
Legal aspects of sovereignty in peacebuilding, peacekeeping and peacemaking on Syria's conflict resolution

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Abstract

With the events of the terrorist attacks of 9/11, the international relations scene has changed, and the principles already known needed a new approach both restrictive and progressive. The challenges are reflected in the relationships between states and peace-building, peacekeeping and peacemaking, as any other concepts, have undergone some changes, having to do with challenges, which may diminish the importance or validity of the sovereign right.

Keywords: sovereignty, humanitarian intervention, internal affairs, dimensions, assistance

General aspects

THE EVOLUTION OF the international system and relations has been characterized throughout history by imposing sovereign right of states. Thus, in a more anarchic international system than ever, the sovereign right of the states is the source of other rights, national or international, as around its main mechanisms emerge inter-state interactions. Any other regulation envisages first the protection of sovereignty, because without it the actors on the international scene were to be unsubstantiated, without motivation or purpose. Therefore the rules taken into consideration are meant primarily for the protection of this right, for setting the derivatives or procedures for international order and the relationship between states. The observance of sovereignty leads to a unanimously recognized and used right whenever needed.

In this respect, the right of sovereignty was likely to be marked by changes of perspective, so that the conditions already set by custom and international regulations, have drawn criticism to restore certain elements characterized as vague and loopholes. It also developed several concepts that are intended to be high-level international norms by some entities or states.

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The legitimacy of these concepts, however, is criticized for the lack of principles by which they can be characterized. Peacebuilding, peacekeeping and peacemaking have gained more ground, as many states are increasingly using these rights, which in the opinion of some, could be considered as a violation of the right of sovereignty. For a quick example, we can mention the case of Western countries, especially the United States, which, in order to justify the right to defend oneself against terrorism, have adversely affected, according to scholars, the rights of another sovereign state. In the same way, in terms of peacebuilding, peacekeeping and peacemaking, the right of sovereignty may suffer, leaving fewer opportunities for the latter to occur unhindered.

In the current context of international relations, as more and more concepts and rights are used to undermine the effect of the right of sovereignty, we consider appropriate an analysis to determine how that has evolved and most importantly to try to envisage how it will develop in the future in relation to other rights to the detriment of the right of sovereignty.

Peacekeeping, peacebuilding and peacemaking are tools for solving international security problems. As concepts evolving since the end of World War II, they are now used when there are concerns about maintaining the security of a state, region or international order. Although there are tools that concern peace, their features cause a slight difference in their applicability.

Peacemaking is the type of instrument used in international politics that aims for re-stabilizing and maintaining peace. It can be used as a mechanism of UN military intervention or mediation / negotiation in politics and diplomacy. Peacebuilding, represents those types of missions concerned in building democracy, from diplomacy to democratic elections, institutional training etc. Peacekeeping is one of the cases that have a broad applicability, which can include the other two concepts. It contains the negotiations of peace (peacemaking) and constructive democracy, free elections, etc. (peacebuilding) to military and humanitarian intervention (Dawson 2004: 1-3).

Typically, these tasks are assigned to the UN. Without making reference to its peace missions we want to make an analysis of the impact of these missions has the right on sovereignty, and their applicability, depending on the situation needs in Syria.

Based on recent examples from the international relations scene, such as the interventions in Afghanistan, Iraq and the MENA region following the *Arab Spring*, and more recently in Syria, we can see that increasingly more derived rights can affect the right of sovereignty in ways that, at first, from some point of view, are legal, even necessary and imperative. Hence, these cases can create a precedent that could lead to interference caused by various reasons, under the umbrella of certain rights- whose value, importance and effects can be hyperbolized.

The more serious question is whether peacebuilding, peacekeeping and peacemaking are more important than the right of sovereignty of a state. Are the internal politics of a state a crucial issue for the foreign policies of another? But is a state intervention justified as long as there can only be presumed that domestic policy is not in line with international standards? The right to intervene leaves many options that are relative and variable. This can lead to other concepts and dimensions of international law that we want to analyse in our research work.

