

# INTERNATIONAL LAW AND INTERNATIONAL RELATIONS

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## THE CONCEPT OF DEMILITARIZED TERRITORIES AS A MEANS OF THE UNITED NATIONS PREVENTIVE DIPLOMACY MEASURES

The article is devoted to the peculiarities of the concept of formation of demilitarized territories (buffer zones) within the framework of the United Nations preventive diplomacy measures. The idea of preventive diplomacy was first formulated by the second UN Secretary-General Dag Hammarskjöld in 1960 and acquired special significance at the end of the twentieth century, which was, to some extent, due to the end of the "Cold War". In the article, UN preventive diplomacy as an activity that aims to prevent conflicts in the world or, if they occur, to limit the spread of conflicts is regarded. The fact that the creation of demilitarized zones is one of the measures of preventive diplomacy, which is implemented by the UN Security Council in the framework of peace enforcement operations is highlighted. Thus, the goal of this article is to analyse the examples of the formation of buffer zones under the leadership of the UN Peacekeeping Forces, which shall further supervise the compliance with the regime of such zones.

In particular, the peculiarities of the legal regulation of the creation of demilitarized zones in Cyprus, in Srebrenica, as well as the border areas between North and South Korea, Israel and Egypt, Israel and Syria are considered. The study of such cases allows to determine and describe the main principles of the concept of formation of demilitarized territories (buffer zones) as a highly effective preventive diplomacy measure.

In other words, the essence of the concept is to prevent armed conflict and reduce military activity by moving armed forces, military equipment and weapons as well as any other military facilities outside the zone. The concept is based on such imperative principles of International Law as peaceful settlement of disputes and non-use of force or threat of force.

It is necessary to mention that the concept described in this research is based on formal grounds such as resolutions of the UN Security Council, which has certain differences from legal frameworks of buffer zones creation on the basis of bilateral or multilateral agreements.

**Keywords:** preventive diplomacy, demilitarized zone, UN Forces, UN peacekeeping operations, Korea, demilitarization, Security Council.

**1. Problem setting.** The idea of preventive diplomacy is to reduce the risks of conflict or, in case of existing conflicts, to prevent their spread through certain measures. It is associated with the creation of the United Nations Organization. The possibility of preventing the use of force or threat of force between states by establishing a border buffer zone at the initiative and under the auspices of the UN leads to a new approach to the creation of demilitarized territories as a kind of preventive diplomacy. This approach is relevant to modern international relations and requires proper legal regulation and scientific substantiation of International Law.

However, at present there is hardly any research on the creation of demilitarized territories as a kind of preventive diplomacy; textbooks and scientific literature generally consider the "classical" approach to the creation of demilitarized zones in which this measure is regarded as a restorative tool and is established between states on the basis of bilateral or multilateral agreements during the conflict or in the post-conflict period. However, in the context of globalization and increasing the military-industrial potential of important actors, international relations require new ways to resolve armed conflicts peacefully. Therefore, the problem of the concept of the formation of demilitarized territories as a means of preventive diplomacy

and principles of the creation of such zones as well as their legal regulation, remains pressing for the science of International Law.

In addition, the practice of establishing demilitarized zones as a means of preventive diplomacy during the “Cold War” and at the present stage has not been investigated comprehensively in domestic scientific literature.

**2. Analysis of recent research and publications.** To date, there have been no specific works devoted to the concept of the formation of demilitarized territories as a measure of preventive diplomacy in modern domestic science of international law, as well as among scientists at the global level. At the same time, it is necessary to pay attention to the works of some scholars, which are devoted to issues directly related to the topic of this article, in particular in the 1960-1980s. The general issues of UN peacekeeping operations were studied by Semenov, V. (1976)<sup>1</sup>, Krivchikova, E. (1964)<sup>2</sup>, Lukashuk, I. (1974)<sup>3</sup>, Tuzmukhamedov, B. (1983)<sup>4</sup>, Yanovskiy, M. (1957)<sup>5</sup>. Among the representatives of modern science of international law who have studied certain issues of international and regional security, the implementation of UN peacekeeping operations, many Ukrainian and Russian scientists, in particular Bruz, V.<sup>6</sup>, Denisov, V.<sup>7</sup>, Shchokin, Yu.<sup>8</sup>, Zaemskiy, V.<sup>9</sup> should be named. Furthermore, Modern Western European and American scientists Akiba, O.<sup>10</sup>, Annan, K.<sup>11</sup>, Dinh, N.<sup>12</sup>, Gill, T. and Fleck, D.<sup>13</sup>, Oswald, B., Durham, H. and Bates, A. (2010)<sup>14</sup>, Murphy, R. (2007)<sup>15</sup>, Peter, M. and Coning, C. (2019)<sup>16</sup> comprehensively considered the preventive diplomacy, legal regulation of UN peacekeeping operations and the legal status of the UN Armed Forces.

