

**ATILIM UNIVERSITY
GRADUATE SCHOOL OF SOCIAL SCIENCES
DEPARTMENT OF INTERNATIONAL RELATIONS
INTERNATIONAL RELATIONS MASTER'S PROGRAMME**

**IS IT JUST TO VIOLATE SOVEREIGN RIGHTS THROUGH
RESPONSIBILITY TO PROTECT? A STUDY ON CONTRADICTIONS
BETWEEN THE PRINCIPLES AND PRACTICES OF THE RESPONSIBILITY
TO PROTECT NORM**

MASTER'S THESIS

Kemal Yağız KARADOĞAN

Ankara-2025

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ACCEPTANCE AND APPROVAL

This is to certify that this thesis titled “Is It Just to Violate Sovereign Rights Through Responsibility to Protect? A Study on Contradictions Between the Principles and Practices of the Responsibility to Protect Norm” and prepared by Kemal Yağız KARADOĞAN meets with the committee’s approval unanimously/by a majority vote as Master’s Thesis in the field of International Relations following the successful defense conducted on 16/09/2025



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ETHICAL STATEMENT

I accept and acknowledge that I have prepared this thesis study, prepared in line with the Thesis Writing Guidelines of Atılım University Graduate School of Social Sciences;

- within the framework of academic and ethical rules;
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- I hereby present a unique study.

I hereby also understand that I shall accept any loss of rights against my behalf in cases otherwise.

16/09/2025

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ÖZ

KARADOĞAN, Kemal Yağız. Koruma Sorumluluğu Yoluyla Egemenlik Haklarını İhlal Etmek Haklı mıdır? Koruma Sorumluluğu Normunun İlkeleri ve Uygulamaları Arasındaki Çelişkiler Üzerine, Yüksek Lisans Tezi, Ankara, 2025.

Bu tez devlet egemenliği ilkesinin hala uluslararası sistemin zeminini oluşturduğu bir ortamda, insani müdahalelerin ahlaki ve hukuki açıdan haklı sayılıp sayılmayacağını incelemektedir. Kosova ve Libya gibi krizler incelenerek, insani müdahale söylemlerinin nasıl kullanıldığını ve bu söylemlerin çoğu zaman siyasi çıkarlarla, güç dengeleriyle ve uluslararası ilişkilerde ‘adil’ ya da ‘kabul edilebilir’ sayılan kavramlarla nasıl örtüştüğünü ortaya koymaktadır. “Müdahale etmek haklı mıdır?” sorusuna bir perspektif sunmayı amaçlamaktadır. Hukukun normatif doğası ile uluslararası ilişkilerin yoruma açık yapısı arasındaki çelişkiyi ele alırken eleştirel yapısalcılık yaklaşımından yararlanmaktadır. Siyaset teorisi ve uluslararası hukuk alanlarındaki temel tartışmalardan yola çıkarak, kitlesel acılar ve insan hakları ihlallerinde gerçekleşen dış müdahalelerin meşruiyetini analiz etmektedir. Bu tez, Koruma Sorumluluğu (R2P) ilkesine dair tartışmalar ve değişmekte olan insani müdahale uygulamalarına odaklanarak, bu değişimlerin hukuki ve siyasi düzeni nasıl yeniden şekillendirmeye çalıştığını anlamaya çalışırken, Michael Walzer’ın Haklı Savaş yaklaşımını eleştirmekte ve öte yandan da Koruma Sorumluluğu normunun, ilkeleri ile uygulanması arasındaki farklılıklara vurgu yapmaktadır.

Anahtar Sözcükler: İnsani Müdahale, Haklı Savaş, Kosova, Libya, Koruma Sorumluluğu

ABSTRACT

KARADOĞAN, Kemal Yağız. Is It Just to Violate Sovereign Rights Through Responsibility to Protect? A Study on Contradictions Between the Principles and Practices of the Responsibility to Protect Norm, Master's Thesis, Ankara, 2025.

This thesis examines the question of whether humanitarian intervention can be considered both morally and legally just in an international system that continues to be defined by the principle of state sovereignty. By examining crises such as Kosovo and Libya, the thesis questions and argues how humanitarian intervention has been invoked, and how such claims often overlap with political interests, unequal power relations, and shifting notions of what is considered acceptable or just in international affairs. This thesis claims to offer a perspective on the question of 'is it just to intervene?'. It explores the contradiction between the normative nature of law and the interpretive nature of international relations as a social science through critical constructivism. It engages with key debates in political theory and international law to analyse the legitimacy of foreign interventions in cases involving mass atrocities and human rights violations. The thesis focuses on debates on the Responsibility to Protect and evolving humanitarian practices to understand how these frameworks seek to reorganise the legal and political frameworks while criticising Michael Walzer's Just War Tradition and the practical differences between the principles and implementation of the R2P norm.

Keywords: Humanitarian Intervention, Just War, Kosovo, Libya, Responsibility to Protect

ACKNOWLEDGEMENTS

I would like to express my deepest gratitude to my advisor, Prof. Dr. Faruk Yalvaç, for his invaluable guidance, support, and encouragement throughout the preparation of this thesis. His expertise and constructive feedback have been essential to the completion of this work.

I am also sincerely thankful to the members of my thesis defence jury, Assoc. Prof. Dr. Duygu Dersan Orhan (Chair) and Assoc. Prof. Dr. Klevis Kolasi, for their insightful comments, valuable suggestions, and kind support during this process.

Furthermore, I extend my gratitude to the professors of the Department of International Relations at Bilkent University, where I completed my undergraduate studies, for providing me with a strong academic foundation and inspiring me to pursue further research in this field.

Finally, I would like to express my heartfelt thanks to my family and to my friends for their unconditional support, patience, and understanding throughout my studies.

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INTRODUCTION

The decline of the Liberal International Order has brought back and further deepened certain debates on state sovereignty, intervention and the international system. While approaching the end of the first quarter of the 21st century, the world witnessed a considerable number of crises that the international mechanisms couldn't address. Syria, Yemen, Afghanistan, Palestine, post-Libya intervention and Ukraine are among them, there are also crises that the debates over them still continue, such as the Yugoslav Wars, Kosovo, and the Rwandan genocide. When this decline started is a question for future historians and historical sociologists. Or can we even talk about the existence of something that was broken while the crises continue around the world since the end of the Second World War? In the study of International Relations, students and scholars are trained to maintain the peace. But maintaining peace is not possible without the study of war. Therefore, reasons for conflicts should be crucially examined to settle them.

The reason for the foundation of the most participated and comprehensive international entity ever, the United Nations, is to address crises posing a threat to global peace and security. Building upon the institutional framework, which was inherited from the League of Nations, the UN established a legal and theoretical framework. The UN is constantly evolving with the power dynamics, intra-state relations and norms. The founding principles of the UN Charter strictly prohibit the use of force, violations of the sovereignty of any member by territorial or any other means. In such cases, the United Nations Security Council is authorised to take actions when it's necessary (Article 42). Being far from perfect, the UNSC take action. Nonetheless, since human lives are at stake in cases of crisis, the UNSC's paralysis is more relevant to this research. The UNSC have fifteen members. Five of them being permanent (the US, China, Russia, France and the UK, or the P5), the council may authorise economic, political and diplomatic sanctions as well as military interventions. However, the P5 have the right to veto, and they are the only ones who hold this power. It gives them the power to prevent actions from being taken. This means that the victors of the Second World War are constantly affecting the international mechanisms for dispute settlements. The mechanism is biased by its nature. No permanent member would allow actions that contradict their interests. Therefore,

theoretically, the nature of interventions is controversial. There are many cases of interventions regarding whether they were just or unjust. However, not all of them fall under the section of an authorised intervention under the UNSC decision. Additionally, there are many cases of humanitarian crises that cannot be responded to by the international mechanisms. However, the examples of Kosovo and Syria are unique. With Kosovo, the world was introduced to the claim ‘illegal but legitimate’. And in Syria, international institutions couldn’t prevent millions of people’s displacement and hundreds of thousands of deaths. Drawing on these two cases, the thesis will try to prove the insufficiency of the response mechanisms of the United Nations.

The concept of intervention is one of the most popular debates in International Relations. Many scholars have written about it with a wide range. Having studied both empirically and theoretically, it contains certain paradoxical features, such as the debates on sovereignty and responsibility. According to the UN Charter, non-intervention is not just a norm but also a legally codified international rule. Occasionally, states violate this rule over territorial disputes, geopolitical interests, counter-terrorism operations, and humanitarian justifications. It is the duty of the UNSC to stop violations of international law through several measures. Those measures vary from condemning the violation to authorising the use of force, from the lightest to the harshest, respectively. These situations often occur due to the instability of the intervening state or its inability to protect its territorial integrity. There has been a shift in the legitimacy of intervention after the Kosovo crisis. In 2005, the Responsibility to Protect (R2P) principle was introduced. NATO intervention in Kosovo was not authorised by the Security Council. However, it was seen as a just action and legitimised. The reason is that NATO’s operation weakened the Slobodan Milošević government. Thus, the concept of intervention was enhanced by the R2P both in practice and in theory. However, it must not be forgotten that the intensity of the violence conducted by the Serbian forces in Kosovo didn’t stop after the bombing campaign but only increased. Therefore, it is a false assumption that to claim the illegal operation on Kosovo stopped the mass atrocities and crimes against humanity that were happening on the ground. It is crucial to ask questions such as: did the unilateral reaction of NATO in Kosovo pave the way for the US invasion of Iraq, as well as unauthorised airstrikes in Syria? The series of legal, illegal and disputed interventions inspired the

Responsibility to Protect report in 2001. After its unanimous acceptance in the UN World Summit in 2005, some scholars were quite optimistic on their assumption about the R2P's future. However, with Libya in 2011, some of the sceptics proved right about their assumptions. Because, as seen in the Russian invasion of Ukraine, those who hold power try to construct a legal pretext after having committed a violation. And those who hold the power might not act in a righteous way, as in Libya, through manipulating the norm regarding the humanitarian interventions, which aims to provide a more nuanced and comprehensive approach to the implementation.

