanding of the war. The individual level can hardly ensure a satisfactory explanation to, for example, the foreign policy of Russia towards Ukraine prior to Putin's presidency since the relations between Moscow and Kyiv were not easy even in the 1990s. The former one was not very eager to recognize Ukraine's independence and explicitly restricted Kyiv's sovereignty through its military base at Sevastopol, in Crimea.

If systemic and individual levels of analysis fail to provide a full account of Russia's aggression against Ukraine, then we must approach the issue through the lens of state-level analysis, which will be the focus of the following section.

### **State-level of Analysis and Russia's War Against Ukraine**

The state-level analysis focuses on political or economic models of states to understand their foreign policy orientations. In other words, those who try to explain the main driving force behind the origin of the war in the context of state-level analysis argue that certain political or economic models are more likely to cause war, regardless of the behavior of individuals or types of the international system.<sup>20</sup> Besides, the sociological structure of a society can be taken into account in addition to the political and economic models of states, to reveal the source of the war. In short, the state-level of analysis suggests opening the ‘black boxes’ (as the structuralists see the states) to comprehend the origin of war. In this study, the state-level analysis will be considered as a guide to understanding the final phase of Russia's war against Ukraine. The state-level analysis will not be considered as a guide because it explains any war better than other levels of analysis. In essence, each level of analysis may be more revealing than other levels of analysis for a particular war, depending on the circumstances. State-level analysis was

adopted as the main point of view of this study, as it is more in line with the developments that led to the war.

Let's start with the Orange Revolution in Ukraine. In 2004, the Ukrainian people managed to say ‘no’ to Russia's favorite candidate, Viktor Yanukovich, during the presidential election. Instead, pro-European candidate Viktor Yushchenko became the new president of Ukraine. Although at first Ukrainian-Russian relations were negatively affected by the victory of the pro-European candidate, its influence did not last long as Yanukovich remained a decisive figure in Ukrainian politics; he became the prime minister in 2006 and the president in 2010. However, the Euromaidan Revolution, which began at the end of 2013, turned everything upside down for Moscow. The Kremlin-backed Yanukovich was ousted, and a new era commenced in Ukrainian politics that determined relations with Moscow. In return, Moscow illegally annexed the Crimean Peninsula and destabilized Eastern Ukraine in 2014.

Although Kyiv managed to ensure stability in Kharkiv and Odesa, it could not fully regain control over Donetsk and Lugansk oblasts (Donbas region) due to Russia's direct and indirect involvement in the war. In Moscow's view, despite all the negative developments in relation to Kyiv, the situation was not so bad. It is no secret that neither the EU nor NATO has offered Ukraine membership, even after Russia's war against Ukraine since 2014. Although previously someone could claim that Ukraine could become a member of these organizations, obviously, after the destabilization of the Donbas, there was no serious prospect of any membership. Moreover, by calling the conflict a civil war, the Kremlin succeeded to design itself as a mediator in the context of the Minsk Agreements, the first of which was signed in September 2014 and the second in February 2015. The agreements evidently showed that Moscow authorities were plotting against Kyiv. The agreements were aimed at granting autonomy status to the Donbas region, which, in other words, meant the federalization of Ukraine. In the meantime, it should be noted that Kyiv signed the agreements because it had no choice to prevent further casualties first, in the August 2014 war, and second, in the February 2015 war.

It is vital to understand why Russia put its advantageous position at risk by escalating the situation since Russia held the upper hand in the peace negotiations, in which the process itself guaranteed Moscow's interests along with its consequences if implemented. The straightforward answer to this question is *time*, and connected to both the Russian and Ukrainian political systems. From the beginning of the Orange and then Euromaidan revolutions, Russian officials, media, and elites developed a specific political discourse on the developments of Ukrainian politics. The newly elected government in

**Ukraine's attempts at the path of democratization similar to the Western model constituted an antinomy for the Russky Mir (Russian World), which claims Ukraine to be a part of it. In this regard, Ukraine's attempts had to fail either on their own or through other means for the sake of the Russian model.**

Ukraine was labeled a junta regime, while Euromaidan proponents were called fascists. They viewed the Ukrainian political formation as illegal and a puppet of the West.

Either propagating or truly believing that Ukraine is not a real state, the Russians thought that the collapse of Ukraine would happen very soon. The Russian authorities, elites, and media that make up the Russian political structure hoped very much to see Ukraine's failure in the post-Euromaidan era because it is directly related to the existence of their political regime. Russian political discourse is based on the assumption that they have a distinctive civilization and thereby a *sui-generis* political model. For them, their model is incompatible with the Western model but it deserves equally to be respected. However, Ukraine's attempts at the path of democratization similar to the Western model constituted an antinomy for the *Russky Mir* (Russian World), which claims Ukraine to be a part of it. In this regard, Ukraine's attempts had to fail either on their own or through other means for the sake of the Russian model. In essence, the Russian authorities assumed that Ukraine would fall to pieces on its own, which could reinforce Russian discourse. However, Ukraine has continued to exist by getting stronger, far from disintegrating. Over time, Kyiv has modernized the Ukrainian Army in cooperation with countries such as the USA, England, and Turkey, and this process was accelerating depending on the Russian threat. In this respect, *time* was working in favor of Kyiv.

Meanwhile, some developments in Ukrainian politics paved the way for the Kremlin to make its final decision on Ukraine. Russia first hoped to achieve its objectives when Russian-speaking Volodymyr Zelensky became the new president of Ukraine in 2019. The newly elected president promised to revive the Normandy Format negotiations in the context of the Minsk Agreements to resolve the Donbas Conflict. As he promised, Zelensky relaunched the three-year stalled negotiations in Normandy Format in December 2019. Following the negotiations, the parties decided to create an Advisory Council which allowed for a direct dialogue between Kyiv officials

and the leaders of the self-proclaimed Donetsk and Lugansk People's Republics (DPR and LPR) in March 2020.<sup>21</sup> However, the council could not be formed, as Ukrainians objected, seeing the format as a concession. Upon the backlash of Ukrainians, the Kremlin understood that any attempt to implement the Minsk Agreements would be blocked by Kyiv.

After the Normandy Format negotiations and an attempt to form an Advisory Council, the politically inexperienced Zelensky realized that the Minsk Agreements were designed as a trap for Ukraine. Therefore, Zelensky began to pursue the path of the former president, Petro Poroshenko. In February 2021, Zelensky issued a decree to shut down three TV channels owned by Viktor Medvedchuk, a pro-Kremlin politician. These developments further reinforced the perception in the Kremlin that the Zelensky administration was returning to Kyiv's previous policy. Moreover, Medvedchuk was placed under house arrest in May 2021. Realizing that it could not prevent the modernization of the Ukrainian Army and the consolidation of the Ukrainian identity, the Kremlin activated the hard power option. The first attempt at the military build-up along the Ukrainian border took place in March-April 2021. Although not hampering Kremlin to have high-level negotiations with the United States, the first attempt at military build-up did not yield tangible results for Moscow.

Ukraine maintained its cooperation with the international partners to modernize its army throughout 2021. Understanding the long-term risk, Moscow began a new phase of military build-up along Ukraine's borders, including the border between Ukraine and Belarus, and demanded an impracticable deal from the West. Escalation initially led to the Kremlin's recognition of the 'Luhansk People's Republic' and 'Donetsk People's Republic,' after which the full-scale invasion of Ukraine began on February 24, 2022.

## Conclusion

This article aimed to analyze the reason behind Russia's decision to launch a full-scale invasion of Ukraine. To this end, three levels of analysis (system, individual, and state) were chosen to seek an answer to why the Kremlin chose to go to war despite its leverage on Kyiv in the context of the Donbas Conflict. Despite their explanatory advantages, this study suggests, systemic and individual levels are insufficient to shed light on the war.

The final phase of Russia's war against Ukraine, above all, took place under conditions that many experts would consider irrational. It was irrational because Russia achieved its goal in Ukraine in the context of the Minsk





Agreements, regardless of its implementation. The conflict in Donbas itself was a guarantee that Ukraine would not become a member of either NATO or the EU. Moreover, these organizations did not show any signs of an affirmative view of Ukraine's membership. Besides, NATO enlargement to the borders of Russia took place in 2004, even if Ukraine was granted membership, this would not be the first time. In this view, NATO eastward enlargement, which can be translated as a 'security dilemma' from Moscow's point of view, could not be the main reason for the immediate war against Ukraine. Therefore, the international systemic level of analysis fails to provide a meaningful explanation for Russia's war against Ukraine. However, the Kremlin deliberately used this narrative to persuade its people to invade Ukraine. Otherwise, it would not be easy to explain the invasion to the Russians, as they have very special relations with the Ukrainians.

Although Putin's view of Ukraine contributes to explaining Russia's war against Ukraine at the level of individual analysis, (he sees Ukraine as an artificial state founded by Lenin on the historical lands of Russia during the establishment of the Soviet Union) it would be a very superficial argument to explain the full-scale war. It is a known fact that Russia aims to maintain its influence on post-Soviet countries in the wake of the collapse of the Soviet Union. In this sense, one of the most important instruments of Moscow is the conflicts in the post-Soviet

geography. Since Russia secured its military presence on the Crimean peninsula and denuclearized Ukraine in the 1990s, it had already restricted Ukraine's sovereignty. This means that Russia's intentions towards Ukraine were not limited to Putin's worldview. Moreover, recent polls conducted by a group of independent Russian sociologists show that 71 percent of Russians support Russia's war against Ukraine (Special Operations as they call it).<sup>22</sup> Therefore, the individual level of analysis is inadequate to shed light on the war.

As this article suggests, the main reason that motivated Russia to initiate the war was *time*. Examining the time factor within the scope of state-level analysis assures a better understanding of the cause of war. The Kremlin officials realized that Kyiv has no intention to implement the Minsk Accords and tries to prolong the negotiations to gain time. Time was working in favor of Kyiv, allowing the country to modernize its army, consolidate its identity and follow a democratization path similar to the Western model. In this context, the strategy of Kyiv evoked the strategy of Baku which waited patiently for a long time in order to liberate its occupied territories. For almost three decades, Azerbaijan has sought favorable conditions for going to war with Armenia, while modernizing its military, participating in peace negotiations, and maintaining a balanced foreign policy. Needless to say that the two cases contain a number of dissimilarities and therefore can not be compared with each other directly but in the sense

of time factor, both countries were in an advantageous position.

Realizing the long-term risk, Moscow decided to launch a full-scale invasion of Ukraine to weaken the country's military and undermine Ukrainian identity. The Kremlin officials thought that the cost of not commencing the war would be greater in the following years. In short, contrary to the Kremlin's previous expectations, Ukraine was getting stronger day by day and solidifying itself as a sovereign state. In essence, when Vladimir Putin announced that they were launching a 'special operation'

against Ukraine, he specifically highlighted the two factors mentioned above. He stated that the main goal of the operation is the 'demilitarization' and 'denazification' of Ukraine.<sup>23</sup> These two concepts are perfectly compatible with the assertion put forward in this study that Moscow, perceiving the long-term threats from the modernization of the Ukrainian Army and the consolidation of Ukrainian identity, launched a war against Ukraine. Ukraine was getting stronger in the process of time, which the Kremlin perceived as a great danger and therefore the process had to be halted which began to be put into action in the form of a war against Ukraine.

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# RUSYA'NIN UKRAYNA'YA ASKERİ MÜDAHALESİNİ HUKUKEN DAYANDIRDIĞI GEREKÇELER VE ULUSLARARASI ADALET DİVANI ÖNÜNDEKİ DAVA SÜRECİNE DAİR BİR İLK DEĞERLENDİRME

Her ne kadar sahip olunan güç bir devletin kısa vadeli hedeflerine ulaşmasına ve yaptığı ihlallerin sonuçlarından (en azından belli bir süre için) kaçınmasına imkân sağlayabilmekteyse de, hukuken gayrimeşru olarak nitelenen fiil ve işlemlere taraf olmanın menfi etkisi kaçınılmazdır.

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**Y**aygın inanın aksine niceliksel olarak belki de en az ihlal edilen, ancak gerek ihlalinin yarattığı etkinin büyüklüğü, gerek ihlalin hukuki araçlarla giderilmesinde karşılaşılan zorluklar nedeniyle, işleyişi ve değeri sıkça hedef tahtasına konulan uluslararası hukuk, Rusya ile Ukrayna arasındaki çatışmalar kapsamında kendisini bir kez daha benzer eleştirilerin odağında buldu. Bu eleştirilerde her ne kadar yadsınamaz bir doğruluk payı olsa da, şu unutulmamalıdır ki, hukuk son kertede bir pozitif bilim değil, birey veya tüzel kişilerin yaptıkları eylem ve işlemlerin meşruiyetini belirleyen beşerî bir disiplindir. Bu niteliğin bir sonucu olarak hem kişiler hem de devletler arasındaki ilişkilerde, güç dengesi ne kadar tek yanlı olursa olsun, güçlü olan taraf eyleminin hukukiliğini kanıtlamak zorunluluğunu hissetmektedir.

Bu bakımdan uluslararası hukuktaki ihlallerin varlığının ve niteliğinin tespiti en az bu ihlallerin giderilmesi ve cezalandırılması kadar önemlidir. Zira her ne kadar sahip olunan güç bir devletin kısa vadeli hedeflerine ulaş-

masına ve yaptığı ihlallerin sonuçlarından (en azından belli bir süre için) kaçınmasına imkân sağlayabilmekteyse de, hukuken gayrimeşru olarak nitelenen fiil ve işlemlere taraf olmanın menfi etkisi kaçınılmazdır. Irak'ın işgalinde, Batılı devletlerin fiillerinin meşruiyetini sağlamak için kitle imha silahlarının varlığını (ve kabul görmeyen öneliyici meşru müdafaa doktrinini) öne sürmeleri, bu bilginin doğru olmadığını ortaya çıkışı ve bunu takip eden ve ilgili devletler aleyhine gelişen olaylar dizisi belki de bu gerçekliğin hafızalarımızdaki en canlı örneğidir.

Buna ek olarak, bir yandan yarışan normlar arasındaki gerçek veya algılanan çelişkilerden, öte taraftansa aynı normun – yazıya, ifadeye veya söze dökülen istisnasız her dışavurum gibi – yoruma açık olmasından dolayı basit bir satım sözleşmesinden içinde bulunduğumuz karmaşık uluslararası krize kadar birçok eylemin ve işlemin tarafları maddi gerçeklere uygulanacak hukuki normlar hususunda ihtilafa düşmekte ve kendi haklılıklarını öne sürebilmektedir. Bu durum ilgili normun veya normların doğaları





gereği her zaman anlamları tartışmalı olan kavramları (*essentially contested concepts*) ihtiva ettiği hallerde daha da göze batan bir sorun teşkil etmektedir.

Rusya ile Ukrayna arasında devam eden kriz ve silahlı çatışma, bir yandan tarafların 'haklılık' söylemlerinde uluslararası hukuka defaatle yaptıkları vurgu, öte yandan uluslararası hukuk kurallarının yorumlarında ortaya çıkan farklılaşma açısından tüm bu açıklamaların bir tezahürü niteliğindedir. Bu makalenin amacı, birçok doktrin ve kural bakımından tartışmaya yol açacağı muhakkak olan Rusya-Ukrayna ihtilafı ile alakalı olarak, şu ana dek belki de en öne çıkan iki temel hukuki soruna dair bir ilk inceleme sunmaktır. Bu kapsamda ilk olarak Rusya'nın askeri müdahalesini hangi hukuki argümanlara dayandırdığı açıklanıp analiz edilecektir. Bunu müteakip ve bununla ilintili olarak Uluslararası Adalet Divanı (UAD) nezdindeki Ukrayna başvurusuna ve çıkan ihtiyati tedbir kararına değinilecektir.<sup>1</sup>

### Rusya'nın Dayandığı Hukuki Argümanlar

Evleviyetle Rusya'nın fiilinin Birleşmiş Milletler (BM) Şartının 2. maddesinin 4. fıkrası kapsamında bir güç kullanımı olduğu açıktır. Bu madde tüm üye devletlerin "uluslararası ilişkilerinde gerek herhangi bir başka devletin toprak bütünlüğüne ya da siyasal bağımsızlığa karşı, gerek Birleşmiş Milletlerin amaçları ile bağdaşmayacak herhangi bir biçimde kuvvet kullanma tehdidini ya da kuvvet kullanılmasına başvurmaktan" kaçınmasını öngörmektedir. Bu bağlamda kullanılan kuvvetin BM şartının ve uluslararası hukukun cevaz verdiği ve yukarıda alıntılanan maddeye istisna oluşturan bir sebep ile kullanıldığını ispat yükü Rusya'nın üzerindedir.<sup>2</sup>

Gerek Vladimir Putin'in açıklamaları, gerek Rusya'nın resmi kanallarından yapılan açıklamalar incelendiğinde Rusya'nın müdahale için üç farklı hukuki meşruiyet iddiası olduğu iddia edilebilir.<sup>3</sup> 'İddia edilebilir' demek durumunda kalmamızın sebebi ise Rusya'nın bu bağlamda birçok hususu müphem bırakmasıdır. Bu dayanaklardan ilki Rusya'nın BM Şartının 51. maddesince hüküm altına alınan ve devletlerin doğal haklarından olan bireysel meşru müdafaa hakkını kullandığı iddiasıdır. İkincisi, sadece Rusya'nın tanıdığı Donetsk ve Luhansk 'devletleri' ile yapılan işbirliği ve ortak güvenlik antlaşmasının bir sonucu ve BM Şartının 51. maddesi çerçevesinde ortak meşru müdafaa hakkının kullanıldığı argümanıdır. Son olarak, her ne kadar Rusya bu gerekçeye dayanmadığını UAD'ye yaptığı yazılı beyanda belirtmiş olsa da, gelişen süreçte Rusya'nın Soykırım Sözleşmesi ve soykırım yasasının *erga omnes* nitelikte bir uluslararası kural olduğundan bahisle, önleme yükümlülüğünü yerine getirmek amacıyla ile askeri operasyon yapmakta olduğu gerekçesinden bahsedilebilir. Bu gerekçeleri sırasıyla analiz etmekte yarar olacaktır.

### BM Şartının 51. Maddesi Kapsamında Meşru Müdafaa Gerekçelendirmesi

Rusya'nın en temel iddiası meşru müdafaa hakkını kullandığı olsa da bu hakkı bireysel mi yoksa ortak olarak mı kullandığı konusu muğlaklığını korumaktadır. Bu ayrım ziyadesi ile önemli olup, ikisinin de hem maddi hem de hukuki bakımdan görece kuvvetli ve daha çokça da zayıf yönleri mevcuttur. İlkinden başlamak gerekirse, Putin'in ve Rusya resmi kanallarının açıklamalarında Ukrayna'dan Rusya'ya yönelen bir tehdit olduğu ve Rusya'nın

giriştiği operasyonu bu tehdidi durdurmak ve engellemek için başlattığı iddiası sarihdir. Bu tehdidin ne olduğunun net bir şekilde tanımlandığını söylemek ziyadesi ile güç olsa da, birkaç ana başlıktan bahsetmek yine de mümkündür. İlk olarak Putin'in 24 Şubat 2022 tarihinde operasyonların başladığını ve gerekçesini açıkladığı konuşmasının önemli bir bölümü NATO genişlemesinin, Ukrayna'da uzun yıllardır var olan Neo-Nazi gruplarının artan etkinliği ile Batı tarafından himayesinin, ve nihayet nükleer silahlar da dâhil olmak üzere Batı'nın gelişmiş silah teknolojisinin Ukrayna'ya yerleştirilmesinin Rusya'nın bekası için açık bir tehdit oluşturduğu argümanı üzerine yoğunlaşmaktadır.<sup>4</sup> Putin'e göre;

Amerika Birleşik Devletleri ve müttefikleri için, Rusya'nın çevrenmesi olarak adlandırılan politikanın jeopolitik faydaları olduğu aşikardır. Bu, bizim ülkemizin [Rusya] ve insanlarımızın tarihsel geleceği için son tahlilde bir ölüm veya kalım meselesidir. Bu bir mübalağa değil, aksine gerçeğin ta kendisidir. Bu [politika] sadece çıkarlarımıza yönelmiş gerçek bir tehdit değil, aynı zamanda devletimizin varlığına ve egemenliğine yönelmiş bir tehdittir. Bu defalarca üzerinde durduğumuz kırmızı çizgidir. Onlar bu çizgiyi geçtiler.<sup>5</sup>

Bu açıklama ve dayandığı arka plan, en azından kimi çevrelerce, isabetli bir siyasi değerlendirme olarak nitelelenebilir. Ancak bu yönde bir argümanın Rusya'nın askeri müdahalesine hukuki bir meşruiyet kazandırması zor görünmektedir. Bunun nedenini anlatabilmek için meşru müdafaa kavramını, ilintili doktrinleri ve bunların muhtevasını, en azından genel manasıyla irdelemek elzemdir.

İlk olarak bir devlete karşı başlamış olan fiili bir saldırının meşru müdafaa hakkını doğurduğuna şüphe yoktur. Nitekim BM şartının 51. maddesi "bir devlete yönelik ortaya çıkan silahlı saldırıya karşı" meşru müdafaa hakkından bahsetmektedir. Bir alegori ile somutlaştırmak gerekirse, size bir yumruk atıldığında kendinizi koruma hakkınız baki ve meşru hale gelir. Ancak Rusya – Ukrayna krizinde, Ukrayna tarafından Rusya'ya karşı başlatılmış somut ve fiili bir silahlı saldırı olmadığı açıktır.

Asıl sorun, yumruğun atılmasından evvel böyle bir hakkın doğup doğamayacağı ve doğarsa hangi koşullara tabi olacağıdır. Bu kapsamda Türkçe ve uluslararası neşriyatta bir kavram kargaşası olduğu gözlemlenmekte olup, birbirinden ayrı fikirleri ifade eden engelleyici (*anticipatory*), önalcı (*pre-emptive*) ve önleyici (*preventive*) meşru müdafaa doktrinlerini sıkça karıştırılmaktadır. Takip eden satırlar hem bu kavramsal kargaşayı gidermek hem de bu kavramların hukukiliğini ve devam eden kriz bakımından uygulanabilirliğini açıklamayı amaçlamaktadır.<sup>6</sup>

Eğer alegorimize geri dönersek, havada olan bir yumruk yüzünüze ulaşmadan onu durdurmanız meşru müda-

**Gerek Vladimir Putin'in açıklamaları, gerek Rusya'nın resmi kanallarından yapılan açıklamalar incelendiğinde Rusya'nın müdahale için üç farklı hukuki meşruiyet iddiası olduğu iddia edilebilir. 'İddia edilebilir' demek durumunda kalmamızın sebebi ise Rusya'nın bu bağlamda birçok hususu müphem bırakmasıdır.**

faa hakkı kapsamında mıdır sorusu, akla gelen ilk ve en eski soruyu teşkil etmektedir. Uluslararası hukukta bu sorunun günümüzdeki cevabı tartışmasız biçimde evet olup tanım ve muhtevası 1837 yılında gerçekleşen 'Caroline Olayı' çerçevesinde ABD Dışişleri Bakanı Daniel Webster'in olayın diğer muhatabı olan Birleşik Krallık'a verdiği yazılı cevaba dayanmaktadır. Bu tanıma göre müdafaa hakkı, bir tehdidin ani, karşı konulamaz, başka yollarla giderilemez olduğu ve müzakere etmek için herhangi bir imkân ve zaman bırakmadığı hallerde meşru hale gelecektir.<sup>7</sup> *Anticipatory self defense* (engelleyici meşru müdafaa) olarak bilinen bu yaklaşım müteakip yıllarda başta Birleşik Krallık olmak üzere diğer devletlerce kabul görmüş olup, günümüzde de muteberdir.<sup>8</sup>

Öte taraftan önalcı (*preemptive*) ve önleyici (*preventive*) meşru müdafaa kavramları çok daha fazla tartışmaya mahal vermiştir. Öncelikle bazı ulusal ve uluslararası kaynaklarda bu kavramlar birbiri ile eşanlamlı kullanılsa da, bu kullanım isabetli değildir.<sup>9</sup> Önalcı meşru müdafaa, hukukiliği konusunda en çok fikir ayrılığına düşülen doktrin olup, temelde ani tehdit (*instant threat*) kavramının esnetilmesini ihtiva eder. Buna göre bir devlet, saldırgan devlet veya entitenin kendisine karşı silahlı saldırıya dönüşeceği neredeyse kesin olan somut fiillerine binaen, henüz saldırı gerçekleşmeye başlamadan veya ani bir tehdit durumu vaki olmadan, meşru müdafaa hakkını kullanabilir. Alegorik anlatımla, yumruğun henüz atılmadığı ancak gelişmeler ışığında karşınızdaki duran kişinin size bir yumruk atmaya hazırlandığına dair kesine yakın emareler olduğu durumlar bu kapsama girmektedir.

Bu doktrin günümüz öğretisi bakımından önem arz etmektedir, zira gelişen askeri teknoloji, nükleer silahlar ve diğer yüksek güçlü mühimmatın varlığı ilk darbeyi vuran taraf lehine geri dönüşmesi güç bir avantaj sağlamaya muktedirdir. Bu doktrin en klasik örneklerinden biri Altı Gün Savaşı olarak bilinen ve 1967 tarihinde İsrail ile Mısır'ın başı çektiği bir dizi Arap Devleti arasında cereyan eden savaştır. Uluslararası hukuk öğretisinde bir dizi görüş, en azından bazı durumlarda, önalcı müdafaa amaçlı kuvvet kullanımının meşru olduğunu görüşündedir.<sup>10</sup> Bu anlayışa göre teknolojik ve askeri gelişmeler 'ani

tehlîke' kavramının bu geniş yorumuna cevaz vermektedir. Aksi görüşte olan yazarlar ise bu yönde bir esnemenin sınırlarının belirsiz olduğundan ve pozitif hukukta yeri olmadığından bahisle bu doktrine başvurunun BM Şartının 2. maddesinin 4. Fıkrasına istisna teşkil edemeyeceği görüşündedir.

Son olarak önleyici (*preventive*) meşru müdafaa doktrini uluslararası hukuk camiasını son yirmi yılda ziyadesi ile meşgul etmiştir. Bunun en önemli sebebi ABD ve müttefiklerinin Irak işgalini bu doktrine dayandırarak meşru kılmaya çalışmaları olmuştur. Nitekim, her ne kadar daha önce ortaya atılmış ve kullanılmış olsa da,<sup>11</sup> bu anlayış bir çok eserde Bush Doktrini olarak anılmaktadır.<sup>12</sup> Önleyici meşru müdafaa doktrini 'ani tehdit' kavramını tamamen ortadan kaldırmaktadır. Önalıcı meşru müdafaa doktrinin aksine, burada saldırının ne zaman veya nasıl gerçekleşeceğine dair net bir bilgi ve öngörü yoktur. Bu çerçevede devletler gelecekte muhtemel gördükleri bir saldırı veya tehdit olasılığına binaen meşru müdafaa haklarını kullanabileceklerini öne sürmektedirler. Öyle ki bu doktrinde birçok zaman olası saldırganın kapasitesi veya amaçlarına dair somut bir delil bulunması dahi aranmamaktadır. Yani size yumruk atacak kişi henüz karşınızda dahi değildir ve siz sadece onun size yumruk atmayı planladığına veya buna hazırlandığına dair duyular almaktasınızdır.