In recent decades invoking rights which prejudice the right of sovereignty has been increasingly used. Whether it is about the right to self-defense, the responsibility to protect, the right to humanitarian intervention or peacebuilding, peacekeeping and peacemaking one can easily see the effects that such events can have and how they penetrate the international legal system and particularly the national one, by limiting the exercise of the right of sovereignty, under all its characteristics.

Due to the serious impact they can have on the right of sovereignty, peace-building, peace-keeping and peace-making cast doubts on the effectiveness of the international system. We can see how the international order is being questioned, through legal loopholes or ways of interpretation, through steps designed to ensure selfish or altruistic interest, but which in time can lead to dangerous precedents that may unbalance the order of the international system.

Key international standards regarding the right to sovereignty and its derivatives are provided both in the UN Charter and underlined or reinforced in the international legal acts, so nations respect the right to sovereignty first of all, and then other principles such as peace-building, peace-keeping and peace-making, that should be limited or even free from abuse.

Legal aspects

The UN Charter refers to the obligation of signatory nations to respect the sovereignty and independence of other states.^{1*} The question that arises here is whether this obliga-

¹ * The United Nations Charter, Article 2: *The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.*

1. *The Organization is based on the principle of the sovereign equality of all its Members.*
2. *All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.*
3. *All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.*
4. *All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.*

tion is only from the UN recognized states, or bears on other legal-political entities? As can be seen in Article 2, paragraph 6 of the UN Charter, the UN shall ensure that states which are not member of this organization will follow the principles that spring from these legal texts and *mutatis mutandis*, they will be respected by Member States in relation to these entities. In paragraph 7 it is stressed that the UN is forbidden to interfere in the internal affairs of member states. However, the article does not prohibit a member of the UN to intervene in the internal affairs of another Member State, by invoking the right to peacebuilding, peacemaking and peacekeeping.

In this case, the Security Council is establishing interventions of peace-keeping or stabilization of security under Article 39^{2**} of Chapter VII of the UN Charter. As can be seen, the right to intervene in the internal affairs of a state by the UN- is strictly limited to the decision of the Security Council, which can determine whether and under what conditions can occur, in this case, the peacebuilding, peacemaking, peacekeeping in a state or other political entities. The right to intervene in this case can be restricted through the regulations of Article VII, because it sets the veto of the permanent members of the Security Council, who have their own agenda and interests. Thus, it is known that the permanent members of the Security Council have different views regarding the actions that should be taken.

The rights which prompted the need for invoking peace-building, peace-making, peace-keeping interference and intervention are provided in the UN Charter, the UN Declaration of Human Rights and the CSCE Charter of Paris (1990). The obligation to respect the sovereignty and independence of states: *prohibit the use of armed force except for self-defense or on behalf of the UN collective, the right to self-determination, prohibiting abuses of human rights through torture, deprivation of civil liberties, genocide, etc., fulfillment of treaties signed.* (Miga-Beșteliu 1998: 31-46).

The question arises whether new branches of law were necessary to strengthen hu-

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5. *All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.*
 6. *The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.*
 7. *Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII, in <http://www.un.org/en/documents/charter/chapter1.shtml>, accessed on 25.11.2014.*

2 The United Nations Charter, Article 39: *The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security in <http://www.un.org/en/documents/charter/chapter1.shtml>, accessed on 25.11.2014.*

humanitarian action or would have been preferable that the existing law be used in depth from the perspective of creating new forms of international law of state, sign and ratify the new regulations; from the perspective of law enforcement, enforce existing obligations already contracted. That opens up the way to a judicial approach that states must honor their obligations and, in strictness, defend their interests (Russbach 1999: 11-12).