As in the Kosovo case, although the NATO intervention was illegal, it was legitimised by the international community. Therefore, it can be concluded that legitimising or opposing something is influenced by social constructs. Critical constructivists question the social construct. The international world we know might be the only one we are familiar with, but it doesn't mean it is absolute. Only the social acceptance and constructions allow international institutions to exist. It is neither fixed nor given. The normalisation of intervention in moral responsibility occasions is posing a threat to global peace and stability. Because then, intervention becomes a tool for the P5. How can we be sure that the P5, who may violate international law and avoid the consequences, will act in good faith? So, is it just to intervene? Although there are no simple answers, the answer is sometimes it is and sometimes it isn't. If we believe in good faith, as Michael Walzer's moral perception of war does, we should also believe that no just ruler would put their citizens through suffering. However, that is not the case. So, the intervention might be a limitation as a response to the aggressor. But what should the international community do in cases of internal conflicts? The answer to the question is neither just nor unjust since it is a complex issue including numerous variables. Reductionism is the last thing that should be done while considering the justness of an intervention. Although a large number of studies were conducted regarding the topic of intervention, there is a lack of emphasis on its historical development and theoretical foundation. It is not a whether or not question. It is a question of how, when and to what extent. It is an abstract, fluid concept. A concept that evolves over time. With the NATO intervention that took place in 1999, 'illegal but legitimate' was introduced. It changed the humanitarian intervention debate. The second most significant change started with the

ICISS report named 'The Responsibility to Protect' in 2001. Accepted unanimously in 2005 in the UN World Summit, the R2P was a new way to deal with cases of crimes against humanity, war crimes, ethnic cleansing and genocide. Co-chaired by hh Evans, including scholars such as Ramesh Thakur, who will be referenced frequently in this thesis, the Responsibility to Protect was a shift from the right to intervene to the responsibility to react. However, Libya, which is the second case study of this thesis, is at the centre of critiques towards the R2P. Since the intervention went beyond its goals, alternative voices towards the R2P rose.

Qualitative research methods are used in this thesis. A comprehensive literature study was conducted. Analysis of leading scholars on the subjects of discussion is studied. Through discourse analysis and case studies, the questions were tried to be answered.

Weber and Biersteker argue that sovereignty is characterised as a coexistence within the system of states, a transcended concept of ideological differences and the rise and fall of major powers, and an institution that must be protected (Weber and Biersteker, 1996, p. 1). In the Montevideo Convention (1933), a state is defined as a political entity that is both independent and recognised by other entities. Moreover, Hedley Bull states that the idea of sovereignty comprises of domestic autonomy and international independence, meaning internal and external sovereignty respectively. While prominent work has been conducted regarding the definitions of state and sovereignty, Weber and Biersteker's and Bull's definitions of the state are among the most comprehensive ones. However, this study further delves into those definitions by exploring their historical accumulation and their relevance to the social construct. While many of the writings on the debate of sovereignty overlook the aspect of it is a creation of Westphalian state society, David Strang claims that state sovereignty has passed beyond an attempt to limit the state in its borders since, in cases of human rights concerns, it might be breached by the international community (Strang, 1996, p. 45). As Strang claims, the limits of sovereignty have changed over time. As well as Doty stresses that sovereignty will always be a constantly changing social construction process, as it is a contingent political effect (Doty, 1996, p. 143). Kyris also acknowledges the sovereignty, both external and internal, as a notion that may change over time (Kyris, 2022, p. 305). However, when we think of sovereignty as internal and external, it might be limiting. Because the shift is not only in

its legal framework, but also in its philosophical roots. During humanitarian crises, the non-intervention principle might be suspended. While some scholars argue it is an extermination of sovereignty, Arato and Cohen argue that in human rights violations or mass atrocities such as genocide or ethnic cleansing cases, breaches of sovereignty rights by the international institutions should be understood as corrective legal mechanisms of the system, not as the total extermination of sovereignty (Arato and Cohen, 2009, p. 325).

Holzgrefe analyses the humanitarian responsibility as a necessity of natural law, as in exceptional cases such as Rwanda, while stressing the moral and empirical assumptions on the subject (Holzgrefe, 2003, p. 52). However, such analysis lacks the emphasis on contradictions between the normative approach of law and the interpretive nature of social sciences. Buchanan argues that there is a deficiency in the existing international law regarding humanitarian intervention, because a straightforward interpretation of NATO's intervention in Kosovo would prove its illegality (Buchanan, 2003, p. 131). As Buchanan argues, a straightforward approach is insufficient. Thus, either a comprehensive rework of the law or a greater inclusion of social sciences in international law is necessary. Orford stresses the oversimplification of the debate on intervention, claiming that many human rights activists unquestioningly support humanitarian intervention (Orford, 2003, p.34). She further demonstrates the possibility of the law of intervention to become a new form of imperial domination (Orford, 2003, p. 41). Furthermore, Swatek-Evenstein argues that although many of the Western academics justified and cheered NATO's unauthorised intervention in Kosovo, reactions from the rest of the world were not as enthusiastic as they were (Swatek-Evenstein, 2020, p. 238). Kardaş, on the other hand, claims that the post-Cold War humanitarian intervention practice stands between finding a balance to maintain the current system and allowing a space for humanitarian intervention (Kardaş, 2013, p. 36). Opposing Kardaş's analysis, the thesis claims that the post-Cold War humanitarian intervention practice is changing the current system within itself, and it may be adding an imperial discourse through evolving humanitarian intervention norms. In other words, do the evolving norms aim to codify imperialism with coverage of humanitarian responsibility?

Badescu highlights the dilemma of sovereignty versus human rights, arguing that they now share the same ground, as both are primary concerns for the international system

(Badescu, 2011, p. 20). However, it is almost correct, but not completely true. Because if human rights were the primary concern, international actors would take action in Syria, which will be discussed in the third chapter. The approach to humanitarian crises shifted by bending the principle of state sovereignty. As Gerhards, Antoine and Ollroge claim, international law has evolved in a direction in which military interventions can be justified in cases of humanitarian concerns (Gerhards et al., 2024, p. 158). However, the discussion remains as to whether it serves as a justification for political interests or not. Wotipka and Tsutsui tie the shift to increased international integration, where public opinion may pass beyond the borders of the state and pressure them to act upon human rights (Wotipka and Tsutsui, 2008, p. 754). Although I agree with their claim, the lack of interest of people in people who are geographically far from them in a world which hasn't globalised yet is also a fact. Therefore, we shouldn't exclude the historical development of global society. There was no society before. Gözen Ercan points out the rise in human rights matters on the international platforms while arguing that an effective implementation remains uncertain without the Security Council's political will (Gözen Ercan, 2014, p. 50). Despite a large number of studies having been conducted regarding the justification of humanitarian intervention, there are also several studies claiming the opposite. As an example, Nardin delves into the epistemological definition of the term 'humanitarian' (Nardin, 2018, p. 4). Due to the intense focus on whether to intervene or not, the implementation itself, as well as its scope, has been overlooked.

The Just War Tradition remains as one of the most prominent perspectives on wartime behaviour (Orend, 2000, p. 524). The tradition limits the act of war under three concepts: 'jus ad bellum', 'jus in bello' and 'jus post bellum' (Dinçer, 2018, p. 111). This conceptualisation of war seeks just ways of addressing situations that lead to war, during the war, and after the war. Luban addresses the lack of a critical, constructivist approach by stating that:

“As Walzer elaborates the right to share in a common life, it generates a political right of self-determination. The latter move, I should say, doesn't follow automatically. It isn't automatic that the Kurds and Catalans and Kosovars need political self-determination to enjoy their common life, and it isn't hard to imagine scenarios where political self-determination could ruin the Catalans' common life as it exists today, turning to prosperous province into a struggling statelet.”(Luban, 2017, p. 23).

Waldron in the chapter 'Reflections on Supreme Emergency' claims that the British air strike, which was the given example by Walzer in the debate on supreme emergency, might be necessary, but certainly wrong (Waldron, 2020, p. 166). The justification of non-combatant casualties shouldn't be doctrinalized. Griffiths, Roach and Solomon, argue that Justin Rosenberg defines concepts such as international system, sovereignty and anarchy as fluid ontological assumptions (Griffiths et al., 2009, p. 370). Geopolitical systems are the products and reproductions of social life (Rosenberg, 2024, p. 6). The study of international relations lacks a focus on historical evaluations of the political systems. Most of the studies take the international system as given and overlook the fact that it is a continuum. Therefore, Rosenberg's assessment of historicised international relations is valuable.

The two important paradigm shifts will be discussed in this thesis. The first one is the change in the concept of sovereignty. As the concept of external sovereignty expanded, the concept of internal sovereignty narrowed after the R2P. States were no longer the only entity responsible for protecting their citizens from atrocities, but international actors as a whole were responsible for helping states to do so. The three layers of R2P, discussed in the R2P section of this thesis in detail, meant the protection of civilians by their own states, by supporting the states that seek support, and the responsibility of all the states to intervene in order to stop atrocities. The third layer, which is the intervention part, is the paradoxical part. The second paradigm shift with the R2P is the shift from right to responsibility. Humanitarian intervention was considered as a right to intervene by the international community. Therefore, there was a lack of support and consensus among the members of the UN and among the UNSC members in cases of actual crisis. Since it was a direct violation of the theoretical principles of state sovereignty, the international community was not in favour of the idea of intervention. The shift from 'right' to 'responsibility' was an effort at correction in the language. Thus, the two paradigmatic shifts with the R2P should not be overlooked when debating whether an intervention is just or not.

In the first chapter of this thesis, state sovereignty and humanitarian intervention concepts will be discussed. The Westphalian understanding of sovereignty, as well as its legal basis in contemporary international law, is crucial for understanding. To define what

sovereignty and state mean, examining their historical accumulation from the Middle Ages is a necessity. The foundation and evolution of the sovereign will be discussed in detail in the opening chapter of this thesis. In the following section, examples of humanitarian intervention are studied by citing relevant sources. If the interventions aim to prevent atrocities, permanent members of the council should not be the moral compass of the rest of the world. It is at their judgment to authorise a humanitarian intervention because they hold the power to reject a resolution. Having assessed that, the power and the functions of the UNSC are part of another debate. In the next section, Michael Walzer's magnum opus *Just and Unjust Wars* will be analysed since it is a highly influential work on the morality of warfare. A perspective that is more comprehensive and independent of Western constructs is necessary. In this section, a detailed analysis of the book and Walzer's concept of the Just War will be criticised since it was a western-oriented and prejudiced study. The section concludes with the possibility of dangerous misuse of the supreme emergency concept of Walzer. In the last section of the first chapter, critical constructivism as a method to understand the contrast between the Kosovo and Libya cases will be analysed.

In the second chapter, the norm of intervention will be studied under international law. Besides the theoretical framework, the legal framework can sometimes be straightforward and underdeveloped. In the first section, sovereignty according to the United Nations will be discussed. Assessing the shared sovereignty by government entities, the private sector that influences the policy-makers' actions, and influential, powerful groups, sovereignty is a flexible, dynamic concept. The second section of the second chapter explores the legal basis for intervention. The gaps in the legal framework will be discussed. In the following section, the shift in the humanitarian intervention will be studied since the 90's. In 2005, when the R2P became a norm, was it a correction or an expansion of the intervention studies?