Uluslararası hukukçuların büyük ekseriyeti önleyici meşru müdafaa'nın hukukta yeri olmadığı konusunda hem fikirdir. Bu cihetle Irak'ın işgali açık bir uluslararası hukuk ihlali olarak nitelenmektedir. Yine UAD, DRC v. Kongo davasına ilişkin 2005 tarihli kararında, önleyici meşru müdafaa'nın uluslararası hukukta bir hak olarak var olabileceği fikrine zımnen katılmamış görünmektedir.<sup>13</sup> Zira bu doktrinin müphemliği ve uluslararası güvenliğin bekası için yarattığı potansiyel tehlike, pozitif hukuka aykırılığı kadar sarihdir. Şüphesiz ki meşru müdafaa konusu bu kısa betimlemelerin hakkaniyetle açıklayamayacağı kadar kapsamlı bir meseledir. Lakin makalenin tabi olduğu maddi kısıtlamalar sebebi ile teorik açıklamalar bu noktada bırakılmak durumundadır.

Bu bilgiler ışığında Rusya'nın resmi pozisyonunu değerlendirdiğimizde, öncelikle, Rusya'nın engelleyici meşru müdafaa hakkını kullanmadığı açıktır. Nitekim Ukrayna tarafından Rusya'ya yöneltilen bir 'ani tehdit' olduğunu iddia etmek somut deliller ve Rusya'nın açıklamaları ışığında mümkün görünmemektedir. Öte yandan, kanımızca, önalıcı meşru müdafaa doktrinine başvurulduğuna yönelik bir çıkarım yapmak da ziyadesi ile zordur, zira bu doktrinin uygulanabilmesi için her ne kadar 'ani' olmasa da somut olarak ortaya çıkmış ve açıkça ilgili devlete yönelmiş bir tehdit olması gerekmektedir (Örneğin Altı Gün Savaşları'nın evvelinde İsrail sınırına yapılan askeri yığınaklara eşlik eden askeri blokaajlar v.b.). Rusya'nın tüm iddialarının maddi doğruluğunu bir an için kabul etsek dahi, ne Ukrayna'da bulunduğu iddia edilen ABD kont-

rolündeki kimyasal ve biyolojik silah merkezleri, ne yönetimde etkili olduğu öne sürülen 'Nazi' gruplarının mevcudiyeti, ne de Ukrayna'nın NATO ve AB üyeliğine yönelik attığı adımlar ve Batı ile kurmaya çalıştığı ortaklık, hukuki manada Rusya'ya yönelmiş somut bir tehdit olarak nitelenemez.

Bu bağlamda Rusya'nın bireysel meşru müdafaa hakkını kullandığına dair iddiası için en muhtemel ve makul dayanak önleyici meşru müdafaa doktrinidir. Ancak izah edildiği üzere hâlihazırda bu doktrin genel kabulden uzak olup, Irak işgali için ne denli geçersizdi ise, Ukrayna müdahalesi için de o denli geçersizdir, zira geçen 20 yılda uluslararası hukuktaki durum değişiklik göstermemiştir. Bu bakımdan önleyici meşru müdafaa kategorik olarak BM Şartı ile uyumsuzdur. Bu açıklamalar ışığında Rusya tarafından yapılan bireysel meşru müdafaa gerekçelendirmelerinin, en azında şu ana dek ortaya çıkan ve belirtilen maddi olgu ve gerçekler ışığında, uluslararası hukukta meşruluğu yoktur.

### **Ortak Meşru Müdafaa Argümanı ve Kendi Kaderini Tayin Hakkının Bir Uzantısı Yorumu Olarak 'Çare Olarak Ayrılma'**

Rusya'nın dayanaklarından bir diğeri ortak meşru müdafaa argümanıdır. Bu bağlamda Rusya, askeri müdahalesinden iki gün evvel Ukrayna'nın Donbas bölgesinde teşekkül eden entiteleri bağımsız cumhuriyetler olarak tanımış ve aynı gün bir ortak savunma antlaşması imzalamıştır. Askeri operasyonunu başlatırken bu antlaşma kapsamında ve tanınan iki devletin talebi üzerine ortak meşru müdafaa hakkının kullanıldığı hususu da Rusya tarafından 24 Şubat'tan bu yana açık şekilde belirtilmiştir. Bu argümanın hukukiliği üç sorunun cevabına bağlıdır. Bunlardan ilki bu entitelerin devlet olarak nitelenip nitelenemeyeceği; ikincisi ortak meşru müdafaa hakkının şartlarının gerçekleşip gerçekleşmediği; sonuncusu ise ortak meşru müdafaa hakkının kullanımına dair kurallara riayet edilip edilmediğidir.

İlk olarak, ortak meşru müdafaa hakkı uluslararası hukukta sadece devletlere tanınmış bir hak olup, Donetsk ve Luhansk Cumhuriyetleri'nin devlet olmaları Rusya'nın dayanağının geçerliliği için mutlak bir ön koşuldur.<sup>14</sup> 1933 tarihli Montevideo Antlaşması ile açıklığa kavuşturulan ve günümüzde evrensel teamül hukuku haline gelen yerleşik anlayışa göre devlet olabilmek için sağlanması gereken 4 şart olup, başka devletler tarafından tanınmanın veya tanınmamanın devlet olma niteliği üzerinde direkt bir etkisi bulunmamaktadır.<sup>15</sup> Buna göre devlet olmak için ülke, süreklilik arz eden nüfus, egemenlik ve uluslararası ilişkilere girme kabiliyeti şartları gereklidir. Donetsk ve Luhansk bakımından sorun teşkil eden unsur egemenlik kriteri olarak ortaya çıkmaktadır.



Her ne kadar üzerine çok tartışılan bir kavram olmaya devam etse de, görece yerleşik anlayışa göre egemenlik ilkesi bir toprak parçası üzerinde devletin sahip olduğu üst ve mutlak yetkiyi ve otoriteyi nitelemektedir.<sup>16</sup> Bu yetki ve otorite, herhangi bir başka devlet veya dış entiteye *de facto* veya *de jure* olarak bağlı veya bağımlı olmadan, hem hukuk koyabilme ve hem de yarattığı hukuksal düzeni etkin bir biçimde uygulayabilme yeti ve vasfını belirtmektedir. Yani egemen olabilmek sadece bir meclise sahip olmayı ve/veya yasalar çıkarabilmeyi değil, aynı zamanda bu yasaları ve onların koyduğu düzeni, bir dış desteğe sürekli olarak gereksinim duymadan, fiilen uygulayıp, sürdürülebilmeyi gerektirmektedir. Bu noktada Donetsk ve Luhansk cumhuriyetlerinin egemenlik ilkesini sağlayıp sağlayamadığına dair yapılacak en 'ılımlı' değerlendirme dahi bu oluşumların bağımsız egemenler olduğuna iddia etmekte zorlukla karşılaşacaktır. Hâlihazırda ilgili bölgelerde bu cumhuriyetlerin yegâne kanun koyucu ve uygulayıcı olarak *de jure* ve *de facto* egemenliklerini sağladıklarını kabul etmek zor görünmektedir. Dahası bir an için egemen gücün varlığını kabul etsek dahi, böyle bir egemenliğin Rusya'nın askeri ve siyasi varlığı sayesinde, yani Rusya'ya bağımlı ve bağlı bir şekilde gerçekleştiğini iddia etmek gerçeklikten çok uzak bir iddia gibi görünmemektedir.

Buna ek olarak Donetsk ve Luhansk cumhuriyetlerinin devlet olarak nitelenebilmesinin önündeki bir diğer engel ise, Ukrayna'nın toprak bütünlüğünü, yani BM Şartının temel ilkelerinden olan devletlerin toprak bütünlüğüne saygı ilkesini açıkça ihlal etmekte olduğu görülen

bu devletleşme girişiminin hangi hukuki temele oturacağıdır. Rusya, Ukrayna'nın Donetsk ve Luhansk bölgelerindeki Rus etnik gruplara karşı soykırım suçu da dâhil olmak üzere, ağır insan hakları ihlallerinin işlendiğini ve bu bakımdan ilgili halkların kendini gerçekleştirme ve kaderlerini tayin etme hakkının elinden alındığını iddia etmektedir. Bunun sonucu olarak Rusya, ilgili toplumlar için kendi kaderini tayin (*self-determinasyon*) ilkesinin bir uzantısı olduğu ileri sürülen 'çare olarak ayrılık' (*remedial secession*) hakkının doğduğunu ve kurulan devletlerin bu kapsamda meşruluğunu belirterek ilgili devletleri tanımıştır.<sup>17</sup>

Halkların kendi kaderini tayin hakkı 1945 sonrası hukuk düzeninde kabul gören bir ilkedir. Ancak bu ilkenin temel amacı ve muhtevası kolonileştirilmiş halkların gerekli siyasi ve toplumsal tekâmülü sağladıklarında kendi kaderlerini tayinin hakkını güvence altına almaktır. Diğer bir deyişle, BM Şartında hüküm altına alınan toprak bütünlüğü ilkesinin bir istisnası olan bu hak sadece kolonileştirilmiş halklara tanınmıştır. Buna karşılık 1970'li yıllarla beraber bu hakkın sadece bu kısıtlı çerçevede kalmaması gerektiği, baskılanmış ve kendilerini gerçekleştirmelerine izin verilmeyen diğer toplulukların da, son çare olarak, buldukları devletlerden ayrılıp yeni bir devlet kurmalarına cevaz verilmesi gerektiği fikri ortaya atılmış ve böylece 'çare olarak ayrılma hakkı' anlayışı yeşermiştir. İronik olarak, bugün Rusya tarafından başvuru olan bu fikir, batılı devletlerce, başta Yugoslavya ve Sovyetler olmak üzere, birçok devletin bölünmesi sırasında referans gösterilmiştir. Öyle ki, İsviçre gibi kimi ülkeler UAD'na



Kosova uyuşmazlığı ile alakalı olarak gönderdikleri deklarasyonlarda 'çare olarak ayrılma' ilkesinin muteberliğini kabul etmişlerdir.<sup>18</sup>

İlginçtir ki Rusya da prensipte bu hakkın muteberliğini tanımakta fakat Kosova'ya ilişkin olarak gerekli şartların oluşmadığını savunmaktadır. Rusya, UAD'na gönderdiği deklarasyonda 'çare olarak ayrılma' hakkının sadece ve sadece ziyadesi ile uç durumlarda, örneğin ilgili halkın tabi olduğu devletçe açıkça saldırıya uğradığı ve varlığının tehlike altında olduğu hallerde başvurulabilecek bir doktrin olduğunu belirtmiştir.<sup>19</sup> Görünen odur ki Rusya için Kosova durumu böyle aşırı bir niteliğe ulaşmamışken, Ukrayna'da durum tam tersidir. Fakat uluslararası hukuk doktrinindeki hâkim görüş, iddia edilen bu hakkın temellerinin zayıf olduğu, belirli bir standarda bağlanmasının mümkün görünmediği ve son tahlilde uluslararası güvenliği tehlikeye atabilecek bir fikir olduğu yönündedir.<sup>20</sup> Bu bakımdan 'çare olarak ayrılmanın' uluslararası hukukta kabul görmüş bir hak olduğunu öne sürmek güçtür. Öyle ki sadece bu hakka dayanarak yeni bir devlet oluşumu henüz vaki olmamıştır ve lehteki görüşler halen azınlıkta kalmaktadır.

Bu çerçevede ortak meşru müdafaa hakkı için ilk şartın sağlandığını söylemek ziyadesi ile zordur. Ancak bir an için Donetsk ve Luhansk Cumhuriyetlerinin devlet statüsünü muteber varsayarsak, ikinci ortaya çıkacak soru ortak meşru müdafaa hakkının şartlarının gerçekleşip gerçekleşmediği olacaktır. BM Şartınının 51. maddesinde sadece meşru müdafaa hakkının bireysel veya ortak şekilde kullanılabilmesinin mümkün ve muteber olduğu belirtilmekte olup, ortak meşru müdafaa hakkının hukuki muhtevasına dair teamül hukukundan doğan temel şartları UAD'nin *Nikaragua Kararı* açıklığa kavuşturmuştur.<sup>21</sup> UAD, ortak meşru müdafaa hakkı için üç şart koşmuştur. Bunlardan ilki bir devlete karşı saldırının gerçekleşmekte olması; ikincisi, saldırı altındaki devletin kendisini 'mağdur' olarak deklare etmesi; üçüncüsü ise, saldırı altındaki devletin diğer bir devletin yardımını açıkça talep etmesidir.

Bu şartlardan somut olay bakımından sorun teşkil etme ihtimali olan ilk şarttır. Donetsk ve Luhansk son tahlilde Ukrayna'nın bir parçası olduğundan ve Ukrayna buradaki 'cumhuriyetleri' terörist ayrılıkçılar olarak nitelendiğinden, ilgili asker ve kolluk kuvveti müdahalelerini bir devlete saldırıdan ziyade iç güvenlik operasyonu olarak nitelemek mümkündür. Her ne kadar Donbas'taki azınlığa karşı insan hakları ihlalleri ve ayrımcı yaklaşımların sergilendiği vaki olsa da, bu bölgelere karşı BM Şartınının 51. maddesi çerçevesinde bir saldırının gerçekleşip gerçekleşmediği soru işareti taşımaktadır. Bununla beraber, kabul etmek gerekir ki, birçok hukuki boşluk mevcuttur ve günün sonunda belirleyici olan nokta Donetsk ve Luhansk cumhuriyetlerinin devlet statüsü olup olmadığıdır. Zira eğer bu entiteler devlet olarak kabul edilirse, Ukrayna

operasyonlarını ve fiillerini saldırı olarak nitelemek daha kolay hale gelecektir.

Son olarak, Donetsk ve Luhansk'ın devlet niteliğini ve ortak (veya bireysel) meşru müdafaa hakkının şartlarının ortaya çıktığını kabul etsek dahi, meşru müdafaa hakkının kullanımına dair kurallara riayet edilip edilmediği sorusu geçerliliğini koruyacaktır. UAD'nin yine *Nikaragua Davası* kararında belirttiği bu teamül kurallarına riayet etmemek ortak meşru müdafaa hakkının varlığına hâle getirmemekte, ancak bu hakkın kullanımının hukuka aykırı şekilde ifa edilmesine yol açmaktadır. Buna göre bireysel veya ortak meşru müdafaa'nın hukuka uygun ifası gereklilik ve orantılılık şartını sağlamalıdır. Oysa Rusya'nın müdahalesinin gerekli ve orantılı olduğunu savunmak zor olabilecektir. Bir yandan Donetsk ve Luhansk cumhuriyetlerinin Ukrayna'nın iddia edilen saldırısı karşısında savunulmasının, Rusya'nın taleplerinden olan Ukrayna'nın demilitarizasyonu, rejim ve yönetim değişikliği, tarafsızlığı, NATO üyeliği gibi konularla alakasını kurmak güçtür. Bu konular ancak ve ancak önleyici meşru müdafaa doktrini kapsamında, bireysel meşru müdafaa için gerekçe olabilecek endişelerin bir çaresi olarak görülebilir. Ancak yukarıda açıklandığı üzere önleyici meşru müdafaa uluslararası hukukta muteber bir yere sahip değildir. Öte yandan Kiyiv ve Lviv gibi şehirlere düzenlenen saldırılar ve bu saldırıların şiddetinin gereklilik veya orantılılık şartlarına uyduğu görüşünü benimsemek, en azından şu ana dek aktarılan veri ve açıklamalar ışığında, güç görünmektedir. Yine de askeri gereklilik tahlilinin savaştan sonra ve Rusya'nın detaylı gerekçelendirmeleri ışığında daha sağlıklı olarak yapılabileceği aşikârdır.

Tüm bu açıklamalar ışığında Rusya'nın gerek bireysel gerekse ortak meşru müdafaa hakkını kullandığına dair iddialarına dayanak teşkil eden gerekçelerin yeterli kuvvet ve ikna edicilikten uzak olduğunu söyleyebiliriz. Bunların yanından Rusya'ya atfedilen, ancak Rusya'nın UAD önündeki süreçte reddettiği müdahalenin üçüncü ve son hukuki dayanağı, Donbas'ta yaşanan insan hakları ihlalleri ve soykırım sebebi ile Rusya'nın insani müdahalede bulunduğu iddiasıdır. Bu husus aşağıdaki kısımda, UAD'deki dava sürecine dair değerlendirmeler ile beraber irdelenecektir.

### **Soykırım'ın Önlenmesi Adına İnsani Müdahale Argümanı ve Ukrayna'nın Uluslararası Adalet Divanı'na Başvurusu**

Rusya'nın on yılı aşkın süredir iletirdiği iddialardan biri de Ukrayna'daki Rus azınlığa karşı ağır insan hakları ihlalleri işlendiği ve son dönemlerde Donbas bölgesindeki Ukrayna fiillerinin soykırım suçu teşkil ettiği. Putin müdahale kararını açıkladığı 24 Şubat konuşmasında bu bölgede olanları hoş görmenin mümkün

olmadığını vurgulayarak şunları söylemiştir: “Bizi rahatsız eden bu mezalimi, orada yaşayan ve umutlarını Rusya'ya bağlamış milyonlarca insana karşı uygulanan soykırımı, durdurmak zorundayız. Onların gayeleri, his ve acıları, bizim Donbas Halk Cumhuriyetleri'nin bağımsızlığını tanımamızın altında yatan temel motive edici gücü.” Yine aynı konuşmasında Putin, başlatılan operasyonun amacının sekiz yıldır “Kıyiv rejiminin aşağılamasına ve soykırımına” maruz kalan bu insanları korumak olduğunu ve bu amaçla Rusya'nın gayesinin Ukrayna'yı “demilitarize ve denazifiye” etmek ve aynı zamanda sivillere karşı işlenen kanlı saldırıların faillerini yargılamak olduğunu söylemiştir.<sup>22</sup> Benzeri açıklamalar Rus yetkililer tarafından defaatle yapılmıştır.<sup>23</sup> Bu açıklamalar ışığında Rusya'nın bireysel ve ortak meşru müdafaa haricinde dayandığı üçüncü argümanın ‘insani müdahale’ argümanı olduğu düşünülmektedir.

Öte yandan Ukrayna ve Batı bloğu defaatle Rusya'nın iddialarının gerçeği yansıtmadığını ve ilgili askeri operasyonun Birleşmiş Milletler Şartının 2(4) maddesinde hüküm altına alınan kuvvet kullanma yasağının açık bir ihlali ve işgal olduğunu savunmaktadır. Bu kapsamda Ukrayna yaratıcı bir hukuki adım atıp Rusya'nın Soykırım Sözleşmesi'ni yanlış yorumlayarak kendisine karşı bu operasyonu başlattığından bahisle ve ilgili sözleşmenin 9. maddesinden doğan yargı yetkisine dayanarak konuyu Uluslararası Adalet Divanına taşımış ve 27 Şubat tarihli dilekçesinde Divan'dan Rusya'nın saldırısının durdurulması yönünde geçici tedbir kararı almasını istemiştir. Divan daha önce görülmemiş bir süratle önce 7 Mart tarihinde ihtiyati tedbir (geçici önlem) taleplerine dair duruşmaları ifa etmiş, 16 Mart'ta ise Ukrayna'nın talebinin de ötesine geçerek tüm operasyonların durdurulması yönünde tedbir kararı vermiştir.

Bu kapsamda değerlendirilmesi gereken iki temel husus vardır. Birincisi Rusya'nın insani müdahale argümanına dayanmasının mümkün olup olmadığıdır. Burada ortaya çıkan ilginç bir durum şudur ki, yukarıda aktarılan ve benzeri açıklamalara rağmen, Rusya, UAD'na gönderdiği bilgi notunda operasyonlar için Soykırım Sözleşmesi'nin 1. maddesinde hüküm altına alınan önleme yükümlülüğü ve buna bağlı olarak insani müdahale argümanına dayanmadığını, operasyonların hususi olarak BM Şartının 51. maddesine binaen başlatıldığını belirtmiştir.<sup>24</sup> Ancak Divan bu deklarasyonu, Rusya'nın önceki açıklama ve fiilleri ile uyumsuz bularak kabul etmemiştir.<sup>25</sup> İkinci ve ilintili bir husus, UAD'nın yaptığı değerlendirmenin ve aldığı tedbir kararının ne ölçüde isabetli olduğu konusunun irdelemeye muhtaç olduğudur.

### **Soykırım İddiasından Doğan İnsani Müdahale Dayanağının Hukukiliği**

1948 Soykırım Sözleşmesi'nin 2. maddesi ile tanımlanan soykırım suçu, ziyadesiyle teknik ve sorunlu bir hu-

kuki tanımı haiz olup, popüler ve/veya siyasi kullanımın aksine sadece ve sadece maddede sıralanan beş fiilden<sup>26</sup> bir veya birkaçının ‘ulusal, etnik, ırksal veya dinsel bir grubu, (bağımsız ve ayrı bir entite olarak), kısmen veya tamamen yok etme kastıyla işlenmesi’ halinde oluşur.<sup>27</sup> Rusya'nın Ukrayna'nın soykırım suçunu işlediğine dair iddiayı hakkı ile değerlendirmek şu aşamada ve kamu ile paylaşılan bilgiler ışığında mümkün değildir. Nitekim soykırım suçunun fiilleri ortaya çıksa dahi, bu fiillerin soykırım kastı ile işlenip işlenmediğine dair açık veya dolaylı kanıt bulmak fazlasıyla zor olup, Rusya şu ana kadar yaptığı açıklamalarda bu kastın varlığına dair ikna edici bir delil sunamamıştır.

Ancak bir an için gerçekten de Donbas'ta soykırım suçunun işlendiğini varsayarsak, bu Rusya'nın askeri müdahalesini hukuki hale getirir mi? Bu soru, uluslararası hukukta en tartışmalı kavramlardan olan ‘insani müdahale’ (*humanitarian intervention*) ve ‘koruma yükümlülüğü’ (*responsibility to protect*) kavramlarını, soykırım suçunun engellenmesine dair Soykırım Sözleşmesinin 1. maddesinin taraf devletlere yüklediği yükümlülüğü ve soykırım yasağının ihlali gibi *erga omnes* sorumluluk doğuran bir durumda her bir devletin engelleme ve yargılama yükümlülüğünden bahsedip bahsedemeyeceğimiz konularını bir arada değerlendirmeyi gerektirmektedir.

Soykırım Sözleşmesi'nin 1. maddesi tüm taraf devletlere soykırımı önleme ve gerçekleşmesi halinde cezalandırma yükümlülüğünü yüklemiştir. Buna ek olarak soykırım yasağı bir buyruk normu haline gelmiş olup, ihlali *erga omnes*, yani tüm uluslararası hukuk kişilerine karşı sorumluluğun doğmasına yol açmaktadır. UAD, Gambia'nın Myanmar'a karşı başvurusunda, Gambia'nın taraf ehliyetini bu kapsamda muteber göyerek ilgili prensibi bir kez daha tasdik etmiştir. Bu prensibin bir sonucu olarak, devletlere ilgili ihlalin önlenmesi ve cezalandırılması için, kendi güçlerinin ve konumlarının el verdiği ölçüde, gerekli adımları atmaları sorumluluğunun da yüklendiği görüşü uluslararası hukuk literatüründe ve kimi BM raporlarında mevcuttur.<sup>28</sup> Bu bağlamda Rusya'nın ilgili operasyonunun gerekçelerinden birini de bu yükümlülüğü yerine getirme amacı olarak göstermekte olduğu iddiası mevcuttur.

Ancak bu noktada iki sorun ortaya çıkmaktadır. Bunlardan ilki Rusya'nın soykırım suçunun işlendiğine dair ikna edici kanıt sunmamasıdır. Birazdan açıklanacağı üzere insani müdahalede gereklilik şartının sağlanması için soykırım veya benzeri ağırlıkta bir ihlalin olduğuna dair kuvvetli kanı oluşması elzemdir. İkincisi ise kuvvet kullanma yasağı da tıpkı soykırım yasağı gibi *jus cogens* norm niteliğindedir. Öyleyse bir *jus cogens* normun ihlali engellemek adına başka bir *jus cogens* normun ihlali meşru hale gelir mi? Uluslararası hukukta bu konu insani müdahale kavramı etrafında çokça tartışılmış olup, son 20 yıldaki gelişmeler ışığında cevabın menfi olduğunu



**Rusya'nın insani müdahale doktrinine dayandığı kabul edilse dahi bunun müdahaleye meşruiyet kazandıracağına iddia etmek zordur. Rusya'nın soykırım suçunun işlendiğine dair ikna edici kanıt öne sürememiş olması ve insani müdahale doktrininin tartışmalı statüsü en önde gelen sorunlardır.**

söylemek mümkündür. Zira insani müdahalenin meşruluğu üzerine bir uzlaşma yoktur.

İnsani müdahale doktrini kuvvet kullanımı yasağının iki istisnasına (Güvenlik Konseyi kararı ve meşru müdafaa) bir ek olarak önerilmiştir. Buna göre devletler vatandaşlarını ağır ihlallere maruz kalmalarından koruyamayacak durumda ise veya korumaya isteksiz ise ve eğer vatandaşlar da kendilerini koruyamayacak durumda ise, devletlerin toprak ve siyasi bütünlüğüne müdahale etmeme ilkesi geri plana geçer ve insani müdahale meşru hale gelir.<sup>29</sup> İnsani müdahalenin üç unsuru vardır. Birincisi müdahale gücü kullanımı veya güç kullanma tehdidi içermelidir. İkincisi bu yönde bir müdahale sırasında, müdahale edilen devletin müdahale eden devlete yönelik bir saldırı veya saldırı tehdidi yönelmemiş olması gerekir. Son olarak da müdahale herhangi bir stratejik kaygı ile değil, tamamen insani gerekçelerle yapılmalıdır. Öte taraftan insani müdahale doktrini özellikle Irak işgali sonrası desteğini kaybetmiş ve bu süreç Kofi Annan önderliğinde gelişen 'koruma yükümlülüğü' doktrininin doğurmuştur. Ancak koruma yükümlülüğü doktrini insani amaçlarla kuvvet kullanımını Güvenlik Konseyi'nin bu yönde bir kararının varlığına bağlamıştır.