The first UN General Assembly Resolution of December 8, 1988, begins by recalling that defending human rights, is one of the goals of the United Nations. In the second paragraph it “reaffirms the sovereignty, territorial integrity and unity of the state”, stating that “every State has the duty to have priority care for victims of natural disasters and exceptional states of the same kind occurring on its territory.” (UN A/RES/43/90).

The UN General Assembly states that it is aware that, along with the actions of governments and intergovernmental organizations, speed and efficiency (humanitarian assistance) is based often on aid granted by local competition and the non-governmental acting.

The second resolution (UN A/RES/45/102), adopted on 14 December 1990, reaffirms the sovereignty of states and recognizes the important contribution of non-governmental organizations (UN A/RES/45/102). It is considered to strengthen the resolution of 1988, stating the conditions of training “emergency lanes”. UN General Assembly “peruse with satisfaction” the UN Secretary General’s report on the implementation of previous resolutions and its guidance on means to facilitate humanitarian assistance operations.

Therefore human rights dilemma of peacebuilding, peacemaking and peacekeeping is in a competition with state sovereignty. Recent events have led to a reassessment of the normative assumptions about human rights, state sovereignty, etc. Recent cases of peacebuilding, peacemaking and peacekeeping give the need to redefine the concept of inviolability of state sovereignty. Cases of intervention in Iraq, Bosnia, Somalia, Rwanda, Liberia and Haiti have provided the basis for reconsideration of the doctrine and practice of humanitarian intervention (Gizelis and Kosek 2005: 363-371).

An essential factor to take into consideration on legal determination especially on the evolution of the right to humanitarian intervention, peacebuilding, peacemaking, peacekeeping is that the International Court of Justice, that established positions considered essential for the nature of humanitarian law. For example, in the opinion expressed in connection with the Treaty on the legality of the threat and the Use of Nuclear Weapons, the Court recognizes the importance of the right to humanitarian intervention as a branch of international law, which can be used during hostilities as the main aspect of humanitarian protection (ICJ-CIJ/AO 08/07/1996).

Thus, we observe that the International Court of Justice considers the right to humanitarian intervention and also peacebuilding, peacemaking, peacekeeping as a source of

law, by the interpretations it gives to legal texts, on state sovereignty and through their application to specific cases.

In this way, the right to sovereignty and peace-building, peace-making, peace-keeping that evolved through custom rules are of crucial importance in the international system and relations between states, but as one of the ways that test on numerous occasions entities authorized to maintain international security.

Sovereign right of states in the international system is likely to be penetrated by various means, which brings up the inevitable question to what extent it also benefits from the presumption of firmness and inflexibility, and what will be the effects in the future. Thus if we consider that there are legal means designed to circumvent the fundamental right of states the question whether in the future it will retain its identity, inevitably arises. If we consider that the increasingly common principles that are otherwise based on the international legal system, such as human rights can be invoked to the detriment of the right of sovereignty, the fact that more and more countries give up national prerogatives in favor of supranational structure, created in association with others, lets us believe in a unitary manner that sovereignty has lost prestige.

As an example, we can consider that the right of sovereignty was born just in the interest of protecting the fundamental human rights of peoples and nations by default. The basics of international law over time, especially after the Second World War comes to establish the core of international system, which is to let people off, without being hostage to third structure, as the right of the people to govern themselves freely, their fate, is not in the hands of entities that would not be so concerned or interested for compliance with the ethnic group or people concerned.

Ironically in this case basic human rights are those that have established the right of sovereignty, and ultimately all these rights are those fundamental presumptions of the right of sovereignty. Thus, we conclude that the fundamental underpinning of international relations and the international system is about human rights, and not the right of sovereignty (Finnemore 2000: 9-13). Because, even if the right of sovereignty was won by invoking such elements, it is still one that can be overturned by applying the fundamental principles of respecting the integrity of the people.