**3. Statement of the article objective.** The purpose of the research is to determine the concept and describe the main principles of formation of demilitarized territories (buffer zones) as a highly effective preventive diplomacy measure based on the analysis of the legal regulation of individual examples of the creation of such zones.

**4. Presentation of the main body of the article.** The idea of preventive diplomacy in the modern world was proposed by the second UN Secretary-General Dag Hammarskjöld in the 1950s, and was first mentioned in his report "Introduction to the annual report of the Secretary-General on the work of the Organization from June 15, 1959 to June 16, 1960". In particular, "the preventive diplomacy, to which the efforts of the United Nations must thus to a large extent be directed, is of special significance in cases where the original conflict may be said either to be the result of, or to imply risks for, the creation of a power vacuum between the main blocs. <...> The ways in which a vacuum can be filled by the United Nations so

<sup>1</sup> Семенов, В. (1976). *Вооруженные силы ООН*. Москва: Международные Отношения.

<sup>2</sup> Кривчи́кова, Э. (1965). *Вооруженные силы ООН: Международноправовые вопросы*. Москва: Международные отношения.

<sup>3</sup> Лукашук, И. (1974). *Отношения мирного сосуществования и международное право. Проблемы международно-правового регулирования*. Киев: Вища шк.

<sup>4</sup> Тузмухамедов, Б. (1986). *Зоны мира*. Москва: Международные отношения.

<sup>5</sup> Яновский, М. (1957). *Мирные средства разрешения международных споров*. Ташкент: САГУ.

<sup>6</sup> Бруз, В. (2010). *Роль ООН у врегулюванні міжнародних конфліктів і в боротьбі проти тероризму*. Київ: ВПК “Експрес-Поліграф”.

<sup>7</sup> Денисов, В. (2017). Міжнародне співтовариство як правова реальність функціонування міжнародних відносин. *Правова держава*, 28, 358-374.

<sup>8</sup> Щокин, Ю. (2018). Основания самообороны международных межправительственных организаций. *Теорія і практика правознавства*, 2 (14), 3. <<http://tlaw.nlu.edu.ua/article/view/149269/148951>>. (2020, September, 08).

<sup>9</sup> Заемский, В. (2008). *ООН и миротворчество*. Москва: Международные отношения.

<sup>10</sup> Akiba, O. (2020). Introduction: Preventive Diplomacy in Theory and Practice. Akiba, O. (eds) *Preventive Diplomacy, Security, and Human Rights in West Africa*. Palgrave Macmillan, Cham. <[https://doi.org/10.1007/978-3-030-25354-7\\_1](https://doi.org/10.1007/978-3-030-25354-7_1)>. (2020, September, 08).

<sup>11</sup> Annan, K. (2012). *Interventions: A Life in War and Peace*. The Penguin Press.

<sup>12</sup> Нгуен, К. (2000). *Международное публичное право*: в 2 т. Киев: Сфера.

<sup>13</sup> Gill, Terry D., Fleck, D. (2016). *Handbook of the international law of military operations*. 2nd edition. Oxford: Oxford University Press.

<sup>14</sup> Oswald, B., Durham, H. Bates, A. (2010). *Documents on the Law of UN Peace Operations*. Oxford: Oxford University Press.

<sup>15</sup> Murphy, R. (2007). *UN Peacekeeping in Lebanon, Somalia and Kosovo: Operational and Legal Issues in Practice*. Routledge.