Bu kapsamda Rusya'nın insani müdahale doktrinine dayandığı kabul edilse dahi bunun müdahaleye meşruiyet kazandıracağına iddia etmek zordur. Rusya'nın soykırım suçunun işlendiğine dair ikna edici kanıt öne sürememiş olması ve insani müdahale doktrininin tartışmalı statüsü en önde gelen sorunlardır.<sup>30</sup> Bunun dışında Rusya insani müdahale için gerekli şartları sağlayamamaktadır, zira hem Ukrayna'dan kendine yönelen bir tehdit olduğu iddiasındadır, hem de yaptığı müdahaleden açıkça stratejik çıkar sağlamaktadır. Son olarak Soykırım Sözleşmesi de Rusya'ya bir çıkış yolu tanımamaktadır, zira 1. maddede belirtilen koruma yükümlülüğününün BM'nin genel ilke ve kuralları çerçevesinde kullanılması gerektiği genel kabul görmüştür.<sup>31</sup>

### UAD'nın Tedbir Kararına Dair Soru İşareti

Tüm bu geri plan çerçevesinde Ukrayna, UAD önünde ilk kez ortaya çıkan bir durumla, 'ters icabet' (re-

verse compliance) başvurusunda bulunmuştur. Bu tip davalarda başvuru yargı makamından kendisine atfedilen sorumluluğun gereklerine (olay özelinde soykırım yasağı) uyduğunu tespit etmesini ve ihtilafta olduğu tarafın kendisine bu sorumluluğa uymadığı gerekçesi ile uyguladığı karşı tedbirlerin (Rusya'nın askeri müdahalesi) hukuka aykırılığının tespit edilerek durdurulmasını istemektedir.<sup>32</sup> Maddi hukuk bakımından, Ukrayna'nın başvurusu Soykırım Sözleşmesi'nin ilk üç maddesinin, Viyana Antlaşmalar Hukuku Sözleşmesinin 26. ve 31. maddelerinde hüküm altına alınan antlaşmaların ifa ve yorumunda iyi niyet ilkesine riayet edilmeden, yanlış yorumlanıp uygulandığı iddialarına dayanmaktadır. Diğer bir deyişle Ukrayna, Rusya'nın uluslararası hukuktan doğan bir hakkı kötüye kullandığı argümanını öne sürmüştür. Ukrayna'nın başvurusunun yargı yetkisi bakımından hukuki dayanağını ise Soykırım Sözleşmesi'nin 9. maddesi oluşturmaktadır. İlgili madde Sözleşmenin yorum, ifa ve icrasından doğan tüm ihtilafların UAD önünde çözüleceğini hüküm altına almaktadır.

Ukrayna bu başvurusu çerçevesinde davanın esasına dair altı talepte bulunmuş olup bunun yanında da dört özel önemi ihtiva eden bir ihtiyati tedbir kararı talep etmiştir. Davanın esasına ilişkin olarak (1) Luhansk ve Donetsk'te Soykırım Sözleşmesi'nin 3. maddesi kapsamında bir fiilin işlenmediğinin tespiti, (2) Rusya'nın Soykırım Sözleşmesi'ne dayanarak gerçekleştiğini iddia ettiği soykırım suçunu engellemek ve cezalandırmak adına attığı adımların hukuka aykırı olduğunun tespiti, (3) Rusya'nın sözde Donetsk ve Luhansk cumhuriyetlerini ve bağımsızlıklarını hatalı soykırım iddiasına dayanarak tanıdığına ilişkin tespiti, (4) 24 Şubat'ta başlayan 'özel askeri operasyonun' hatalı soykırım iddiasına dayandığının ve hukuka aykırı olduğunun tespiti, (5) Rusya'nın benzer hukuka aykırı fiilleri işlememesi yönünde güvence vermesi, ve (6) doğan zararları için tazminat ödemesi taleplerinde bulunmuştur.<sup>33</sup> İhtiyati tedbir olarak ise (1) hatalı soykırım iddiasına dayanarak ve bu sözde soykırımın önlenmesi ve cezalandırılması için başlatılan tüm operasyonların durdurulmasını, (2) Rus ordusuna mensup askeri personelin ve zımnen veya açıkça desteklenen düzensiz güçlerin sözde soykırımı önlemek amacıyla yürüttükleri operasyonlarını ilerletecek her türlü adımı atmaktan kaçınmalarının Rusya tarafınca sağlanmasını, (3) Rusya'nın bu yönde güvence vermesini, (4) Rusya'nın mahkemeye düzenli olarak rapor sunmasını, talep etmiştir.<sup>34</sup>

Hem esasa ilişkin talepler hem de ihtiyati tedbir talebi ile alakalı olarak soru işareti yaratan birden fazla husus ortaya çıkmaktadır. Ancak davanın şu anki durumu itibarıyla ihtiyati tedbir taleplerine yoğunlaşmak yerinde olacaktır, zira UAD tarihinde görülmemiş bir hızla Ukrayna'nın bu talebini sonuca bağlamış ve 16 Mart tarihli kararı ile raporlama talebi hariç tüm talepleri pratik olarak kabul etmiştir.<sup>35</sup>



Kanımızca bu noktada Divan'ın değerlendirmesi birden fazla açıdan sorunludur. Zira ihtiyati tedbir kararı verebilmesi için Divan'ın *prima facie* yargı yetkisi olduğu kanaatine varması, buna müteakip başvuruçunun uluslararası hukuktan doğan bir hakkının olması ve bu hakkın ihlal edildiğine dair makul bir şüphenin varlığı (*plausibility test*),<sup>36</sup> son olarak da, onarılamaz ve bir an evvel giderilmesi gereken bir zararın doğma riski olmalıdır.

Olay özelinde ortaya çıkan ilk sorun Divan'ın *prima facie* yargı yetkisi olup olmadığıdır. Zira Rusya Divan'a gönderdiği beyanda defaatle askeri müdahalesinin Soykırım Sözleşmesi'ne dayanmadığını, tamamı ile BM Şartı'nın 51. maddesi kapsamında değerlendirilmesi gerektiğini belirtmiştir. Bu argümanda bir haklılık payı mevcuttur. Marko Milanovic'in de belirttiği üzere her ne kadar Putin'in konuşması yukarıda bahsi geçen soykırım referanslarını içerse de, müdahalenin hukuki zeminini Soykırım Sözleşmesi veya 'insani müdahale' doktrinine dayandırmamıştır.<sup>37</sup> Rusya'nın beyanı da bu konuya açıklık getirmiş; soykırım kavramının uluslararası teamül hukuku bağlamında kullanıldığını, Soykırım Sözleşmesi'nin müdahaleye dayanak olmadığını ve böylece Divan'ın başvuru yargı yetkisi olmadığı gerekçesi ile reddetmesi gerektiğini belirtmiştir. Rusya'nın bir başka argümanı ise Ukrayna tarafından öne sürülen uyuşmazlığın esasen Soykırım Sözleşmesi ile alakalı olmadığı ve 'gerçek esas' (*true object*) testinin uygulanarak başvurunun yargı yetkisi bakımından reddedilmesi gerektiğidir. Buna göre Ukrayna'nın başvurusundaki asıl sorun, Soykırım Sözleşmesi'nin yorumu ve uygulanmasına değil, güç kullanım yasağına ve Luhansk ve Donetsk cumhuriyetlerinin tanınmasına ilişkindir.

Dahası 'ters icabet' davasının UAD önünde mümkün olup olmadığı tartışmalı olup, en azından potansiyel bir yükümlülük ihlalinin UAD'nin tedbir kararı verebilmesi için gerekli olduğu ileri sürülebilir. Bu noktada Rusya'nın Soykırım Sözleşmesi bakımından Ukrayna'ya karşı doğan

hangi yükümlülüğünü ihlal ettiğini tespit etmek zordur. Ancak Divan, kararında bu argümanları reddederek *prima facie* yargı yetkisinin varlığına karar vermiştir. Divan on bir paragrafı Rusya'nın birçok diplomat ve devlet görevlisinin 'soykırımı durdurmak' amacı ile güç kullanılması gerektiğine dair ifadelerini vurgulamaya ayırmış ve Rusya'nın beyanının gerçeği yansıtmadığını, Rusya'nın Soykırım Sözleşmesi'ni etkin olarak dayanak gösterdiğini belirtmiştir.<sup>38</sup> Buna ilave olarak Divan 'gerçek esas' testi bakımından bir sorun görmeyerek Ukrayna'nın yaratıcı argümanını kabul etmiş ve uyuşmazlığın Soykırım Sözleşmesi'nin hatalı yorum ve uygulamasına dayanan bir güç kullanımı olarak 9. madde bağlamında yargı yetkisi doğurduğunu belirtmiştir. Ancak kanımızca anlaşmazlığın ne denli Soykırım Sözleşmesi ile alakalı olduğu önemli bir soru işaretidir.<sup>39</sup>

Öte yandan Ukrayna başvurusunun 'makuliyet testinin' sağlanıp sağlanmadığı konusu da eleştiriye açık görünmektedir. Bu test kapsamında sorulması gereken soru Ukrayna'nın hangi hakkının ihlal edildiğidir. Divan'a göre 'Soykırım Sözleşmesi'nin kötüye kullanımı sonucu askeri güç kullanımına maruz kalmama' hakkının ihlali söz konusudur. Ancak 'sahte soykırım ithamına maruz kalmamak' Sözleşme kapsamında bir hak olarak tanımlanabilir mi sorusu önemlidir. Bu soruya mahkemenin verdiği netlikte bir 'evet' cevabı vermek kanımızca zordur. Dahası ihlal edildiği iddia edilen hakla talep edilen kimi ihtiyati tedbir hükümleri arasında makul bir bağ olup olmadığı da tartışmaya açıktır.

Her ne kadar bahsedilen konular tartışmaya açıksa ve bu bakımdan Divan'ın yorumları hukuken makul olarak kabul edilebilirse de, kanımızca Divan'ın tedbir konusunda mutlak hatalı değerlendirmede bulunduğu konu kendisini Ukrayna'nın talepleri ile bağlı görmemesi ve Rusya'dan bütün askeri operasyonunu durdurmasını istemesi olmuştur. Rusya'nın Soykırım Sözleşmesi'ne dayan-

diği kabul edilse dahi tüm operasyonunu bu iddiaya dayandırmadığı açıktır. Divan'ın önündeki soru Rusya'nın Soykırım Sözleşmesi'ne dayanarak kullandığı askeri gücün hukukiliğidir ve BM Şartı'nın 51. maddesi kapsamında güç kullanması mahkemenin değerlendirmesi dışında kalmaktadır. Nitekim Ukrayna'nın talebi de sadece Sözleşme'ye dayanarak kullanılan gücün hukuki olmadığını tespitidir. Divan bu bakımdan *Bosna v. Sırbistan* davasında yaptığı değerlendirme ile çelişmiştir. Nitekim o dava da Divan Soykırım Sözleşmesinin 9. maddesinin 'insancıl değerleri koruyan *jus cogens* norm ihlalleri dahi olsa' devletlerin diğer sorumluluklarına dair yargı yetkisi yaratmadığını açıkça belirtmişti.<sup>40</sup> Her ne kadar yapılan bu inceleme esasa dair olsa da, bu usuli ilkenin ihtiyati tedbir bakımından neden göz ardı edilebileceği Divan tarafından açıklanmamıştır ve sadece taleple bağlı olunmadığını belirtmekle yetinilmiştir. Kanaatimizce daha doğru yaklaşım tedbir kararını sadece (varsa) Soykırım Sözleşmesi'ne dayandırılan kuvvet kullanımı ile sınırlamak olacaktır.

## Sonuç

Buraya dek getirdiğimiz açıklamalar kapsamında iki değerlendirmede bulunmak mümkündür. Bunlardan ilki, tüm çabalarına rağmen, Rusya'nın askeri müdahaleye gerekçe gösterdiği argümanların hukuki muteberliğinin, en iyi ihtimalle, ziyadesi ile şüpheli olduğudur. Zira uluslararası hukukta kabul görmeyen önlüyici meşru müdafaa doktrini dışındaki diğer tüm bireysel meşru müdafaa doktrinleri, Rusya'nın ileri sürdüğü maddi gerçeklerin kabulü halinde dahi, başvurulamaz görünmektedir. Bu bakımdan Rusya'nın BM Şartı'nın 51. maddesinden meşruyet devşirme çabasının şu ana dek başarılı olmaktan uzak olduğu söylenmelidir.

Öte taraftan Rusya'nın ortak meşru müdafaa kapsamındaki iddiaları, her ne kadar bireysel meşru müdafaa iddiasından daha müspet bir ışıktaki görülebilirse de, yine de ziyadesi ile sorunludur. Öncelikle, hem Donbas cumhuriyetlerinin egemenlik şartını sağlayamadıkları isnadının güçlü olması, hem de toprak bütünlüğünün korunmasına dair temel uluslararası hukuk ilkesine istisna oluşturduğunu iddia ettikleri 'çare olarak ayrılma' doktrininin genel anlamda kabul görmekten uzak olması gerçeği karşısında, bu cumhuriyetlerin ortak meşru müdafaa için gerekli olan devlet niteliğine haiz olmadıkları öne sürülebilir. Buna ek olarak bu entitelerin devlet olduğu kabul edilse dahi, Rusya'nın Donbas cumhuriyetlerine karşı gerçekleştiğini iddia ettiği saldırılar karşısında orantılı bir güç kullanıp kullanmadığı da, yine en iyi ihtimalle, büyük bir soru işareti taşımaktadır.

Bunun yanında, UAD önünde Ukrayna'nın Rusya'ya karşı yaptığı başvuruya binaen verilen tedbir kararında da uluslararası hukuk yönünden çok sayıda sorunlu yön söz konusudur. Gerek Divan'ın *prima facie* yargı yetkisinin olduğuna dair değerlendirmesi, gerekse 'makuliyet testi' kapsamındaki değerlendirmesi eleştiriye açıktır. Nitekim Rus ve Çin üyeler tarafından yazılan karşı oy yazılarında bu hususlar vurgulanmıştır. Ancak kanaatimizce en büyük sorun UAD'nin taleple bağlı olmadığından bahisle, sadece (varsa) Soykırım Sözleşmesine dayanılarak gerçekleştirilen askeri müdahalelerin değil, tüm askeri operasyonların durması yönündeki *ultra vires* kararıdır. Bu karar hukuki olmaktan ziyade siyasi bir mesaj saiki ile alınmış izlenimi vermektedir. Son tahlilde hukuka aykırı bir fiille hukukun ilke ve sınırları içerisinde kalarak mücadele etmek hukuk temelli dünya düzeninin uzakta olsa bir gelecekte tesisi için elzemdir.

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# UKRAYNA KRİZİ BAĞLAMINDA MONTRÖ BOĞAZLAR SÖZLEŞMESİ

Türkiye'nin Ukrayna ve Rusya ile sürdürdüğü ilişkilerin önemli bir boyutunu üç devletin de Karadeniz'e kıyıdaş devlet olmaları oluşturmaktadır. Özellikle Karadeniz ile Akdeniz'i birbirine bağlayan ve Türk Boğazları olarak da adlandırılan Çanakkale ve İstanbul Boğazlarından geçiş rejiminin nasıl ve ne şekilde yürütüleceği sorusu saldırının başladığı tarihten itibaren sorulmaya başlanmıştır.

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2 Şubat 2022 tarihinde Rusya Devlet Başkanı Vladimir Putin tarafından Ukrayna'nın doğusunda bulunan Donetsk ve Luhansk bölgelerinde Rusya yanlısı ayrılıkçılarca ilan edilen 'Donetsk Halk Cumhuriyeti' ve 'Luhansk Halk Cumhuriyeti'nin bağımsızlığını ve egemenliğini tanıyan kararnamele imzalanmıştır.<sup>1</sup> 24 Şubat tarihinde ise NATO'nun genişlemesine özel vurgu yaptığı konuşmasında Vladimir Putin, Donetsk ve Luhansk bölgelerini kapsayan Donbass'a 'özel askeri operasyon' başlatıldığını duyurmuş ve bu operasyon ile Ukrayna topraklarını işgal etme amaçlarının olmadığını belirtmiştir.<sup>2</sup> Ancak bu açıklamanın aksine Rus Silahlı Kuvvetleri Ukrayna'nın başkenti Kiyiv'e kadar ilerlemiş, Odesa, Mariupol, Harkiv gibi başka şehirlerde de askeri operasyonlarını sürdürmüştür. Rusya'nın Ukrayna'ya yönelik olarak gerçekleştirdiği bu saldırı, dünya çapında ses getirmiş, birçok devletin tepkisini çekmiş ve küresel düzlemde hararetli tartışmalara neden olmuştur. Türkiye için ise saldırı sonrasında ortaya çıkan tartışmalar, hem NATO üyesi olması hem de Ukrayna ve Rusya ile sürdürdüğü ilişkiler nedeniyle daha da önemli bir hal almıştır.

Türkiye'nin Ukrayna ve Rusya ile sürdürdüğü ilişkilerin önemli bir boyutunu üç devletin de Karadeniz'e kıyıdaş devlet olmaları oluşturmaktadır. Özellikle Karadeniz ile Akdeniz'i birbirine bağlayan ve Türk Boğazları olarak da adlandırılan Çanakkale ve İstanbul Boğazlarından geçiş

rejiminin nasıl ve ne şekilde yürütüleceği sorusu saldırının başladığı tarihten itibaren sorulmaya başlanmıştır. Nitekim saldırıların başladığı tarih olan 24 Şubat tarihinde de Ukrayna'nın Ankara Büyükelçisi Vasly Bodnar tarafından yapılan açıklamada, "...Çanakkale ve İstanbul Boğazı'nın Rus gemilerine kapatılması için çağrıda bulunuyoruz. İlgili talebimizi Türk tarafına ilettik." ifadeleri kullanılmış ve tartışma resmi bir zemine taşınmıştır.<sup>3</sup>

Bu durum karşısında Türkiye, boğazlardan geçişlerin sınırlandırılması hususunda Montrö Boğazlar Sözleşmesi'ne atıf yaparak saldırının mahiyeti noktasında bir değerlendirme yapıldığını belirtmiştir. Dışişleri Bakanı Mevlüt Çavuşoğlu, saldırının ikinci gününde yaptığı bir açıklamada, Montrö Boğazlar Sözleşmesi'nin geçmişten beri olduğu gibi şeffaf ve objektif bir şekilde, harfi harfine uygulanmaya devam edileceğini vurgulayarak saldırının bir savaş hali alıp almadığı noktasında yapılan değerlendirmenin sürdüğünü aktarmıştır.<sup>4</sup> Görüldüğü üzere Türkiye, Türk Boğazları konusunda Montrö Boğazlar Sözleşmesi'nin geçerli olduğunun altını çizmektedir. Bu nedenle Montrö Boğazlar Sözleşmesi'nin ilgili hükümlerine değinmekte yarar vardır.

## Montrö Boğazlar Sözleşmesi

Türk Boğazları her ne kadar çevresi Türkiye Cumhuriyeti toprakları ile çevrili olsa da iki açık denizi birbirine

bağlaması hasebiyle milletlerarası su yolu niteliğindedir ve bu nedenle uluslararası düzenlemelere tabidir.<sup>5</sup> Günümüzde Türk Boğazlarından geçiş rejimini tanzim eden uluslararası düzenleme Montrö Boğazlar Sözleşmesi'dir.<sup>6</sup> Montrö Boğazlar Sözleşmesi, 1936 yılında, 1923 yılında imzalanmış olan Lozan Boğazlar Sözleşme'nin yerini alan ve Türkiye ile birlikte Avustralya, Bulgaristan, Fransa, Büyük Britanya, Japonya, Romanya, Sovyetler Birliği, Yugoslavya ve Yunanistan'ın taraf olduğu, Lozan Boğazlar Sözleşmesi'ne nazaran Türk Boğazları konusunda Türkiye lehine daha çok ayrıcalık içeren bir uluslararası andlaşmadır.<sup>7</sup> Montrö Boğazlar Sözleşmesi ile Lozan Boğazlar Sözleşmesi'nde kurulmuş olan Boğazlar Komisyonu kaldırılarak yetkileri Türkiye Hükümeti'ne devredilmiştir ve Türkiye'nin Boğazlar'da asker konuşlandırması ile silahlandırması yönündeki engeller ortadan kalkmıştır.<sup>8</sup>

Geçiş rejimi esas olarak ticaret gemileri ve savaş gemileri olmak üzere ikili bir ayırım ile düzenlenmiştir. Bu ikili ayırımı ek olarak düzenlemeler, barış dönemi ile savaş dönemi, Karadeniz'e kıyısı olan devletler ile olmayan devletler ve Türkiye'nin savaşa taraf olup olmadığı durumlar için de farklı uygulamalar öngörmektedir.

### Ticaret Gemileri

Öncelikle Sözleşme'nin 7. maddesi uyarınca ticaret gemisi, savaş gemisi dışındaki gemilerdir. Savaş gemileri ise aşağıda inceleneceği üzere Sözleşme'nin II sayılı Eki ile düzenlenmiştir.

Ticaret gemilerininin barış döneminde Boğazlar'dan geçişinde kural olarak tam geçiş serbestisi söz konusudur. Böylece Sözleşme'nin 2. maddesine göre ticaret gemileri, yükü veya bayrağı fark etmeksizin (bayrağını taşıdığı ülkenin Karadeniz'e kıyısı olsun olmasın) gece veya gündüz Boğazlar'dan tam geçiş ve seyrüsefer serbestisine sahiptirler. Boğazlar'dan geçen ticaret gemileri, geçişleri esnasında bir limana uğramadıkları takdirde, Sözleşme'nin I sayılı Eki'nde belirtilenler hariç olmak üzere vergi ve harca tabi tutulamayacaklardır. Ayrıca ticaret gemileri geçişleri sırasında bir kılavuzluk veya römorkaj hizmeti de almak zorunda değildir. Yalnızca Sözleşme'nin 3. maddesi uyarınca Boğazlar'a giren her gemi bir sağlık denetiminden geçmek durumundadır. Salgın hastalık riski olan durumlar dışında ilgili denetim, gemiye yanaşan bir teknede bulunan sağlık görevlisine ilgili sağlık belgelerinin gösterilmesi şeklinde gerçekleştirilmektedir.<sup>9</sup>

Sözleşme'nin 4. maddesine göre, Türkiye'nin taraf olmadığı bir savaş zamanında da yine yukarıda bahsi geçen 2. ve 3. maddeler geçerli olacaktır. Bir başka deyişle ticaret gemileri, bayrak ve yük fark etmeksizin, Boğazlar'dan geçiş ve seyrüsefer serbestisinden faydalanacaklardır.

Türkiye'nin kendisi için pek yakın bir savaş tehlikesi tehdidi olduğunu kabul ettiği durumlarda ise ticaret ge-



mileri için 2. madde yine geçerli olmaya devam edecektir. Fakat bu halde, ticaret gemilerininin Boğazlar'a gündüz girmesi ve geçişlerin de Türk makamlarınca gösterilen yoldan yapılması gerekmektedir. Bu durumda var olan diğer bir istisna da kılavuzluk hizmetinin mecburi tutulabilecek olmasıdır. Yine de 6. maddede düzenlendiği üzere kılavuzluk hizmeti bu halde de ücrete tabi değildir.

Sözleşme'nin 5. maddesinde ise Türkiye'nin taraf olduğu bir savaş durumu düzenlenmiştir. Bu durumda ise Türkiye'ye karşı savaşan tarafta olmayan bir devletin ticaret gemileri, düşmana hiçbir şekilde yardım etmemek, Boğazlar'a gündüz girmek ve geçiş esnasında Türk makamlarınca gösterilen yoldan geçmek şartıyla, geçiş ve seyrüsefer serbestisinden faydalanabileceklerdir.

### Savaş Gemileri

#### Barış Zamanı Savaş Gemileri

Montrö Boğazlar Sözleşmesi'nin önemli bir kısmı savaş gemilerine ayrılmış olup ilgili düzenlemeler, bir görüşe göre gelişen teknolojinin gerisinde kalan, karmaşık, anlaşılması zor ve belirsiz hükümler içermektedir.<sup>10</sup> Nitekim özellikle Karadeniz'e kıyıdaş olmayan ABD kaynaklı bazı görüşler, Sözleşme'nin kaleme alındığı tarihten bu zamana dek savaş gemilerininin gösterdiği gelişim nedeniyle sözleşme hükümlerinin uygulanması zor hükümler olduğunu ve tartışmaya açık olduğunu savunmaktadır.<sup>11</sup> Sözleşme'nin savaş gemisi dışındaki gemileri ticaret gemisi



**Türk Boğazları her ne kadar çevresi Türkiye Cumhuriyeti toprakları ile çevrili olsa da iki açık denizi birbirine bağlaması hasebiyle milletlerarası su yolu niteliğindedir ve bu nedenle uluslararası düzenlemelere tabidir.**

olarak tanımladığı ve ticaret gemileri için de tam geçiş ve seyrüsefer serbestisini ilke edindiği göz önünde tutulduğunda Sözleşme'nin II sayılı Ek'inde bulunan hükümlerin yorumu önem arz edecektir. 1936 tarihli Londra Deniz Kuvvetleri Andlaşması'ndan alınmış olan ilgili düzenlemeler, öncelikle savaş gemilerinin tonaj hesaplamasını düzenlemektedir. Sonrasında ise savaş gemilerini altı sınıfa ayırmaktadır: Hattıharp gemileri, uçak gemileri, hafif su üstü gemileri, denizaltılar, küçük savaş gemileri ve yardımcı gemiler. Bu sınıflandırmanın önemi ise geçişlerin sınıflara göre farklılık gösterebilmesindedir.

Öncelikle yakıt taşımak için yapılmış olan yardımcı gemiler (askeri tankerler), barış zamanında, bayrakları önem arz etmeksizin, silah sınırlarını aşmadıkları takdirde, ön bildirimde bulunmadan, tek başlarına ve gündüz girmek şartıyla Boğazlar'dan geçebilecektir. 9. maddedeki düzenlemeye göre bu gemiler, ileride göreceğimiz sınırlamaya tabi olmamak üzere tonaj hesabına kalmazlar.