So it can be said that the right of sovereignty is a right subsequent to the human rights, and through a simplistic conclusion we can say that the right to peacebuilding, peacemaking, peacekeeping and interference is not a source of law but a way to protect the rights of sovereignty. In this sense, one can say that the right to peacebuilding, peacemaking and peacekeeping is more than legal, because it is mandatory to respect the sovereignty of the state (Gizelis and Kosek 2005: 369-376). In an entity where human rights are not respected we cannot talk about a right of sovereignty, that would mean to

be a source of a principle that is violated at home.

Thus, human rights are fundamental in the international system as sovereignty right is a fundamental right in the international relations (Gizelis and Kosek 2005: 369-376). The difference is crucial, because the international system includes international relations. Therefore we can talk about absolute legal right to humanitarian intervention, even if the right to sovereignty is violated.

The essential question is about determining the application of this law, and most importantly to what extent and who applies the right to peacebuilding, peacemaking and peacekeeping. Considering the fact that the international system is not a hierarchical structure, being rather anarchy, the answers to the above must be considered in light of several factors (Seybolt 2008: 11-12).

As we stated, the right to peacebuilding, peacemaking and peacekeeping is legal, even at the expense of the right to sovereignty. But its enforcement decision, and especially entities or actors who should realize these steps, represents the controversy in international relations. Being in close contact with the right to protect it is related to the fact that the right to peacebuilding, peacemaking and peacekeeping can be invoked more or less positively by interested actors, whose intervention can generate negative feedback, frustrations or threats towards other actors or international entities, regional or appropriate (Finnemore 2000: 19-22).

The UN Security Council may establish the legal and technical framework for a peacebuilding, peacemaking and peacekeeping intervention that can be done, but as members with veto power have substantial interests in the international system, its activity may face various obstacles or gaps, so that no measures and approaches exist, or that they are not concrete, effective through the incomplete nature or lacking in unity (Seybolt 2008: 24-25).

From the point of view of the *political dimension*, peacebuilding, peacemaking and peacekeeping obviously calls into question the legality of the state regime where this procedure is performed. As in the case of regimes where this intervention is allowed, because the level of government cannot effectively achieve stability and local or regional authorities are no longer able to drive single steps and activities designed to bring stability to adjust the balance of security in the area, in this case, there is no question about the legitimacy of this intervention (Gizelis and Kosek 2005: 383).

The situation is delicate when the intervention is done against the will of policy makers who govern, because resembles violation of their sovereignty. Thus, as we showed above, the legitimacy of these efforts, peacebuilding, peacemaking and peacekeeping, founds the principle of legality in self-determination and self-government, which places the right of sovereignty of the state above the right of sovereignty of the ruling political elite.

Such interventions inevitably bring illegitimate governments that refuse external help to be doubtful in their ability to take necessary measures to undo the situation (Gizelis and Kosek 2005: 383). By default, as a result of peacebuilding, peacemaking and peacekeeping the question arises whether the governing factor is able to coordinate matters after intervention. The implications of such interventions are likely to bring major changes to the inevitable internal politics, most likely regime change by force or through democratic mechanisms.

The social dimension is mainly affected by factors that have led to the situation requiring peacebuilding, peacemaking and peacekeeping. Implications of these approaches can be analyzed by means of the nature of the intervention itself. If it requires military intervention, the social dimension may be more affected by extending the state of uncertainty and imbalance condition.

An essential aspect to note is the fact that the positive aspects of peacebuilding, peacemaking and peacekeeping are related to the ability and opportunity to intervene against abuses which affect human rights, but these interventions should not exceed the limits in this so as not to cause greater damage than those for which intervention was performed.

The damage may be greater to the extent that there is intolerance and resistance to such efforts. Therefore, social dimensions must be protected not only against factors that cause instability, but also against the actions required. There are many examples of how civilians subsequently undergo these interventions by the lack of efficiency to protect the interests of those for whom such interventions are made.