<sup>16</sup> Peter, M. (2019) Peacekeeping: Resilience of an Idea. de Coning C., Peter, M. (eds). *United Nations Peace Operations in a Changing Global Order*. Palgrave Macmillan, Cham. <[https://doi.org/10.1007/978-3-319-99106-1\\_2](https://doi.org/10.1007/978-3-319-99106-1_2)>. (2020, September, 08).

as to forestall such initiatives differ from case to case"<sup>1</sup>. For the next thirty years after Dag Hammarskjöld's death in 1961, during the "Cold War", preventive diplomacy was less relevant. However, it was not until the 1990s that this phenomenon acquired its significance. Thus, the UN Secretary General – Boutros Boutros-Ghali in his report "An Agenda for Peace. Preventive diplomacy, peacemaking, peacekeeping" of June 17, 1992 determined the notion of preventive diplomacy. Par. 20 of the report states that "Preventive diplomacy is action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur"<sup>2</sup>. According to this Agenda, the means of preventive diplomacy may be the creation of demilitarised zones (par. 23). In addition, paragraph 47 of the "Supplement to an Agenda for Peace" of January 25, 1995 ("the Supplement") also confirms this, namely, "demilitarized zones are measures that will promote preventive diplomacy"<sup>3</sup>. At the same time, regional international organizations can carry out preventive diplomacy measures.

Additionally, par. 33 of the Supplement defines three main principles for maintaining peace: agreement of the parties, impartiality, non-use of force. Preventive diplomacy measures should be based on these principles and be carried out under the auspices of the United Nations. The legal regulation of such measures is carried out by Chapter VI of the UN Charter "Pacific settlement of disputes". Their main feature is their non-coercive non-violent character compared with those measures regulated by Chapter VII of the Statute. According to Article 36 "The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment"<sup>4</sup>. Despite the recommendatory nature of these decisions, they have a convincing impact on the states to which it was adopted. Their goal is to facilitate the settlement of disputes between states by peaceful means, thus preventing the armed conflict.

However, the UN Secretary-General's Report "Preventive Diplomacy: Achieving Results" of 26 August 2011 (paragraph 13) clarifies the following: "How, and how early, the Security Council should become involved in a situation of concern is a question that must be answered on a case-by-case basis. At times, the Council decides to keep its clout in reserve, in order to leave space for quiet diplomacy and the good offices of the Secretary-General. In other instances, highly visible and decisive action by the Council, such as missions to the field, initiatives by its President and press communiqués, has opened political space for prevention which otherwise would not have existed, strongly supporting my efforts"<sup>5</sup>.

That is, in cases where there is a threat to world peace, the implementation of preventive diplomacy is entrusted to the UN Security Council, which in this case acts on the basis of Chapter VII of the Charter of the United Nations (peace enforcement operations), as it has the main responsibility to support international peace and security (paragraph 1 of Article 24 of the UN Charter). Thus, the article 39 states that "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"<sup>6</sup>. At the same time, the UN Security Council may initiate coercive measures with the use of force if the non-violent measures have proven to be insufficient.

In addition, the Secretary-General, as well as the General Assembly, is entitled to report to the Security Council about the situations which could threaten international peace and security (articles 11, 99 of Charter UN).

The following examples will provide an important source for the development of the concept of formation of demilitarized territories (buffer zones) as a highly effective preventive diplomacy measure of a coercive nature with the use of force on the basis of Chapter VII of the UN Charter.

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<sup>1</sup> *Introduction to the annual report of the Secretary-General on the work of the Organization, 16 June 1959 -- 15 June 1960.* <<https://digitallibrary.un.org/record/714842?ln=en>>. (2020, September, 08).

<sup>2</sup> *An Agenda for Peace. Preventive diplomacy, peacemaking and peace-keeping. Report of the Secretary-General on 17 June 1992.* <<https://www.un.org/ruleoflaw/blog/document/an-agenda-for-peace-preventive-diplomacy-peacemaking-and-peace-keeping-report-of-the-secretary-general/>>. (2020, September, 08).

<sup>3</sup> *Supplement to an Agenda for Peace : position paper of the Secretary-General on the occasion of the 50th anniversary of the United Nations.* UN, 25 Jan. 1995. <<https://undocs.org/ru/A/50/60>>. (2020, September, 08).

<sup>4</sup> *The Charter of the United Nations signed on 26 June 1945.* <<https://www.un.org/en/sections/un-charter/un-charter-full-text/>>. (2020, September, 08).