10. maddeye göre ise hafif su üstü gemileri ve küçük savaş gemileri, barış zamanında, bayrakları önem arz etmeksizin, Boğazlar'a gündüz girmek şartıyla Boğazlar'dan geçiş yapabilmektedirler. Bu iki sınıf savaş gemisinin geçiş hususunda yardımcı gemilerden ilk farkı bir ön bildirim<sup>12</sup> tabi tutulmalarıdır. Bir diğer fark ise tonaj hesaplaması üzerinedir. Buna göre Boğazlar'daki yabancı savaş gemisi sayısı 9 gemiyi ya da 15.000 tonu aşmamalıdır.<sup>13</sup>

Yukarıda sayılan savaş gemileri dışında kalan savaş gemileri (hattıharp gemileri, denizaltılar ve uçak gemileri) içinse Karadeniz'e kıyısı olan ve olmayan devletlerin savaş gemileri arasında bir ayırım yapılmaktadır. Buna göre Karadeniz'e kıyısı olmayan devletler için sadece yukarıda sayılan üç sınıf gemiyi Boğazlar'dan geçirme hakkı olup hattıharp gemilerini, denizaltılarını ve uçak gemilerini Boğazlar'dan geçirmesi yasaklanmıştır.<sup>14</sup> Karadeniz'e kıyısı olmayan devletler için bir diğer kısıtlama ise Sözleşme'nin 18. maddesinde yer almış olup kural olarak ilgili devletlerin Karadeniz'deki savaş gemilerinin toplam tonajının 30.000 tonu geçmemesi ve bu devletlerin Boğazlar'dan geçen savaş gemilerinin Karadeniz'de 21 günden fazla kalamaması üzerinedir.

Sözleşme'nin 11. maddesi uyarınca Karadeniz'e kıyısı olan devletler ise tonajı 15.000 tonu aşan hattıharp gemilerini, ön bildirim şartına uyararak tek başına ve en çok iki

torpido eşliğinde Boğazlar'dan geçirebilirler. Bir sonraki maddeye göre de Karadeniz'e kıyısı olan devletler, Karadeniz dışında yaptıkları veya satın aldıkları denizaltılarını ya da başka denizlere onarımına gönderdikleri denizaltılarını, Türkiye'ye yeterli bir süre içinde bu konu hakkında ayrıntılı bilgi vermek, geçiş esnasında su üstünden gitmek ve gündüz geçmek şartlarıyla Boğazlar'dan geçirebileceklerdir. Uçak gemilerinin Boğazlar'dan geçirilmesi ise "Sözleşme'nin lafzına ve ruhuna kesin olarak aykırıdır."<sup>15</sup>

Şimdiye kadar savaş gemilerinin geçişi ile ilgili incelediğimiz durumların barış zamanında geçerli olduğunu hatırlatarak buraya kadarki incelemelerimizi özetlememiz gerekirse; Karadeniz'e kıyısı olmayan devletler, belirli şartlar altında Boğazlar'dan yardımcı gemilerini, hafif su üstü gemilerini ve küçük savaş gemilerini geçirebilmekte ve savaş gemilerini Karadeniz'de 21 günden fazla tutamamaktadır. Karadeniz'e kıyısı olan devletler ise bu üç sınıfa ek olarak belirli şartlar altında hattıharp gemilerini ve başka ülkelerden satın almış oldukları denizaltılarını Boğazlar'dan geçirebilmektedir.

### *Savaş Zamanı Savaş Gemileri*

Savaş zamanına yönelik yapılan düzenlemeler Türkiye'nin güvenliği ve uluslararası topluma karşı yüklediği sorumluluklar açısından büyük önem arz etmektedir.<sup>16</sup>

Öncelikle Sözleşme'nin 19. maddesi uyarınca Türkiye'nin savaştan olmadığı bir savaş zamanında, savaşa taraf olmayan savaş gemileri, yukarıda bahsi geçen barış zamanı düzenlemelerine uygun şekilde, Boğazlardan geçiş yapabilecektir. Savaştan statüsündeki devletlerin ise savaş gemilerinin Boğazlardan geçişi yasaktır. Fakat bu kurala bir istisna olarak Karadeniz'e kıyısı olan ya da olmayan savaştan devletlere ait olup da bağlama limanlarından ayrılmış bulunan savaş gemileri, bu limanlara dönebilirler. Kuralın diğer bir istisnası ise Birleşmiş Milletler<sup>17</sup> (BM) Andlaşması çerçevesinde yapılmış olan ve Türkiye'yi de bağlayan bir yardım anlaşması gereğince saldırının mağduru olan devlete yapılan durumlarıdır. Böyle bir durum kapsamında Boğazlar'dan serbestçe geçecek olan savaş gemileri için sayı ve tonaj kısıtlaması olmayacaktır.<sup>18</sup>

Türkiye'nin savaştan olduğu ve kendini pek yakın bir savaş tehdidi altında saydığı durumlar ise 20. madde ile 21. maddede düzenlenmiştir. Bu hallerde savaş gemilerinin Boğazlardan geçişi Türkiye Hükümeti'nin tercihine bırakılmıştır. Yalnızca, Türkiye'nin kendini pek yakın savaş tehdidi altında saydığı durumda, bu durumdan önce bağlama limanından ayrılmış savaş gemilerinin geri dönüşüne izin verilmelidir. Ayrıca Türkiye yine böyle bir durumda aldığı kararları taraf devletler ile BM Genel Sekreterliği'ne bildirmeli ve kararların BM Güvenlik Konseyi'nde 2/3 çoğunlukla reddedilmemesi gerekmektedir.



## Uçaklar

Montrö Boğazlar Sözleşmesi'nin 23. maddesi yalnızca sivil uçaklar için bir düzenlemeye yer vermiştir. Buna göre sivil uçaklar Akdeniz ile Karadeniz arasındaki geçişleri için Türk Hükümeti hava koridorları belirleyecek ve tarifesiz uçuşlar 3 gün önceden bir bildirimle, tarifeli uçuşlar ise genel bir bildirimle gerçekleştirilecektir.<sup>19</sup> Böylece askeri uçakların geçişi sözleşme dışında tutularak Türkiye'nin egemen yetkisine bırakılmıştır.<sup>20</sup>

## Ukrayna'nın Montrö Boğazlar Sözleşmesi Kapsamındaki Talebi ve Türkiye'nin Tutumu

Yukarıda da belirtildiği üzere Ukrayna'nın talebi üzerine Türkiye, 25 Şubat'ta yetkili uzmanları ile bir inceleme başlatmış olduğunu aktarmıştır. İncelemenin odak noktası Ukrayna'da bir savaş durumu olup olmadığı üzerine olmuştur. Çünkü Karadeniz'e kıyıdaş iki devlet olan Ukrayna ile Rusya'nın taraf olduğu bir savaş halinde, Montrö Boğazlar Sözleşmesi'nin 19. maddesi uyarınca söz konusu iki devletin savaş gemilerinin Boğazlardan geçişi kural olarak mümkün olmayacaktır. Ancak bu devletlerin bağlama limanlarından ayrılmış olan gemilerinin limanlarına dönmelerine izin verilebilecektir.

## Savaş Durumunun Tespiti

Söz konusu maddenin uygulamaya konulabilmesi için Türkiye'nin savaş durumunun varlığını ve savaşa taraf olan devletleri belirlemesi gerekmektedir. Sözleşme, bu hususlar hakkında bir tanım içermemektedir. Ayrıca Sözleşme, Birleşmiş Milletler Andlaşması'nın kabulü, modern insancıl hukukun gelişimi gibi olgulardan önce kaleme alınmış ve 86 yıldır bir değişikliğe uğramadan uygulanmıştır.<sup>21</sup> Yine de doktrinde konu genelinde tam anlamıyla bir fikir birliği bulunmamaktadır. Bir görüşe göre Sözleşme metninde yer alan "savaş" kavramı, uluslararası olan veya olmayan "silahlı çatışmalar" olarak anlaşılmalıdır.<sup>22</sup>

Bir diğer görüşe göre ise böyle bir yorum sözleşmenin yapıldığı dönem de göz önünde bulundurulduğunda tarafların niyetinden daha geniş kapsamlı bir yorum olacaktır.<sup>23</sup> Nitekim 1907 tarihli Muhasamatın Başlamasına Dair III sayılı Lahey Sözleşmesi'nin 1. maddesine göre savaş, bir savaş ilanı ile veya savaş koşuluna bağlı bir ultimatom ile başlamaktadır. Fakat, uygulamada devletlerin ilan etmeksizin savaş yaptığı birçok durum da yaşanmıştır ve Ayşe Nur Tütüncü'ye göre aksi taraflarca açık bir şekilde belirtilmedikçe taraflar arasındaki düşmanca davranışlar hukuki anlamda savaş sayılır.<sup>24</sup> Yücel Acer de yaptığı değerlendirmede "Uluslararası hukuk kurallarına göre bir savaş durumunun olduğunun kesin tespiti için resmi bir savaş beyanı gerekmemektedir. Silahlı güç kullanan devlet tarafından resmi bir savaş ilanı yapılmaya da 'kapsamlı' bir silahlı güç kullanımı mevcut olduğunda savaş hukuku kurallarının uygulanmaya başlanması gerekmektedir" demektedir.<sup>25</sup> Rusya'nın kara, deniz ve hava kuvvetlerini yoğun bir biçimde kullandığı ve Ukrayna'nın da bu saldırılara karşılık verdiği de 'kapsamlı' güç kullanımı noktasında göz önünde bulundurulmalıdır.<sup>26</sup> Devletlerin günümüzde siyasi nedenlerle savaş ilanından kaçındığı da dikkate alındığında 19. maddeyi uygulama noktasında bir savaş ilanını beklememenin gerekmediği söylenebilir. Ayrıca Ukraynalı yetkililerin açıklamalarında 'savaş' kavramını kullanması, Rusya ile diplomatik ilişkilerini kesmesi<sup>27</sup> ve Türkiye'den Sözleşme'nin 19. Maddesinin uygulanmasını talep etmesi de özellikle Ukrayna tarafınca savaş durumunun oluştuğunun kabul edildiğini göstermektedir.<sup>28</sup> Görüldüğü üzere savaş kavramının tanımını noktasında Montrö Boğazlar Sözleşmesi özelinde yakın ama farklı görüşler bulunmaktadır. Yine de yukarıda bahsi geçen görüşlerin ortak noktası, hangi görüş baz alınırsa alınsın Ukrayna'da bir savaş durumunun mevcut olduğunun kabulüdür.

## Türkiye'nin Verdiği Karar ve Aldığı Tepkiler

Güncel durumda Rusya, Ukrayna'ya karşı bir savaş ilanında bulunmamış ve saldırıya ilişkin olarak Rus yet-

**Montrö Boğazlar Sözleşmesi'nin 19. maddesi uyarınca söz konusu iki devletin savaş gemilerinin Boğazlardan geçişi kural olarak mümkün olmayacaktır. Ancak bu devletlerin bağlama limanlarından ayrılmış olan gemilerinin limanlarına dönmelerine izin verilebilecektir.**

kililerce yapılan açıklamalarda da 24 Şubat'tan bu zamana dek "özel askeri operasyon" kavramı kullanılmıştır.<sup>29</sup> Yine de 27 Şubat 2022 tarihine gelindiğinde ise Dışişleri Bakanı Mevlüt Çavuşoğlu, yapılan değerlendirme ile birlikte Ukrayna ve Rusya'nın taraf olduğu bir savaşın varlığına kanaat getirildiğini söylemiştir.<sup>30</sup> Böylece tarafların savaş gemilerinin Türk Boğazlarından geçişi yasaklanmıştır. Türkiye'nin bu kararına karşı Rusya'dan veya başka herhangi bir devletten olumsuz bir tepki gelmemiştir. Hatta Rusya'nın Ankara Büyükelçisi Aleksey Yerhov, yaptığı bir açıklamada Türkiye'nin Montrö Boğazlar Sözleşmesi kapsamındaki tutumunun Rusya tarafından takdir edildiğini belirtmiştir.<sup>31</sup> ABD Dışişleri Bakanı Antony Blinken'da Türkiye'yi, Montrö Boğazlar Sözleşmesi'ni uygulaması noktasında takdir ettiğini aktarmıştır.<sup>32</sup>

Türkiye'nin verdiği bu karardan en çok etkilenen devlet elbette Rusya'dır. Kırım'ın işgali sonrasında Karadeniz'deki deniz gücünü arttıran Rusya'nın, bir analize göre 24 Şubat tarihinde Akdeniz'de 16 savaş gemisi bulunmaktadır.<sup>33</sup> Rusya'nın Akdeniz'de bulunan bu 16 savaş gemisinden ise Sözleşme'nin 19. maddesinde belirtilen "Karadeniz'e kıyıdaş olan ya da olmayan savaşan Devletlere ait olup da bağlama limanlarından ayrılmış bulunan savaş gemileri, bu limanlara dönebilirler" yönündeki kural uyarınca yalnızca beşinin Karadeniz'e dönebileceği ifade edilmektedir.<sup>34</sup> Nitekim Türkiye, Rusya'nın Boğazlardan geçerek Karadeniz'e sokmak istediği dört savaş gemisinden üçünün bağlama limanlarının Karadeniz'de olmadığını ifade ederek bu yöndeki bir talebi geri çevirmiştir.<sup>35</sup>

### **Türkiye'nin Kendini Yakın Bir Savaş Tehlikesi Tehdidinde Altında Sayma İhtimali**

Montrö Boğazlar Sözleşmesi özelinde Türkiye'nin tutumunun tartışılan bir diğer noktası ise Dışişleri Bakanı Mevlüt Çavuşoğlu'nun yaptığı bir açıklama üzerine olmuştur. Söz konusu açıklamada Çavuşoğlu, "Kıyıdaş olan, olmayan bütün ülkeleri boğazlardan savaş gemisi geçirmemesi konusunda uyardık. Montrö ne diyorsa bunu uyguladık, bundan sonra da uygulayacağız" demiştir. Çavuşoğlu'nun bu açıklaması sonrası Boğazlar'dan savaşan devletlere ait olmayan savaş gemilerinin de geçirilmeyeceği yönünde bazı endişeler dile getirilmiştir. Böyle bir

uygulamanın ise Sözleşme kapsamında hukuka aykırı olacağı belirtilmektedir.<sup>36</sup> Çünkü yukarıda da belirttiği üzere Türkiye böyle bir kararı ancak Sözleşme'nin 20. ve 21. maddeleri uyarınca, bir başka deyişle ancak savaşan taraf olduğu bir durumda veya kendini pek yakın bir savaş tehdidi altında saydığı durumda alabilecektir. Bir görüşe göre bu açıklama Boğazlardan geçerek Karadeniz'e giriş yapması muhtemel NATO üyesi devletlerin savaş gemilerine Rus kuvvetlerce saldırılması ihtimalinden kaynaklanmaktadır.<sup>37</sup> Böyle bir durumda bir NATO üyesi olan Türkiye'nin de NATO Andlaşması'nın 5. maddesi gereğince saldırıya uğramış olarak değerlendirilebileceği ve böylece de Montrö Boğazlar Sözleşmesi'nin 21. maddesinin devreye girmesinin söz konusu olabileceği ihtimali bulunmaktadır. Fakat Türkiye'nin gerçekçi temelleri olmadan 21. maddeyi uygulamaya sokmasının hem Rusya hem de NATO üyesi devletler için bir güvenlik açığı oluşturacağı belirtilmektedir.<sup>38</sup> Ayrıca böyle bir uygulama, Türkiye için de bir anlamda zararlı olacaktır. Türkiye'nin Rusya ve Ukrayna arasında yaşanan savaştan dolayı yoldan büyük oranda olumsuz etkilendiği bir gerçektir. Fakat savaş nedeniyle doğrudan bir etki hissetme ihtimali şimdilik düşük olan Türkiye'nin, kendi güvenliği ve egemenliği için önemli bir araç olarak gördüğü Montrö Boğazlar Sözleşmesi'ni gerçekçi temeller olmadan uygulaması, Sözleşme'nin sorgulanmasına yol açacaktır.<sup>39</sup>

Bunların yanında, Çavuşoğlu'nun bu açıklamasının, hukuki bir gerçeğe atıf yapmak niyetiyle değil Karadeniz'deki gerilimin tırmanmasının önüne geçmek niyetiyle yapılan bir açıklama olarak algılanması doğru olacaktır. Karadeniz'e kıyısı olmayan devletlerin Boğazlardan geçirebilecekleri savaş gemilerinin tonajlarının ve sayılarının kısıtlı olduğu akılda tutulduğunda Karadeniz'e kıyısı olmayan devletlerin Karadeniz'den Rusya'ya yönelik ciddi bir tehdit oluşturması güç görünmektedir. Nitekim geçmişte de Karadeniz'e kıyısı olmayan devletlerin tonaj sınırlarını aşan savaş gemilerinin Karadeniz'e girişi Türkiye tarafından engellendiği örnekler bulunmaktadır.<sup>40</sup> Bu nedenle Boğazlardan geçecek savaş gemileri, Rusya'ya gözdağı vermekten daha çok devletler arasındaki gerginliği arttırmaya hizmet edecektir. Halihazırda ise Rusya dışında bir devletin karar sonrasında Boğazlardan savaş gemisi geçirmek yönünde bir talebi bulunmamıştır. Ayrıca geçtiğimiz aylarda NATO misyonu kapsamında iki İspanyol savaş gemisi Karadeniz'de bulunmasına ve bundan önce de iki ABD savaş gemisinin Karadeniz'de görev icra etmesine<sup>41</sup> rağmen şu an için Karadeniz'de NATO misyonu kapsamında görev icra eden bir savaş gemisi de bulunmamaktadır.<sup>42</sup>

### **Savaşın Uzaması İhtimali**

Türkiye, Rusya ve Ukrayna arasındaki savaş neticesinde aldığı karar ile İkinci Dünya Savaşı'ndan bu za-





mana, ilk kez Sözleşme'nin 19. maddesini uygulamaya sokarak savaşan devletlerin savaş gemilerinin Boğazlardan geçişini yasaklamıştır. Yakın bir tarihte Kırım ve Gürcistan'da olduğu gibi geçmişte de yaşanan bazı silahlı çatışma durumlarında ilgili maddenin uygulamaya koyulması gündeme gelmiş fakat Türkiye tarafından böyle bir karar alınmamıştır.<sup>43</sup> Yine de Türkiye'nin uzunca bir aradan sonra ilgili maddeyi uygulamasının neredeyse tüm devletlerce takdirle karşılandığı görülmektedir. Rusya'ya karşı Avrupa ve ABD öncülüğünde uygulanan ekonomik ve siyasi yaptırımlara katılmayan Türkiye'nin, Türk Boğazları noktasındaki bu tutumunu Rusya'ya verilen tepkiler kapsamında bir destek olarak gören görüşler de bulunmaktadır.<sup>44</sup> ABD Kongresi'ne sunulan 11 Mart 2022 tarihli bir raporda da Ukrayna, Azerbaycan, Polonya ve Gürcistan ile savunma konusundaki bağlarını güçlendiren Türkiye'nin ekonomik kaygılar ile Suriye'deki durum nedeniyle yaptırımlara katılmadığı ancak Ukrayna'ya sahada başarılı olduğu görülen silahlı insansız hava araçları tedarik ettiği, insani yardım sağladığı ve 19. madde kapsamında Boğazlardan Rus savaş gemilerinin geçişini kısıtladığı vurgulanmaktadır.<sup>45</sup> Ayrıca Montrö Boğazlar Sözleşmesi'nin şeffaf ve açık bir şekilde uygulanması Rusya için de bir güvenlik mekanizması sağlıyor olsa da savaşın uzaması ile birlikte Rus savaş gemilerinin bakım ve onarım noktasında bir zafiyet yaşaması ihtimali ve Avrupa hava sahasının Rus uçaklarına kapatılması sonu-

cunda da Türk Boğazlarındaki hava sahasının öneminin artması ihtimali de bulunmaktadır.<sup>46</sup>

### Sonuç

24 Şubat 2022 tarihinde Rusya'nın Ukrayna'ya yönelik olarak başlattığı saldırı neticesinde Ukrayna, Türkiye'den Montrö Boğazlar Sözleşmesi çerçevesinde Türk Boğazlarından Rus savaş gemilerinin geçişini engellemesini talep etmiş ve bu talep sonrasında Türkiye'nin tutu-

**Nitekim Türkiye de bu karara vararak İkinci Dünya Savaşı'ndan sonra ilk kez Sözleşme'nin 19. maddesini uygulamaya koymuştur. Bu karar hem Rusya hem de başka devletlerce takdir edilmiştir. Türkiye'nin bu kararının Rusya için şimdilik büyük bir önem arz etmediği düşünülse de savaşın uzaması ile birlikte Türkiye'nin kararlı tutumunun Rus savaş gemilerini bazı sorunlarla karşı karşıya bırakabileceği düşünülmektedir.**

munun ne yönde olacağı merak konusu olmuştur. Talep üzerine Türkiye, Ukrayna'da bir savaş halinin varlığını ve savaşa taraf olan devletleri değerlendirmiş, 27 Şubat 2022 tarihinde Dışişleri Bakanı Mevlüt Çavuşoğlu'nun yaptığı açıklama ile de bir savaşın varlığına kanaat getirildiğini ve böylece savaşa taraf olan Ukrayna ile Rusya'ya ait savaş gemilerinin kural olarak Boğazlardan geçemeyeceğini vurgulamıştır.

Montrö Boğazlar Sözleşmesi'nin savaş durumu ile yaşananlar için bir tanım içermemesi ve kaleme alınışından beri geçen 86 yıllık sürede gelişen olgular nedeniyle Türkiye'nin savaş halini nasıl belirlemesi gerektiği noktasında bazı fikir ayrılıkları bulunmaktadır. Bir görüşe göre Sözleşme'de geçen 'savaş' kavramı bugün için 'silahlı çatışmalar' kavramına denk gelmektedir. Bir görüşe göre ise böyle bir yorum genişletici bir yorum olacaktır. Savaş durumunun tespiti için savaş ilanı gerekip gerekmediği sorusuna ise genel olarak "kapsamlı bir güç kullanımının" varlığı halinde ilan edilmese dahi bir savaş durumundan bahsedilebileceği yönünde cevaplar verilmektedir. Anılan gö-

rüşler istikametinde bakıldığında Rusya'nın Ukrayna'ya yönelik başlattığı askeri saldırının bir savaş halini aldığını belirtmek yanlış olmayacaktır.

Nitekim Türkiye de bu karara vararak İkinci Dünya Savaşı'ndan sonra ilk kez Sözleşme'nin 19. maddesini uygulamaya koymuştur. Bu karar hem Rusya hem de başka devletlerce takdir edilmiştir. Türkiye'nin bu kararının Rusya için şimdilik büyük bir önem arz etmediği düşünülse de savaşın uzaması ile birlikte Türkiye'nin kararlı tutumunun Rus savaş gemilerini bazı sorunlarla karşı karşıya bırakabileceği düşünülmektedir. Nitekim Türkiye, Türk Boğazları'ndan geçmek isteyen üç Rus savaş gemisinin geçişine izin vermeyerek Sözleşme'yi uygulama noktasında kararlı olduğunu göstermiştir. Montrö Boğazlar Sözleşmesi'ni "şeffaf ve açık" bir şekilde uluslararası hukuka uygun olarak uygulamadaki bu kararlılık, hem Türkiye'nin hem de Karadeniz'e kıyısı olan diğer devletlerin güvenliğini sağlama noktasında büyük önem arz etmektedir.

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# SWIFT SYSTEM TURNS INTO ECONOMIC SANCTIONS INSTRUMENT

Past examples show that SWIFT can also be used as a weapon, even though it is nominally independent.

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Shortly after the Russia's forces started a "special military operation" against Ukraine on the evening of 24 February 2022, in essence a full-scale invasion of Ukraine, the leaders of the European (Union) Commission held an emergency meeting to discuss the punitive sanctions that could be put in place against Russia to deter her from military aggression. The reports on the matter point out that at the meeting, specific financial measures European Union (EU) member states may take against Russia were discussed. It is noted in this respect that one of the controversial options discussed at the meeting was the exclusion of Russian financial institutions from the global messaging system for financial transactions, which is called the Society for Worldwide Interbank Financial Telecommunications (SWIFT). It is claimed in the reports that many EU leaders, including German Chancellor Olaf Scholz and French Finance Minister Bruno Le Maire, advocated the view of being extremely cautious. In fact, it is also claimed that the French Finance Minister Bruno Le Maire considered the SWIFT ban as a last resort and characterized such a sanction as a "financial nuclear weapon."<sup>1</sup> Additionally, it is mentioned in the reports that Italy, Hungary, and the Greek Cypriot Administration of Southern Cyprus have also expressed their concerns at the EU meeting regarding the SWIFT ban.<sup>2</sup>

### What is SWIFT and Why is Important for International Financial Transactions?

Conventional wisdom considers SWIFT as the cornerstone of global financial transactions.<sup>3</sup> Before SWIFT

came into existence, international interbank telecommunication was managed through Telex-Messages. After the decline of the telex message system, SWIFT was founded on 3 May 1973 as a non-profit cooperative organization to create a shared worldwide data processing and communication link. Furthermore, it was headquartered in Brussels as a diplomatic alternative to the intense rivalry between New York and London.<sup>4</sup> At its founding, SWIFT membership amounted to 239 banks from fifteen Western countries. Its main task was to create common standards for the transmission of financial information. A year later, SWIFT connected to Asian countries. By 1987, SWIFT's user base began to expand with the participation of broker-dealers, exchanges, central depositories, and clearing institutions. According to its website, SWIFT's 2020 strategy envisages a strong focus on core objectives like building its financial crime compliance portfolio and expanding its market infrastructure.<sup>5</sup>

### Brief History of Using SWIFT as an Economic Sanction Instrument

As can be understood from the information given above, SWIFT is designed to make international payments quickly and efficiently as per its establishment purpose. However, past examples show that SWIFT can also be used as a weapon, even though it is nominally independent. For example, in 2012, SWIFT, under pressure from the United States (US) and the EU, agreed that Iran's membership violated American and European sanctions and, as a result, sanctioned Iranian banks were dis-



connected from the system. SWIFT announced this decision with the following explanation:

“The new European Council decision, as confirmed by the Belgian Treasury, prohibits companies such as SWIFT to continue to provide specialised financial messaging services to EU-sanctioned Iranian banks. SWIFT is incorporated under Belgian law and has to comply with this decision as confirmed by its home country government. This EU decision forces SWIFT to take action. Disconnecting banks is an extraordinary and unprecedented step for SWIFT. It is a direct result of international and multilateral action to intensify financial sanctions against Iran. SWIFT has been and remains in full compliance with all applicable sanctions regulations of the multiple jurisdictions in which it operates and has received confirmation of this from the competent regulatory authorities. As a global provider of secure messaging services, SWIFT is not involved in or control over the underlying financial transactions that are contained in the messages of its member banks.”<sup>6</sup>

On the other hand, known for its numerous resolutions threatening non-EU countries with sanctions on various issues, the European (Union) Parliament has adopted resolutions proposing to remove Russia from SWIFT. For example, the Parliament resolution of 29 April 2021 on Russia regarding “the case of Alexei

Navalny, the military build-up on Ukraine’s border and Russian attacks in the Czech Republic” underscored that “Russia should be excluded from the SWIFT payment system.”<sup>7</sup> Furthermore, according to another resolution adopted on 16 December 2021 regarding “the situation at the Ukrainian border and in Russian-occupied territories of Ukraine”, the Parliament once again threatened Russia with exclusion “from the SWIFT payment system, thereby excluding Russian companies from the international financial market.”<sup>8</sup> As per the press release of the Parliament, the resolution was adopted by 548 votes in favour, 69 against, and 54 abstentions. In addition to these threats of the European Parliament, according to the US White House press release of 7 December 2021, regarding US President Joe Biden’s video call with Russian President Vladimir Putin, Biden voiced the deep concerns of the US and its European allies to Putin about Russia’s escalation of forces surrounding Ukraine and made it clear that “the U.S. and its Allies would respond with strong economic and other measures in the event of military escalation.”

