

CHAPTER I

INTRODUCTION

Every state in the world certainly has a problem with Human Right. Many stories we hear about the war, cruelty toward poor people, intervention toward weak person, demonstration, till the torture toward family assistant. These all are about infraction toward Human Right, because we are born equal and free in dignity and rights. Turkmenistan is one of famous states with many infractions toward Human Right. Because this country led by a dictator president, Sapurmurat Niyazov. He is an authoritarian leader, many violence and riot happened when he led Turkmenistan. For instance: suppressing human right growth in Turkmenistan in his era, also many strange things he made, such as renaming town and airport with his mother name. Sapurmurat Niyazov was also positioned as 9th position among 20 most dictator leaders in the world written by David Wallechinsky, a writer of Almanac series books, in his new book "The World's 20 Worst Living Dictators". Maintaining human right is obligatory for all human being in the world. The obligatory to maintain human right representative by United Nation, because UN is the biggest organization in the world. UN was created to be a problem solver and a mediator to make peace in this world. So, the writer will explain about a dictator leader "Sapurmurat Niyazov", analyze and elaborate the involvement and role of UN in promoting and mai

A. WRITING OBJECTIVE

Turkmenistan known as Turkmenia, is one of the Turkic states in Central Asia. Until 1991, it was a constituent republic of the Soviet Union, the Turkmen Soviet Socialist Republic (Turkmen SSR). Turkmenistan is one of the six independent Turkic states. It is bordered by Afghanistan to the southeast, Iran to the south and southwest, Uzbekistan to the east and northeast, Kazakhstan to the north and northwest and the Caspian Sea to the west. Turkmenistan still faced many problematic conditions whether in economic, social and politic. In addition, great state such USA, Russia, and China have amount of interest inside. Because of Turkmenistan known have much oil resource and gas reserve, Turkmenistan is in the forth of the biggest gas reserve in the world. Beside Turkmenistan is the rich country, which has plenty oil and gas resource Turkmenistan is not good country to be follow in maintaining Human Right, because this country have bad story about Human Right in Sapurmurat Niyazov era¹. The bad record of human right in Turkmenistan is caused by the weak role of United Nations in promoting and upholding human right in Turkmenistan during Saparmurat Niyazov era.

In short, it is very interesting to research how the role of UN in promoting and maintaining the human right in Turkmenistan during Sapurmurat Niyazov era, as we know UN is the important media to solve every problem and every conflict in this world, absolutely including the maintaining of human right.

¹ Adrienne Lynn Edgar (1991). *Tribal Nation: Making Soviet Turkmenistan*. Page on January 15, 2011 from: <http://books.google.com/books?vid=ISBN0691117751UR24wFNRAC&pg=PP1&pg=PP1&ots=pEIZd92xlv&dc=Turkmenistan&sig=6MO>

Through this research, there are at least three significant points would be achieved:

1. The overviewing of Human Right in Central Asia as general, and Turkmenistan as specific.
2. The understanding factors of affecting the weakness of United Nations roles in preserving Human Right issue in Turkmenistan.
3. Also, this research is a requirement to obtain the degree of undergraduate (S.1) in International Relations Department of Social and Political Sciences Faculty in Muhammadiyah university of Yogyakarta.

B. BACKGROUND

UN as the world's largest organizations and also as a problem solver in all aspects, especially concerning human rights in this case did not act decisively in carrying out its duties, the UN through the UNHRC very weak in playing its role in upholding human rights in Turkmenistan, during Saparmurat Niyazov era human rights in Turkmenistan very bad stories. Many factors that caused why UN very weak in promoting and upholding human rights during Niyazov era in Turkmenistan, one of them is the clash of interest between prominent member states in UN it self, all decisions based on the interests of the member states that have a big power or great state, in upholding human rights in Turkmenistan many clash of interest among great power, especially Russia and America.

