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**Reflections on 2020
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Foreign Policy and Turkish-US
Relations**
by Assoc. Prof. Mark Meirowitz

**Interview with Almir Colan on
Political and Economic
Relations between Turkey and
the US**
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An Update of Democracy's Third Wave

By Dr Marco Marsili*
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Almost 25 years have passed since Samuel Huntington published his seminal article *Democracy's Third Wave*, further expounded in his 1991 the book *The Third Wave: Democratization in the Late Twentieth Century*. Both interest and controversy arose in a time the world was changing, and the Western idea of democracy was soon to be challenged (and shattered) in unexpected ways. Since then, the world has considerably changed and while new technologies blur the boundaries of politics and geopolitics.

According to Huntington, by the mid-1970s, when the Helsinki Final Act was signed, the United States began to reformulate its foreign policy and committed itself in supporting the observance of human rights and democratisation at the international level. In the Helsinki Final Act was reaffirmed the fundamental principle of refraining from the threat or use of force against the territorial integrity or political independence of any state.

The catch-phrase "the third wave" has come under criticism in the light of the post-Cold War world (Diamond, 2002). Countries undergoing or having undergone a transition to democracy during a wave are subject to democratic backsliding. Political scientists and theorists believe that the third wave has crested and will soon begin to ebb, just as its predecessors did in the first and second waves (Zagorski, 2003). Does Huntington's "third wave" theory hold on regarding the recent trends and events in world politics? In this brief article, I check if Western democracies – the US and its allies – are still committed to respecting the international principles they should be bound to, or if the democracy's third wave is over.

Challenges

Unconventional conflicts – a hybrid, asymmetric, and transnational conflict which involve state and non-state actors such as insurgents or terrorist organisations (Marsili, 2019) – are among the trend topics of defence and security, and they pose a threat to the stability of international order. States and intergovernmental organisations (IGOs), such as the UN and NATO are "uncomfortable" with democratic and legal constraints, and they try to escape from their obligations. This brief investigates how new technologies and new international actors blur the boundaries of law, democracy, politics and geopolitics.

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Since the UN Charter came into force,¹ wars have been termed as "armed conflicts", while "international" and "internal armed conflicts" have become terms of art in international law, without any legal meaning (House of Lords, 2006: § 10, 7-8). In modern liberal-democracies, the government or the head of state does not have the power to declare war unless it is authorised by the parliament. Not defining a military intervention as war allows governments to intervene without the explicit authorisation of the parliament. In this way, the parliamentary debate, which characterises modern democracies, is evaded. Therefore, the intervention of some countries in a conflict is characterised as a "police action", or as a counter-insurgency or counter-terrorism operation, even if sometimes, these interventions can be disguised under chapter VI and VII of the UN Charter (House of Lords, 2006 § 10, 7-8). Police actions are authorised specifically by the Security Council under Art. 53 (for regional action) or Art. 42 (for global action). In both cases, the term used in the Charter is "enforcement action".

Transnational, cross-border or extra-state armed conflicts (Corn 2009; Milanovic and Hadzi-Vidanovic, 2012) lead governments and IGOs to reshape their politics. Hybrid conflicts, such as the Gulf War (1990), the NATO bombing of Serbia (1999), the invasion of Afghanistan (2001), the Iraq War (2003) and the Syrian conflict (2011), threaten international stability. After the collapse of the Soviet Union, the signatory parties of the Geneva Conventions often face threats from non-state actors. Unconventional conflicts have erupted in former Soviet Union republics: "frozen conflicts" in Armenia-Azerbaijan (Nagorno Karabakh or Artsakh), Georgia (South Ossetia and Abkhazia), Moldova (Transnistria), and Ukraine (Crimea and Donbas, i.e. Donetsk and Luhansk People's Republic, 2014) (Marsili, 2016: 167-168). In some ways, all these conflicts are the legacy of the Cold War.