It is worth mentioning at this juncture that Russia, back in 2014, considering these threats from Western countries regarding expulsion from SWIFT system, started to develop a domestic financial-communications platform called as the System for Transfer of Financial Messages (SPFS). The system was developed by the Bank of Russia and is considered by some as a “Russian analogue to SWIFT.”<sup>9</sup> It is noted that the Russian platform had more than four hundred member banks -including

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two dozen from former Soviet states- and managed one-fifth of all domestic financial communications by the end of 2020. Meanwhile, the growing Chinese Cross-border Interbank Payment System (CIPS) should also be considered. Like SPFS, CIPS is tiny compared to SWIFT. However, CIPS already has users in over a hundred countries; it is reported that 1280 financial institutions in 103 countries and regions have connected to the system.<sup>10</sup> Backed by the People's Bank of China (PBOC), CIPS' clearing and settlement services system initiated in 2015 is being used to internationalize the Chinese yuan.<sup>11</sup> CIPS is likely to be pleased to expand its reach and be seen as an alternative to the US and EU-driven Western banking systems.

### **EU Statements and Decisions on Removing Key Russian Banks from SWIFT System**

In the statement made by the European Commission on 26 February 2022, under the heading of "Joint Statement on further restrictive economic measures", the European Commission and the leaders of France, Germany, the United Kingdom (UK), Italy, Canada and the US (the G-7 countries minus Japan) announced the following commitments regarding financial and economic sanctions against Russia:

We, the leaders of the European Commission, France, Germany, Italy, the United Kingdom, Canada, and the United States condemn Putin's war of choice and attacks on the sovereign nation and people of Ukraine. We stand with the Ukrainian government and the Ukrainian people in their heroic efforts to resist Russia's invasion. Russia's war represents an assault on fundamental international rules and norms that have prevailed since the Second World War, which we are committed to defending. We will hold Russia to account and collectively ensure that this war is a strategic failure for Putin...

Specifically, we commit to undertake the following measures:

First, we commit to ensuring that selected Russian banks are removed from the SWIFT messaging system. This will ensure that these banks are disconnected from the international financial system and harm their ability to operate globally.

Second, we commit to imposing restrictive measures that will prevent the Russian Central Bank from deploying its international reserves in ways that undermine the impact of our sanctions...<sup>12</sup>

Subsequently, the EU on 2 March 2022 announced that the Union "agreed to exclude key Russian banks from the SWIFT system, the world's dominant financial messaging system."<sup>13</sup> The European (Union) Council regulation on this decision was promulgated in the Official Journal of the EU on 2 March 2022.<sup>14</sup> The names of the Russian banks to be sanctioned are included in the annex of the Decision. These banks are: Bank Otkritie, Novikombank, Promsvyazbank, Bank Rossii, Sovcombank, VNESHECONOMBANK (VEB), and VTB BANK, and "any legal person, entity or body established in Russia whose proprietary rights are directly or indirectly owned for more than 50 % by these entities."<sup>15</sup> The regulation prohibits "to sell, supply, transfer or export euro denominated banknotes to Russia or to any natural or legal person, entity or body in Russia, including the government and the Central Bank of Russia, or for use in Russia."<sup>16</sup> The EU statement mentions that the banks targeted by measure were chosen as these banks are already subject to sanctions by the EU and the G7 countries. Furthermore, it is stressed that the decision would take effect as of 12 March 2022 to give SWIFT and other operators a brief transition period to implement the measure, thereby mitigating any possible negative impacts for EU businesses and financial markets.

SWIFT announced the EU's decision to remove Russian banks from the system with the following statement, which is similar to the statement on Iran sanctions:

Diplomatic decisions taken by the European Union, in consultation with the United Kingdom, Canada and the United States, bring SWIFT into efforts to end this crisis by requiring us to disconnect selected banks from our financial messaging services. As previously stated, we will fully comply with applicable sanctions laws. To this end, in compliance with the legal instructions in EU Council Regulation (EU) 2022/345 of 1 March 2022 we disconnected seven designated Russian entities (and their designated Russia-based subsidiaries) from the SWIFT network on 12 March 2022. Additionally, in compliance with EU Council Regulation (EU) 2022/398 of 9 March 2022, we will disconnect three Belarusian entities



(and their designated Belarus-based subsidiaries) on 20 March 2022. The SWIFT community will be kept regularly updated across multiple channels, including in the customer section on swift.com. SWIFT underpins the flow of value around the world, across more than two hundred countries, and demonstrates what can be achieved when people come together for common good. We will continue to support economic stability, resiliency, and prosperity across the global financial system, to support long term resolution and recovery as well as support politically neutral humanitarian organisations through our corporate social responsibility programmes.<sup>17</sup>

As can be seen from the SWIFT announcement, three Belarusian entities (and their designated Belarus-based subsidiaries) have also been excluded from the system in reaction to Belarus' involvement in Russia's invasion of Ukraine.

## Conclusion

It is possible to say that sanctions, especially those economic in nature, are one of the most controversial tools used in international diplomacy. While rooted in the earliest international practices, particularly in times of war, economic sanctions now take many forms in times of peace. They can be directed against states or against per-

sons belonging or close to governments, or opposed to them, as is the case with terrorists and their supporters. The intention of these sanctions is to “inflict commercial, financial or monetary damages on the target State or persons in order to pressure them to act in a certain way.”<sup>18</sup> Certain scholars, while explaining the history of economic sanctions, refer to the description by the then US President of Woodrow Wilson of sanctions in 1919 as “the economic weapon.” In this context of the designation of economic sanction as a weapon by Wilson, scholars point to the practices of Allied and Associated Powers led by the UK and France in the First World War during which they launched an “unprecedented economic war against the German, Austro-Hungarian, and Ottoman empires.”<sup>19</sup> As such, there have been various historic examples for sanctions being used as a tool for economic war beyond the cases of Iran and now Russia.

In recent years, there has been a significant increase in the economic-financial sanctions applied by both the EU and the US to impose their will on other countries. Being in the same alliance in such an overzealous sanctioning mood is no longer sufficient to warrant exclusion from sanctions. Such sanctions have at times turned into an exercise of “teaching lessons” to some allies. There have been cases in the past where this course of action has reached a level where it has shaken even the strongest alliances.



On the other hand, economic sanctions are sometimes imposed in response to violations of international norms of behavior. The most recent example of this is, as discussed throughout this paper, the sanction for the removal of leading Russian banks from the SWIFT system. In terms of its effects, it will not be surprising that this sanction has a greater impact on the international scale than in the past. In this context, it should be noted that the French Finance Minister's aforementioned characterization of the key Russian banks' expulsion from SWIFT as a "financial nuclear bomb" has merits. It would be a prudent approach not to exclude the possibility that this

sanction, which aims to push Russia into a corner economically, will cause tectonic shifts on the global financial system in the near future. The case of destructive economic sanctions targeting Russia may cause many countries outside the Western world to seriously consider the option of being included in existing or newly developed systems that may be an alternative to SWIFT in the coming period. These developments give us the strong signals that there may be radical structural changes in the international political and economic system created after the Second World War.

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# PROSPECTS OF THE SOUTH CAUCASUS AFTER THE 44-DAY WAR

The situation in the region remains unsettled and challenging. The new balance of power creates the prerequisites for resolving the contradictions between Armenia and Azerbaijan. However, the depth of the conflict, as well as the interest of some actors in its continuation, is a serious exposure for the peace process.

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The South Caucasus is characterized by specific features that determine its place in the international system. It is located on the route from Europe to Asia. Furthermore, the South Caucasus is a connection point between the Middle East, Central Asia, the Baltic-Black Sea area. This specific location of the region can be said to be one of the reasons of the ethnic and religious heterogeneity. Ethnic fragmentation, discrepancy between the political and ethnic boundaries, and lack of statehood among certain ethnic groups lead to the aggravation of separatism and escalation of inter-state and inter-ethnic conflicts. This is a major cause of the potentiality of instability. The absence of regional platforms and integration projects, obviously, do not help in this regard. The presence of significant Russian influence in the South Caucasus in contrast to the limited presence of the West is an important factor shaping the balance of power in the region.

The 44-Day War between Armenia and Azerbaijan in the fall of 2020 has significantly changed the overall context in the South Caucasus. The war resulted in the return of a large portion of the territories occupied by Armenia to Azerbaijani jurisdiction. Armenia suffered serious material and human losses during the war. The economic dire straits do not allow Yerevan to compensate them in the near future.

After the war a new status quo emerged that is advantageous for Azerbaijan. Turkey appeared as an influential regional player during the war. However, the war also pro-

vided Russia with some advantages, too. Moscow has deployed its military contingent in Karabakh under the terms of the ceasefire agreement concluded on 10 November 2020. Today Russia has military presence on the territories of all three South Caucasus countries.

Overall, the situation in the region remains unsettled and challenging. The new balance of power creates the prerequisites for resolving the contradictions between Armenia and Azerbaijan. However, the depth of the conflict, as well as the interest of some actors in its continuation, is a serious exposure for the peace process. This article aims to review and assess the prospects that open up for the region in these new conditions.

### **Prospects for a Peaceful Settlement of the Armenia-Azerbaijan Conflict**

The 10 November 2020 ceasefire that ended the Armenia-Azerbaijan war resulted in a new status quo. However, it did not put an end to the confrontation between Baku and Yerevan since it did not establish any legal obligations for the parties.<sup>1</sup> Nonetheless, the clear result of the 44-Day War, that is, the defeat of Armenia and the liberation of a significant part of the Azerbaijan's occupied territories, creates the preconditions for the achievement of this result.

Azerbaijan is ready for a peace agreement designed to finally legalize its military victory at the diplomatic level,





and to confirm Armenia's abandoning its territorial claims and support for separatism in Karabakh.<sup>2</sup> Baku considers the conflict as being resolved in accordance with the results of the 44-Day War. For the Azerbaijan's government, any international negotiations on the status of Karabakh are unacceptable. At the same time, the process of further de-occupation by Armenia presupposes the provision of clear security guarantees to the local Armenian population, which will be integrated into multinational Azerbaijan.

However, Armenia has not yet demonstrated a proper constructive position. This was partly due to the internal crisis, that is, the confrontation between Nikol Pashinyan and the opposition, and partly due to the toxicity of the idea of 'capitulation' for the Armenian society. At first sight, the rhetoric of Pashinyan creates the image of a constructive position and readiness to normalize relations with neighbors. However, it turns out that Yerevan's peace initiatives do not meet Baku's expectations. The principled position of Armenia is that the issue of the status of Karabakh remains open – despite the outcome of the 44-Day War.<sup>3</sup>

The best scenario for the peace process for both Armenia and Azerbaijan is to resolve the conflict in a bilateral format. It allows solving the problems without the involvement of third parties, who pursue their own interests. However, Yerevan's unwillingness to recognize regional realities, as well as the very depth of the conflict, make this scenario practically almost impossible. There-

fore, external mediation is probably needed to open up prospects for dialogue and the eventual peace.

In this case, the most painless option would be a trilateral format among the South Caucasian countries. In fact, the Prime Minister of Georgia Irakli Garibashvili made a proposal to create a platform in Tbilisi for that end.<sup>4</sup> Tbilisi is interested in the stability of the region. At the same time, it does not have excessive global ambitions that would affect its mediation position. However, its lack of influence weakens Georgia's ability to construct a real peace process.

A peace process under the patronage of Russia is another option. Moscow is interested in mediating such a process. This allows Russia to strengthen its position in the South Caucasus and also to increase its influence both on Armenia and Azerbaijan.<sup>5</sup> It seems that Russia is ready to support the Azerbaijan's position to a certain extent, seeing this as an opportunity to maintain friendly relations with Baku. At the same time, the actual dependence of Armenia on the Russia allows the Kremlin to force Yerevan to accept the conditions that Moscow considers to be in line with Russian interests. Thus, Russia can effectively force Armenia to sign an agreement with Azerbaijan.

However, it is doubtful whether a Russia-brokered peace process would correspond to the long-term interests of the states of the region. Russia is primarily interested in shaping its image of a 'peacemaker,' while tightening

its grip on the South Caucasus. It is ready to provide a formal peace treaty, but only the one that would be to the advantage of itself - for example, guaranteeing Russian military presence in Karabakh. This scenario does not meet the interests of either Azerbaijan or Armenia, offering only a formal solution to the conflict, the beneficiary of which will be Russia. Moscow is not interested in a genuine normalization of Armenia-Azerbaijan relations. It considers this conflict as an asset for projecting its influence in the South Caucasus.

The alternative, namely, solution of regional problems through the mediation of the international community, remains purely theoretical possibility. This scenario failed in practice. In the thirty years that have passed since the collapse of the USSR, not a single conflict in the post-Soviet space has been resolved by such a mediation. The existing mechanisms for the settlement of the Armenia-Azerbaijan conflict demonstrate their ineffectiveness. For example, the OSCE Minsk Group has shown complete incapacity. It achieved no progress in almost thirty years of its work. The Minsk group's co-chairs demonstrated prejudiced position on the Karabakh problem: Russia remains Armenia's ally and France and the USA traditionally take a pro-Armenian position on international issues. This undermines Azerbaijan's confidence in the Minsk Group, as well as in the mediation efforts of the West in general.

One reason of the Minsk group's ineffectiveness is the limited competence and functionality of the OSCE. This organization remains primarily a forum for consultations, meetings and exchange of views, rather than a structure capable of resolving security issues in practice.<sup>6</sup> Only a civilian OSCE mission can provide prospects. According to Thomas de Waal, under the new conditions, it can still effectively act as a neutral international observer, reporting complaints from civilians in the conflict zone, monitoring unauthorized or suspicious actions and mediating local disputes.<sup>7</sup>

In general, the prospects for peace between Armenia and Azerbaijan remain elusive despite the objective benefits that all parties would gain from the resolution of the conflict. For now, it seems that the conclusion of a political agreement in the region is possible only with the mediation of Russia. However, this would be far from a problem-free solution for the reasons explained above. It is also possible to protract the peace process in the context of deep contradictions between Armenia and Azerbaijan. Given the differences in potential, and the legality of the Azerbaijan's position in accordance with the principles of international law, such a dispute can continue only as long as Yerevan does not recognize the territorial integrity of Azerbaijan.<sup>8</sup> However, the process itself can be quite long. Finally, the worst scenario is the continuation of the

confrontation, which will eventually lead to a new war.<sup>9</sup> The military clashes in November 2021 were examples of such possibility. In the conditions of the total military superiority of the Azerbaijan's army, any Armenian attempts to change the balance of power by force have no chance of success, and will only lead to unnecessary casualties.

### **Prospects for the Development of Transport Corridors in the South Caucasus**

The transport system in the South Caucasus is not fully functioning due to conflicts in the region. The key projects determining the development of North-South and East-West routes remain blocked. Some active routes cannot be operated due to harsh weather conditions in winter times.<sup>10</sup>

By the victory of Azerbaijan in the 44-Day War the transport issue once again gained currency. A promising environment for overcoming existing contradictions is emerging. The ceasefire agreement stipulates unblocking of transport links between the parties to the conflict. Both Azerbaijani<sup>11</sup> and Armenian<sup>12</sup> experts agree on the importance of resolving this issue for the development of the South Caucasus. Although the document does not name specific routes except for the specially mentioned corridor between the eastern regions of Azerbaijan and Nakhichevan,<sup>13</sup> bringing this issue to the agenda is of great importance.

Two key transit routes pass through the South Caucasus: the East-West corridors (from Asia to Europe) and the North-South corridors (from Europe and the Russia to the Indian Ocean). Their development is essential for strengthening Eurasian trade.

#### *The East-West Corridor*

The East-West corridor provides a link between East Asia and European markets. It also contributes to the inclusion of Central Asian states in the processes of inter-

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continental trade relations. At the moment, the northern route in this direction is formed by the Baku-Tbilisi-Kars railway (BTK), which was opened in 2017.<sup>14</sup> However, BTK is a consequence of the closed Armenian-Azerbaijani and Armenian-Turkish borders, hence it is primarily a result of political realities and concerns rather than economic ones. If Armenia could be involved in regional transportation projects following the resolution of the political problems, it is possible to increase the number of transport routes that would reduce the time of movement of goods, hence provide better economic profits. For now, the parties continue to seek a compromise on this issue, offering various options to ensure the terms of the 2020 agreement.

First of all, the prospects of the opening of transport through Zangezur (Syunik region of Armenia) are considered. However, the parties have diametrically opposed opinions regarding the development of this project. For Azerbaijan, the restoration of transport communication through Armenia is important in the context of ensuring links between Azerbaijan proper and Nakhichevan. In this regard, the Zangezur route is the best option. Direct communication with Nakhichevan will strengthen the position of the autonomous republic and deepen bilateral relations with Turkey. Turkey is another beneficiary from the opening of the Zangezur corridor. It provides Ankara with a direct route of communication with Azerbaijan and Central Asian states, creating opportunities for further expansion of economic relations.

For Russia, the unblocking of the Armenia-Azerbaijan border also bears positive outcomes. The very fact of the resumption of transport communication opens up wide opportunities for the establishment of a corridor to Armenia and further to Iran and the Middle East.<sup>15</sup> However, Moscow should take into account the political benefits of the opening of the Zangezur corridor for the Azerbaijan-Turkey alliance.

Georgia does not openly speak out against the unblocking of transport routes in the region. However, it is widely believed that the functioning of the Zangezur Corridor will weaken Georgian position in the South Caucasus, undermining its potential as an intermediary in regional transport both between Azerbaijan and Turkey and between Russia and Armenia.<sup>16</sup> Iran does not see anything positive in the development of this transport route as well. This will weaken its position as a transit state in the region, complicating the use of the Armenian territory as a zone for Iranian legal and illegal trade activities<sup>17</sup>.

Armenia remains the main opponent of the opening of the Zangezur route. Yerevan views it as an existential threat to its national interests and security. Armenia is worried that these territories will be transferred under the

real control of Baku, although how grounded such a worry is quite questionable.<sup>18</sup> There are also fears that transport cooperation with neighbors will lead to the dominance of Azerbaijani and Turkish capitals in the Armenian economy. According to Armenians, this can lead to a kind of 'Adjarization' of Armenia<sup>19</sup> for the possible loss of state's economic sovereignty. Accordingly, what the Armenian side offers is an alternative option for a transport corridor in the East-West direction along the Gazakh-Ijevan-Yerevan-Nakhichevan route.<sup>20</sup>

### *The North-South Corridor*

The North-South corridor is aimed at facilitating transport links between Europe and the Indian Ocean/Persian Gulf. Its development is possible in two key directions. Back in 2002, Russia, Iran, and India signed an agreement on the development of a transport corridor along the western coast of the Caspian Sea. This project is called directly North-South Corridor. In 2016, Tehran initiated the implementation of a new project referred to as the Persian Gulf - Black Sea Corridor envisioning stable communications between Iran and the states of Eastern Europe through the Black Sea ports of Georgia.<sup>21</sup>

The implementation of transport projects in this direction across the territory of the South Caucasus is possible in several configurations through 1) Armenia, 2) Azerbaijan and Armenia – in case of unblocking the borders, and 3) Azerbaijan.

For Armenia, the first option is the only way to be included in north-south transport system without normalizing relations with Azerbaijan and Turkey. This route is also geopolitically attractive for Iran. It allows Tehran to eliminate dependence on Azerbaijan and Turkey for the export of goods in the northern (to Russia) and western (to Europe) directions. The Iranian side has repeatedly spoke about the use of road and railway through the territory of Armenia to the Georgian ports of the Black Sea.<sup>22</sup> However, the implementation of this project is hampered by the lack of direct stable transport links between Armenia and Iran. There is no railway connection between the two. An existing railway connecting Iran and Armenia passes through Nakhichevan and remains blocked. The existing road (M2 highway) is partly unusable in winter season. Moreover, part of it passes through the territory of Azerbaijan according to internationally recognized borders.<sup>23</sup> Construction of an alternative highway (through Tatev to Kapan), as well as a new highway from the Armenian-Georgian (Bavra) to the Armenian-Iranian (Meghri) border require significant economic investment. The European Union is trying to help overcome this problem. Strengthening the transit poten-



tial of Armenia is seen as one of the key areas of EU support to Armenia. A significant share of the EU's assistance to Armenia (600 million Euros) will be directed to the development of transport links with Iran in accordance with the agreements reached in the summer of 2021.<sup>24</sup>

However, the implementation of a North-South corridor through the territory of Armenia without unblocking the Armenian-Azerbaijani border is quite costly even with external support. It will require significant efforts to create a new transport infrastructure. The use of the existing railway communication between Iran and Nakhichevan could simplify matters in case of lifting the blockade and using the route from Nakhichevan to Ijevan and further to Azerbaijan's Gazakh, or through the Zangezur route. In the long term, this option makes it possible to include all the states of the South Caucasus in a single transport network, and thus ensures not only economic profit, but also lays the foundation for political cooperation.

A simpler option, which can be implemented with less effort both financially and diplomatically, is to exclude Armenia from the project. In this case, the transport corridor will be developed solely through the Azerbaijan's territory to Georgia and/or Russia. As of the end of 2021, this is the most developed and probable among the alternative routes. Recently, Baku has strengthened transport

links with Georgia and arranged a stable railway connection from the Russian to the Iranian border.<sup>25</sup> However, the underdeveloped Iranian transport infrastructure, for example, the lack of a railway on the Astara-Rasht section, remains a problem.<sup>26</sup> Still, the economic benefits in gaining access to the Georgian ports in the Black Sea may contribute to the intensification of work on the Iranian side, as well as the functioning of the transport route in a multimodal format.<sup>27</sup>

An alternative option for the North-South route is the development of maritime communications across the Caspian Sea. It is in the interests of the Russia and Iran, as it provides direct communication between them and eliminates dependence on Azerbaijan, which cannot be excluded from the land transit. The development of port facilities in the Caspian Sea is becoming an important area of policy in these states<sup>28</sup>.

### Prospects for Multilateral Formats in the South Caucasus

The question of interstate cooperation in the South Caucasus becomes more relevant in the context of the new regional status quo. Nevertheless, the results of the 44-Day War did not change the fact that the states of the South Caucasus have differences in defining their interests



**In the context of the new power balance, the idea of a regional platform is getting a new breath in the 'Platform of Six' (also referred to as 3+3) format. It proposes to include three regional states - Armenia, Azerbaijan, Georgia - and three neighboring states - Iran, Russia, Turkey. If this idea will be implemented, a stable format for the interaction of key players can be created in the region. However, at the moment, its prospects remain elusive.**

and shaping approaches to the region. This becomes a factor that complicates the creation of sustainable platforms for cooperation, which could unite all regional actors.

The idea of creating a regional platform for the South Caucasian states has a long history. President of Azerbaijan Heydar Aliyev made a proposal on this issue at the OSCE Istanbul Summit in 1999.<sup>29</sup> It was repeatedly revived later – primarily by Turkish politicians such as Süleyman Demirel<sup>30</sup> and Recep Tayyip Erdoğan.<sup>31</sup>

In the context of the new power balance, the idea of a regional platform is getting a new breath in the 'Platform of Six' (also referred to as 3+3) format. It proposes to include three regional states - Armenia, Azerbaijan, Georgia - and three neighboring states - Iran, Russia, Turkey. If this idea will be implemented, a stable format for the interaction of key players can be created in the region. However, at the moment, its prospects remain elusive.

In general, most of the invited states verbally support it. First of all, there is a coordination of positions between Azerbaijan and Turkey. The signing of the Shusha Declaration<sup>32</sup> marked the final formation of allied relations between the two states. It could be seen as the basis for further development of regional cooperation. According to Azerbaijan's President Ilham Aliyev, "... we support this format and hope that other countries join it too... The relations between countries of the region are essential for regional cooperation, stability and reducing the risk of future war to zero."<sup>33</sup>

For Russia, the work of the Platform of Six can be beneficial in the context of the intensification of the Russian-Turkish dialogue and the leveling of the Western influence in the South Caucasus. However, at the same time, it could be perceived as a recognition of Turkey's influence in the region, which underlines Moscow's failure to secure regional hegemony.

Iran formally supports the strengthening of interstate ties within the region.<sup>34</sup> Tehran seeks a way to protect the South Caucasus from the presence of the United States and its allies. However, the escalation of Azerbaijani-Iranian relations clearly demonstrates Tehran's antagonism towards Azerbaijan and Turkey. Though not outrightly rejecting the idea of a regional format, Armenia is also suspicious of the Turkish initiative, perceiving the existing alliance between Baku and Ankara as the final element in the creation of an anti-Armenian coalition.

Georgia became the only state that has already rejected the proposal. This position is due to the unwillingness to cooperate with Russia within the framework of a joint platform because of the occupation of 20% of the Georgian territory by Russian forces.<sup>35</sup> Tbilisi is also sensitive about the position of its Western partners, on which Georgian foreign policy is guided. Georgia is not interested in closing the South Caucasus to Western influence, an approach that puts Tbilisi at a disadvantage in the regional balance of power.

Taking into account the dubious prospects of the Platform of Six, the tendency towards the division of the region into two competing blocs (Azerbaijan-Georgia-Turkey and Russia-Armenia-Iran) remains relevant. In fact, such a configuration of the South Caucasus has taken place in recent years. Despite that, at the moment, it is premature to talk about genuinely competing camps.

Yerevan has an exclusively subordinate position within the Russia-Armenia-Iran axis. After the defeat in the 44-Day War, Armenia has slowly been turning into a kind of protectorate of the Russia. Partnership between Russia and Iran, on the other hand, is based on their anti-Western orientations and pragmatic considerations. However, Russia-Iran partnership is not devoid of contradictions, including those that affect the South Caucasus such as different views on the status of the Caspian Sea.<sup>36</sup>

The Azerbaijan-Georgia-Turkey axis is based on economic interest such as ensuring transport links and transit of energy resources. In a political sense, the trilateral partnership is more limited. Georgia has oriented its foreign policy towards achieving EU and NATO membership. It cannot claim the same level of relations with Baku and Ankara, which has been formed by the Azerbaijan-Turkey alliance.