Because of the weak role of the UN intervention in enfo

rights in Turkmenistan, the Turkmenistan become one of the cour

human rights record, especially in the era of president for life Saparmurat Niyazov.

Human rights are "rights and freedoms to which all humans are entitled."² All human beings are born free and equal in dignity and rights. They are endowed with reason and principles and should act towards one another in a spirit of brotherhood. "United Nations Universal Declaration of Human Rights (UDHR)".

UN is an international organization whose stated aims are facilitating cooperation in international law, international security, economic development, social progress, human rights, and achievement of world peace. The UN was founded in 1945 after World War II to replace the League of Nations, to stop wars between countries, and to provide a platform for dialogue. It contains multiple subsidiary organizations to carry out its missions.

In United Nation there is a council for human right, which is United Nations Human Rights Council (UNHRC). UNHCR is an inter-governmental body within the United Nations System. The UNHRC is the successor to the United Nations Commission on Human Rights (UNCHR), and is a subsidiary body of the United Nations General Assembly. The council works closely with the Office of the High Commissioner for Human Rights (OHCHR) and engages the United Nations Special Procedures.

The UNCHR was established on 10 December 1946 at the first meeting of ECOSOC, and was one of the first two "Functional Commissions" set up within

² _____, *Turmenistan*. Retrieved from: <http://id.wikipedia.org/wiki/Turkmenistan>. Accessed on September 29, 2010.

the early UN structure. It was a body created under the terms of the United Nations Charter to which all UN member states are signatories. The body went through two distinct phases. From 1947 to 1967, it followed the policy of absenteeism, which meant that the Commission would concentrate on promoting human rights and helping states elaborate treaties, but not on investigating or condemning violators. It was a period of strict observance of the sovereignty principle. In 1967, the Commission adopted interventionism as its policy. The context of the decade was of decolonization of Africa and Asia, and many countries of the continent pressed for a more active UN policy on human rights issues, especially in light of massive violations in apartheid South Africa. The new policy meant that the Commission would also investigate and produce reports on violations.














































To allow better fulfillment of this new policy, other changes took place. In the 1970s, the possibility of geographically-oriented workgroups was created. These groups would specialize their activities on the investigation of violations on a given region or even a single country, as was the case with Chile. With the 1980s came the creation of theme-oriented workgroups, which would specialize in specific types of abuses. None of these measures, however, were able to make the Commission as effective as desired, mainly because of the presence of human rights violators and the politicization of the body. During the following years until its extinction, the UNCHR became increasingly discredited among



27, 2006 and was replaced by the United Nations Human Rights Council (UNHRC) in the same year.

The members of the General Assembly elect the members who occupy the UNHRC's forty seven seats. The term of each seat is three years, and no member may occupy a seat for more than two consecutive terms. The seats are distributed among the UN's regional groups as follows: 13 for Africa, 13 for Asia, six for Eastern Europe, eight for Latin America and the Caribbean, and seven for the Western European and Others Group. The previous CHR had a membership of 53 elected by the Economic and Social Council through a majority of those present and voting. Members of the Council undergo a new universal review mechanism during their term of membership. The General Assembly can suspend the rights and privileges of any Council member that it decides has persistently committed gross and systematic violations of human rights during its term of membership. The suspension process requires a two-thirds majority vote by the General Assembly.³ The resolution establishing the UNHRC states that members elected to the Council shall uphold the highest standards in the promotion and protection of human rights.