In the last section, case studies have been conducted. After the dissolution of the Soviet Union, already existing tensions between the Yugoslav republics exploded. With the increase of nationalism after Tito's death, the Yugoslav people witnessed a series of bloody internal conflicts. Slobodan Milosevic's government's brutal oppression of Kosovar Albanians led to a violent conflict between the groups. Crimes against humanity

have been committed. In the Kosovo section of the chapter for case studies, the historical tension between Albanians and Serbians will be analysed. As mentioned in the previous paragraphs, it is not possible to settle disputes without the study of conflicts and their reasons. Due to the need for a comprehensive study, the ethnical and religious differences of the two were examined. In the second section of the chapter on the case studies, the international intervention in Libya in 2011 will be studied. It was a milestone event for the Responsibility to Protect (R2P) doctrine and was the first time it was fully implemented in the name of civil protection. Triggered by the escalation of violence during the Libyan uprising, this intervention led to the United Nations Security Council approving measures to prevent mass atrocities on the basis of R2P principles, ultimately resulting in a military operation led by NATO. While the intervention initially aimed to prevent a humanitarian catastrophe, its execution, scope, and long-term consequences sparked intense academic debate. In the years that followed, Libya's political fragmentation and prolonged instability raised questions about the effectiveness, legitimacy, and legacy of R2P, shaping the doctrine's interpretation and future possibilities in international relations.

CHAPTER 1: THEORETICAL ANALYSIS; SOVEREIGNTY AND HUMANITARIAN INTERVENTION

1.1. State Sovereignty

To understand what state sovereignty means, it is necessary to define the state. The 'modern state system' is one of the terms we use to define the current global order. The term refers to the international politics that emerged after the Middle Ages. A renewed definition of the state was adopted, while the dynasty politics was left behind. A state is an entity that has a permanent population, a defined territory, a government, and the capacity to enter into relations with other states, as outlined in the Montevideo Convention on the Rights and Duties of States of 1933. Article 3 of the Montevideo Convention states that "The political existence of the state is independent of recognition by the other states." A state is a sovereign subject in the international system. Also, it is an entity that has sovereignty over its territory and population. With several definitions, sovereignty can be analysed into two parts: internal sovereignty and external sovereignty. Internal sovereignty refers to the state's unquestioned authority within its borders over its territory and population. Despite the Montevideo Convention's claim on external sovereignty, history shows that external sovereignty means the recognition and the state's ability to operate within the international system. The state has to have a legitimate governing system to have internal sovereignty. The use of power must be under a monopoly. A government or the political order has to be the one that possesses control over the use of power. According to Max Weber, the monopoly of legitimate use of force has to be held by the state alone. On the other hand, external sovereignty has to rely on aspects such as recognition and an autonomous foreign policy. These factors display the independence of the actors while showing respect for each other's equality. Non-interference with each other is a rule of international law. Non-intervention is not a flexible principle. However, there are cases where the norm of humanitarian intervention has been breached. Moreover, the norm of humanitarian intervention is sometimes used or not used to gain political interests rather than following its original intentions. This is where the question of whether intervention is just or unjust arises. The intentions must be cross-examined with real-life cases. Is it just to interfere in the internal affairs of the sovereign?

Although there are no clear distinctions between different eras in the history of people, the Peace of Westphalia is commonly accepted among scholars as the beginning of the modern state system. The concept of the sovereignty of the modern state was institutionalised after the Peace of Westphalia. Meaning that it materialised as passing beyond the abstract notions, such as ideas and norms. For the first time, the United Nations, an experiment which is the closest thing to an international order, established strict rules for engagement. States were supposed to avoid interfering in other sovereigns' internal affairs, and it has been prohibited since the UN's establishment. Returning to its historical origins, the Treaties of the Peace of Westphalia concluded with several unorthodox results at the time. The first one is the new balance of power structure in Europe. A devastating conflict, the Thirty Years War (1618-1648), resulted in the consolidation of the power of the sovereigns, independent from each other. Individual states respected each other's sovereignty within their territory. The concept of national interest changed the perception at the time. States were no longer in complete support of other actors, even if they shared blood and religion. The common norms and customs did not automatically mean that the actors fell under the same camp. This understanding shifted the perspective on cooperation, opposition and the balance of power in Europe. Internally, the state has sovereignty as the sole actor that portrays legitimacy and power. The treaties influenced the understanding of modern sovereignty. The shift from dynasty politics to realist foreign policy relying on national interest and power maximisation changed the rules of foreign policy-making. Unpredictable and prone to change foreign policies started to emerge.

Axtmann and Grant state that sovereignty and political authority were shared between secular and religious institutions and individuals (Axtmann and Grant, 2000, p. 32). Kings, princes, people in power in dynasties, religious leaders and communities, and landlords and merchants shared the power (Axtmann and Grant, 2000, p. 32). Modern states aimed to reshape this structure by centralising power into the government. Dynasty politics and religious concerns aside, Cardinal Richelieu prioritised national interest (*raison d'état*). Instead of the actions which were expected from him (since he was a cardinal of the catholic church), he prioritised the interests of the state instead of supporting the groups that shared the same religious views. Cardinal's actions paved the

way for the modern statesman. The Westphalian sovereignty remains the main principle of sovereignty in international law. However, interdependence and globalisation caused a major impact on the study of sovereignty. The global market economy, the European Union as a supra-national experiment, and interventions in regional conflicts challenged the Westphalian explanation of sovereignty.

Gareth Evans, former Australian Foreign Minister (1988–96) and a key figure in the development of the Responsibility to Protect norm through his co-chairmanship of the International Commission on Intervention and State Sovereignty in 2001, as well as an influential voice in conflict prevention, disarmament, and international diplomacy, delivered a speech in London, Chatham House, in October 2011. He starts his words by quoting Martin Gilbert, British historian who wrote in *Globe and Mail* (Toronto) on 2007 as follows: ‘the most significant adjustment to national sovereignty in 360 years’. Gareth Evans, while stating the intervention in Libya as one of the most significant events regarding the framework of R2P, also highlights the differences between the doctrine and the practice. Seeing that the Holocaust was not an unrepeatable event with the unending disputes and crimes against humanity in the 90s, it has been realised that such events may occur at any time and anywhere if sufficient circumstances are given, despite the level of development and the location of a state (Evans, Chatham House, 2011). Evans claims that there was absolutely no international consensus on how to respond to such events (Evans, Chatham House, 2011). Also, Anne Orford claims that the R2P represents the most significant normative shift regarding state sovereignty since the establishment of the UN in 1945 (Orford, 2011, p.41). It was an expansion of the responsibilities of the state. Not only the state itself, but the international community also became responsible for stepping up in the human rights crisis to stop the suffering. The normative shift in the paradigm in 2005 aimed to offer a more refined perspective on the situations of mass atrocities, crimes against humanity, ethnic cleansing and genocide. However, there were no implementations as imagined. The Libya case was so close to achieving the goals of the R2P; however, the intervening powers shifted their scope and aimed to change the regime, rather than protecting civilians solely. This is the reason why the intervention in Libya is heavily criticised. The intervention crossed the boundaries of newly defined state sovereignty when the interveners decided to maximise their effort. However, if the

intervention had limited itself to the protection of the civilians in Benghazi and hadn't chosen to change the Gaddafi regime, it could have been the perfect example of the implementation of R2P.

1.2. Humanitarian Intervention

There were major events that led to the shift in the paradigm regarding the concept of humanitarian intervention. The first one was the illegal intervention in Kosovo, the second one was with the introduction of the Responsibility to Protect Report (2001), which was influenced by the events in Bosnia, Kosovo and Rwanda. Another major debate started when the intervention in Libya occurred in 2011. A preventive or an interventionist mechanism was already developing since the 90s. The international society wanted to respond to situations when human rights are at risk. These expectations had several effects. According to Alex Bellamy, there were three of them. These effects were the passing of a critical threshold with the authorisation of a military operation against the Gaddafi government, the development of international responses that not only focused on military intervention but rather included other types of coercions and lastly, the increasing respect to the UN framework, that actually the only will which can authorise such actions (Bellamy, 2015, p.16). The first ever implementation of R2P in Libya was the first effect of the expectations regarding the response mechanism of the international community after witnessing several catastrophic incidents all over the world. It is just like Kosovo. The authenticity of these two cases comes partly from the fact that both of them were partly because of public opinion, and the two interventions had a de-pressurising effect in the short term. After witnessing the mass atrocities caused by the lack of implementation in Bosnia and Rwanda, the intervention took place in Kosovo even without a clearance from the UNSC. In the case of Libya, it was the post-90s trauma that caused the intervention in Libya. However, it should be noted that aggressive US foreign policy in the post-9/11 period, which led to two large-scale invasions in Iraq and Afghanistan and the rivalry between Gaddafi's Libya and the US were among the reasons for the intervention.

Interventionism already existed before the UN establishment and the development of the proper legal framework. States brought people's oppression in other states to justify

armed conflicts starting in the 19th century (Breau, 2016, p.14). Susan Breau states that one of the first examples of military interventions was the intervention of France, Russia and Great Britain to Ottoman Empire for Greek Christians under the Ottoman rule (2016, p.14). However, as Breau states, the academic debate focused on whether these were just wars or took place because of imperial rivalry (Breau, 2016, p.14). French occupation of Syria in 1860 was also another case. (Breau, 2016, p.14). However, it was a colonial dispute and struggle rather than an example of humanitarian intervention. At the end of the First World War, a French mandate over Syria was established under the secret Sykes-Picot Agreement. The League of Nations granted France the right to rule over Syria, but the French faced Syrian nationalist revolts. Imperial powers often used minority politics as a major tool when dividing or controlling Middle Eastern countries (Afandi, 2025, p. 76). The Ottoman Empire ruled the territory for four centuries until 1918. Following two years, the French, British and Arab actors couldn't define what would replace an empire (White, 2017, p. 142). The territory was divided into five parts under British and French colonial rule. Greater Lebanon, the State of Serbia, Jabal al-Druze, Sanjak of Latakia and lastly Sanjak of Alexandretta were the five sub-regions of colonial-ruled Syria (Tekdal Fildiş, 2018, p. 4). One of the reasons behind this was to prevent a unified Arab revolt against the new order. It was planned against a nationalist uprising since the sub-regions were distributed accordingly to sectarian differences, such as the Alawite and Druze states. Although rebellions took place, Syria remained under the control of France until 1946. Cases such as Bangladesh (1971), Uganda (1978) or Cambodia (1978) were seen as self-defence by the intervening states, India, Tanzania and Vietnam, respectively (Breau, 2016, p.15). Having assessed that in the 90s there were a significant number of cases of intervention, the cases where intervention never took place, such as Rwanda and Bosnia, were direct results of a lack of consensus and delay in action of the United Nations, which caused the deaths of masses (Breau, 2016, p.15).