<sup>5</sup> *Preventive diplomacy: Delivering results. Report of the UN Secretary-General dated 26 August 2011 (S/2011/552).* <<https://undocs.org/en/S/2011/552>>. (2020, September, 08).

<sup>6</sup> *The Charter of the United Nations signed on 26 June 1945.* <<https://www.un.org/en/sections/un-charter/un-charter-full-text/>>. (2020, September, 08).

**4.1 Cyprus.** In 1960, Cyprus gained independence from Britain. The Act providing for the establishment and relationship with the establishment of an independent republic in Cyprus of July 29, 1960 (Cyprus Act) proclaimed the following: "...there shall be established in the Island sovereign of Cyprus an independent sovereign Republic of Cyprus, and country. Her Majesty shall have no sovereignty or jurisdiction over the Republic of Cyprus" (par. 1)<sup>1</sup>, except for two parts of the island agreed in the Declaration of the Government of the United Kingdom of February, 11 1959<sup>2</sup>.

In December, 1963, there were interethnic conflicts between Greek and Turkish Cypriots. The UN Security Council, in its resolution of March 4, 1964, "4. Recommends the creation, with the consent of the Government of Cyprus, of the United Nations peace-keeping force in Cyprus. The composition and size of the force shall be established by the Secretary-General, in consultation with the Governments of Cyprus, Greece and the United Kingdom" (par. 4)<sup>3</sup>. This buffer zone also became a demarcation line after Turkish troops invaded and occupied the northern part of Cyprus on July 15, 1974. Pursuant to Resolution 353 (1974), the Tripartite Conference on Geneva on Cyprus was convened on 25-30 July, 1974, where the text of the Geneva Declaration was agreed<sup>4</sup>. This document provided for the coordination of the plane of the buffer zone between the representatives of the three states (Turkey, Greece, Great Britain) and its location on the border with the territories occupied by the Turkish armed forces. According to the Geneva Declaration, this area was under the sole supervision and control of the UN Forces. No armed forces other than the United Nations were stationed within its borders.

From the beginning of the conflict until today, the UN Force continues to supervise the established buffer zone. In particular, the preamble to UN Security Council resolution of January 30, 2020 proclaimed the following: "Noting that the Government of Cyprus is agreed that in view of the prevailing conditions on the island it is necessary to keep the United Nations Peacekeeping Force in Cyprus (UNFICYP) beyond 31 January 2020"<sup>5</sup>. In addition, the resolution states the following: "Expresses serious concern at the increased number of violations of the military status quo along the ceasefire lines, calls once more on the sides and all involved parties to respect UNFICYP's mandated authority in, and delineation of, the buffer zone, urges the use of the 2018 United Nations aide-memoire by the sides to ensure peace and security in the buffer zone, and calls on the two sides to prevent unauthorised activities between the ceasefire lines"<sup>6</sup>.

In 2004, UN Secretary-General Kofi Annan proposed a Plan<sup>7</sup> that included the establishment of a federal system of the Republic of Cyprus and contained provisions for the permanent demilitarization of the 1,000-meter border zone on both sides. In addition, the Plan provided for the withdrawal of troops from both parts of Cyprus (meaning Greek and Turkish), along with limiting the number of armed forces to the required number in order to maintain law and order. It was put to separate referendums in the Republic of Cyprus and the unrecognized Turkish Republic of Northern Cyprus on April 24, 2004. However, following the results of the voting in the Republic of Cyprus, the electorate rejected the proposal, while the electorate of the Turkish Republic of Northern Cyprus approved<sup>8</sup>. However, this Plan has not been implemented.

**4.2 Srebrenica.** Srebrenica's demilitarization was led by UN Forces (UNPROFOR) (Shchokyn, Yu. 2018: 4). The Agreement for the demilitarization of Srebrenica between the Government of the Republic of Bosnia and Herzegovina and the Bosnian Serbs of April 18, 1993 provided for time limits within which demilitarization was to be completed (within 72 hours of the arrival of the UN Force), and the requirements which the area had to meet, including: "All weapons, ammunition, mines, explosives, combat supplies

<sup>1</sup> *Cyprus Act on 29 July 1960*. <[https://www.legislation.gov.uk/ukpga/1960/52/pdfs/ukpga\\_19600052\\_en.pdf](https://www.legislation.gov.uk/ukpga/1960/52/pdfs/ukpga_19600052_en.pdf)>. (2020, September, 08).