The NATO concludes that threats can come from state and non-state actors, including terrorism and other asymmetrical threats, cyber-attacks and hybrid warfare, where the lines between conventional and unconventional conflicts become blurred (NATO, 2016a). Technology is a key driver of warfare. Because of the application of high-tech solutions to military activities, it is now difficult to distinguish between conventional/unconventional, traditional/non-traditional, kinetic/non-kinetic, and lethal/non-lethal conflicts or wars. The debate does not concern only what weapons will be used in the twenty-first-century conflicts, but when and how they will be employed.

Some military operations carried out after the dissolution of the Soviet Union can be considered illegal wars of aggression against sovereign countries in violation of international law, without the support of UN Security Council resolutions: Yugoslavia 1999, Afghanistan 2001, Iraq 2003. As Samuel P. Huntington wrote in his 1993 article in *Foreign Affairs*

¹ Art. 2(4) of the UN Charter prohibits the threat or use of force in international relations.

magazine, which later expanded in *The Clash of Civilizations and the Remaking of World Order* (1996): "Decisions made at the UN Security Council [...] reflect the interests of the West" and "the interests of the United States and other Western powers" (39).

When the US invaded and occupied Afghanistan in October 2001 (Operation Enduring Freedom), it breached provisions of Art. 2(4) of the UN Charter. Although the UNSC did not authorise the US-led military campaign, the intervention was presented by Washington as a legitimate form of self-defence under Art. 51. The US invoked Art. 5 of the North Atlantic treaty, which requires partners to come to the aid of any member state subject to an armed attack (NATO, 2001). For the first time in NATO's fifty-year history, Alliance assets were deployed in Afghanistan in support of "Article 5 operations" (NATO, 2017). The intervention of the Alliance in Afghanistan, acting as an 'authorised agent' of the UN, lies at the bounds of legality, and exceed the geographical limits set by Art. 6 of the North Atlantic Treaty.

A report of the NATO Parliamentary Assembly (Shimkus, 2002: 3) stresses that "More than 50 years after its founding in the depths of the Cold War, NATO was at war – not with the Soviet Union or any other state, but against a terrorist organisation and the regime that gave it shelter". NATO is evolving in response to new strategic reality (Pellerin, 2017), and the Islamic State (ISIS) and terrorism are among the most pressing challenges the Alliance faces (Ferdinando, 2017). Article 4, which merely entails consultation among NATO members, was invoked by Turkey in 2012 over the Syrian civil war and in 2015 after threats by ISIS to Turkish territorial integrity (NATO, 2016b). Both Art. 4 and 5 were invoked in connection with hybrid conflicts involving state and non-state actors (Gilbert, 2003: 7-8).

Again, the US-led intervention in Iraq (Operation Iraqi Freedom) in March 2003, not authorised by the UNSC, was presented as a legitimate form of self-defence under Art. 51. According to the International Commission of Jurists (2003), the invasion of Iraq was neither in self-defence against armed attack nor sanctioned by UN Security Council resolution authorising the use of force by member states and thus constituted the crime of a war of aggression. An independent commission of inquiry set up by the government of the Netherlands (Davids Commission, 2010), finds that the 2003 invasion of Iraq violated international law. The report concludes that UN Resolution 1441 could not reasonably be interpreted (as the Dutch government did) as authorising individual member states to use military force to compel Iraq to comply with the Security Council's resolutions.

Conclusion

A quarter-century later, the third wave of democracy seems to have exhausted its effects. In the period following the onset of the "War on Terror" after the September 11, 2001 attacks on the United States, some democratic backsliding are evident. In tackling current threats, Western governments skip democratic rules and try to escape from their obligations. Maybe democratic rules and legal constraints are unsuitable for dealing

with current threats, but they should be applied since they are in force. The rule of law and the public debate that should be conducted in parliaments, still represent the essence of democracy and should be respected, even in time of emergency.

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