Humanitarian responsibility to intervene remains as one of the most controversial topics of IR studies. Who decides to intervene, and what makes it just? To stop the suffering by acting upon the responsibility for protecting human lives is a concerning issue. If we act only upon humanitarian concerns, why do we allow the permanent five to be our moral compass? The authority of the UNSC with regard to Article 2.4 of the UN

Charter is undermined. If only the UNSC and five of them being permanent, fifteen members hold the power to act on crimes against humanity, the faith of the suffered relies on their judgement. The philosophical base of the humanitarian action may not be problematic, but practically, it is twisted. It is the clash of normative thinking and interpretive social sciences.

A study conducted by Gerhards, Antoine and Ollroge states that 54.7% of the citizens in the 26 countries that have been studied support the idea of military intervention in humanitarian concerns (Gerhards et al., 2024, p. 164). The study also demonstrates that the two lowest rates of approval belong to Russia and Tunisia, at 26.9% and 15.8%, respectively. They explain the lower rates through Russia's being sceptical about delivering such power to an international organisation in a western dominated international system (Gerhards et al., 2024, p. 164). At the same time, the reason for Tunisia is that Tunisia was further destabilised after the 2011 transition. Therefore, Tunisians would rather be on their own than face 'come and rescue' operations by Westerners. Gerhards, Antoine and Ollroge claim that the reason for disapproval is not because of lesser humanitarian concerns but rather because they are sceptical about the intention of a military force authorised by the UNSC (Gerhards et al., 2024, p. 166). Smith, on the other hand, focuses on the post-Cold War era and its implications on the legal and moral framework of the intervention (Smith, 2009). While the USSR was absent, the US still couldn't dominate completely. The system was Western-dominated but interconnected, and it needed a legal framework and norms in cases of crisis. In 2001, the International Commission on Intervention and State Sovereignty (ICISS) promoted the Responsibility to Protect (R2P) norm (Gözen Ercan, 2014, p. 36). It was adopted as a political discourse by the UN under the humanitarian intervention concept. Nardin explicitly highlights the tension between two grounds for discussing the intervention; the first is the UN Charter, in which the territorial integrity and sovereignty of the states were highly securitised, and the second is the common morality and natural law tradition in which humanitarian actions were seen as just and further mandatory in cases of emergency. He further assesses the problem of reconciliation between the two. When to decide and who decides on what authority is controversial. Nardin highlights three situations to justify the intervention (Nardin, 2009, p. 98). First is the supreme emergency,

as Walzer states, legal and moral boundaries might be stretched because of the threat to human dignity. However, this is a highly controversial claim. When mass atrocities began to occur, the international community became responsible for stopping suffering. But a supreme emergency carries this to a further step by claiming that in such cases, non-combatants may also become targets. Second, these interventions must be approved by the relevant international authority; in this case, it is the UNSC. Lastly, the interventions must respect international and domestic law (which is technically impossible) while conducting themselves in an ethical and moral way.

1.3. Critiques on Walzer and the Just War Tradition

Michael Walzer contributed greatly to this framework with *Just and Unjust Wars*, claiming that some interventions are considered morally just and even necessary. Walzer's perspective might be used in cases where interventions took place even though there was no ethical ground for intervention (US-Iraq) and in cases where interventions did take place but remained insufficient even though there was a necessary ethical ground (Rwanda). According to Walzer, some of the legitimised interventions are India-Bangladesh, Vietnam-Cambodia and Tanzania-Uganda. The Indian intervention was a legitimate humanitarian intervention because its sole purpose was not to gain a geopolitical advantage; it stopped the suffering of people. The aim was clear. Intervening power (India) left the territory immediately after the intervention. In Vietnam, the issue might have been the border security, but human lives were saved by removing a genocidal regime. In Tanzania, both Tanzanian security and humanitarian intervention were the case. However, in Libya, neither the aim was clear nor the outcome. The main goal shifted throughout the discourse. The goal became a regime change, rather than an intervention in which the sole purpose was to protect human lives.

Walzer claims that, when the concept of Supreme Emergency arises, moral boundaries can be stretched because of the threat to everything. But whose 'everything'? According to whom can they be stretched? Who has the moral superiority to stretch them? Most of the critiques towards the supreme emergency concept are because of Walzer's justification of British bombardment of non-combatant Germans during the Second World War (Parsons and Wilson, 2020, p. 10). Its institutionalisation is a highly controversial and

dangerous topic (Waldron, 2020, p.179). It is also worth mentioning that the installation plan for Soviet missiles in Cuba was also a threat to ‘everything’ according to President Kennedy. However, it was not the capacity of destruction that threatened them, but the idea of a Soviet missile in the backyard of the US (Bilgin, 2010, p. 87). What if President Kennedy decided to bomb Cuba despite the civilian population? Therefore, threat perception might misapply Walzer’s concept of supreme emergency and make it a dangerous doctrine. Walzer also argues that he wishes the concept of supreme emergency would never be invoked again (Walzer, 2020, p. 266). Nonetheless, he also highlights it would be invoked in cases such as possession of weapons of mass destruction of violent non-state actors (Walzer, 2020, p. 266). Walzer’s analysis takes combatants as just individuals who act morally. However, this is a biased and even orientalist perspective considering the atrocities caused by imperial powers. Having assessed that, Rwanda is therefore a shared responsibility of all non-interveners. Because the council couldn’t act as it was needed from them, and the lack of engagement of the council led to one of the deadliest violence campaigns in contemporary history. On the other hand, the US intervention in Iraq had no legitimacy. It had no moral grounds. The military intervention aimed to overthrow the regime and gain geopolitical interests under the pretext of weapons of mass destruction, which were never found. To sum up, according to Walzer, in some cases interventions are morally legitimate, and sometimes it is a common responsibility to intervene. Intervention must intend to stop mass atrocities such as genocide and ethnic cleansing. The legitimacy of a call for intervention from those allegedly affected remains debatable, given the unilateral nature of such decisions to intervene. The Crimean people's consent to Russian intervention in 2014 is one example. Russian rhetoric and claims attempt to invoke the principles of self-defence, humanitarian intervention, and self-determination. The legitimacy of humanitarian interventions, along with the decision-making processes behind them, is increasingly being questioned. Particularly in cases involving mass atrocities such as genocide and ethnic cleansing. The Russian invasion of Ukraine exemplifies the complexity and inconsistency in the application of these principles.

Walzer states that terrorism is mostly described as revolutionary violence. I disagree; it is an act of violence to gain political advantages. Walzer’s explanation is true

but lacking. Legitimate actors who are in power can also terrorise the masses, as we have seen in cases presented in this thesis. Terrorism is the random killing of innocent people, and it emerged as a revolutionary struggle after the Second World War, according to Walzer (Walzer, 2015, p. 198).

Walzer raises a question of military justice at the beginning of his book through an assumption. He claims that the military of the state, which is well organised, disciplined and armed, is morally superior to the insurgent armies because they are less organised, without control of a legitimate authority and less accountable. Is Michael Walzer's analysis of asymmetric warfare only based on the Hamas-Israeli conflict? The insurgency forces might be less organised and might lack accountability. However, this certainly does not mean the army of the state is always moral and has a sense of justice. A counterstatement might be easily prepared against Walzer's argument by consulting the very same example of the Hamas-Israeli conflict. It is a fact that Hamas is hiding in the city and underneath the city of Gaza. But as Walzer claims, "The insurgents have to be able to hide from the army's overwhelming firepower, so they can't wear uniforms. They can't fight along a "front"; they have to be able to strike anytime, anywhere, so they can't always distinguish combatants from civilians.". If this is a fact that has been acknowledged, is it just to hit civilian targets under counter-insurgency measures? Michael Walzer states that in his article on *The New Republic*, it is 'radically' unclear what the endgame was in the Libya intervention (Walzer, 2011). Can't we apply the same question to the war in Gaza? What is the endgame of the Israeli invasion? Most of the far-right members of the Israeli government claim that the endgame is the total cleansing of Gaza from terrorists. It is unsettling to think about who the Israeli government think are the terrorists. The counter-operations that began after the October 7th considered just according to Michael Walzer (Walzer, *Fathom Journal*, 2024). It might be a just war if it was an isolated incident. However, we cannot justify the war in Gaza by neglecting the historical conflict between the Palestinians and Israelis. The October 7th attack was not a segregated one. The pathological problem in the language is the consideration of Hamas attacks as if they were the aggressors against the Israeli civilians. They definitely are, considering Hamas targets not only military assets but also conducts terrorist activities targeting civilians. However, the Israel-Palestine conflict dates back to the establishment

of the state of Israel. The Just War Tradition evaluates the morality of war and examines the principles of conducting it. The behaviour of the conductors and the act of war are criticised under this ethical approach. According to Dinçer, this approach stands between realism and pacifism (Dinçer, 2018, p. 110). While morality has no place in a realist approach, pacifism altogether denies the justification of war. However, the Just War Tradition claims that there is a possibility of conducting an ethical war. Certain principles and moral constructions may limit the act of war to an ethical form. What it means is there are certain norms to review to decide whether a war is just or not, such as ‘jus ad bellum’, ‘jus in bello’ and ‘jus post bellum’ (simply means the justice after war). ‘Jus ad bellum’ refers to the conditions under which states may decide to conduct a just war or use military force (International Committee of the Red Cross). ‘Jus in bello’ simply means the ‘law of war’. It can be traced back to the Code of Hammurabi, who was a Babylonian King around 1750 BC. The emphasis on proportionality of the Code of Hammurabi is well known. In the 7th century, the group of rules that continued to develop, with the support of the Muslim caliphs and Christian churches, gave way to an understanding accepted in modern law and the theories of international law. Aboul-Enein and Sherifa claim that Abu-Bakr, the first caliph, established some rules of engagement while conducting a war, including forbidding taking the lives of children, women and aged men (Aboul-Enein, 2004, p. 22). In Protestant Christianity, the idea of Martin Luther was to stand against the Catholic hierarchy’s involvement in war, but he supported the secular rulers’ reason for just wars (223). However, the primary goal had to be the protection of the innocent. Furthermore, the non-Western texts also contributed to the general understanding of the rules of war. Although Japan's indigenous religion, Shinto, does not have a proper code of warfare, it can be inferred that war and violence are applied in national matters where war and violence are just and necessary. In Buddhist tradition, according to Kisala: “Although specifically Christian ideas on war and peace were introduced only in the nineteenth century, we can identify elements within the Buddhist tradition that correspond to pacifist and just war ideas as developed in the Christian West.” (Kisala, 2009, p. 90). In contrast to the moral approaches to the rules of war, Kautilya (or Chanakya), who is an ancient Indian philosopher, author of Arthashastra, and a royal adviser to Chandragupta Maurya, later the first Mauryan emperor, claims that the end justifies the means (Roy, 2009, p. 36).