<sup>2</sup> *London and Zurich Agreements on 11 February 1959*. <[https://www.embargoed.org/wp-content/uploads/2018/02/1959\\_London\\_and\\_Zurich\\_Agreements.pdf](https://www.embargoed.org/wp-content/uploads/2018/02/1959_London_and_Zurich_Agreements.pdf)>. (2020, September, 08).

<sup>3</sup> Resolution adopted by the Security Council at its 1102nd meeting on 4 March 1964 *on establishment of the UN Peace-keeping Force in Cyprus*. <<https://digitallibrary.un.org/record/607947?ln=en>>. (2020, September, 08).

<sup>4</sup> *Tripartite Conference & Geneva Declaration*. <<https://unficyp.unmissions.org/tripartite-conference-geneva-declaration>>. (2020, September, 08).

<sup>5</sup> *Resolution 2506 (2020)* Adopted by the Security Council at its 8709th meeting, on 30 January 2020. <<https://digitallibrary.un.org/record/3848947>>. (2020, September, 08).

<sup>6</sup> *Resolution 2506 (2020)* Adopted by the Security Council at its 8709th meeting, on 30 January 2020. <<https://digitallibrary.un.org/record/3848947>>. (2020, September, 08).

<sup>7</sup> *The Comprehensive Settlement of the Cyprus Problem*. <<https://peacemaker.un.org/node/2961>>. (2020, September, 08).

<sup>8</sup> *Report of the Secretary-General on his mission of good offices in Cyprus on 28 May 2004 S/2004/437*. <<https://digitallibrary.un.org/record/522514>>. (2020, September, 08).

(except drugs) will be handed over to the UN Force"<sup>1</sup>. Also, the agreement stipulated that no armed person or formation, except the UN Forces, would remain within the city from the moment of its demilitarization process.

**4.3 Korea.** The demilitarized zone is legally regulated by the Armistice Agreement between the Commander-in-Chief of the United Nations Armed Forces, on the one hand, the Commander-in-Chief of the Korean People's Army and the Commander of the Chinese People's Volunteers, and signed on July 27, 1953. The Article 1 states the following: "A Military Demarcation Line shall be fixed and both sides shall withdraw two (2) kilometers from this line RO as to establish a Demilitarized Zone between the opposing forces. A Demilitarized Zone shall be established as a buffer zone to prevent the occurrence of incidents which might lead to a resumption of hostilities"<sup>2</sup>. The agreement provides for the deadlines within which the following measures must be taken, in particular: "Within seventy two (72) hours after this Armistice Agreement becomes effective, withdraw all of their military forces, supplies, and equipment from the Demilitarized Zone except as otherwise provided herein" (par. 13 (a) art. 2)<sup>3</sup>. "The Commanders of the opposing sides shall have suitable markers erected along the boundary between the Demilitarized Zone and their respective areas; No person, military or civilian, shall be permitted to enter the Demilitarized Zone except persons concerned with the conduct of civil. administration and relief and persons specifically authorized to enter by the Military Armistice Commission" (par. 4, 9 art. 1)<sup>4</sup>.

**4.4. Israel – Syria / Israel – Egypt.** Pursuant to UN Security Council Resolutions № 338<sup>5</sup> of October 22, 1973 and № 242<sup>6</sup> November 22, 1967, two agreements were signed: the Agreement on disengagement between Israel and Egypt Forces of January 18, 1974 and the Agreement on disengagement between Israeli and Syrian Forces of May 31, 1974. These agreements are similar in content and provided for the formation of demilitarized zones under the leadership of a specially designated UN Force. Thus, the Agreement on Mutual Withdrawal of Armed Forces of May 31, 1974 between Israel and Syria provided for the establishment of a buffer zone within the so-called separation area (between lines A and B in accordance with the provisions of subparagraph 3 of paragraph B of the Agreement), where UN forces (UNDOF) that supervise the withdrawal of Armed Forces could be deployed. This buffer zone covered a certain part of the Golan Heights (235 km<sup>2</sup>) (Sachar, H. 1976). Within its borders, the deployment of armed forces (par. C) was prohibited, except for the UN Force, which monitors and supervises compliance with the buffer zone regime. However, as noted in paragraph "H": "This agreement is not a peace agreement. It is a step toward a just and durable peace on the basis of Security Council Resolution 338 dated October 22, 1973"<sup>7</sup>. Every six months from 31 May 1974 until today, the UN Security Council has extended the mandate of the United Nations Force (UNDOF) to supervise the withdrawal of Armed Forces. Thus, on the basis of paragraph 14 of UN Security Council Resolution № 2503 of December 19, 2019<sup>8</sup>, the mandate was extended for six months, until June 30, 2020.