The security and military dimension is very controversial in nature and essence. The peacebuilding, peacemaking and peacekeeping that have a military character, could often cause insecurity. And this can be analysed in terms of two perspectives that take into account the effects they can produce. First, as noted in the foregoing, it can be assumed that military intervention is likely to generate a state of anxiety much worse than the existing one. The legitimacy of military intervention can be accepted partially, because even if the benefits are much greater than the damage, it remains questionable how the short and long term effects are more harmful. It is true that, against a hostile government or authority such military intervention is required, without which could not perform any intervention (Domagala 2004: 5-7). There could be no other fixes, rather than military, because if there were other possibilities, then peacebuilding, peacemaking and peacekeeping would not be needed.

The most important aspect to note is that these interventions have to be carried out by respecting proportionality, so that they could not affect the principles for which they are made. The second critical issue is the one according to which such interventions can affect the security interests of other regional and international actors, when there is lack

of consent of all decision makers (Seybolt 2008: 26). Otherwise the mission can be a failure by having hostilities within the intervention, and contrary opinions from other members, which can lead to its discrediting and failure.

Economic dimension: a state in a situation requiring peacebuilding, peacemaking and peacekeeping is usually a state that is facing economic problems. Therefore these interventions should be considered as economic support for restructuring and recovery, without which, in the case of a governmental shortcomings, can be considered an unfinished mission. Therefore states or organizations consider implementing interventions are those that have a budget allocated for economic recovery as a last step of the intervention.

These dimensions are taken into account for peacebuilding, peacemaking and peacekeeping and these operations cannot perform or achieve goals unless they establish plans for each of them, as they represent steps and ways for the success of an intervention.

Conflict in Syria

Syria was and remains one complicated issue for Western allies and international organizations in the Middle East. Situated in the heart of MENA, Syria has led over time policies against the expansion of western influence in the internal affairs of states. Legislation of the country was changed, and even today it is facing serious problems, leading to failure regarding fundamental human rights and freedoms, economic and political issues.

In fact, Syria was gradually excluded from international organizations such as the Arab League, the Organization of Islamic Cooperation and the Union for the Mediterranean. Syria is only member of the United Nations and the Non-Aligned Movement.

Amid the Arab Spring revolts that have sparked a chain reaction in the MENA states, also in Syria people felt the need to rebel. If in other states, the phenomenon subsided towards the middle of 2012, the Syrian riots were transformed into revolution.

First of all, not the lack of human freedom and social welfare were the causes for the outbreak and perpetuation of the Syrian conflict. The causes were determined by the “institutional blockages” that led to the marginalization of many areas of interest. Economy of Syria in the last decade can be described with mixed results, having some periods of economic growth, but not enough to create jobs and a sustainable economy for decent living (Nasser 2013: 9).

If in the past, the former president had imposed an authoritarian regime, the current generation led by his son, Bashar al-Assad, formally appreciates the values of democracy, only insists for certain suitable conditions in Syria needed for their implementation. He suggested that opposing views and criticism are welcome, as long as the national security is not affected (Bertelsmann Stiftung 2012). Public debates and elections are conferred for the political spectrum and for those very close to the regime. Syria faces serious prob-

lems of human security. Authorities often resort to torture, abuse or illegal arrests that are contrary to democratic spectrum. Public administration is impressive by its size and influence rooted in society. Party politics and bureaucracy penetrate every city and institution. It provides only basic administration services and direct administrative apparatus that serve the interests of the party, initiatives and reforms being blocked by passivity or sabotage (Bertelsmann Stiftung 2012).

Another problem concerns the ethnic groups in Syria, which are currently a major factor in perpetuating the Syrian situation. The main ethnic minority in the country, the Kurds, has a constant discrimination based on ethnic origin. The government fears the growing Kurdish separatism in the north-east of the country, especially the Kurdistan Workers' Party, labeled as a terrorist group in the European Union and the United States. In 2010, dozens of political activists were sentenced to prison terms. They fought against restrictions on the use of the Kurdish language and Kurdish culture. As a result, about 300,000 Kurds born in Syria actually have no status.