Kautilya justifies the use of women, wine, poison and espionage to achieve victory (Roy, 2009, p. 36).

In this framework, the tradition of just war has both historical and theological origins. While these ideas and studies from ancient and medieval times contributed to the development of the Just War Tradition, the contributions of Hugo Grotius, who is considered one of the founders of modern law, cannot be ignored. In *De Jure Belli Ac Pacis* (On the Law of War and Peace), Grotius conducted the first systematic treatise on international law. While he wasn't trying to advocate war, Grotius accepted the fact that war is natural. Only wrongdoings may be punished according to Grotius. Despite the pro-war approaches which avoid opposing military aggression and brutality, Grotius accepts war as a defensive act and claims that there are only three causes of war (Türkey Kahraman, 2019, p. 941). The first cause is defence, the second is wrongful loss of property, and lastly, the third is punishment against injustice (Türkey Kahraman, 2019, p. 941). As it was mentioned, war was a possible continuation of a dispute between powers according to Grotius. What makes Grotius different is that he thought it could be systematised and codified within moral principles.

Proportionality is a norm in modern just war studies. Retaliation of any kind that carries the intention of revenge or annexation is prohibited. States should respond proportionately. Stephen C. Neff demonstrates the importance of the Just War Tradition in the chapter "Just Wars Reborn (1919-)" in his book as;

"It dramatically demonstrated the power of advanced technology to wreak death and destruction on a scale never seen before. Our concern, however, is with the impact that it had on legal ways of thinking about war. This may be summed up most briefly in the phrase that surfaced at the time: that this conflict must be made into something unique in history, 'a war to end all wars'. At the conclusion of the hostilities, an effort was duly made to devise a new international order in which war would be absent – or at least much rarer than it had been with the rule of law prevailing in its stead" (Neff, 2005, p. 279).

Therefore, this historical accumulation of the 'just way of war' has, in fact, aimed to limit wars within a set of rules, within a moral framework, rather than aiming to eliminate them completely. The tradition has certain flaws, especially in the supreme emergency framework. Because the supreme emergency might be used as a powerful tool for intervention if it becomes a doctrine in the international system. Also, it justifies the

killing of innocents under extraordinary circumstances. It is dangerous because who would decide if it is an emergency, who would decide if it is supreme, and what is extraordinary for the decision-makers? In Kosovo, the supreme emergency idea was never actually invoked. However, the ‘necessity’ of intervention was put forward, even though the authorisation from the UNSC was absent. On the other hand, Iraq was also another case where the concept of supreme emergency was not actually invoked, but it was applicable. It was an example of misuse of the concept because the rhetoric of the Bush administration was claiming that it was a moral necessity to intervene since there were weapons of mass destruction in Iraq. This analysis does not necessarily mean that the Just War Tradition is malevolent. Nonetheless, it is open to manipulation and misuse with or without awareness. Walzer’s study on the morality of war is still valuable if we consider that conflicts will always happen.

1.4. Critical Constructivist Views on Interventionism of the UNSC

Permanent five members’ right to veto holds a significant ground as a paralysing factor in the decision-making process of passing a resolution in the UNSC. The structure of the veto system allows five members to prevent actions that are not aligned with their political interests. The institutional paralysis often occurs when the P5 is not in consensus. When the UNSC blocks itself, few results can be expected. Those results are either to stand and witness humanitarian crises and atrocities or an intervention without clearance from the council. Such cases display the lack of implementation of the existing regulations or the direct violation of Article 2(1) of the UN Charter, respectively, according to the outcomes as mentioned earlier.

International interventionism means the usage of force through economy, politics and military towards the violator in case of a humanitarian crisis, threats against humanity and violations. The legitimacy, approval and scale of the measures taken are disputed. While mainstream IR theory approaches such as realism and liberal institutionalism discuss the efficiency and legality of the interventions, critical IR theory approaches often question their epistemology and ontology. Questions of ‘who decides to intervene? Who defines the intervention? Which power dynamics and ideologies allow intervention?’

Critical constructivism allows us to conceptualise the intervention dynamics, decision-making processes and entirety of the subject.

Critical constructivism examines how meanings are constructed, how they influence institutions and how they shape them. Who benefits from certain institutions and norms? Through the inter-subjective reproduction of reality, who gains more? The role of power dynamics in these processes is important for the critical constructivist perspective. This is the major difference between conventional constructivists and critical constructivists. Because conventional constructivists overlook power asymmetries. Rather than only focusing on the norm of humanitarian intervention itself, critical constructivists question the establishment of the norm based on whose making and for whom. The power is not the ability of economic or military intervention, but it legitimises it. P5 constructs reality by making it seem necessary or unnecessary. Intervention in Kosovo was, therefore, morally just but illegal. Raising arguments comparing the atrocities with the Second World War, NATO intervention became morally just. The “Illegal but legitimate” phrase is a showcase for how legitimacy is socially constructed. The issue is whether the powerful may construct judgements or not. Even while the US is facing the largest protest since the Vietnam War (Segal, 2025, p. 188), they are still trying to convince the world that they are fighting against evil and wickedness with Israel. By raising self-defence principles, the United States is helping Israel to wage war against civilians in Gaza. The responses of the Israeli Government to the terrorist attacks by Hamas were neither proportionate nor just. Israeli MP Michal Waldiger delivered a speech at the Knesset on the 13th of May 2025 that the IDF is the ‘purest good’ and they have to kill the children too if Hamas uses them as human shields. Over 17000 children have been killed in Gaza since October 7 (Alais and Kouachi, 2025).

Legitimacy is a major concern from a critical constructivist perspective. Legitimising something or opposing something legitimate is highly influenced by social constructs. Suchman argues that “legitimacy is a generalised perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs and definitions.”(Suchman, 1995, p. 574). A UNSC resolution can violate the sovereignty of a member state. Moreover, it can do it in

a legitimate way through a resolution. However, it can do so selectively and with double standards.

Öniş claims that the war in Ukraine may be the beginning of a new post-Western world order, with territorial conquests considered normal, allowing further military confrontations (Öniş, 2023). The reason is that there are no legitimate authorities to stop the Russian invasion since Russia itself holds the power to veto. International society either has to act illegally without lawful clearance by the UNSC, or has to watch it silently. This means the P5 can act accordingly to their own will. Despite the social constructions on the lawfulness of the intervention topic, critical constructivists also criticise the humanitarian intervention norm. They claim that human rights concerns might be disguised for the justification of intervention. Chandler implies that the emerging international norms of the early 2000s, such as R2P, try to protect human rights against the failing state-based norms, which are strictly empowered by the UN Charter (Chandler, 2004, p. 59). Acknowledging this shift, new norms may pave the way to further violations since they allow great powers to intervene without authorisation. Chandler also claims that there is no point in dismantling the UN Charter restrictions if we can not be assured that the major powers will always act with moral responsibility (Chandler, 2010, p. 76). The shift in normative approach to the crisis might also be the display of international organisations' not being neutral, but reflecting power relations while serving the powerful ones. The idea of humanitarian intervention legitimises the use of force even if it is prohibited under international law. However, in a much deeper analysis, the target state also continuously becomes affected after the intervention through emerging discourses such as liberal democracy and market economy (Akrivoulis, 2016, p. 259). To sum up, those who promote norms do not encourage norms that won't serve their interests.

In cases of intervention, the scale is also a point of discussion. Tardy assesses the lack of robust actions in Rwanda and Srebrenica by the UN peacekeepers (Tardy, 2011, p. 152). He further analyses the problematic nature of operations and the doctrine itself (Tardy, 2011, p. 153). The force mobilised excessive force in Somalia, and while refusing military confrontation in Srebrenica (also Rwanda), causing the loss of thousands of lives (Tardy, 2011, p. 154).

The arena and actors in the international system exist in a social construct. P5 of the UNSC holding the right to veto, critical constructivists claim that it is an institutionalism of disproportionate display of power since the start of the Cold War. Since interventions without the approval of the P5 aren't possible, intervention remains a possible tool for the P5. NATO, not being an international body but a major international actor in the arena, took action without the support of the UN. Critical constructivism studies how NATO justifies its actions by raising moral norms. Putting forward shared values and moral responsibilities, NATO sort of self-legitimises itself and seeks international recognition of its actions after the actions were taken. Resolution 1244 of the council decided on the deployment in Kosovo. However, it was after the NATO intervention, and it was a showcase that NATO was used as a hegemonic tool, overriding international rules and intervening unilaterally. As Gholiagha argues, phrases such as 'preventing future Kosovos and Rwandas' are used to strengthen the norm of responsibility to protect (Gholiagha, 2015, p. 1075). Orientalist and ethnocentric narratives in intervention discussions could be irritating for the Global South. Xypolia highlights the fact that in an interview in 2016, Barack Obama stated that the Libya intervention was the worst mistake of his presidency, yet still further claimed that it was necessary and the right thing to do (Xypolia, 2022, p.1). To study the topic of intervention, it is crucial to analyse the reason, aim, scope, and aftermath of it. Critical constructivism allows us to question the underlying reasons and justness of interventions. A humanitarian intervention solely based on humanitarian concerns is unlikely to happen. States support or oppose a draft on intervention to make a stance for their own interests. To summarise, critical constructivism claims that justification of the intervention and the norms themselves are embedded through discourse. Whether it is just or unjust, states try to justify their actions through the social construct. However, it is essential to analyse this behaviour in light of the historical accumulation and evolution of the social construct.