The Agreement on disengagement between Israel and Egypt forces of January 18, 1974 also provided for the creation of a buffer zone, which allows only the United Nations Emergency Force (UNEF). Egypt and Israel do not see this agreement as a final peace agreement. (par. D)<sup>9</sup>. But this example demonstrated that the

<sup>1</sup> *Agreement for the demilitarization of Srebrenica on 18 April 1993*. <[https://peacemaker.un.org/sites/peacemaker.un.org/files/BA\\_930418\\_Agreement%20on%20the%20Demilitarization%20of%20Srebrenica.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/BA_930418_Agreement%20on%20the%20Demilitarization%20of%20Srebrenica.pdf)>. (2020, September, 08).

<sup>2</sup> *Agreement Concerning Military Armistice on 27 July 1953*. <[https://peacemaker.un.org/sites/peacemaker.un.org/files/KP%2BK\\_530727\\_AgreementConcerningMilitaryArmistice.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/KP%2BK_530727_AgreementConcerningMilitaryArmistice.pdf)>. (2020, September, 08).

<sup>3</sup> *Agreement Concerning Military Armistice on 27 July 1953*. <[https://peacemaker.un.org/sites/peacemaker.un.org/files/KP%2BK\\_530727\\_AgreementConcerningMilitaryArmistice.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/KP%2BK_530727_AgreementConcerningMilitaryArmistice.pdf)>. (2020, September, 08).

<sup>4</sup> *Agreement Concerning Military Armistice on 27 July 1953*. <[https://peacemaker.un.org/sites/peacemaker.un.org/files/KP%2BK\\_530727\\_AgreementConcerningMilitaryArmistice.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/KP%2BK_530727_AgreementConcerningMilitaryArmistice.pdf)>. (2020, September, 08).

<sup>5</sup> United Nations Security Council (1973) *Resolution 338*, 22 October 1973, S/RES/338. <[https://ecf.org.il/media\\_items/491](https://ecf.org.il/media_items/491)>. (2020, September, 08).

<sup>6</sup> United Nations Security Council (1967) *Resolution 242*, 22 November 1967, S/RES/242. <[https://ecf.org.il/media\\_items/495](https://ecf.org.il/media_items/495)>. (2020, September, 08).

<sup>7</sup> *Agreement on disengagement between Israeli and Syrian Forces of 31 May 1974*. <[https://content.ecf.org.il/files/M00216\\_TheSeparationAgreementbetweenIsraelandSyria-OriginalDocument\\_0.pdf](https://content.ecf.org.il/files/M00216_TheSeparationAgreementbetweenIsraelandSyria-OriginalDocument_0.pdf)>. (2020, September, 08).

<sup>8</sup> *Resolution 2503 (2019)* Adopted by the Security Council at its 8693rd meeting, on 19 December 2019. <[https://undocs.org/en/S/RES/2503\(2019\)](https://undocs.org/en/S/RES/2503(2019))>. (2020, September, 08). (2020, September, 08).

<sup>9</sup> *Agreement on disengagement between Israel and Egypt forces of January 18, 1974*. <[https://ecf.org.il/media\\_items/598](https://ecf.org.il/media_items/598)>. (2020, September, 08).

attempt to conclude this agreement with the assistance of the UN Security Council later influenced the signing of the Israel-Egypt Peace Treaty in 1979. Articles 1 and 4 of Annex I to this Agreement provide for the establishment of a demilitarized zone within the Sinai under UN supervision<sup>1</sup>.

Thus, the use of coercive measures by force by the UN Security Council is a measure of preventive diplomacy. The establishment of demilitarized zones as part of peacekeeping operations by the Security Council may facilitate the future signing of an international treaty establishing a demilitarized zone regime for the long term (or on a permanent basis). It is seen that the concept of creating demilitarized zones (buffer zones) in accordance with Chapter VII of the UN Charter differs from the so-called "classical" concept on the basis of which were created, for example, demilitarized Suez, Panama Canals, Antarctica. Hence, the demilitarized border areas (zones), formed in accordance with the resolutions of the UN Security Council, allow to distance the armed forces of the parties and reduce the risks of armed conflict. This is important both for the parties to the conflict and for other states.