The regional states are also members of different multilateral formats. For example, Russia and Armenia are members of the Collective Security Treaty Organization (CSTO), an organization often referred to as the 'Eurasian NATO'.<sup>37</sup> However, in practice, it is only an instrument of Russian foreign policy aimed at ensuring the dominance of the Russia in the post-Soviet space. Its real

potential as a security system is minimal because of the difference in the potentials of the participating states, the divergence of their interests and the lack of political desire for real integration.<sup>38</sup> The existing regional formats include GUAM, in which Azerbaijan and Georgia take part. However, its potential remains unfulfilled<sup>39</sup> due to the lack of practical content of work and political leadership, and differences in the geopolitical orientations and foreign policy priorities of the participating states.

The alleged processes of Turkic integration may also be another important factor in the South Caucasus. There have been relatively intensified efforts to deepen cooperation between Turkey, Azerbaijan and the majority of the Central Asian states. Some experts see this as a reflection of Pan-Turkism and Turkey's expansionist ambitions.<sup>40</sup> However, cooperation among the Turkic states is fundamentally concentrated in the field of culture and education and devoid of proper political content; it is more of an image-building initiative.

### **Influence of External Global Players in the Region**

The South Caucasus remains an arena of confrontation between global players. The balance of power between them, as well as their influence on the region, continues to determine its future in many ways. The most positive scenario for the South Caucasus is the weakening of Russian influence in the region. This issue is actualizing in modern conditions, as some experts think that new balance of power indicates the loss of key positions by Russia.<sup>41</sup> Kicking out Russia makes it possible to get rid of a destructive element in the makeup of the South Caucasus. This can be realized by resolving interstate contradictions in the region, which are used by Moscow to strengthen its influence. However, the implementation of such an approach in practice is not plausible. Russia is a direct party to regional conflicts through the occupation of Georgian territories of Abkhazia and South Ossetia. Also, Russia seeks to 'privatize' the whole peace process between Armenia and Azerbaijan. Taking into account the existing climate in the South Caucasus, Russia cannot be excluded from the list of influential regional players. So, the prospects for the region should be considered by taking into account the impact of Moscow.

For Turkey, the South Caucasus is of strategic importance. Developments in the region has direct effects on its security and stability. Turkey's energy security and the vision of Turkic integration are directly depended on the developments in the South Caucasus. The Turkish society is united in providing full-scale assistance to Azerbaijan. So, it seems unlikely that Ankara would use South Caucasus as a 'small coin' in relations with Russia. At the same time, a scenario is possible when Russia will seek to get

concessions from Turkey in other regions in exchange for softening Moscow's Caucasian position. Another possibility is South Caucasus' transformation into a hostage of the Russian-Turkish geopolitical game, which is currently being played in the Middle East and North Africa. In this case, its future becomes dependent on a compromise between Ankara and Moscow. It can be determined by the balance of power prevailing in other regions.

The EU can act as a counterweight to Russia in the South Caucasus. However, both its influence and reputation in the region are significantly lowered. Notwithstanding, the EU is interested in developing relations with the states of the South Caucasus. For example, the Global Strategy of the EU approved in 2016 confirmed the intensification of the EU's policy in the eastern direction.<sup>42</sup> Another document titled "Recovery, Resilience and Reform: post-2020 priorities for an Eastern Partnership"<sup>43</sup> includes the provision of financial assistance to partners in order to help them in overcoming modern challenges (related to both the pandemic and regional conflicts).

The contradictions between pragmatic interests and the fundamental principles of the EU remain the major weakness of the Union as a geopolitical player. The EU does not have a clear strategy of relations with its Eastern partners, that differ significantly from each other. There is no rational and justified goal setting, as well as a realistic assessment of the situation. For example, the EU was not ready for the escalation between Armenia and Azerbaijan in 2020. It did not play a significant role during the active phase of the war, giving the initiative to Russia and Turkey.<sup>44</sup> Also, the EU does not take an active part in the post-conflict settlement. Its position on the Karabakh conflict has always remained ambiguous. While recognizing the territorial integrity of Azerbaijan, the EU at the same time appealed to the right of the Karabakh Armenians to self-determination. The silence of the EU regarding the occupation of Azerbaijan's territories by Armenian troops, in parallel with the apparent support for the territorial integrity of Georgia, Moldova and Ukraine, gives Baku reason to accuse the EU of double standards.<sup>45</sup> The processes of European and Euro-Atlantic integration – an important element of promoting the influence of the West – have limited support in the South Caucasus. Only Georgia has declared membership in the EU and NATO as its foreign policy objective. However, the recent internal political crisis in Georgia threatens this position of official Tbilisi.

The USA has limited influence on the South Caucasus, as well. Strategic location of the region defines its importance for the American foreign policy. However, Washington's interests there are not vital. Traditionally the US aims to promote regional stability, support democratic values and prevent existing frozen conflicts from escala-



tion.<sup>46</sup> Inopportunately, Washington does not have the necessary resources and tools to play a major role in the South Caucasus and to challenge Russian influence there. Its value-based policy faces difficulties in the region, too. Georgia and Armenia (the latter – since 2018) are being praised for successes in democratic modernization. But Armenia remains Russia's satellite and the current Georgian authorities support a relatively reconciliatory policy towards Russia. Azerbaijan is the most independent and stable country in the region, but its regime is being criticized for authoritarianism. Accordingly, Baku has a dubious reputation in Washington.

Another problem for the US Caucasus policy is the Armenian diaspora, which has a certain influence in Washington circles. This is one of the reasons of the inadequate American approach to the settlement of the Karabakh conflict. Tensions with Turkey is another complication that prevents Washington from joining efforts with Ankara and using Turkish potential in the South Caucasus for American benefits. The Chinese threat to the US in the Indo-Pacific and Russia's aggressive policies in Eastern Europe require a lot of attention. This pushes aside the South Caucasus from the list of top priorities of the US foreign policy. Of course, the absence of a holistic approach to the region is a major factor that further complicates US approach to the region. The US, indeed, needs a more creative, pragmatic, and integrated strategy.<sup>47</sup> Even in this case, traditional diplomacy has limited potential for Washington. It can achieve more successes through humanitarian initiatives and activities of the American private sector in the field of economic development of the South Caucasus.

China is interested in strengthening its position in the South Caucasus. For Beijing, this region can serve as a corridor from Asia to Europe. The South Caucasian states expect Chinese economic support and investments, which will be aimed at developing transit projects and strengthen their potential. However, for today, Chinese practical interest in the South Caucasus remains limited. The volume of trade turnover with the states of the region is growing, but is not becoming a key factor in ensuring the economic interests of Armenia, Azerbaijan and Georgia. Interstate contradictions between the South Cau-

casian states prevent the full-scale use of its transport network within the framework of the New Silk Road project. Geopolitical tools for projecting Chinese influence in the region are limited. For now, Beijing probably wants to avoid unnecessary competition with Russia and the West, which have their own interests in the South Caucasus<sup>48</sup>.

## Conclusion

For many years, the conflict between Armenia and Azerbaijan remained a factor that hindered the development of the South Caucasus, blocked the implementation of promising cooperation initiatives on its territory and prevented the full use of its geopolitical potential (transit opportunities). The defeat of Armenia and the restoration of Azerbaijan's control over the majority of the occupied territories changed the situation. As a result of the 44-Day War Baku implemented the national idea of restoring territorial integrity and corrected the violations of international law related to the Armenian occupation. Unfortunately, this was achieved only by force, despite lengthy attempts made by Azerbaijan to resolve the issue through diplomacy. Overall, the 44-Day War between Armenia and Azerbaijan opened a new stage in the history of the South Caucasus. It created the conditions for a profound transformation of the entire region.

Despite the human and other losses, the result of war has some healing effect on the South Caucasus. It affects the position and prospects of Armenia, creating conditions for abandoning the expansionist policy, which in turn influenced the global positioning of Yerevan, tying it to Moscow. Of course, Azerbaijan's victory does not affect other problematic aspects of regional relations such as the Russian-Georgian conflict. However, it lays the foundation for easing tension in the region and implementing promising projects of interstate cooperation.

The key issues in this context remains normalization of Armenia-Azerbaijan and Armenia-Turkey relations, the result of which should be the unblocking of transport links in the South Caucasus and establishment of a regional multilateral platform for interstate dialogue. The first initiative is particularly promising. It can have an extremely positive impact both on the states of the region and on its status in the system of international trade. It is worth noting that despite the special attention paid to the specific issue of the Zangezur corridor, the restoration of transport links between Armenia, Turkey and Azerbaijan is of broader importance – both for the East-West and North-South routes.

At the same time, there are factors that complicate stable and peaceful development of the region. Despite the opportunities that the new status quo opens up for Ar-

**Taking into account the existing climate in the South Caucasus, Russia cannot be excluded from the list of influential regional players. So, the prospects for the region should be considered by taking into account the impact of Moscow.**

menia, it is still difficult for Yerevan to make a clear choice in favor of the stale peace. Also, the stabilization of the region is hindered by the position of some external players. Russia sees economic benefits from the development of Caucasian transport potential. However, it is ready to contribute to its implementation only on its own terms. Moscow is trying to 'privatize' the Armenia-Azerbaijan peace process, considering the conflict between Yerevan and Baku as an instrument of influence on both sides. Iran is also dissatisfied with the new balance of power in the region, as it fears an increase of Turkish influence in the South Caucasus.

Thus, the future of the region still is not certain and largely dependent on the actions of individual states. The 44-Day War created optimal preconditions for its successful transformation towards stability and mutually beneficial coexistence. However, in order to take advantage of this chance, the states of the South Caucasus must take some important steps. They need to rationally approach the formation of their foreign policy, adequately assess their interests and capabilities, and respond to attempts of some external actors to play their game in the region.

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# SEEKING PEACE WITH FOREIGN POLICY CHOICE: TURKMENISTAN AND PERMANENT NEUTRALITY

All the activities of this strategically located country are given as examples of a firm and consistent adherence to the postulates laid down in the philosophy of neutrality itself, such as non-interference in the internal affairs of other states and active assistance to peace processes.

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In 1991, five Central Asian countries declared independence and seceded from the Soviet Union. Even though all of these states were under more or less similar political and legal conditions back then, 31 years later certain differences are visible among them. For example, Kazakhstan believes that Central Asian countries should develop cooperation with other countries, and in this context, it seeks to be the leading power in the region.<sup>1</sup> In January 2018, the United Nations chose the country as the Security Council chairman. With this new responsibility Kazakhstan got a chance to bring the issues related to the Central Asian countries to the agenda of the United Nations. Uzbekistan pursues a similar policy. The country, after President Shavkat Mirziyoyev's coming to power in 2016, has been increasing its interaction with neighboring countries, especially the ones in Central Asia.<sup>2</sup> When we look at Tajikistan's foreign policy it seems that this country wants to enter into good relations both with the European countries and its Central Asian neighbors.<sup>3</sup> Finally, Kyrgyzstan opts for good economic and social relations with the West, in addition to Russia and other Central Asian countries.<sup>4</sup>

In this framework, Turkmenistan is a marked exception with its policy of permanent neutrality. As is sometimes suggested, Turkmenistan has remained the most isolated country in the region for the last three decades due to its foreign policy. Turkmenistan's neutral status has played an important role in establishing cooperation with many states in the political, economic, humanitarian and

other spheres, and in implementing a multilateral foreign policy strategy. All the activities of this strategically located country are given as examples of a firm and consistent adherence to the postulates laid down in the philosophy of neutrality itself, such as non-interference in the internal affairs of other states and active assistance to peace processes.<sup>5</sup>

Turkmenistan's neutral status continues to be a focus of interest. For example, on March 5, 2015, the Embassy of Turkmenistan in the Islamic Republic of Pakistan together with the Institute for Peace Studies and the Pakistani Society of Civilizations, held the international scientific and practical conference entitled "Policy of Permanent Neutrality of Turkmenistan." At the beginning of the conference, the keynote speech was delivered by Sapar Berdiniyazov, the Ambassador for Special Assignments of the Foreign Minister of Turkmenistan. In his speech, he described in detail the basic principles of Turkmenistan's neutrality, and the implementation of major international projects aimed at strengthening peace, cooperation, and stability in the region.<sup>6</sup> During the academic session, Muhammed Murat Aydogdyev, the rector of the International University for the Humanities and Development of Turkmenistan spoke about the international aspects of Turkmenistan's neutrality, which contributed to the strengthening of country's image and power in the international arena.<sup>7</sup> As such, the permanent neutrality status of Turkmenistan was portrayed as an important milestone not only for Turkmenistan but also for the entire world.



*The Neutrality Monument (Bitaraplyk Binasy) is a monument located in Ashgabat, the capital city of Turkmenistan. The monument was built in 1998 by the command of the first President of Turkmenistan, Saparmurat Niyazov Turkmenbashi, to commemorate the country's official neutrality.*

<https://business.com.tm/tm/post/7974/turkmenistan-hemishelik-bitaraplygyny-26-yylygyny-belledi>

### **Turkmenistan's Policy of Neutrality**

As of 2022, the country celebrates the 27<sup>th</sup> anniversary of neutrality. On December 12, 1995 the General Assembly of the United Nations adopted the resolution on “Permanent Neutrality of Turkmenistan” at its 50<sup>th</sup> Anniversary Session.<sup>8</sup> The most important reason for giving this status to Turkmenistan by the United Nations (UN) was the desire to provide peace in this region which had a strategic geopolitical location.<sup>9</sup> It was also important for the UN that this newly independent country, which is rich in natural resources, should have such a status to be able to take its place on national and international platforms without any outside intervention.<sup>10</sup> The neutral status of Turkmenistan enabled the country to find an effective way to realize its national interests as an independent subject of the international community. The

model of Turkmen neutrality has also been an important factor in ensuring regional stability.

The policy of neutrality, in many respects, influenced the post-Soviet development of Turkmenistan. This unique international legal status has become the foundation not only of the successful implementation of large-scale transformational state programs and socioeconomic reforms, but also of the strengthening of world peace and security, as well as the expansion of cooperation with several countries and reputable international organizations.<sup>11</sup> Thus, neutrality, which played a significant role in establishing a widespread and fruitful cooperation in the political, economic, cultural, scientific, educational and other spheres, was recognized not only as being of great national value but also as an indisputable asset to all regional countries.

## Other Examples and the Uniqueness of Turkmenistan

Some countries in the world, such as Austria, Finland, Switzerland and Malta have the status of neutrality. But Turkmen neutrality is unique from several perspectives. Firstly, the state declared its neutrality status at the international level in the first years of its independence. Secondly, the first time in the history of the United Nations (UN), this status was delegated by a special UN Resolution (“Permanent Neutrality of Turkmenistan” adopted on December 12, 1995.) Thirdly, the fundamental principles of neutrality were set forth in the special constitutional law on the permanent neutrality of Turkmenistan.<sup>12</sup> However, the recognition of the status of neutrality for Turkmenistan has not been immediate and easy. In order to achieve this status, Turkmenistan had to engage in a serious effort both domestically and internationally.

Undoubtedly, on October 27, 1991, the adoption of the constitution of independent Turkmenistan and the establishment of the new state by the Turkmen parliament was the first phase of adopting the neutrality status, and as stated in the first section of this constitution, Turkmenistan was “independent” in its foreign policy, that is, it would determine this policy without outside intervention.<sup>13</sup> In May 1992, at the meeting of the heads of the Commonwealth of Independent States (CIS), Turkmenistan did not sign the joint defense treaty as it was found to be contrary to the foreign policy understanding specified in its constitution. This attitude could be seen as a sign and that the country was moving towards neutrality as early as 1992.<sup>14</sup>

In the early years of independence Turkmenistan’s foreign policy priorities were addressed under three main headings. The first one was about the cautious efforts to open up to the world. The second one was security concerns. The last one was establishing good relations with neighbors. The most prominent features of Turkmenistan’s foreign policy were shaped by Saparmurad Niyazov, the first president of the republic.<sup>15</sup> He was famed with his cautious attitude towards both multilateral or regional initiatives. One of the main reasons for this restraint was the fear of being swallowed as a small state with abundance of natural resources.<sup>16</sup> Niyazov also perceived neutrality as a way to establish a stable political system which would provide the opportunity to create an economically developed and independent Turkmenistan. All these concerns eventually resulted in the foreign policy choice of permanent neutrality.

On December 12, 1995, the year in which the 50<sup>th</sup> anniversary of the establishment of the UN was celebrated, Niyazov underlined the following reason for the

**Some countries in the world, such as Austria, Finland, Switzerland and Malta have the status of neutrality. But Turkmen neutrality is unique from several perspectives.**

application of his country for having the status of permanent neutrality as follows:

This step of ours will contribute greatly to peace in Turkmenistan and the region. This issue is very important to us. Because Turkmenistan is located in one of the most important regions of the world where natural resources are the richest. This inevitably necessitates the policy of permanent neutrality from our point of view. Turkmenistan is at a geographically important and critical location ... and being aware of its geographical importance, has agreed to act accordingly in the international arena. For this reason, Turkmenistan has tried to pursue an impartial foreign policy. After this, Turkmenistan wants to carry out its foreign and domestic policy as a permanent neutral country. In this regard, we request the approval of both the president and the member states of UN.<sup>17</sup>

The justifications given by the President were seen by the UN as logical and Turkmenistan’s request was approved without any opposition. From the perspective of the UN, the reasons for the approval are not much different than the reasons of Niyazov. It was one of the missions of the UN to ensure the integration of fifteen newly independent countries into the existing world order. Possible conflicts in the regions that these new countries located, as well as within these countries could turn into unpredictable problems. Furthermore, being a country with critical natural resources in a geographically strategic location, Turkmenistan’s request seemed sound.<sup>18</sup> According to the UN, there had to be a neutral state in the region that would create a peaceful atmosphere and at times be a buffer zone. After the approval of the UN on Turkmenistan’s permanent neutrality status, the country passed “The Constitutional Law on Permanent Neutrality of Turkmenistan” in an attempt to integrate this status within its own constitutional framework.<sup>19</sup>

## The Early Signals of Policy Choice

It is possible to argue that even before independence, Niyazov actually gave the signals that he had this policy in his mind and he tried to achieve it with setting various



targets. According to Niyazov, with the permanent neutrality policy, Turkmenistan would be able to independently resolve all matters related to internal and external security issues. Furthermore, its territory would be free from radiological, chemical, biological weapons and other types of weapons of mass destruction.

It was clear that Niyazov wanted to stay away from all wars outside the borders of his country. However, he also believed that in the case of a possible attack, the country should be able to protect itself for defense purposes only. Therefore, as stated in Article 13 of the Constitution of 2008, which is the amended version of the 1992 Constitution, the army of Turkmenistan would only be used to protect the sovereignty of the country in case of an outside attack.<sup>20</sup>

Such ideas were also emphasized among the principles declared in the Military Doctrine of Turkmenistan (adopted right after independence) according to which the country would not enter into any collective military alliances and possess military forces within its own borders.<sup>21</sup> Similarly, the Law on Turkmenistan's Defense, adopted on October 1, 1993, stipulated that Turkmenistan would adopt internationally accepted rules regarding its defense. The law also stated that the country would be bounded by international agreements and treaties regarding collective defense as well as military and technical assistance with other states.<sup>22</sup> This law was an indication that Turkmenistan would not on its own enter into any military alliance that would jeopardize its future foreign policy goal of permanent neutrality.

As a direct reflection of permanent neutrality policy, Niyazov was careful in choosing the institutions and organizations that his country would become a member. For example, Turkmenistan did not sign the Collective Security Treaty, adopted at the Tashkent Summit of the Council of the Commonwealth of Independent States (CIS) Heads of State on May 15, 1992.<sup>23</sup> Similarly, Turkmenistan did not sign the Treaty of Military Observers and Common Peacekeeping Agreement in the CIS,<sup>24</sup> which was adopted at the meeting of the Council of Presidents held in Kiev on March 20, 1992, as well as the Treaty of the Protection of the Outside Borders of the Member States adopted by the Council of Presidents on May 26, 1995.<sup>25</sup>

**In line with such an attitude, Turkmenistan became member in organizations that had only economic goals.**

It must however be pointed out that Niyazov did not see permanent neutrality important only as a foreign policy goal for independent Turkmenistan. He also believed that this policy would have a positive impact on the domestic developments of the country. According to him, certain domestic problems that may potentially threaten stability such as unemployment, tribalism and regionalism may be more effectively dealt with a neutral status.<sup>26</sup> His main domestic goals of providing national unity (Ağzybirlik) and economic wealth and prosperity (Abadançylyk) for the purposes of integrating with world economy<sup>27</sup> could be more easily achieved with this policy.

In line with such an attitude, Turkmenistan became member in organizations that had only economic goals. For example, the country joined the Organization for Economic Cooperation (ECO) in February 1992 in the Tehran Summit. In addition to ECO, it became a UN member on March 2, 1992, United Nations Educational, Scientific and Cultural Organization (UNESCO) member on August 17, 1993, United Nations International Children's Emergency Fund (UNICEF) member in 1995, and World Health Organization (WHO) member in November 1995.<sup>149</sup> All the institutions and organizations that Turkmenistan was a member in this period were passed through the filter of neutrality policy, a choice made by Niyazov in early 1990s.<sup>28</sup>

### **Berdimammedov's Way: Opening the Door Further**

When Niyazov died of a sudden cardiac arrest on December 21, 2006, Gurbanguly Berdimammedov became the acting president of Turkmenistan. Berdimammedov pursued a more relaxed policy in domestic issues as compared to Niyazov, especially in the fields of education and social life.<sup>29</sup>

In terms of foreign policy, Berdimammedov affirmed his commitment to the policy of permanent neutrality right from the beginning, notwithstanding the predictions that the country would give up this policy which resulted in the isolation of the country.<sup>30</sup> The newly accepted constitution of the country (the 2008 Constitution) clearly stated that the foundation of foreign policy of Turkmenistan would be based on the policy of permanent neutrality.<sup>31</sup>

In addition, in 2010, during the 15<sup>th</sup> anniversary celebrations of the permanent neutrality policy of Turkmenistan, Berdimammedov made a speech under the title of "Permanent Neutrality of Turkmenistan: Cooperation for Peace, Security and Development." In this speech he stated that:



<https://gadebate.un.org/en/73/turkmenistan>

These days we celebrate a big holiday - the 15<sup>th</sup> anniversary of the international recognition of the neutrality of Turkmenistan. This is a truly significant date for our people and also an important event in the independent history of the Turkmen state... We chose a model that we called positive neutrality, and formulated its fundamental principles: peacefulness, non-interference in the affairs of other states, respect for their sovereignty and territorial integrity, non-participation in international military organizations and treaties. What dictated us such a choice? Of course, first of all, we were guided by national interests. The young Turkmen state wanted to live in peace and harmony with its neighbors, maintain friendly, equal relations with all countries, and develop mutually beneficial economic and trade relations with them. We were convinced that only under such conditions would it be possible to ensure our people peace and tranquility, to fulfill plans for economic and social development.<sup>32</sup>

This general foreign policy framework that Berdimuhamedov adopted did not change over the course of the next 10 years. In his presidential inauguration speech on 17 February 2017, Berdimuhamedov presented his 7-Year Foreign Policy Plan 222, which indicated a clear continuity of the permanent neutrality policy of the country.

Yet, as compared to the Niyazov era, in the Berdimuhamedov era, Turkmenistan adopted a more active attitude in terms of developing its ties with international organizations. In this era, the country became more involved in the activities of the UN, the NATO, and the SCO although it continued to remain within the general framework of its neutrality policy. Berdimuhamedov acknowledged the UN to be a leading and supreme organization of international politics. The country hosted some seminars and conferences organized by the UN, such as the one in 2012 held in Ashgabat. This was a seminar, organized by the UN Economic Commission for Europe, entitled Information and Communications Technologies (ICT) Policy and

**Yet, as compared to the Niyazov era, in the Berdimuhammedov era, Turkmenistan adopted a more active attitude in terms of developing its ties with international organizations. In this era, the country became more involved in the activities of the UN, the NATO, and the SCO although it continued to remain within the general framework of its neutrality policy.**

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Another example of Turkmenistan's developing relationship with the UN is the speech Berdimuhammedov made at the regular UN meeting in New York in 2015. In this speech, Berdimuhammedov explained the reasons why he considered the UN an important and successful organization in global politics. Berdimuhammedov expressed his gratitude especially to the president of the organization because according to him the UN realized positive achievements in the international arena, sometimes under difficult conditions. Berdimuhammedov also stated that:

Turkmenistan has applied the knowledge and guidance of the UN in everything it did and in all decisions, it took since the day it has become independent. Cooperation with the UN will successfully be continued, and new areas of collaboration will be developed.<sup>34</sup>

When he was making his speech about the 7-Year Foreign Policy Plan, Berdimuhammedov drew attention to his determination to continue this collaboration. Making a reference to the first article of the plan, he stated that Turkmenistan would give priority to the UN in its foreign policy. He mentioned that neutral Turkmenistan would always accept the UN as a guiding organization and that the recognition of Turkmenistan's neutrality policy by the international community made his country very proud,

although bringing in many responsibilities. Berdimuhammedov also mentioned about the second article in which it is stated that Turkmenistan would act together with the UN in those issues that will negatively affect the region, such as environmental problems and epidemic diseases.<sup>35</sup>

The opening of the UN House in Ashgabat in 2016 is another important indicator of the increasing interaction between the UN and Turkmenistan. During the opening ceremony, Berdimuhammedov gave a speech signaling that the cooperation between UN and Turkmenistan would develop. The UN Secretary General Ban Ki-moon, who took the floor after Berdimuhammedov, stated that they are very pleased to establish close relations with Turkmenistan and to have opened such a center and stated the following words:

“The new UN House is more than a structure. It is a symbol of our strong partnership. It is a hub where we will work together to realize a better future for this country and for its people. Let us resolve to strengthen this partnership even more as we advance towards achieving a better future for all”.<sup>36</sup>

## Conclusion

Although neutrality does not mean isolation in international relations, during the Niyazov era the country de facto remained isolated. Niyazov had preferred limited bilateral relations with selected few countries and stayed totally away from all international alliances and organizations. Berdimuhammedov, contrarily, wanted to put an end to this isolation and took active steps for that purpose. This is basically related to the concern of the new president for the isolation of the country observed in the period between 1991 to 2006. As a result, during the Berdimuhammedov era, we see a much more active, more moderate and more open foreign policy. Despite the differences between these two presidents however, Turkmenistan remained loyal to its neutrality policy and did nothing that was against it. The country presented a very consistent attitude and made efforts to contribute to regional peace and stability.



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# THE EVOLUTION OF NATIONAL IDENTITY IN UZBEKISTAN: PAST, PRESENT AND FUTURE

Uzbekistan had many colonial rulers throughout its history before the establishment of the independent Republic of Uzbekistan in 1991. Overall, Arabs, Mongols and Russians, as colonial rulers, have had a great impact on the formation of the Uzbek culture and nation with both positive and negative influences.