Unlike traditional constructivism, which primarily focuses on the role of norms and ideas in shaping state behaviour, critical constructivism goes a step further by explicitly questioning the power dynamics embedded within those norms and the language used to articulate them. It scrutinises whose ideas gain traction, whose voices are silenced, and how certain interventions are legitimised while others are ignored. At its core, critical

constructivism deconstructs the seemingly universal and altruistic claims made about humanitarian intervention. It views the "humanitarian" label not as a simple reflection of reality, but as a socially and politically constructed concept used to legitimise the use of force. This perspective draws attention to the discourse surrounding intervention, analysing the specific language employed by states and international organisations. For example, the "Responsibility to Protect" (R2P) is not seen as an objective, a-political norm, but as a framework that emerged from a specific historical and political context. Critical constructivists would ask: Who has the authority to declare a state in violation of R2P? Whose suffering is deemed worthy of intervention, and whose is not? Furthermore, critical constructivism highlights how the identities of states are shaped through their engagement with humanitarian intervention. Intervening states, particularly Western powers, often reinforce their identity as 'civilised,' 'responsible,' and 'benevolent' actors through such actions. The act of intervention becomes a performance that solidifies this self-perception and, by extension, constructs the target state's identity as 'failed,' 'brutal,' or 'in need of saving.' This dynamic is not just about material power, but about the symbolic power of defining what is considered moral, just, and legitimate in international affairs. Ultimately, a critical constructivist analysis of humanitarian intervention reveals the inherent complexities and potential contradictions of the practice. It argues that even interventions with genuinely humanitarian motivations can inadvertently serve to entrench existing power hierarchies, reinforce a neo-colonial relationship between the Global North and South, and prioritise the security interests and self-identity of the interveners. By moving beyond a simple moral debate, critical constructivism encourages a deeper examination of the social forces, discursive practices, and power structures that shape the decision to intervene, providing a more nuanced and often sceptical understanding of what is presented as a purely altruistic act.

Intervention as in the word's meaning itself, means to interfere with other states' or actors' internal affairs. It might be through economic and political sanctions, it might be through military intervention. The intervention meant in this thesis mostly means the intervention defined by the R2P initiative, which was accepted in 2005. The humanitarian crisis in the post-Cold War era, in the 90's, caused a normative shift in the paradigm with R2P. R2P can be seen as an effort to institutionalise humanitarian intervention under a

more sophisticated approach. The emergence of the Responsibility to Protect brought two normative shifts to the paradigm. First, as the evolution of state sovereignty, and second, as the shift from right to responsibility to interfere. The critical constructivist perspective brings a point of view into the normative versus practice debate. In normative thinking, the principle of R2P not only allows but encourages states to act in cases of mass atrocities, war crimes, genocide and ethnic cleansing situations. However, in practice, it went beyond the protection of civilians in the Libya case, which will be analysed in detail in the last section. Critical constructivism allows us to question the true meaning of R2P. It is supposed to be a shift from 'right to intervene' to 'responsibility to protect'. On the contrary, it might be used as an institutionalised version of humanitarian intervention, which claims the right to intervene. Gholiagha claims the critical constructivism point of view tries to make a differentiation between language and practice (Gholiagha, 2015, p.1079). This is why the question of an intervention being just or unjust is more complex than it seems. Critical constructivist reading of the R2P literature may help to understand the roles of legal and political norms as well as policies, ideas and concepts in R2P studies (Gholiagha, 2015, p.1079).

According to Altay, "Critical theory, diverging from problem-solving paradigms, aims to dissect the essence and dynamics of "historical change," challenging the mainstream International Relations (IR) focus on "institutional stability"." (Altay, 2024, p. 101). At the core of the social construct, interpretation relies. If we approach the state, international system, inter-state relations, international institutions and the roles given to them, our interpretation makes them what they are. Altay, further claims that Robert Cox's analysis, on top of the neo-Gramscian perspective, provides a critical and historical materialist point of view on international relations (Altay, 2024). Material reality exists independently from our perception. However, our interpretation adds credibility to it. This means that the intersubjectively recognised authority of international institutions causes norms to form or validate them. Therefore, interventions may happen in completely different settings, as in Kosovo and Libya, one of them considered just and illegal, and the other one considered as unjust but legal.

Critical constructivism is significant because it provides a perspective on deeper questions regarding humanitarian intervention. What makes something humanitarian?

Why is it a moral obligation to act? Or how is it justified? Which structures win in cases of humanitarian interventions? How are the power dynamics related? These two thoughts make us ask relevant questions about the nature of humanitarian intervention. From this perspective, every case is unique. Every case has several, various parameters. However, what might be the cumulative conclusion of humanitarian intervention norms? R2P norm may serve as a tool to penetrate existing state sovereignty rules by powerful states. It may be the reproduction of the imperial agenda.



CHAPTER 2: International Law and Intervention

2.1. UN, Sovereignty and the Legal Framework

Sovereignty is not as open to debate according to the UN as in the academic field of international relations. The founding principle of the sovereign was defined under the Montevideo Convention. All members are equally treated, use of force and acts of aggression against members are strictly prohibited. The UNSC, as the sole entity that can authorise an intervention, is responsible for passing a resolution in order to stop unlawful actions taken by states. The unequal power dynamics between states sometimes influence the behaviour of international organisations, such as the UN and, as one of its principal organs, the UNSC. There have been lots of cases of military conflicts, civil wars, and hostilities since the UN was established. Korean War, Suez Crisis, Vietnam and the Arab-Israeli Wars are examples of the past. The UNSC sort of managed to stabilise the conflict and prevented further atrocities in Korea. It was the first and only multinational UN deployment in a major war. It occurred since the USSR was boycotting the UNSC. But, in the Suez Crisis, the UN could only be involved in the peacekeeping and mediation process. In the Vietnam War, however, the UN was incapable of interfering in the conflict between the two superpowers. Communist northern Vietnamese and US-backed Southern Vietnamese clashed for twenty years. Lastly, the UNSC's role in the Arab-Israeli wars is not independent from the United States. The Israeli government continuously violate the resolutions which were accepted in the past. However, rather than a lack of solidarity, the US's misuse of its veto power is the main challenge. Therefore, apart from the disputes mentioned, territorial disputes such as Northern Cyprus, South Ossetia, Crimea, Donetsk & Luhansk Oblasts are sensitive and complex issues to handle. The Russian annexation of Ukrainian territories hasn't met with an adequate response from the West yet. The legal basis of an intervention is still not enough to revoke the principle of intervention to prevent human suffering. Russia, as a member of the P5, prevents the UNSC from taking action against itself. The UNSC does not always act as it should, despite the fact that its will is what can validate intervention.

Intervention, an act of use of force against a sovereign member of the international system, is a topic that is still under discussion and criticism. Under international law, when

a member or a number of members decide to intervene in another member without their consent, international intervention has to aim to prevent atrocities. The United Nations have a pivotal role in the decision-making of the intervention process. As a sole actor that can pass a resolution to its members, the UN Security Council may or may not decide to intervene. The central role of the United Nations after 1945 as a keeper of the peace and security in the international system allows the UNSC to act upon it. Article 2(1) of UN Charter states that “The Organization is based on the principle of the sovereign equality of all its Members”. According to this principle, all members are equal under international law regardless of their differences. Secondly, the Article 2(4) states that “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”, therefore, intervening to another member’s domestic affairs is strictly prohibited. The UN prohibits the use of force, and legally, it is not impossible to intervene. Only three exceptions for intervention are first, when the authority was given by the UNSC, second, under self-defence and lastly, when the host state gave consent to the intervention.

Still open to discussion, the concept of sovereignty differs from one interpretation to another. Therefore, we need to look at how the UN charter states what sovereignty is and how it applies to real-life examples. The definition of sovereignty is dynamic rather than static. It can be understood from the UN charter that territorial jurisdiction, legal and political independence bring sovereignty. However, according to Kyris, trying to understand sovereignty as an element which is binary, something you have or no, is a mistake since it is a dynamic and not an absolute concept (Kyris, 2022, p. 288). He also adds as follows:

“while approaches to sovereignty as not absolute tend to focus on variations of sovereignty across different units (e.g. how some states are seen as more sovereign than others in the context of hierarchical relationships) or the sharing of sovereignty between different actors (e.g. between state governments and external actors, such as a UN transitional administration), rather than degrees of sovereignty in the same unit as partial sovereignty, which seems to be the case with Kosovo, Palestine or the SADR.” (Kyris, 2022, p. 288).

Therefore, a state-centric approach and static definition of sovereignty are not capable of understanding sovereignty and studying it. Because it is a flexible concept that

sometimes have multiple stakeholders rather than a sole actor. International relations should be read under this analysis. Because sovereigns are not treated equally. The United States didn't face any consequences after its invasion of Iraq. On the other hand, the Iraq invasion of Kuwait was dealt with completely differently. The Russian invasion of Ukraine sparked outrage. However, since the Russian Federation is a member of the P5, it blocks harsher measures from being taken. Thus, the power asymmetry is not independent of the amount of 'sovereignty' that states have.

When evaluating threats to peace or acts of aggression, Chapter VII of the UN Charter serves as the primary legal framework for determining the appropriate response by the international community. Chapter VII provides a legal framework for the UNSC to take binding actions. UNSC may decide to take non-military measures like economic and political sanctions, or may authorise the use of force against the threat to international peace. However, since it is a delicate bureaucratic process in which the P5 influence it directly, the needed resolution may not be delivered on time or may not be delivered at all. In 1998, Resolution 1160 demanded a ceasefire between Kosovo Albanians and the Federal Republic of Yugoslavia (FRY). The resolution imposed an arms embargo on both the FRY and Kosovo. It was adopted under Chapter VII with 14 in favour and 1 abstention (of China). Approximately six months later, on September 23, the UNSC Resolution 1199 was adopted with 14 in favour and 1 absent (of China). Although the arms embargo implemented by the UNSC was insufficient to address the catastrophe that took place within a year. If non-military measures are insufficient to provide a solution to maintain or restore international peace and security, the UNSC may authorise a military intervention by air, sea, or land. In the case of Kosovo, the UNSC was insufficient to pass a resolution to intervene. Both Russia and China were opposing a military intervention; Russia was insisting that it was a violation of the sovereignty of Serbia. One of the reasons for the Russian objection is the possible NATO expansion towards Eastern Europe. And the other one, a more applicable one, is that Russia itself has autonomous regions such as Tatarstan and Chechnya. Supporting Kosovo's independence from Serbia would complicate the already complicated situations in Chechnya and Tatarstan. Thus, the UNSC couldn't authorise an intervention; NATO unilaterally intervened by violating international law. The UNSC authorised a peacekeeping force only after NATO

intervention. The illegal action of NATO was legitimised by the international community. And then, the ‘illegal but legitimate’ rhetoric was born.