The fate of Islamists is perhaps even worse. According to Amnesty International, torture was used regularly by the authorities, right before the riots (Amnesty International 2011). Divergences within the ruling elite are created by increasing the wealth and power in the hands of Assad and Makhlof families, causing more influence than the Alawite (Religious community in Syria - part of central and local government). (Lasenky and Yacoubian 2005: 1-2).

To this, add perms conflict of the Israeli-Palestinian conflict that arouses nationalist feelings and determines positions contrary to Israel and Western countries, notably the USA. Syria is rated in a highly centralized system constituted in separate interests groups focused on changing the political leaders.

The evolution of the conflict in Syria

What began as a peaceful protest against the Syrian government has evolved into a civil war between a discontented population and a police without respect for the human values. The conflict in Syria is considered one of the most important events on the stage of international relations, and has produced both indignation and criticism.

The events have long exceeded the scope of protection of human rights and international regulations. It started as in the case of Tunisia, with a peaceful manifestation against the government. Following the events that were already underway in the rest of the Arab states, several teenagers wrote anti-government slogans on one side of the street in the border town of Deraa. About 15 teenagers were arrested and tortured during interrogation, beaten and burned by police (MacLeod 2011).

Subsequent to these events, protests about these abuses have increased the extent of abuses that were committed against the protesters. The level of violence in Syria has risen

inexorably. In March 2012, children were killed in the Baba Amr district of Homs and in April, a video shows a man as he was buried alive as punishment for sending videos to television hostile to the Syrian government (Smith 2012: 7-8).

Troops were sent in July 2011 in Hama province to restore order at the cost of dozens of lives. Russia and China veto granted to UN resolution condemning Syria. In November 2011 the Arab League suspended Syria from the organization structures, for failing to implement an Arab peace plan. In December Syria accepts observers from Arab League, and that although it was welcomed by the protesters, the mission shuts down in January of the next year because of worsening violence (BBC News).

In October tension between Syria and Turkey is amplified when shooting on Syrian Turkish border town kills five civilians. In Kuwait \$1.5 billion were gathered to help civilians affected by the conflict in Syria (BBC News). Tensions between Syria and Israel or Turkey increased so military intervention was taken into consideration.

In April this year the UK and USA, accused Syrian government forces of using chemical weapons against combatants (BBC News). In May, Israel and Syria exchanged fire in the Golan Heights. That means the revolution was promoted to civil war. This confrontation becomes one of the interests of the Western allies on the one hand and from Syria and its ally, the Russian Federation, especially the interest of the PRC, thus seeking to prevent American and Western influence in the area.

“Arab Spring” in Syria: Implications for the international system

The Syrian conflict as an international scale event proved itself to be essential for future peace and stability in the area. Is the Syrian conflict a test for supremacy?

The West has imposed economic sanctions on Syria, which led to significant decreases on national economic prosperity. The European Union was forced to impose oil sanctions on Syria, and on some other trades (EU Council 2012/420). The United States of America which was joined by the People's Republic of China and India have imposed restrictive measures. Crisis, added to such measures, have only worsen the overall condition of the state, unable to find viable solutions to maintain a decent standard of living for its citizens (Smith 2012: 9-10).

Russia and China blocked in February 2012 a draft of the UN Security Council resolution on Syria, and the Syrian government bombarded the city of Homs and other cities. According to the UN more than 7,500 people died. *In March the plan developed by UN envoy Kofi Annan is thereafter compressed with great changes to China and Russia.* The UN Security Council strongly condemns government for using heavy weapons and police killing more than a hundred civilians in Hula (UN Security Council 2014). France, Britain, Germany, Italy, Spain, Canada and Australia expelled Syrian diplomats in protest.