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Uzbekistan is one of the countries of Central Asia, surrounded by five neighboring countries,<sup>1</sup> with about 2500 years of historical heritage, meaning that the country has come a long way before becoming an independent state (Watt & Wilson, 2021). The earliest records of the word 'Uzbek' dates back to the 11<sup>th</sup>-12<sup>th</sup> centuries. It initially originated among the Turkish tribes who lived in the territory called "Movara ounnahr."<sup>2</sup> Today, there are many assumptions about the origin and the meaning of the word 'Uzbek,' expressed by Western and Eastern scholars. The most probable hypothesis is that the word 'Uzbek' connotes self-sufficient or self-governed/ruled (Sagdullayev, 2019). It can be concluded that the emergence of the proto-Uzbek nation started from the beginning of the 13<sup>th</sup> century, in the period of the Golden Horde khanate.

The first Uzbek statehoods were organized in the form of khanates, emirates, or empires. The culture and values of the Uzbek nation developed differently in each khanate or emirate. Many historical studies identify Amir Timur, who founded the Timurid Empire in the 14<sup>th</sup> century, as the founder of the early Uzbek statehood (Meri, 2006). He introduced 'Timurid Renaissance' based on Islamic ideals, as a result of which arts, literature, science and architecture developed significantly in the territory of Timurid Empire.<sup>3</sup> At those times, large-scale projects were carried out throughout the empire, including creating religious centers and Islamic mosques, architectural

buildings such as Registan Complex.<sup>4</sup> We can date back the initial stages of the establishment of Uzbek culture and identity to that period. In addition to the Timurid Empire, several khanates and emirates, such as the Khanate of Bukhara, the Khanate of Khiva and the Khanate of Kokand, too, played important roles in the evolution of Uzbek statehood between 16<sup>th</sup> and 20<sup>th</sup> centuries. At the beginning of the 19<sup>th</sup> century, the Russian Empire's conquest of Central Asia began. Bukhara and Khiva managed to retain their independence, but the Soviet invasion in 1924 led to the downfall of the monarchies and to the establishment of the Soviet power of the quasi-independent people's republics of Khorezm and Bukhara, which were integrated into the USSR as Uzbekistan Soviet Socialist Republic (SSR).

### The Evolution of Uzbek Culture

Uzbekistan had many colonial rulers throughout its history before the establishment of the independent Republic of Uzbekistan in 1991. Overall, Arabs, Mongols and Russians, as colonial rulers, have had a great impact on the formation of the Uzbek culture and nation with both positive and negative influences.

During the Soviet Union times, schools were an integral part of Uzbek ideology, that is, a set of ideas, beliefs and principles to build Uzbek statehood and society,



which includes cultural, traditional, religious and historical aspects. However, the Soviets had a revolutionary project for colonized countries based on Marxist-Leninist ideas that meant to substitute national identity by class identity. The Soviet pedagogy intended to consolidate loyalty to the Soviet Union and eliminate the idea of independent nation. The Soviets gave the name of Russian heroes to places and streets in Uzbekistan SSR. Also, Russian-language schools were established, and many existing schools switched to teaching in Russian. One of the radical educational reforms was a misinterpretation of historical events, such as describing Uzbek historical heroes in a negative manner and giving importance the power and role of the Soviet Union in the history. Even, there were special songs and dances honoring the Soviet leaders like “Lenin is Our Honored Grandfather” (Keller, 2007). The denationalization was clearly shown even in the state symbols, for instance, the Uzbek SSR flag, the state emblem and the anthem. As such, Soviet ideology and pedagogy were a major obstacle against the development of Uzbek national and religious identity.

In general, transforming family and social lives were important objectives of the Soviet Union. As mostly all

Uzbeks were Muslims, they highly respected the Islamic principles in social life. The Soviets, however, aimed to introduce a ‘soviet lifestyle’ in Uzbek territory. The most notable aspect of the ‘soviet lifestyle’ was gender equality and the participation of women in social life. Accordingly, soviet policies were directed at fostering women’s participation in political and economic life. Indeed, the family relationship and women’s role and status transformed considerably during the Soviet times (Lapidus, 1978). The mission started with the unveiling campaign in which thousands of Muslim women gathered to cast off their “paranji” on 8 March 1927 (Kamp, 2006). The Soviets also created institutions to control and prevent polygyny, early marriage, forced marriage and unregistered marriage. As a result of these policies, participation of women in social life, education and taking part in the work force outside the home developed during the times of the Soviet Union.

### **The Independence of Uzbekistan**

Although the Soviet Union established the Uzbekistan Soviet Socialist Republic (Uzbekistan SSR), hence pre-



**The president of Uzbekistan SSR, Islam Karimov, with his vision of Uzbekistan as an independent country, implemented various reforms towards independence in a systematic way.**

sented the Uzbeks a statehood, there was a huge political and economic dependence on the Soviet Union. All affairs relating to governing were directed from the center, that is, Moscow. Yet, in late 1980's, Uzbek nationalism and religious enlightenment began gaining further supporters especially during the so-called Afghanistan War in 1979-1989. There had been several specific reasons that boosted national resurrection and anti-Soviet resistance.

- **Severe discrimination and cruelty against Jadidists<sup>6</sup> and unfair treatment of Uzbeks.** The Jadidists denounced improper policies and measures of the Soviet government and sought to establish the notion of Uzbek nationalism and independent statehood among the Uzbek with their writings about history, literature and education. These actions were negatively received by the Soviet government. As a result, many Uzbek intellectuals were exiled to remote areas and many were even sentenced to death.

- **Imposition of cotton monoculture.** As a result of strong emphasis on cotton production, the majority of the population including school children were engaged in the cotton-farming. Working hours were significantly long and working conditions were extremely difficult.

- **Grievances against the state language.** At that time, the official state language was Russian. This caused significant complaints among Uzbek people. Some intellectuals demanded from Moscow to declare the Uzbek language as the state language.

- **Suppression of Islamic traditions.** Many religious centers or places were closed and most of them were turned into workshops. Dressing up according to Islamic rules was prohibited for women. Many religious practices and Islamic rituals were banned (Sara, 2006).

These issues were the main troubles that directed people towards a pro-independence stance. However, gaining independence had not been an easy endeavor to achieve. Most local government officials working in the state system were in favor of remaining in the Soviet Union instead of secession. But, the president of Uzbekistan SSR, Islam Karimov, with his vision of Uzbekistan as an independent country, implemented various reforms towards independence in a systematic way. One of the important

steps that was taken was the adoption of the Law on the State Language in October 1989. In line with this law, teaching in Russian language was gradually reduced in favor of the Uzbek language. Uzbek-language literature textbooks were created to teach in educational institutions. In 1990, presidency was established as a fundamentally new stage in the process of independence. The Uzbek nationalists were given chance and priority in appointments to official posts (Karimov, 1992). Eventually, the state sovereignty of Uzbekistan was declared on 20 June 1990, and on 31 August 1991 Uzbekistan was declared as an independent state. Islam Karimov was elected as the first president of independent Uzbekistan (Tesch, 2021).

### **The Role of Nationalism and Religion in Uzbek Policymaking**

Nationalism plays an important role in Uzbek policymaking. National identity and culture are taken into account while formulating policies in social, economic and political spheres. Despite that, the first and the second presidents of Uzbekistan, I.A. Karimov and Sh.M. Mirziyoyev, respectively, have developed diverse practices in the governance.

The first President Islam Karimov ruled the country from 1991 to 2016. From the early years of his administration, he focused on ensuring political stability and nation-building. He sustained a policy of nation building that heavily relied on the idea of Uzbek nationhood dating back to the Timurid Empire. The Karimov regime based its nation building policies on what he labeled as traditional national values, such as respect for family, elders and traditions (Laruelle, 2021). President Karimov expressed his stance as: “the ideology must first reflect the spiritual particularity and uniqueness of the sacred traditions and aspirations of our nation, formulated over many centuries and millennia.”

In this process, mass media and schools were instrumentalized. In 1994, a television channel and publishing house called Ma'naviyat (Spirituality) were established. Then, special classes called Ma'naviyat and Ma'rifat (Spirituality and Enlightenment) were introduced in school and university programs. The post of Deputy Director (Dean) for Spirituality and Enlightenment was established in higher and secondary special education institutions; whose responsibility was to monitor the teaching discipline and the clothing of young men and women. In 2004, Republic Centre for Spiritual Propaganda was created. One of the important tasks of this organization was to carry out propaganda to enhance ‘ideological immunity’ of the population.



### The New Uzbekistan under the Second President Shavkat Mirziyoyev

After the death of Karimov, Shavkat Mirziyoyev assumed presidency in 2016 by winning the presidential election with 88,6% of the votes (The Economist, 2016). From the first days of his presidency, Mirziyoyev initiated the Strategy of Actions on Further Development of Uzbekistan in 2017–2021, which prioritized reforms on five areas, namely, economy, judiciary and law, religion, international relations, and societal matters (Decree of the President of the Republic of Uzbekistan, 2017). The Strategy set the framework of modernizing and liberalizing the economy, as well as the society. With this strategy a set of actions were initiated to reinvent Uzbekistan. In a short span of time, Uzbekistan was transformed from a closed country to an open one.

Mirziyoyev has a different approach to governance and national identity. Unlike President Karimov, he is critical of the understanding of ‘ideological immunity’ and embarks on liberal nationalism. For him, ‘ideological immunity’ initiated by President Karimov does not correspond to the current socio-economic development trends and tendencies. To build effective and direct communication with the population, the year of 2017 was declared as the “Year of Dialogue with the People and Human Interests” with the goal of creating mechanisms for people to express their views and concerns directly to governmental bodies (UZA, 2016).

The governing style of President Mirziyoyev is based on principles and values, such as liberalism, institution-

alism, human dignity, rule of law, freedom of expression, and democracy. The independence of the mass media and freedom of expression were guaranteed within the country by introducing new laws. The legislative reforms were intensified considerably within the guidelines of the Strategy of Actions initiated by the president. Obliging government officials and politicians to demonstrate greater openness, justice and accountability is one of the characteristics of President Mirziyoyev’s regime. No other speeches of President Mirziyoyev would clearly represent the main purposes and objectives of this era than his speech during the inaugural address:

In further deepening the democratic reforms and implementing the concept of developing a civil society, we believe that, as it was before, the citizens’ self-governance bodies – mahallas, as well as the non-state, non-profit organizations, free and impartial mass media will take an active place. In implementing the important principle, namely, “From a strong state to a strong civil society”, above all, we will lean upon the strength and capabilities of such social institutions.

Under Mirziyoyev’s presidency, the approach to nation building is based on new constructive ideas, such as “New Uzbekistan – new worldview,” “the third renaissance,” and “for human dignity”. Here, it should be noted that the construction of a ‘new Uzbekistan’ is not just a subjective wish or choice, but a fundamental historical requirement. Put differently, it is an objective necessity that meets the age-old aspirations of Uzbek people which fully meets its national interests (MIA, 2021). ‘New Uzbek-

**At the heart of Mirziyoyev's policies in building the 'new Uzbekistan' lies the objective of the increasing the welfare of the citizens. For Mirziyoyev, this is also a way to accomplish certain changes in the worldviews of the Uzbek people and increasing their loyalty to the state by installing entrepreneur spirit.**

istan' is being built on the principles of friendly cooperation with the world community, adhering to universally recognized norms and principles of democracy, human rights and freedoms. The ultimate goal is to create a free and prosperous life for Uzbek people.

As for economic reforms, from his early days in office, Mirziyoyev calibrated his focus on reducing unemployment and increasing the welfare of the population. In this regard, special state programs have been introduced to boost business and entrepreneurial activities in Uzbekistan, such as "Every family is an entrepreneur" or "Youth is our future." Enabling bank loans with low interest rates is a policy adopted for this end. Uzbekistan under the administration of Mirziyoyev is on the way of establishing a new outlook towards the economy and a totally new form of economic relations.

At the heart of Mirziyoyev's policies in building the 'new Uzbekistan' lies the objective of the increasing the welfare of the citizens. For Mirziyoyev, this is also a way to accomplish certain changes in the worldviews of the Uzbek people and increasing their loyalty to the state by installing entrepreneur spirit. By this way, he seeks to constitute a new national ideology among the Uzbek people.

Some of the eye catching results of Mirziyoyev's policies could be highlighted as follows:

- Human Development Index value of Uzbekistan was 0,720 in 2019; by comparison it was about 0,599 between 2000 and 2019 (UNDP, 2020);
- Poverty rate has gone down in recent years that the percentage of the population living below the national poverty line was 11 % in 2019 (ADB, 2021);
- The amount of FDI inflows of USD 2.3 billion was nearly four times higher in 2019 than in 2018 (The UNCTAD, 2020);
- Uzbekistan was considered as the "most developed country" in 2019 by the Economist (2019).

## Conclusion

Religion, history, language and external influences played and still plays an important role in the formation of Uzbek national ideology and national identity. It would be expedient to connect the starting point of the Uzbek statehood with the emergence of Timurid Empire. We can see the characteristics of Timurid Empire in public administration and the principles of nation-building of khanates and emirates, even in the reforms and policies of the present-day independent Uzbekistan. The Soviet occupation of the Central Asia had a negative impact on the national identity of Uzbekistan at that time and radically changed the socio-economic life. After gaining independence, the two presidents of the Republic of Uzbekistan, Islam Karimov and Shavkat Mirziyoyev, ruled the country in a completely different way. The first President governed the country in an isolated way through less cooperation with international actors. The second President Mirziyoyev, on the other hand, takes on a liberal approach towards further socio-economic development and aims to build a new Uzbek identity based on universal values. As a result, under the administration of the second President, there have been radical reforms in jurisdiction, politics, economy and society, which aim at increasing the welfare of Uzbek nation.

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## Endnotes

- 1 Neighboring countries are Kazakhstan, Kyrgyzstan, Tajikistan, Afghanistan and Turkmenistan.
- 2 Movaraounnahr refers mainly to the several regions of Central Asian countries; outside of Turkmenistan and the southern parts of Uzbekistan, Tajikistan, Kyrgyzstan and Kazakhstan.
- 3 The territory of Timurid Empire refers to modern-day Uzbekistan, Turkmenistan, Tajikistan, Kazakhstan, Iran, the southern region of the Caucasus, Iraq, Kuwait, Afghanistan as well as parts of contemporary Russia, India, Pakistan, Syria and Turkey.
- 4 Registan Complex is a square in Samarkand that consists of three madrasahs, which represent Islamic architecture.
- 5 “Paranji” is a special clothes that covers the whole body of a woman. When women wear “paranji”, it is a must to cover the face with black net.
- 6 Jadidist is a special term used to describe Uzbek national reformers in the time of the Soviet Union. The word jadidist simply means intellectual.

# BÖLGESEL İŞBİRLİĞİNDE ÖNE ÇIKAN BİR AKTÖR: TÜRK DEVLETLERİ TEŞKİLATI

2009'da Nahçıvan'da düzenlenen Türk Dili Konuşan Ülkeler Zirvesi'ne Azerbaycan, Kazakistan, Kırgızistan ve Türkiye katılmış, bu zirvede Türk Dili Konuşan Ülkeler İşbirliği Konseyi'nin kuruluş antlaşması olan Nahçıvan Antlaşması imzalanmış, taraflar ortak tarih, dil, kültür, gelenek ve değerlerine dayalı, işbirliği ve dayanışmayı geliştirme konusundaki taahhütlerini ortaya koymuşlardır.

## Gülperi Güngör

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Çevre ve sağlık konuları başta olmak üzere, küresel düzeyde karşılaşılan sorunlar, küresel ve bölgesel düzeyde karşılıklı bağımlılığın ve işbirliğinin gerekliliğini ortaya koymaktadır. Uluslararası barış, güvenlik ve refahın tesisi için bölgesel işbirliği mekanizmaları, ortak projeleri teşvik ederek, toplumların ekonomik, sosyal ve kültürel gelişmelerinin desteklenmesinde önemli rol oynayabilir. Böyle bir işbirliği hedefi doğrultusunda, 2009 yılında Azerbaycan, Kazakistan, Kırgızistan ve Türkiye arasında Nahçıvan Antlaşması imzalanmış ve bu ülkeler dil, kültür ve tarihlerine dayalı bir ortaklıktan hareketle, karşılıklı çıkarlarını, işbirliğini ve dayanışmalarını geliştirme kararlılıklarını ortaya koyarak Türk Dili Konuşan Ülkeler İşbirliği Konseyi'ni (diğer adlarıyla Türk Konseyi ya da Türk Keneşi) uluslararası bir örgüt olarak kurmuşlardır. Özbekistan Örgüt'e 2019 yılında üye olmuş, 2018 yılından itibaren Macaristan, 2021'de ise Türkmenistan gözlemci üye olarak katılmıştır. Üye devletler arasında işbirliği kademeli olarak kurumsallaşmış, Kasım 2021'deki devlet başkanları zirvesinde alınan, örgütün adının Türk Devletleri Teşkilatı olarak değiştirilmesi kararı, bu ülkeler arasında işbirliğinin derinleşmesi hedefini ortaya koyan bir adım olmuştur.

### Tarihçe

1992 yılında bir forum olarak kurulan Türk Dili Konuşan Ülkeler Zirveleri, Azerbaycan, Kazakistan, Kırgızistan, Özbekistan, Türkiye ve Türkmenistan devlet başkanları düzeyinde yürütülmüştür. 1992 yılından 2009 yılına kadar süren bu süreçte, ülkeler arasında ikili ve çok taraflı işbirliğinin geliştirilmesi ve uluslararası kuruluşlarla ortak hareket edilmesi hedefleri ortaya konmuştur. Bağımsızlıklarından sonra kendi devlet inşa süreçleri ve iç sorunları yanında bölgesel sorunlarla da mücadele eden

devletlerin, kurumsal olarak işbirliği mekanizması geliştirebilmelerine fırsat sağlayan olanaklar ancak 2009 yılı sonrasında ortaya çıkmıştır. 2009'da Nahçıvan'da düzenlenen Türk Dili Konuşan Ülkeler Zirvesi'ne Azerbaycan, Kazakistan, Kırgızistan ve Türkiye katılmış, bu zirvede Türk Dili Konuşan Ülkeler İşbirliği Konseyi'nin kuruluş antlaşması olan Nahçıvan Antlaşması imzalanmış, taraflar ortak tarih, dil, kültür, gelenek ve değerlerine dayalı, işbirliği ve dayanışmayı geliştirme konusundaki taahhütlerini ortaya koymuşlardır.

Türk Dili Konuşan Ülkeler İşbirliği Konseyi'nin (Türk Keneşi'nin) ana karar organı Devlet Başkanları Konseyi olup, diğer organları Dışişleri Bakanları Konseyi, teknik bilgi sağlayan Kıdemli Memurlar Komitesi, Aksakallar Konseyi ve sekreteryadır. Örgütün sekreteryası İstanbul'da kurulmuştur. Sekreteryaya, bir genel sekreter ve her üye ülkeyi temsil eden birer genel sekreter yardımcısı, proje yöneticileri ve uzmanlar ile faaliyetlerini yürütmektedir. Örgütün ilk genel sekreteri Büyükelçi Halil Akıncı 2010-2014 yılları arasında görevini sürdürdükten sonra, 2014-2018 yılları arasında Azerbaycan'ı temsilen Rami Hasan bu görevi yürütmüştür. Örgütün genel sekreterliğini bilahare Kazakistan'ı temsilen Büyükelçi Baghdad Amreyev üstlenmiştir. Üye ülkelerin parlamentoları arasındaki işbirliğini derinleştirmek amacıyla faaliyet gösteren Türk Dili Konuşan Ülkeler Parlamenterler Asamblesi (TÜRKPKA), bilim, eğitim, kültür ve sanat alanlarında işbirliğinin geliştirilmesi Türk dünyasının ortak değerlerinin uluslararası seviyede tanıtılması amacıyla faaliyet gösteren Uluslararası Türk Kültürü Teşkilatı (TÜRK-SOY), Uluslararası Türk Akademisi - Türk Dünyası Eğitimsel ve Bilimsel İşbirliği Örgütü (Turkic World Educational and Scientific Cooperation Organization-TWESCO), Türk-Kültür ve Miras Vakfı, Türk Keneşi'nin ortaklık ilişkisi yürüttüğü kuruluşlar olmuşlardır.

Kurulduğu 2009 yılından itibaren Türk Keneşi çerçevesinde başta devlet başkanları zirveleri olmak üzere birçok toplantı ve faaliyet gerçekleştirilmiştir. Örgütün devlet başkanları zirvelerinde her yıl belirli bir temanın ağırlık kazandığı gözlemlenmiştir. Her zirvede ele alınan başlıca konulara ilişkin işbirliğinin gelişmesi için adımlar atılmış ve çeşitli çalışma grupları oluşturulmuştur.

Türk Keneşinin ilk zirvesi 21 Ekim 2011'de "Ekonomik ve Ticari İşbirliği" temasıyla Kazakistan'ın Almatı şehrinde gerçekleştirilmiştir. Ekonomik işbirliğinin bölgesel bütünleşmede itici güç oluşturduğunun vurgulandığı bu zirvede liderler, kamu ve özel sektör kapsamında projelerin geliştirilmesini teşvik edeceklerini açıklamışlar, yatırım ortamının iyileştirilmesi ve ekonominin çeşitlendirilmesine yönelik çalışma gruplarının oluşturulması kararını almışlardır. Bu zirvede üye devletlerin iş çevrelerini temsil eden kurumlar, Türk İş Konseyi'ni kuran anlaşmayı imzalamışlardır. Ayrıca örgütün kurumsallaşmasını tamamlayan antlaşmalar ve tüzükler sonuçlandırılmıştır.<sup>1</sup>

Türk Keneşi Devlet Başkanları Zirvelerinin ikincisi 22-23 Ağustos 2012 tarihlerinde "Eğitim, Bilim ve Kültürel İşbirliği" başlığı altında Kırgızistan'ın başkenti Bişkek'te gerçekleştirilmiştir. Bu zirve vesilesiyle Türk Konseyi Sekreteryaasının Mali Esaslarına ilişkin anlaşma ve Türk Kültür Miras Vakfı kurulmasına ilişkin anlaşmalara imzalanmış, yükseköğretim alanında işbirliğini arttırmak, öğrenci/akademisyen değişimini teşvik etmek ve üniversitelerin karşılıklı üstünlüklerinden yararlanmak üzere çalışmalar yürütecek "Türk Üniversiteler Birliği" kurulmuştur. Zirveye katılan devlet başkanlarının ikili görüşmelerinin de gerçekleştiği zirvede çeşitli alanlarda ikili işbirliği anlaşmaları da imzalanmıştır.<sup>2</sup>

Üçüncü zirve 15-16 Ağustos 2013 tarihlerinde Azerbaycan'ın Gebele şehrinde "Ulaştırma" temasıyla gerçekleştirilmiştir. Bu zirve kapsamında, ulaştırma bakanları arasında bir işbirliği protokolü imzalanırken, ayrıca kabul edilen mutabakat zaptıyla, Bakü, Aktau ve Samsun Limanları arasında kardeş liman ilişkisi tesis edilmiştir. Hazar Geçişli Doğu-Batı Orta Koridoru üzerinden taşımacılığın teşvik edilmesinin üye ülkeler arasındaki ticaretin gerçekleştirilmesine hizmet edeceği vurgulanmıştır.<sup>3</sup>

"Turizmde İşbirliği" başlığı altında düzenlenen dördüncü zirve 4-5 Haziran 2014 tarihlerinde Bodrum'da gerçekleştirilmiştir. Devlet başkanları, "Turizm Ortak İşbirliği Protokolü" ile üye devletlerin turizm destinasyonlarından oluşan "Modern İpek Yolu" tur paketi oluşturulmasına yönelik talimat vermişlerdir. Liderler ulaşım ve gümrük alanlarındaki işbirliğinin güçlendirilmesi gerekliliğine dikkat çekerek, "Ulaşım Koordinasyon Kurulu" nun kurulmasından duyulan memnuniyetlerini dile getirmişlerdir.<sup>4</sup>

Beşinci Zirve, 11 Eylül 2015 tarihinde "Medya ve Enformasyon İşbirliği" başlığı altında Kazakistan'ın Astana kentinde gerçekleştirilmiştir. Zirvede, üye ülkelerin resmi haber ajansları ve ulusal televizyon kanalları arasında işbirliğine, Göçebe Medeniyeti Merkezi, Türk Akademisi, Türk Kültür ve Miras Fonu'nun kurulmasına yönelik adımlar atılmıştır. Liderler 24 Aralık 2014 tarihinde Kiev'de kurulan Türk Konseyi Bölgesel Diaspora Merkezi'nin açılışından duydukları memnuniyeti dile getirmişlerdir.<sup>5</sup>

Altıncı Zirve, "Gençlik ve Ulusal Sporlar" temasıyla, 3 Eylül 2018 tarihinde Kırgızistan'ın Çolpon Ata şehrinde gerçekleştirilmiştir. Zirvenin aynı yıl Üçüncü Dünya Göçebe Oyunlarının düzenlendiği Çolpon-Ata'da gerçekleşmesinden duyulan memnuniyet ifade edilmiştir. Liderler Türk Keneşi çerçevesinde uluslararası gençlik kampları, festivaller ve spor turnuvalarının gerçekleştirilmesine verdikleri desteği, gençlik platformunun oluşturulmasını ve Genç Liderler Forumu'nun düzenli olarak yapılmasını teşvik ettiklerini dile getirmişlerdir.<sup>6</sup> Zirvede ayrıca ortak Türk tarihi ile ilgili ders kitabının hazırlanması için çağrıda bulunulmuştur.

Yedinci Zirve 15 Ekim 2019 tarihinde Bakü'de "Küçük ve Orta Büyüklükteki İşletmelerin (KOBİ'lerin) Desteklenmesi" temasıyla düzenlenmiş, zirveye, üye Devletlerin Ticaret ve Sanayi Odalarının başkanları da katılmıştır.<sup>7</sup> Zirvede kısa bir süre önce kurulan Türk Konseyi Ortak Ticaret Sanayi Odası bünyesinde işbirliğine vurgu yapılmış ve Ortak bir Türk Yatırım Fonu kurulması için gerekli çalışmalara başlanmıştır.<sup>8</sup> Aynı yıl düzenlenen Ekonomi Bakanları toplantısında "Ticaretin Kolaylaştırılması Strateji Belgesi" nin sonuçlandırılması, taşımalarda kotaların ve geçiş ücretlerinin kaldırılması suretiyle tam liberalizasyonun sağlanması hususunda üye devletlerin teşvik edildiği ifade edilmiştir.<sup>9</sup> Devlet başkanları zirvesinde örgütün koordinasyon işlevini ve kurumsallaşmasını geliştirmek ilişkin alınan bir diğer karar Türk Konseyi, TÜRKPA ve TÜRKSOY Genel Sekreterleri ile Türk Akademisi ve Türk Kültürü ve Mirası Vakfı Başkanlarından oluşan bir "Koordinasyon Komitesi" nin kurulması olmuştur.<sup>10</sup>

Türk Keneşi çerçevesinde devlet başkanları zirvelerinin yanında bakanlar düzeyinde ve çeşitli çalışma grupları ile düzenli toplantılar gerçekleştirilmiş, ayrıca diğer uluslararası örgütlerle işbirliğini tesis eden ilişkiler geliştirilmiştir. Böylece üye ülkeler arasında bölgesel işbirliğinin sistematik bir şekilde kurulmasını sağlayan adımlar atılmıştır.