2.2. Responsibility to Protect: The Paradigm Shift

After witnessing two world wars that devastated Europe, the United Nations was established under the primary objective of maintaining international peace. The great war, claimed to be the war that would end all wars, was the first of two world wars that devastated Europe over a 40-year period, but it was only the beginning of the horrific events that took place in the 20th century. Oral Sander states that the fundamental nature of the relationship between the white man, master of the universe, and the colourful man, deemed worthy of exploitation and lacking in talent, only changed in the 20th century (Sander, 2024, p.28). With all these events, it is certain to acknowledge the 20th century as the century of transformation (Sander, 2024, p.28). In the 2005 UN Summit, the international community acknowledged that it has a primary responsibility to protect its own people from atrocities. They also acknowledged that the international community, as a whole, has a responsibility to assist and encourage states to fulfil their primary protection responsibilities. Responsibility to Protect, introduced as a global response against mass atrocities and human suffering in the 2005 UN summit. Especially after the catastrophic events in Rwanda and Bosnia. Gareth Evans, distinguishes responsibility to protect from humanitarian intervention as a much more nuanced and multi-dimensional approach. Not the right but to responsibility to intervene is at the core (Evans, Chatham House, 2011). The paradigm shifted. Humanitarian intervention became the Responsibility to Protect, and the right to intervene became the responsibility to intervene.

Gareth Evans highlights five major misunderstandings about the responsibility to protect. The first claim thinks that the R2P is just a different name for humanitarian intervention, which is an unpopular doctrine (Evans, 2008, p.56). While humanitarian intervention means the military intervention for humanitarian purposes, the responsibility to protect contains preventive action (Evans, 2008, p.56). He claims that it is the single most important aspect of the R2P principle (Evans, 2008, p.40). It might be because it tries to include non-military solutions as well. A cumulative response was attempted, including diplomatic and humanitarian pressure as well as legal and economic sanctions, in response

to the human rights crisis. This was the point of departure from the humanitarian intervention doctrine, a shift from right to responsibility. The second misunderstanding, according to Gareth Evans, is that the R2P always means the use of coercive military force. As in the first instance, R2P referred not only to military measures, but also to the entire process leading to military measures, to preventing atrocities and to preventing atrocities without resorting to military measures. The third misunderstanding, according to Evans, is that the R2P works only for the strong and populous (Evans, 2008, p.61). Which means countries that have more friends and the countries that are strong, or the countries that have strong allies, are either prone to R2P measures or can initiate R2P measures. Evans claims that the goal is to make the R2P norm universally applicable without accepting differences (Evans, 2008, p.64). However, in fact, it means ignoring the realities. If we consider the privileges of the permanent five members, how can we think of the creation of a universally applicable norm? Therefore, unfortunately, the justice expected from the international community, particularly from the UN Security Council, which has the authority to take action, falls short of expectations. It might be applicable in an ideal form of international governance, or in a setting where international security is separated from politics. Gareth Evans assesses that the fourth misunderstanding of the R2P is about its width. Which means that not every human protection issue fell under R2P (Evans, 2008, p.68). It is not a blueprint to solve all the problems of the international system. However, it was supposed to be focused and nuanced as Evans put in his speech at Chatham House in 2011. The focus was on mass atrocities such as genocide, ethnic cleansing, crimes against humanity and war crimes in cases of occurrence (Evans, 2008, p.11). The fifth and last misunderstanding, according to Evans, is the consideration of Iraq as an example of R2P in 2003 (Evans, 2008, p.69).

Passing a resolution for intervention is an institutionally structured, delicate process. Organised under Chapter VII, resolutions are legally binding and may authorise peacekeeping operations and economic sanctions as well as military actions. First, a draft resolution is submitted by a member or member states. The draft includes the threats or conflicts and the expected measures to be taken. After the consultations and informal discussions, especially with the P5 since they hold the power to veto, the draft is formally discussed. It must have at least nine votes, including the P5, to be passed. If they fail to

pass, resubmitting it or finding alternative solutions might occur, such as invoking humanitarian responsibility through regional powers, or NATO, as in the Kosovo case. Becoming legally binding under international law, resolutions violate the sovereignty principle in theory.

Global Centre for the Responsibility to Protect defines R2P as “The Responsibility to Protect – known as R2P – is an international norm that seeks to ensure that the international community never again fails to halt the mass atrocity crimes of genocide, war crimes, ethnic cleansing and crimes against humanity.” (Global Centre for the Responsibility to Protect). Each state is responsible for protecting its population against the atrocities. The crimes were defined several times in the previous international agreements and conventions. The 1949 Geneva Convention and its additional protocols in 1977, as well as the 1998 Rome Statute, were designed to prevent crimes against humanity, mass atrocities in both peacetime and wartime. The R2P norm was adopted at the UN World Summit in 2005. Failure to respond to the crisis in Rwanda and Yugoslavia led to the unanimous adoption. Following the death of Yugoslav President Josip Broz Tito, consisting of today’s Slovenia, Croatia, Montenegro, Bosnia and Herzegovina, Macedonia and Serbia (including the autonomous region of Kosovo, which will be dealt with in the following chapter), Yugoslavia witnessed war crimes, ethnic cleansing and genocide and a massive humanitarian crisis in the 90s. The UNSC efforts fell short in addressing the crisis. Considering the fact that the whole establishment of the UN was to prevent such atrocities and another major world war like the Second World War, it couldn’t fulfil its responsibilities. In 1994, Rwanda was devastated by massive atrocities, and approximately one million people lost their lives in just about 100 days. The ethnic division, which was not relevant for the Rwandan society prior to the colonial-rule of Belgium, was the main cause of the crisis (Chaulagain, 2011, p. 3). The US and the United Kingdom opposed the robust control of the UN mandate over the territory, even though the commanding officer, General Romeo Dallaire, suggested otherwise. On the other hand, the US officials were avoiding even the use of the term ‘genocide’ (Power, 2002, p. 362). Building upon the failures from the Rwanda and the Yugoslavia crisis, the R2P norm redefined state sovereignty as an institution that is responsible for protecting its citizens

from suffering. The absolutist, non-interventionist sovereignty idea shifted. Also, statehood ceased to exist as an institution that must be protected at any cost.

The UNSC, as the primary institution that holds the power to eliminate threats to international peace and stability, has questionable functionality. Five permanent members of the UNSC (Russia, China, France, the UK and the US) often damage the institution's credibility. The decision-making process of the council almost always aligns with the interests of the permanent five members. Historical examples and the cases in this study show that the privileged five members of the council choose their political gains over taking action against mass atrocities. These preferences cause accusations of double standards and sometimes duplicitous implementations. But why does it not work? It can be explained under a few approaches. Intentionally, R2P is a nuanced doctrine to respond to human rights crises. It is nuanced because it is not the right to intervene, but it is a responsibility to protect. This conceptual shift has enabled norms to be used as a guiding force. The problem is, as Evans argues, the lack of international consensus (Evans, 2008, p.35). The permanent members, China and Russia, and the mostly the global south, were not comfortable with the 'right' to intervene. Therefore, the 'responsibility' to protect was a much more comprehensive term. Ramesh Thakur states that;

“There is general agreement that a normative shift has taken place from non-intervention, the dominant global norm in 1990 that shielded sovereign states from external intervention, to the responsibility to protect that seeks to qualify the norm of non-intervention in significant respects, albeit under narrow circumstances and tight procedural safeguards.” (Thakur, 2017, p.303).

On the other hand, he also argues that, its normative status is not aligned with the implementation (Thakur, 2017, p.303). It is mostly because of the lack of consensus. The scepticism towards the implementation is because of the distrust of the intentions of an intervention and the possible dangers that it might pose (Evans, 2008, p.55). Evans, in his speech delivered in Chatham House in 2011, claims that R2P is more nuanced than humanitarian intervention through being multi-dimensional. Humanitarian intervention is one-dimensional, which is military intervention. However, R2P has several different dimensions. It involves prevention, support, persuasion and lastly coercion (Evans, 2011).

It was adopted unanimously in the 2005 UN Summit by all the states. It has three dimensions according to Gareth Evans. Firstly, the responsibility to protect meant, all

states were responsible for protecting their own citizens. Secondly, all the states were responsible for assisting the states in need in protecting their own citizens. Lastly, the responsibility to engage when a prevention or stopping fails. A wider responsibility, the third dimension is the one we criticise the most. Because of so many different layers of engagement. When does it become applicable? When to engage and how to engage? How can we handle the post-engagement rebuilding process? Basically, who decides, how to decide, and when to decide?

Following the disastrous intervention in Libya, it raised new ethical and normative questions, despite being unanimously approved. As Mamdani claims, the humanitarian claims to increase the quality of human lives were not new. (Mamdani, 2011, p.127). Western Colonialism in the nineteenth and twentieth centuries was based on the idea of the protection of vulnerable groups in Africa, in the Levant (Mamdani, 2011, p.127). Therefore, the first implementation of the R2P principle stands at the centre of the critiques towards it. The three layers of R2P are clearly insufficient. The third layer, as stated before, means the global consensus of intervention in cases of mass atrocities. However, without planning the peace-building and aftermath of the intervention, unfortunately, the example of Libya will be repeated.

CHAPTER 3: Case Studies

3.1. Illegal but Just: Kosovo

3.1.1. The history of the modern Albanian-Serbian conflict

Following the Ottoman conquest, Albanians and Serbs fell under Ottoman jurisdiction. While the Ottoman rule didn't necessarily follow assimilation policies, being Muslim in the Ottoman territory had some perks. Gulyas and Csüllog argue that Kosovo's being a migration route between power spheres, its state-forming characteristics were highly affected by this (Gulyas and Csüllog, 2014, p. 12). The Slavic conquest, especially starting from the 6th and 7th centuries, made the power relations of the area even more complicated (Gulyas and Csüllog, 2014, p. 16). When the foundation of the Slavicized Bulgarian Turk state was established, it made a significant impact on the foundation of various Slavic states, including Serbians and Croatians (Gulyas and Csüllog, 2014, p. 16). Weakening Byzantine and Bulgarian influence in the Balkans due to the challenges from the Kingdom of Hungary paved the way for the formation of a Serbian State in the 11th century, which converted to Christianity in the 8th century. Kosovo consisted of two basins: Metohija Polje and Kosovo Polje. Serbian annexation of Kosovo Polje happened in the 13th century (Gulyas and Csüllog, 2014, p. 19). Occupying Albania, Macedonia, Epirus, Thessaly and Macva, Stephen Dusan was the ruler in the Golden Age of the Serbian State (Gulyas and Csüllog, 2014, p. 19). After the death of Dusan in 1355, the empire started to dissolve (Judah, 2008, p. 20). After Bayezid became the Sultan of the Ottoman Empire, the empire became a real threat to Serbia (Judah, 2008, p. 20). Falling under Ottoman rule by 1459, two elements were crucially important to understanding the modern conflicts: the role of the church and the cultural importance of the great Serbian Empire (Judah, 2008, p. 21). "Serbs would rather die honorably than live as vassals" according to poems and folk tales of the Serbians, as Judah put it (Judah, 2008, p. 23). Although Ottoman rule didn't radically change the social relations, the Serbian society significantly changed because of the muslim and non-muslim distinction in the Ottoman Empire (Miljkovic and Strugarevic, 2015, p. 20). The mass migration in 1690 created a geographic gap in Kosovo. The Serbian population's migration towards the north and leaving Kosovo also caused a change in the ethno-diversity in the region. Eventually, the

Serbians increased their density in Belgrade, which later became the capital city of Serbia. The Serbian nobility almost completely disappeared, and a new elite class emerged. The new social status was given by the service in the Ottoman Army (Miljkovic, 2012, p. 132). The social and administrative framework and its rules and norms caused a deeper polarisation between the two neighbours. While ethnical differences were almost irrelevant, the religious similarities with the Ottoman Empire gave certain political, economic, and social privileges to the Albanians.