³ . UN General Assembly Resolution 60/251.8

Table 1: Members of UNHRC

<u>African States</u> (13)	<u>Asian States</u> (13)	<u>Eastern European States</u> (6)	<u>Latin American & Caribbean States</u> (8)	<u>Western European & Other States</u> (7)
 <u>Angola</u> (2013)	 <u>Bahrain</u> (2011)	 <u>Hungary</u> (2012)	 <u>Argentina</u> (2011)	 <u>Belgium</u> (2012)
 <u>Burkina Faso</u> (2011)	 <u>Bangladesh</u> (2012)	 <u>Poland</u> (2013)	 <u>Brazil</u> (2011)	 <u>France</u> (2011)
 <u>Cameroon</u> (2012)	 <u>China</u> (2012)	 <u>Republic of Moldova</u> (2013)	 <u>Chile</u> (2011)	 <u>Norway</u> (2012)
 <u>Djibouti</u> (2012)	 <u>Japan</u> (2011)	 <u>Russian Federation</u> (2012)	 <u>Cuba</u> (2012)	 <u>Spain</u> (2013)
 <u>Gabon</u> (2011)	 <u>Jordan</u> (2012)	 <u>Slovakia</u> (2011)	 <u>Ecuador</u> (2013)	 <u>Switzerland</u> (2013)
 <u>Ghana</u> (2011)	 <u>Kyrgyzstan</u> (2012)	 <u>Ukraine</u> (2011)	 <u>Guatemala</u> (2013)	 <u>United Kingdom</u> (2011)
 <u>Libyan Arab Jamahiriya</u> (2013) (suspended) <small>[11][12]</small>	 <u>Malaysia</u> (2013)		 <u>Mexico</u> (2012)	 <u>United States</u> (2012)
 <u>Mauritania</u> (2013)	 <u>Maldives</u> (2013)		 <u>Uruguay</u> (2012)	
 <u>Mauritius</u> (2012)	 <u>Pakistan</u> (2011)			
 <u>Nigeria</u> (2012)	 <u>Qatar</u> (2013)			
 <u>Senegal</u> (2012)	 <u>Republic of Korea</u> (2011)			
 <u>Uganda</u> (2013)	 <u>Saudi Arabia</u> (2012)			

 Zambia (2011)	 Thailand (2013)			
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<http://en.wikipedia.org/wiki/UNHRC>

The human rights in Turkmenistan have been critically asked by many countries and scholars. Standards in education and health declined markedly during the rule of President Saparmurat Niyazov. Since December 2006, under the Government of President Gurbanguly Berdimuhamedow no significant improvements regarding human rights and civil liberty have been observed by international human rights Organizations. In August 1998, police prevented two hundred village women from entering the capital where they intended to take their grievances directly to the president, according to the Moscow-based Information Center for Human Rights in Central Asia.

Turkmenistan known as Turkmenia, is one of the Turkic states in Central Asia. Until 1991, it was a constituent republic of the Soviet Union, the Turkmen Soviet Socialist Republic (Turkmen SSR). Turkmenistan is one of the six independent Turkic states. It is bordered by Afghanistan to the southeast, Iran to the south and southwest, Uzbekistan to the east and northeast, Kazakhstan to the north and northwest and the Caspian Sea to the west. Turkmenistan's GDP growth rate of 6.1% in 2009 ranks 16th in the world, but these figures are subject to wide margins of error. It possesses the world's fourth largest reserves of natural resources. Although it is wealthy in natural resources in certain areas, m

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On October 27, 1990 Saparmurat Niyazov was elected the first president of the Turkmen Soviet Socialist Republic. Under his leadership on October 27, 1991, Turkmenistan proclaimed its sovereignty from the Soviet Union. In a second presidential election held on June 21, 1991, which was necessitated by the adoption of the new constitution, Saparmurat Niyazov was elected President of Turkmenistan. Niyazov is also Chairman of the Cabinet of Ministers and Chairman of the Democratic Party of Turkmenistan.

David Wallechinsky, a writer of Almanac series books, will launch his new book with title: "The World's 20 Worst Living Dictators". This book story about 20 worst dictator leaders in the world, and Saparmurat Niyazov stand in 9th position. Many reasons why Saparmurat Niyazov get this position, off course because his crazy dictator leadership.

Niyazov was really dictatorship leader, he suppressed human right growth in Turkmenistan in his era, Saparmurat Niyazov was the most eccentric of despots, He renamed a town, and the month of January and April after himself and bread after his mother. In the center of the country's capital, Ashgabat, he ordered the erection of a huge gilded statue of the "One and Eternal" leader that rotates to face the sun.