Türk Keneşi devlet başkanları 10 Nisan 2020 tarihinde COVID-19 salgını gündemiyle düzenlenen Olağanüstü Zirvede bir araya gelmiş, pandemiye karşı mücadelede Türk Konseyi kapsamındaki işbirliğini ve



**Bir diğer önemli adım, “Türk Dünyası 2040 Vizyonu”nun geliştirilmesinin tamamlanması ve 8. zirvede yayınlanmasıdır. 2040 Vizyon Belgesi Türk Devletleri Teşkilatı’nın uzun vadeli hedeflerini ortaya koyan ve bunlara ulaşmanın yollarına rehberlik edecek bir belgedir.**

pandeminin bölge ülkelerinin ekonomileri üzerindeki etkilerini ele almışlardır. COVID-19 salgını, ortaya çıkan küresel zorluklara karşı mücadelede yüksek düzeyde işbirliğinin tesis edilmesi ihtiyacının aciliyetini ortaya koymuştur. Küreselleşmenin faydalarının yanında zorluklarına karşı da farkındalığın geliştiği bu ortamda, Türk Keneşi çerçevesinde bölgesel işbirliğinde çeşitli alanlarda uyum kapasitesinin artırılması için çalışmaların ivme kazandığı gözlemlenmiştir. Küresel sorunlarla işbirliği hedefinin yanında bu süreçte kaydedilen bir dizi gelişme, 2021 yılının örgütün tarihinde önemli bir dönüm noktası olmasına katkıda bulunmuştur.

### **Türk Devletleri Teşkilatı’nın Kurulmasına Gidiş Aşaması**

2021 yılı, Azerbaycan, Kazakistan, Kırgızistan, Özbekistan ve Türkmenistan’ın bağımsızlıklarının 30. yıl dönümü olması dolayısıyla, çeşitli etkinliklerin düzenlendiği bir yıl olmuştur. Bağımsızlıklarından bu yana ekonomilerinin gelişmesinde ve devlet inşalarında kat ettikleri ilerlemeler, bu devletlerin uluslararası arenada aktif katılımlarının olanağını sağlamıştır. 2020 ve 2021 yılları Türk Keneşi üye ülkelerinin çeşitli uluslararası kurumlarda ve forumlarda aktif rol aldıkları yıllar olmuştur. Azerbaycan Bağlantısızlar Hareketi’nin dönem başkanlığını başarıyla yürütmüş, Kazakistan ise Asya’da İşbirliği ve Güven Arttırıcı Önlemler Konferansı (CICA) Başkanlığını devralmıştır. Kazakistan ayrıca 2022-2024 dönemi için BM Ekonomik ve Sosyal Konseyi (ECOSOC) ve BM İnsan Hakları Konseyi üyeliğine seçilmiştir. 5 Kasım 2021 tarihinde Birinci Avrupa Birliği- Orta Asya Ekonomik Forumu Kırgızistan’da toplanmış, bunun yanında Birleşmiş Milletler Genel Kurulu’nda Kırgızistan’ın önerdiği “Doğa Sınır Tanımaz: Sınırtaşan İşbirliği – biyoçeşitliliği koruma, onarma ve sürdürülebilir kullanım için kilit faktör” başlıklı kararının 16 Nisan 2021’de oy birliği ile kabul edilmiştir. Özbekistan Cumhuriyeti 2021-2023 dönemi için Birleşmiş Milletler İnsan Hakları Konseyi’ne (UNHRC) seçilmiş, Özbekistan’ın 18 Mayıs 2021’deki önerisi üzerine BM Genel Kurulu oybirliğiyle Aral Denizi bölgesini çevresel yenilikler ve teknolojiler bölgesi ilan eden özel bir kararı kabul etmiştir. Ayrıca Özbekistan Cumhurbaşkanı

Şevket Mirziyoyev’in Afganistan hakkında Daimi BM Komitesi kurulmasına ilişkin girişimleri kaydedilmiştir. 2021 yılı Afganistan’da Kabil Havaalanı’ndan uluslararası personelin tahliyesinin kolaylaştırılmasına yönelik Türkiye’nin öncü rolünün kaydedildiği, 18 – 20 Haziran 2021 tarihleri arasında Antalya’da düzenlenen Diplomasi Forumu’nun prestijli bir zirve olarak ön plana çıktığı, Türkiye’nin Güneydoğu Avrupa İşbirliği’nin (GDAÜ) dönem başkanlığını yürüttüğü bir yıl olmuştur.

Türk Keneşi üye ülkelerinin bağlantılarını geliştirecek gelişmeler bu dönemde kaydedilmiştir. 2018’de Hazar Denizi’nin hukuki statüsünün kabul edilmesi ve sonrasında Azerbaycan ve Türkmenistan’ın 21 Ocak 2021’de Hazar Denizi’nde Dostluk Sahasında hidrokarbon kaynaklarının ortak araştırılması ve geliştirilmesine ilişkin bir mutabakat zaptı imzalanması Hazar Denizi’ndeki anlaşmazlıkların çözüme kavuşturulması için önemli bir gelişmeler olmuştur.

15-16 Temmuz 2021 tarihlerinde, Taşkent’te “Orta ve Güney Asya: Bölgesel Bağlantılar, Zorluklar ve Fırsatlar” başlıklı bir uluslararası konferans düzenlenmiştir. Amerika Birleşik Devletleri Başkanı Danışmanı’nın, Çin ve Rusya’nın Dışişleri Bakanları’nın, uluslararası finans kuruluşlarının temsilcilerinin katıldığı üst düzey katılımlı bu konferans bölgenin ortaya çıkan merkezi rolünü ortaya koymuştur. Konferansa Türkiye’yi temsilen Dışişleri Bakanı Mevlüt Çavuşoğlu katılmıştır.

Azerbaycan’ın 2020 yılında Dağlık Karabağ topraklarını geri alması, Azerbaycan ve Nahçıvan (dolayısıyla Türkiye) arasında bir koridor oluşturma planının geliştirilmesi bağımsızlıklarından sonra ilk kez Türk devletlerinin doğrudan karayolu bağlantısını sağlayacaktır. Türkiye ile Hazar Denizi ve Orta Asya arasında ulaşım mesafesini kısaltacak ve “Orta Koridor Girişimi”nin gelişmesine katkıda bulunacaktır.

Tüm bu gelişmeler Türk Keneşi çerçevesinde işbirliğinin derinleşmesi için doğru zamanın geliştiğinin habercisi olmuştur. 12 Kasım 2021’de İstanbul’da gerçekleşen Türk Keneşi 8. Devlet Başkanları zirvesi öncesindeki, 2 ayda bakanlar düzeyinde 11 toplantı ve çeşitli çalışma grubu toplantıları gerçekleştirilmiştir. Bu toplantılar daha sonra devlet başkanları zirvesinde ilan edilecek olan 2040 Vizyon Belgesi ve stratejik yol haritasının şekillenmesine katkıda bulunmuştur.

Bu kapsamda, 2021 yılında Türk Keneşi dışişleri bakanları düzeyinde iki toplantı yapmıştır. Bu toplantılarda ağırlıklı olarak Afganistan konusu ele alınmıştır. 27 Eylül 2021 tarihinde gerçekleştirilen Afganistan Dışişleri Bakanları Olağanüstü Zirvesi’nde üye devletler, Afganistan’da temel insan haklarını koruyan kapsayıcı ve temsili bir siyasi sistemi desteklediklerini vurgulayarak, Afganis-



tan halkına kapsamlı yardım sağlanması çabalarını desteklediklerini belirtmişlerdir.

10 Eylül 2021 tarihinde Bakü'de düzenlenen Ekonomi Bakanları Toplantısında ticareti kolaylaştırmak için bir mutabakat zaptı imzalanmıştır. Bu toplantıda ve 6 Mayıs 2020 tarihinde çevrimiçi olarak gerçekleştirilen ortak Ekonomi/Ticaret Bakanları ile Gümrük İdareleri Başkanları toplantısında ticaretin kolaylaştırılması mekanizması ile hizmetler ve yatırımlar alanında serbest ticaretin sağlanması için ortak bir anlayışa varılmıştır. Türk Keneşi Üye ve Gözlemci Devletlerin Enerji Bakanları Toplantısı 24 Şubat 2021'de çevrimiçi olarak gerçekleştirilmiştir. Bu toplantının sonuçları doğrultusunda devlet başkanları 2021 zirvesinde yenilenebilir enerjide işbirliği önerilerinin geliştirilmesini teşvik ettiklerini açıklamışlardır. Örgütün 14 Ekim 2021 tarihinde düzenlenen Ulaştırma Bakanları Zirvesi'nde ise üye ülkeler arasında taşımacılığın serbestleştirilmesi gerektiği ifade edilmiş, kombine taşımacılık operasyonlarının ve Hazar geçişlerinin teşvik edilmesi ve taşımacılıkta Hazar geçişli Doğu-Batı Orta Koridor'un payının artırılması yönünde talimat verilmiştir.

29 Ekim 2021 tarihinde İstanbul'da düzenlenen Sağlık Bakanları toplantısında sağlık alanında küresel dayanışma ve işbirliği hedefi doğrultusunda ortak bir bildiri yayınlanmış, devlet başkanları zirvesinde Üye ve Gözlemci Devletlerin Sağlık Bakanları ve bilim insanlarının katılımıyla her yıl Ekim'de "Türk Tıp Dünyası Kongresi"nin düzenlenmesini onaylanmıştır. 24 Haziran 2021'de Özbekistan'ın Kokand kentinde düzenlenen Turizm Sorumlu Bakanlar Toplantısı'nda Türk Dünyası Turizm Başkanlığı girişimi başlatılmış, Türk dünyasının kutsal yerlerini ziyaret etmek için projeler oluşturulmasına karar verilmiştir. Özbekistan'ın Hive kenti, 2020 yılında

TÜRKSOY tarafından Türk Dünyası Kültür Başkenti ilan edilmiş ve 2021 yılında 400'den fazla sanatçının katkılarıyla burada etkinlikler düzenlenmiştir.

Kazakistan'ın Türkistan şehrinde üye ülkelerden 40 üniversitenin yer aldığı Üniversiteler Birliği ile bir toplantı gerçekleştirilmiştir. Burada Öğrenci ve akademisyen değişim programı Orhun Süreci'nin güçlendirilmesine karar verilmiştir. 3-4 Kasım 2021 tarihlerinde İstanbul'da gerçekleştirilen Millî Eğitim Bakanları toplantısı ile orta ve yükseköğretim programında gerçekleştirilecek yeni projeler belirlenmiştir. Bakü ve İstanbul'da medya toplantıları yapılmış ve dezenformasyonla mücadele konusunda fikir birliğine varılmıştır.

Türk Keneşi Gençlik ve Spordan Sorumlu Bakanlar Toplantısı ve Genç Girişimciler Forumu 20-21 Eylül 2021 tarihlerinde gerçekleşmiştir. Bu toplantılar üye devletler arasında bağların geliştirilmesi ve "Çok Taraflı ve İkili Gençlik ve Gençlik Çalışanları Değişim Programlarına İlişkin İşbirliği Mutabakat Zaptı"nın imzalanması ve genç iş adamlarının yeni iş fırsatlarını keşfetmelerini sağlama hedefinin ortaya konulması açısından önemli olmuştur.

Başsavcılıklar Toplantısı 1-2 Kasım 2021 tarihlerinde Bakü'de gerçekleşmiştir. Bu toplantı ile Türk Keneşi bünyesindeki hukuk alanında yeni bir işbirliği alanının ortaya çıktığı gözlemlenmiştir.

### **Türk Devletleri Teşkilatı'nın (TDT) Kurulması**

Tüm bu ön çalışmaların katkısı ile 12 Kasım 2021'de İstanbul'da gerçekleşen 8. devlet başkanları zirvesinde önemli gelişmeler kaydedilmiştir. En başta örgütün ismi değişmiş ve Türk Devletleri Teşkilatı adını almıştır. Diğer

gelişmelerden dördü ön plana çıkmaktadır: Bunlar Türkmenistan'ın katılımı ile kaydedilen genişleme, Türk Dünyası 2040 Vizyonu" belgesinin ilan edilmesi, Türk Yatırım Fonu'nu kurulması ve örgütün yeni işbirliği modellerinin geliştirilmesidir.

Azerbaycan, Kazakistan, Kırgızistan ve Türkiye olmak üzere dört devletin işbirliği ile kurumsallaşan örgütün 8. zirvesinde Türkmenistan'ın gözlemci üye olarak katılımı kararı ile bir genişleme aşaması daha kaydedilmiştir.

Bir diğer önemli adım, Türk Dünyası 2040 Vizyonu'nun geliştirilmesinin tamamlanması ve 8. zirvede yayınlanmasıdır. 2040 Vizyon Belgesi, Türk Devletleri Teşkilatı'nın uzun vadeli hedeflerini ortaya koyan ve bunlara ulaşmanın yollarına rehberlik edecek bir belgedir. Bu belgenin uygulanması için Liderler "2022-2026 Türk Devletleri Teşkilatı Stratejik Yol Haritası" hazırlanması talimatını verdiklerini açıklamışlardır.

Bu zirvede, üye ülkeler arasındaki ticaretin artırılmasına ve başta KOBİ'ler olmak üzere girişimciliğin geliştirilmesine, öngörülebilir bir yatırım ortamı sağlamaya yönelik olarak Türk Yatırım Fonu'nun kurulmasına yönelik talimatın verilmiş ve Türk Yatırım Fonu Kuruluş Anlaşması'nın en geç 1 Eylül 2022 tarihine kadar nihai hale getirilmesine karar verilmiştir. Türk Yatırım Fonu, Türk devletleri arasında tesis edilecek ilk mali mekanizma olma özelliğini taşıması bakımından önemlidir.

Kurulduğu 2009 yılından bugüne örgütün uluslararası saygınlığının güçlendiği gözlemlenmektedir. Bunun bir göstergesi olarak, Türk Devletleri Teşkilatı Genel Sekreteri Bağdat Amrayev 10'dan fazla ülkenin teşkilata gözlemci olmak için başvuruda bulunduğunu belirtmektedir.<sup>11</sup> Ancak Teşkilat'a gözlemci üyelik başvuru

rusunda bulunacak devletin ulusal resmi dilinin ya da resmi dillerinden birinin Türk Dili veya Türkçeye akraba ve ilintili dillerden olması şartı söz konusudur. Bu doğrultuda Türk Keneşi'nin ilk Genel Sekreteri Halil Akıncı, Kıbrıs Türk Cumhuriyeti'nin doğal üye olma niteliğini taşıdığını, Moğolistan, Kore, Japonya, Finlandiya ve Estonya'nın ise gözlemci üyeliğe aday olma niteliklerine sahip olduklarını belirtmektedir.

Ortaklık statüsü ise üçüncü ülkelerle işbirliği için getirilen bir modeldir. 8.zirvede Ortaklık Statüsü'nü tesis eden yönetmelikler kabul edilmiştir. Böylece üçüncü ülke ve kuruluşlar ile proje bazlı somut işbirlikleri geliştirilebilecektir. Birçok ülkenin Türk dili konuşan toplulukları barındırdığı da bilinmektedir. Ancak, bu devletlerin işlerine karışmamak adına, topluluklar veya yerel yönetimlerle değil, yalnızca merkezi yönetimlerle işbirliği yapılmasına karar verildiği açıklanmıştır.

Türk Dili Konuşan Ülkeler Devlet Başkanları Zirveleri'nden bu yana, Türk Devletleri'nin ulaştırma, ekonomi, eğitim, bilim ve kültür konularında politikalarının uyumlaştırılması ve bu alanlarda işbirliğinin kademeli olarak ilerlemesi sağlanmıştır. Yakın zamandaki gelişmeler doğrultusunda Türk Devletleri Teşkilatı çerçevesinde işbirliğinin daha da derinleşmesi için şartların olgunlaştığı görülmüş, bu doğrultuda örgütün 2021 devlet başkanları zirvesinde alınan kararlar ve 2040 Vizyon Belgesi'nin kabulü ile işbirliğinin pekiştirilmesi için önemli adımlar atılmış ve hedefler ortaya konulmuştur. Türk Devletleri Teşkilatı, üye ülkelerin ekonomik, sosyal ve kültürel gelişmelerine katkı sağlamasının yanında, diğer uluslararası aktörler ve örgütlerle de işbirliği içinde Asya ve Avrupa bağlantısında öne çıkan bir aktör olabilecektir.

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# ENERGY, THE BALKANS AND THE GAME OF GREAT POWERS

Tensions between Russia and NATO over Ukraine have once again raised the issue of energy security. Although the Cold War has been over for years, it is now replaced by economic warfare.

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Tensions between Russia and NATO over Ukraine have once again raised the issue of energy security. Although the Cold War has been over for years, it is now replaced by economic warfare. Energy is the most significant matter in this warfare. Russia sees the European energy market as a vital vessel in its economy, and the United States uses the energy card to play against Russia, the Balkans and Europe. Undoubtedly, natural gas, which is highly consumed by both the domestic and industrial sectors, is the most important need of all countries, and competition revolving over it is only natural. For the European Union (EU), the issue of energy supply is at the forefront of its efforts, one of the pillars on which the EU Foundation was founded in 1951. In fact, the Energy Charter treaty of 1994 was signed to ensure energy supply, and to reduce related risks. For Europe, the closest and most economical source of energy is Russia, Central Asia and the Persian Gulf. For the energy suppliers the safest market is Europe.

There are three groups of countries involved in the matter of energy and its transfer to Europe:

- Gas exporting countries (Russia, Central Asia, Iran and the Persian Gulf)
- Intermediary or transit countries which are located on the gas transfer route (Turkey, Eastern Europe, and the Balkans)
- Importing/consumer countries (Western Europe)

The countries in the first group are looking for diversity in transfer routes. At the same time, they are seeking monopoly on gas exports. For the transit countries, route diversity is important in the first place. Finally, for the consumers, diversity in both suppliers and routes is of great importance for their energy security.

The Balkans and Eastern Europe in the second group include countries that were once under the influence of the former Soviet Union (USSR). For this reason, the in-

frastructure and equipment of power plants in these countries are mostly Soviet made, and after the collapse of the USSR, for various reasons, modernization of these power plants, which often had old technology or used fossil fuels such as coal, was not cost-effective. Their orientation towards western industry and independence from Russia, the limitation of fossil fuels and the need to eliminate them for environmental reasons, the high costs of energy production in the old way, and some other problems encouraged these countries to askew towards diversifying and supplying energy sources. Therefore, although these countries are among the energy transit countries, they are also in the group of consumers. For that, diversity of gas suppliers is also important for these countries.

The dependence of the Balkan countries on a particular supplier, such as Russia, for example, empowers that supplier to both determine the price of the gas through long-term contracts and to impose its policies on consumer countries. At present, Gazprom has a strong control over energy and determines the price of gas, and owns most of the energy resources through joint ventures outside the region. This assures Russia of the ability to intervene, and restrict access to pipelines by third world countries.

However, politically, the Balkan countries turned to Europe after the collapse of the Soviet Union. Europe also sought to increase its influence in those countries to maintain a safe distance between the EU, and Russia and the East, in order to prevent the entry of migrants. The accession of Romania and Bulgaria to the European Union without meeting the necessary conditions was an example of this policy. Russia, on the other hand, which continues to see the Balkans as its backyard, is trying not to lose their dependence. Many of the infrastructure and energy companies in the Balkans are controlled by Russian companies, and Russia is trying to keep them dependent on its gas. The Balkan countries, are not yet financially strong enough to suddenly free themselves from dependence on Russia immediately.



Thus, the Balkan region has become a region of competition between the East and the West. However greatly the Western countries seek diversity in gas suppliers and routes and try to get the Balkan countries to conform to these policies, Russia, on the contrary, seeks a monopoly on the use of the Balkan route to transport gas and remove competitors on that route. The fate of the Nabucco pipeline has been an example in favor of Russian policy. However, Russia is not alone in this policy. The US also sometimes use the Balkan card in the game against Europe, thereby helping the interests of Russia.

As the country with the second largest natural gas reserves in the world, Iran is Russia's main competitor in the group of gas exporting countries. The transfer of Iranian gas to Europe can be beneficial to Europe and to the European companies active in this field in every way. Nevertheless, Iran's independent foreign policy came into conflict with US policy after the 1978 Islamic Revolution, which put Iran on the US sanctions list. The US does not allow the export of Iranian gas to Europe, and in this regard, it carries out a policy that undergird Russian interests. The Russians oppose any move, not only in the economic sphere, but also in the political sphere, which would weaken their monopoly on gas exports to Europe. While the interests of European countries depend on resolving the dispute between Iran and the United States, the Russians are content with the continuation of this dispute.

Trump's victory in the presidential election and his withdrawal from the Iranian nuclear deal (JCPOA) should be assessed in this regard. The Iran-West nuclear deal created a good atmosphere for resolving many of the political problems between Iran and the US. The full implementation of JCPOA could lead to the entry of international companies into the issue of new gas transmission routes and investment in this field. This could lead to diversification of both suppliers and gas transmission lines resulting in economic gains for the Balkan countries and would be to the relief of European consumers from the viewpoint of provision and stabilization of gas prices. The US withdrawal from JCPOA was a gift to the Russians easing their worries about the continuity of their dominance in the European energy market.

The diversification of gas transmission routes to Europe depends on resolving political disputes. Companies operating in the energy sector include both public and private groups. State-owned companies are often subject to the political decisions of governments and have to prioritize political considerations over economic interests. Private companies, on the other hand, are subjected to trade laws and the economic viability of specific projects in this regard is the main priority. Thus, political issues may discourage private companies from operating on some gas transmission routes, but these political issues cannot force them to operate in a way that is not economically viable. This is a major factor, which has prevented the diversity of gas pipelines so far.

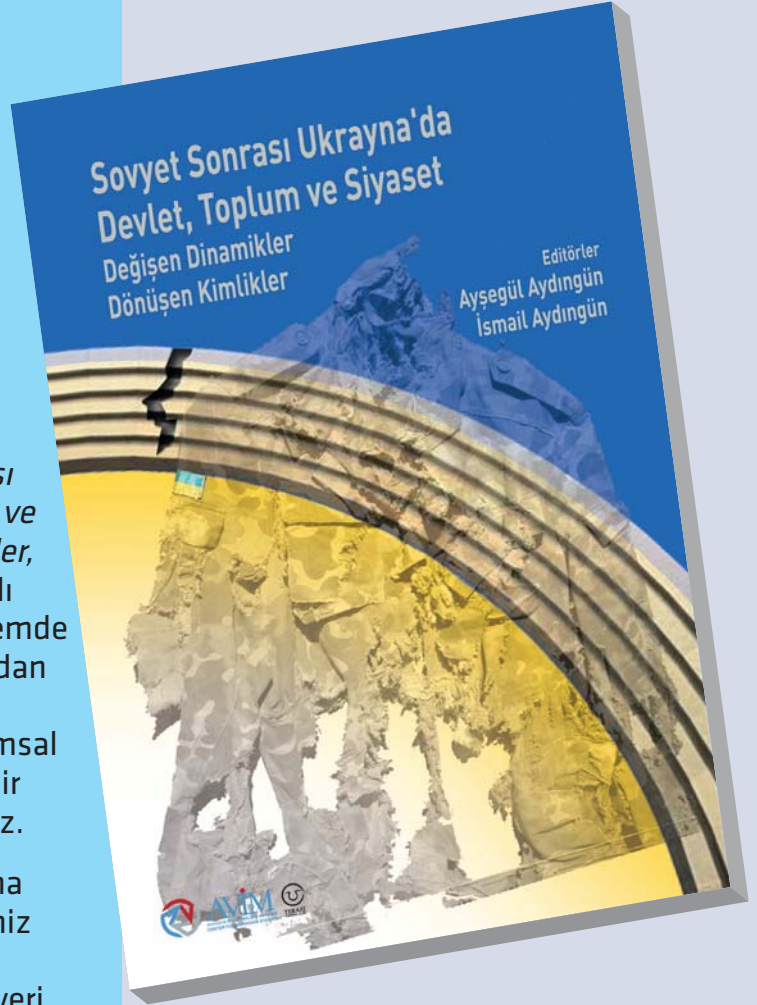
As mentioned above, Iran and Balkan cards are played by the Americans vis-à-vis Russia and European countries. Meanwhile, the Balkan countries are confused. On the one hand, they seek to cooperate with the United States and other Western countries; they seek Western assistance for economic and technological development. On the other hand, they cannot free themselves dependence to Russian energy. They also remain under pressure from both Russia and US policy toward Iran. They are looking to replace fossil fuels and coal, but do not have the necessary funds to exploit western technology. Thus, they have no choice but to remain dependent on Russia.

Iranian gas transported via Turkey and the Balkans to Europe could make gas exports to Europe more competitive. In this case, both Turkey and the Balkan countries would benefit from the transit of Iranian gas and Europe's worries about energy supply would be lessened. All of this depends on the lifting of US sanctions against Iran and the settlement of disputes between the two countries. The Islamic Republic of Iran has always shown its willingness to cooperate with intermediaries to export its gas to Europe, but the conflicts between the US and Iranian interests in the region, as well as the US policies have resulted in Russia's achievement of its goal of monopolizing energy to Europe over the years. In other words, the US have overshadowed the interests of its allies with its faulty policies.

# GÜNÜMÜZ UKRAYNASI İÇİN BİR REHBER KİTAP

Şubat 2019-Haziran 2019 ve Ekim 2019'da, Kiyiv'de gerçekleştirilen saha araştırmaları verilerine dayanarak, sosyolojik bir perspektiften hareketle kaleme alınan ve 2020 yılında AVİM ve Terazi Yayıncılık iş birliğiyle yayımlanan *Sovyet Sonrası Ukrayna'da Devlet, Toplum ve Siyaset - Değişen Dinamikler, Dönüşen Kimlikler* başlıklı eserde, Sovyet sonrası dönemde ve özellikle 2014 AvroMeydan olayları sonrası süreçte Ukrayna'da yaşanan toplumsal ve siyasal değişimlerin bir incelemesini bulacaksınız.

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