Above all, the Syrian conflict had economic implications for the United States. The

United States contributed to humanitarian assistance in response to UN calls and media projects, in addition to participation in international disaster assistance (IDA), Migration and Refugee Assistance (MRA) (Department of State 2012). The question remains whether these forms of branding U.S. humanitarian assistance will have the desired effects, and whether something will attract criticism from the regional community. The Syrian conflict has become a battle between the United States and its allies (Qatar, Saudi Arabia, Turkey, etc.) and Bashar al-Assad and its various supporters: Iran, the Russian Federation, Hezbollah.

A primary concern for the U.S. and international policy makers is the Syrian military system controlling some important military facilities that include a wide range of conventional and unconventional weapons, including the chemical weapons armored anti-aircraft missiles, anti-ground explosives and small arms (Blanchard 2013: 10-11). Therefore, and humanitarian aid can be regarded as a mixture and placing influence in the area (Walt 2013).

In this respect, we consider that the UN should play an important role in stabilizing the Syrian government and security in the region. Lakhdar Brahimi, the Algerian diplomat, appointed on September 1, 2012 as the new UN-Arab League special representative for Syria is the one who initiated a dialogue with the US and Russia. After this, fighting continued (March 2014 – May 2014). Even after the Presidential election (June 2014) ISIL continued fighting (June 2014 – August 2014) against U.S. airstrikes (August 2014 – present).

Conclusions

The right of sovereignty determined the evolution of international relations and international law. Whether it is a natural right, the states as well as people are looking to protect their existence and interests, or their obligation to take all necessary measures in order to survive. The right of sovereignty has become a principle provided by the law of war, of how it is initiated, conducted or completed.

The right to peacebuilding, peacekeeping and peacemaking is a controversial issue because it is a paradoxical exercise and undermines the very purpose of international mechanism to protect international relations. The role of peacebuilding, peacekeeping and peacemaking, as it is regulated and codified in the UN Charter, is to ensure the integrity and independence of peoples when collective or internal security measures fail. In an anarchic international system, inevitably there will be circumstances in which states would have to provide protection when necessary.

The essential problem is to delineate where one can claim peacebuilding, peacekeeping and peacemaking. The interventions are important for the present collective security system, because without them, the anarchic system today would trigger chaotic initiatives. As a matter of practical strategic attack, any state is likely to make a strong effort to demonstrate the culpability of his opponent. As a matter of law, however, there is no requirement for a state to receive the blessing of the Security Council before responding to such interventions.

Peacebuilding, peacekeeping and peace-making, like any other law, may be subjected to unusual test cases that test the ability to apply them legitimately and especially the opportunity to fold new cases on the international scene. For the application of the conditions laid down in custom and regulations to interpretations by the International Court of Justice, supported fully by the body of the UN General Assembly or Security Council, these interventions are one of the most important rights that a state can have.

A dilemma that arises is the difficulty in assessing proportionality, because it is difficult to speculate on whether the action is particularly in the light of the uncertain nature of the security threat.

The Arab region accounted for the International system one of the main points on the foreign policy agenda since the Second World War. Each decade has been marked by events that have assumed Western diplomatic, economic or military interventions. Even if the main character of external policy remains the same for the region, however, it requires to adopt special measures and active involvement in the form of promotion and protection of international values. But economic interests over natural resources are the main factor in policy towards MENA.

Arab Spring phenomenon surprised the world by the magnitude and evolution of riots and protests. Moreover, from such political changes, uprisings and revolutions, few are thinking about further reforms and evolutionary transition to be achieved. In a way it was an inevitable and predictable phenomenon.

The best instrument to solve the Syrian problem, is to have a complex initiative of peacekeeping that would include peacemaking efforts with the Syrian regime and the government in exile. Since there are ISIL attacks, the peace operations should include military interventions. Regarding peacebuilding, this has no applicability yet, since there were elections in June and the former regime was re-elected as legitimate.

In Syria there are no „good guys” or „bad guys”. The European Union and the United States are in a position to demonstrate once again their good intentions for the world, the ability to manage such events in order to maintain the global security. They can see the mistake of being supporters of favorable regimes, mistakes that are now calling to be fixed.

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