There was no end to Niyazov caprice. He declared a national holiday in honor of melons and another in honor of the horse. He banned livestock from the country's capital, and slapped prohibitions on circuses, ballet, opera, vid listening to car radios, lip-synching to songs, smoking, and newscaster

and gave it equal status with the Bible and the Koran. When the country's former chief mullah, Nasurallah Ibadullah, resisted, he was sentenced to 23 years in prison. Niyazov's image was everywhere, from the estimated 10,000 statues littering the country to portraits on banknotes, vodka bottles, packets of tea, and even his own brand of scent.

The Government prohibited the media from reporting the views of opposition political leaders and critics, and it never allowed even the mildest form of criticism of the President in print. The focus of the media on President Niyazov to the exclusion of objective news reporting intensified during the year and amplified the cult of personality centered on the President. Public criticism of government officials was done almost exclusively by the President himself. The Government had subjected those responsible for critical foreign press items to threats and harassment. Government arrested and sentenced Nurberdy Nurmamedov, the head of the Agzybirlik Unity National Movement, for hooliganism and making death threats, his son Murat had sentenced for hooliganism as well. The arrests followed shortly after Nurmamedov's statements criticizing in December 12, 1999, assembly elections and the decision by the assembly to appoint Niyazov president for life.

The Government also significantly restricts academic freedom. It does not tolerate criticism of government policy or the President in academic circles, and it discourages research into areas it considers politically sensitive, comparative law, history, or ethnic relations. All publishing companies

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history or other topics that are out of favor with the Government are not published. The government-controlled Union of Writers had in the past expelled members who have criticized government policy, libraries have removed their works. The Government abolished the Academy of Sciences in 1998. No masters' degrees or doctorates have been granted in the country since that time.

C. RESEARCH QUESTION

By considering the background of problem above, the researcher will draw the research question as "Why is United Nations' role in promoting Human Right during Sapurmurat Niyazov era in Turkmenistan weak?"

D. THEORETICAL FRAMEWORK

D.1. Role Theory

According to this theory, the behavior from someone or institutions should be understood in social context. Because the political phenomena emerge when someone doing interaction with another in their social live. So, the role is a behavior that expected did by someone that has political position, and everyone has position expected to have same behavior with position he has.

According to K.J Hölsti⁴, the concept of role related to international organization is "the tendency of and attitude toward the external environment, toward system variable, geography and economy. In theory of role, behavior should be understood and defined in the context of social. F

behavior which is supposed to be done by man in power. It is whether significant position or behavior in accordance of behavioral position.

Role theory emphasized that political behavior is behavior in conduction political role. This theory assumed that political behavior is a cause of demand and expectation to the role which is hold by a political actor. In this theory, political actor commonly to acclimatize his/her role with the applicable norms in society.

According to John Wahlke, role theory has useful capabilities in political analysis. First, it shows that the actors of politic generally tried to accommodate them selves with norms that applied in society as common. So the politic of individual is always determined by social context. Second, Theory of role could describe institution behaviorally.

Base on this case, about promoting and upholding human right in Turkmenistan, the role of UN relatively weak even fail to promote and uphold human right in Turkmenistan during Saparmurat Niyazov era. The weak and the strong role of UN in solving every problem in the world always depend on the involvement of the great state or super power. For examples in this case about promoting and upholding human right in Turkmenistan during Saparmurat Niyazov era, because the involvement of great state such as U.S. and Russia the role of UN really weak, the clash of interest between both those countries that hold veto right in UN, UN cannot act too much in doing his duty to uphc right in the world. U.S. support UN to promote human right in Turkmer

human right in Turkmenistan, because those two great power want to control natural resources in Turkmenistan. Another example the role of UN looks very strong if there is no clash of interest among prominent member state, such as the upholding human right in Europe, UN showoff and allout his capability to uphold and protect human right in Europe. England, France, Netherland, are some European countries that has good human right record. Indeed, UN still to be fussy in doing his duty in maintaining peace and uphold human right in the world.