The concept is based on such imperative principles of international law as non-use of force or threat of force, peaceful settlement of disputes (paragraphs 4, 3 of Article 2 of the UN Charter). Therefore, demilitarized zones contribute to the reduction of military activity, concentration of troops, military equipment, weapons, and military facilities. In the conditions of constant increase of military potential of important actors of the world, the concept of creation of demilitarized zones as a measure of preventive diplomacy becomes crucial and there is a necessity of its scientific development. This approach emphasizes the role of the UN Security Council, which has the main responsibility for world peace and hence decides on buffer zones creation. As a result, on the one hand, it is the initiator of the establishment of the demilitarized zone, and on the other hand, the mediator in the settlement of the conflict between its parties.

According to the legal basis, the formation of a demilitarized (buffer) zone within the framework of preventive diplomacy is based on the relevant resolution of the UN Security Council with the involvement of the UN Forces in their implementation. Demilitarized (buffer) zones are formed for a period of time until states in case of armed conflict cease to do so and conclude a peace agreement (see Israel-Egypt). But in some instances, such areas are protracted, which is directly related to the significant period of conflict between the parties (see Cyprus).

As for the formation of a demilitarized zone on the basis of an agreement concluded between the states before, during the war or at the stage of post-war relations, such agreements are based on the voluntary consent of the parties. Legal regulation of the content of these treaties and the conditions to be fulfilled by the demilitarized zone are carried out by the Additional Protocol of 1977 to the Geneva Conventions of August 12, 1949, concerning the protection of victims of international armed conflicts (Additional Protocol I), namely Art. 60<sup>2</sup>.

The regimes of demilitarized (buffer zones) in both cases, and the conditions to which they shall correspond, are per se identical. This is manifested in the prohibition of any military activity, circulation and use of weapons, military equipment and combatants within these areas.

On the basis of the above-mentioned, it is necessary to point out the following:

1. UN preventive diplomacy is a set of measures aimed at preventing conflicts and, if they do occur, preventing their spread.

2. The formation of a new practice of establishing demilitarized spaces between the conflicting parties in order to separate them, preventing attacks on each other leads to the emergence of a new concept of creating demilitarized zones. It is based on such imperative principles of law as non-use of force or threat of force and peaceful settlement of disputes. The concept of creating demilitarized zones as a measure of preventive diplomacy is becoming significant and needs scientific development, since with the constant increase in military potential of important actors in the world, there is a need for reduced concentrations of troops, military equipment, weapons and military facilities, especially in border areas.

3. The legal basis of the formation of demilitarized zones within the implementation of preventive diplomacy has its distinction with the legal frameworks of the formation of these zones on the basis of an agreement between states. The establishment of such zones is in the first case carried out under the direction and with the assistance of the United Nations, in particular the United Nations Security Council

<sup>1</sup> PEACE TREATY BETWEEN ISRAEL AND EGYPT March 26, 1979. <[https://peacemaker.un.org/sites/peacemaker.un.org/files/EG%20IL\\_790326\\_Egypt%20and%20Israel%20Treaty%20of%20Peace.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/EG%20IL_790326_Egypt%20and%20Israel%20Treaty%20of%20Peace.pdf)>. (2020, September, 08).

<sup>2</sup> Additional Protocol of 1977 to the Geneva Conventions of 12 August 1949, concerning the protection of victims of international armed conflicts (Additional Protocol I). <<https://www.icrc.org/ru/doc/resources/documents/misc/treaties-additional-protocol-1.htm>>. (2020, September, 08).

and with the participation of the Secretary-General and the United Nations General Assembly. As the UN Security Council has the primary responsibility for peace and security, it is authorized on behalf of the international community to implement preventive diplomacy measures, among which demilitarization plays a special role. In the second case the creation of demilitarized zones is carried out on the basis of a bilateral or multilateral agreement. However, in terms of their legal character, both of these zones have an identical legal regime and similar conditions that the demilitarized territory shall fulfil.

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