Where is the UN's role as an international institution most responsible for peace and stability in the international political arena? Why the UN was never able to take over international cases involving powerful countries in it? As the largest international institutions, the United Nations in charge of maintaining international stability is manifested in three ways: increasing peace, peacemaking, and peacekeeping. In fact, the task often faces barriers that would come from its own members. In the case related to the countries that have relatively weak power, the UN's role looks very prominent and strong. But in the face of strong state action, the UN is the opposite, look weak and helpless. This happens because in international relations, development and implementation of a law, rules, and codes the various agreements of international institutions, always experiencing various barriers and ineffective because obstructed limitation of sovereignty of each state or absence of authoritative international organizations competent in the international system settings. All norms and international institutions as

power⁵. Norms of international law and various international organizations many obeyed, but the big countries can break them if they want without any meaningful sanctions from other countries or the UN though. Including the case to promote and uphold human right in Turkmenistan, the role of UN very weak. The weak role of UN off course because the involvement of great state in this case. Russia and USA have big interest in Turkmenistan, which are oil resources and gas reserve. The clash of interest happen here, so that UN cannot act to much in upholding human right in Turkmenistan, because both those super power have different desire about human right in Turkmenistan to control natural resources of Turkmenistan.

In his vision, the UN achieves the same world every human being can enjoy their basic rights as human beings in harmony with the declaration of human rights worldwide, and other human rights standards. In an effort to support the vision, the mission of the UN is running the research and action focused on rescue and ending violations of both physical and mental integrity, striving for independence in kuriosisi and expression, and freedom from discrimination, within the context of promoting human rights.

Has the role and functions in creating a world society where respect for human rights became the main thing that must be considered. In this case the UN has a duty to give full attention to the enforcement of human rights in Turkmenistan at the Saparmurat Niyazov era, a leader of Turkmenista-
repressive and curb human rights in Turkmenistan. Based on the vis

⁵. Gerber, Pierre (1995). "Naissance des Nations Unies" (in French). *Espier* (102).

<http://www.charles-de-gaulle.org/pages/l-homme/dossiers-thematiques/1944-1946-la-liberation/roctayres>

mission, the UN is potential in carrying out its role to then at the stage of enforcement and maintains human rights in Turkmenistan during Saparmurat Niyazov era.

Activities conducted through the UNHRC is doing research, and oversee the conduct of an international policy and national policy of a State against an effective case raises deprivation elements of justice and human rights. Then the data is processed and publicized through the media in the annual report. As regard to decision-making within the UN and the UNHRC in particular is dependent on the course of research and action priorities, long-term strategy, amendment, statute, and the programs that run every day, but that as the writer explained previously, that the decision-making in the UN is not in accordance with the procedures and assessment, because in reality the decision-making in the UN a lot depends on the interests of the great state, including cases of human rights enforcement in Turkmenistan that full of the requirement with a super power interests of the State and wanted to target the oil and natural gas resources of Turkmenistan. So the UN as the world's largest organizations based on those functions can effectively influence the process of enforcement of human rights in Turkmenistan during Saparmurat Niyazov era. In this research will use the concept of an international organization, which is expected to be able to bridge

D.2. concept of International Organization

Jack C Plano⁶ said that international organization is formal bound to across national boundaries of sovereign state which is created an institution in order to make easier to cooperation among others in economic, social, security, and other sectors. From that definition, we could know that that international organization is in significant role of state development, means not to be isolated. Even it is taken as instrument of meeting national of one state. International organization has a power to support the interest of many states to aspirate their interest which are in outside the national territory. So states could be functioned more significant not only for international society but also for its people.

International organization has function as international communication media expected to give a guide to act in certain situation in international environment. It can be derived that international organization role is a reaction of international situation and phenomenon.

An international organization had a goodness and weakness, happened when the membership consisted of countries that have their different interest. The goodness or the advantages of the existence of international organization is as institution of media for attaining national interest. Beside that, it could be aspirate the voices of organizational membership which very accommodate to solve the world problems. In addition, International Organization is also as a media interaction of state memberships in conduction foreign politics.

Beside advantage, weakness also happened in international organization, which is in autonomy and function of it is relatively limited. Because international organization is created voluntarily by member states, without any strike restriction, hence to achieve the goal it is depended voluntarily also. Beside that, the sovereignty is hold by state and not the organization, so that the organization cannot punish the country that breaks the law directly. So, member state is an actor who they are very significant in the process of decision making in international organization.⁷

Development of international relations in line with the climate created international. Relationships among each State with other States bring the impact on the domestic life of that State. When there are imbalances in the international system and fundamental differences in the existence of a State, then these differences bike turn leads to a State requires other States to meet the needs. To align the different interests of each states, they finally feel need to unite in a container or a form of organization and even in an ordinary contract.

The international organization is an organization states in carrying out the task together. Whether in the form of cooperation is coordinative and sub ordinates. Considering the need to minimize any imbalances, or misappropriation contained in a common life and work completion in order to create decent conditions.

In his development the international organization according to ^{4th} classification based on its membership is divided into 2:

1. International organization established intergovernmental (IGO).
2. International Non-Government Organization (NGO or INGO's).

Based on the discussion topic raised by the author, then in this research the authors will focus further discussion of the UN as an international organization that formed of inter-governmental or NGO.

Diplomacy is played in an international conference, a new phenomenon in international relations that play an important role. Through conference diplomacy gradually emerged as a model began early twentieth century. The conference opened a discourse for the political aspect of an international organization, to describe the goal that led to the political aspect. By some inhibiting factors that will be encountered as the implementation of human rights with the circumstances in each country, and reluctance to change the decision. So the UN representative by UNHRC with the annual report of the monitoring process is expected to play a role in promoting human rights in its political aspect with exposure directly in an international conference in the hope of fulfilling the objectives of human rights around the world, so that it can lead to a more democratic country life. The emergence of international organizations in general, is the reaction of the international situation that emerged. UN as an international organization or IGO government formed with the aim to reduce behavioral acts which violate human

E. HYPOTHESIS

From the description of background and relation to theoretical framework, the pre-assumption drawn is that the factors caused weakness of UN role in preserving Human Right in Turkmenistan.

1. Internal Factor: UN cannot accommodate the interest between prominent member state, United State of America and Russia, which mean that while America wanted to intervene Turkmenistan in the name of human right violation, but Russia was counterpart to American's position.
2. External Factor: Generally, society of Turkmenistan is not aware enough on upholding the human right, even thought some elites resisted but they were rejected.

F. RESEARCH METHOD

In this model of research, the writer is allowed to analyze the object without direct involvement.⁸ The data collection on this research will be the library study which finding out the secondary data such book references, magazines, journals, annual reports, tabloid, surfing and browsing internet.

⁸ Earl Babbie and Theodore C. Wagnaar, *The Practice of Social Research Method*, California: Wadsworth, (1983) Page: 274.

G. SYSTEMATIC OF WRITING

Chapter I: Introduction. This chapter outlines the background of the research, determines the exact problems to answer, verifies purposes and signification of research, decides the theoretical frameworks and methods to be implemented, and establishes the hypothesis as well as the systematic of writing.

Chapter II: This chapter more explains about the role of United Nations in promoting Human Right generally and in Turkmenistan especially.

Chapter III: This Chapter overview the violations on human rights in Turkmenistan during Saparmmurat Niyazov era.

Chapter IV: This chapter discuss about the factors affecting the weak role of United Nations in promoting Human Right in Turkmenistan.

Chapter V: This last chapter gives the conclusion of the research