3.1.2. Kosovo in the 19th and 20th century

Kosovo became predominantly Albanian after the Ottoman rule began in the Balkans. The Great Migration of 1690 caused thousands of Serbians to move out of the territory, and Kosovo became a centre for Albanian culture in the 19th century. The numbers approximately vary from 30000 to 40000 people who migrated to Belgrade. In the 19th century, there were several uprisings in 1839, 1844, 1845, 1855 and 1866 against the Ottoman conscription and taxation systems (Elsie, 2011). In 1913, according to a report conducted by the Archbishop of Skopje (Lazer Mjeda), 25000 Albanians were killed during and in the aftermath of the Serbian invasion of Kosovo (Elsie, 2011). At the end of the Balkan Wars, Albania was recognised as a sovereign state. Moreover, Serbia's claims over Kosovo, Dibra, Ohrid and Monastir were also recognized (Elsie, 2011). In September 1913, Albanian and Serbian forces clashed once more in the west of Gjakova (Elsie, 2011). Serbian King Petar I Karadjordjevic claims Kosovo as a conquered territory. Following the start of the First World War Kosovo's northern half and southern half of its territory were occupied by Austro-Hungarian and Bulgarian forces respectively. Austria-Hungary political will allows Albanians to speak their own language and lets them be part of the local administrative bodies (Elsie, 2011). This also sets an example of how the foreign powers use and manipulate the ethnic tension between the two sides for their own agenda. After the withdrawal of German and Austro-Hungarian forces at the end of the Second World War, Kosovo returned under the control of Serbia. The new Serb rule, known as Yugoslavia from 1929, consisted of Serbs, Croats, and Slovenes. In 1919, the Islamic Association for the Defence of Justice Party were formed in Skopje with regard to the continuation of killings of Muslims in Kosovo by the Serbian forces (Elsie, 2011).

From 1920 onwards, Souther Slavs (Yugoslavia) sought to colonise the southern lands which were today's Kosovo. After the colonisation, 70000 Slavs were settled in. Legal pretext was prepared as: "Decree on the colonization of the new souther lands". Ukshini states that: "The government in Belgrade was keen to change the demographics of Kosovo, especially given the hostility of the majority Albanians. In Kosovo, colonisation came hand in hand with land reform. Serbs and Montenegrins were given land confiscated from Albanians, former large landowners, or families of *kaçaks*." (Ukshini, 2021, p. 254). The Yugoslav government tried to reach an agreement with the Turkish government on the deportation of Muslim Albanians to Türkiye in 1933. Attempts to massively relocate Albanians failed because of the start of the Second World War. Although Yugoslav government policies failed, some migrations to Türkiye from the Balkans occurred. It was because of the newly founded secular Turkish democracy with a Muslim majority. Instead of abiding by the oppression coming from the Yugoslav government, Türkiye was a place to seek refuge. Moreover, the shared past under the Ottoman Empire, but now as an exemplary model, migrating to Anatolia was tempting. In 1941, Kosovo was occupied by German, Italian and Bulgarian forces. In 1943, with Italy's joining the Allied powers, Kosovar Albanians were facing Yugoslav oppression again. Following Yugoslavia's surrender to the Axis powers, great numbers of Serb and Montenegrin colonists left Kosovo (Elise). Most parts of Kosovo were united with Albania under Italian rule. Kosovo became a region in the Republic of Serbia in 1945 (Lellio et al., 2017, p. 15). There were attempts to reunite Kosovo with Albania by revoking the self-determination principle, but, military rule of Yugoslavia began (Elsie, 2011). Yugoslavia consisted of six republics: Slovenia, Croatia, Bosnia-Herzegovina, Montenegro, Macedonia and Serbia, controlling two provinces, Vojvodina in the north and Kosovo in the south. Under the new communist rule of Yugoslavia after the Second World War, Kosovo remained a distrusted, repressed region since there was minimal support for the new regime (Judah, 2008, p. 51). Serbians weren't allowed to return to Kosovo after the war. On the other hand, thousands of Albanians migrated from Albania to Kosovo (Judah, 2008, p. 51).

Josip Broz Tito's rule of Yugoslavia in the case of Kosovo can be studied under three phases: early oppression until Kosovo became an autonomous region (1945-1966), Yugoslavia started to become decentralized and student protests led to an opening of the

University of Pristina (until the 1974 constitution), and lastly Kosovo gained more autonomy until the death of Tito (1980). The tension escalated quickly after Tito's death. 1981 student protests in Pristina, further demonstrations demanding full autonomy and even complete independence were tried to be handled harshly. Milosevic supported Serbians in the region and exterminated the autonomous status of Kosovo in 1989. Protests remained unarmed until the 90s. While Tito was emphasising Yugoslav nationalism as they are all southern Slavs, Milosevic's Serbian ethno-nationalism sparked disapproval from other republics of Yugoslavia. Starting with 90's Slovenia, Croatia, Macedonia, Bosnia-Herzegovina, and Montenegro declared their independence from Yugoslavia. Slovenia declared its independence, and the conflict was resolved in ten days. Croatia gained its independence in 1995 after four years of conflict, resulting in the loss of approximately twenty thousand lives. In Bosnia, one of the bloodiest conflicts in recent history occurred. Almost 100 thousand people died, and 2 million were displaced. The international mechanisms failed to address the Srebrenica massacre. However, Kosovo remained a part of Serbia. Serbia initiated a strict rule and shut down the governing institutions of Albanians as well as Albanian schools. With the loss of faith in passive resistance, the Kosovo Liberation Army (KLA) founded in the early 90s gained support among the younger generation of Albanians. Serbian forces started a major offensive in 1998, leading the KLA to call all Albanians to fight (Elsie, 2011).

For Milosevic, who had to accept the independence of four former territories (Bosnia, Croatia, Macedonia and Slovenia), the loss of Kosovo was unacceptable (Rudolph, 2023). The suppression of Kosovar Albanians fueled the international conflict. The failure of unarmed resistance later turned into an armed conflict under the KLA. The KLA targeted Serbian Police in Drenice region and it was marked as one of the first attack against the oppressor (Rama, 2018). Serbian police's systemic abuse of Kosovar Albanians was implied by actions such as closing Albanian schools and hospitals and restricting them from public institutions. KLA's actions gained power, and Serbian forces answered them with disproportionate measures. The conflict caused human rights violations such as mass relocation of Albanians, killing and raping. Early diplomatic efforts to restore peace were insufficient.

Historically, there have never been an inter-racial conflicts among the two ethnic groups in Kosovo as brutal as the one in 1998. The creation of a socialist Yugoslavia and multiple constitutional reforms increased the autonomy of the region from 1946 onward, but failed to address inter-ethnic problems (Wolff, 2003, p. 79). Increasingly victimised by each other, the tension between the two in the central government created a ground for nationalism to rise on both sides (Wolff, 2003, p. 80). Starting from 1997, the KLA became violent, and the crisis turned into a civil war, with the Milosevic regime deploying the army and special police forces against the KLA in 1998. Already existing linguistic and cultural differences were also deeply divided by religious differences, and the conflict quickly escalated. The principle of self-determination was raised by the Kosovar Albanians. The principle, often raised for decolonization disputes, tried to be applied in Kosovo since it was a case where human rights were violated (Shikova, 2024, p. 8).

One of the reasons for the conflict's escalation is the Yugoslav forces' offence in 1998 in Drenica (Independent International Commission on Kosovo). According to the report conducted by the Independent International Commission on Kosovo, Human Rights Watch (HRW) report claims that (2000):

“The report goes on to look at actions in several other villages, and it concludes that a wide range of civilians, including dozens of women and children, died in the conflict. In addition to killings, the report chronicles a range of other human rights violations committed by Serb forces and authorities, including attacks and restrictions on humanitarian workers, arbitrary arrests and detentions, restrictions on the media, and forced disappearances.”

Following the declaration of independence from Serbia on February 17, 2008, most of the world recognised the Republic of Kosovo. Its road to independence remains a unique study for international relations. It is relevant under the discussion of this debate, norms and laws of the international system as well as the decision-making processes of international institutions, are examined under this section. The history of ethnical and inter-racial violent conflicts lies in the dissolution of the Socialist Federal Republic of Yugoslavia. NATO's unilateral intervention without permission from the UN caused the resolution 1244 of the UNSC to envisage the deployment of both civil and security presence (Yannis, 2004, p.67). The Security Council aimed to prevent further hostilities and stop mass atrocities. Kosovo, as a part of the Yugoslav federation, was granted complete autonomy in 1974 (Nelsson, 2019, p.1). When the Serbian president Slobodan

Milosevic revoked Kosovo's autonomy, the conflict started to escalate. The Albanian population which was the majority were tried to be repressed by Serbian forces. However, a violent conflict started between the Kosovo Liberation Army (KLA) and Serbian forces. Resolution 1160 of the Security Council demanded a ceasefire between the sides in 1998. A following resolution on the issue resolution 1199 was adopted in September, demanding a ceasefire and withdrawal of security forces which are used to suppress civilians. By the time it was adopted, there were already thousands of deaths and mass relocations. Resolutions were insufficient since there was no authorisation for the use of force. NATO intervened in March of 1999, launching the Operation Allied Forces, claiming that the FRY did not comply with resolutions 1199 and 1203. Only after the NATO intervention, the UNSC peacekeeping forces deployed by resolution 1244 in June. This was the start of a major debate in international studies over peace and conflict resolution, legitimacy, and intervention.

The UNSC was unable to authorise an intervention since there was no consensus among the members. Glennon argues that the intervention of NATO without the permission of the council increased the erosion of international law (Glennon, 2001, p. 114). Yet, Sofaer argues that the military action was necessary because of the insufficiency of diplomacy (Sofaer, 2000, p. 1). Yugoslavia insisted that the situation fell under its territorial jurisdiction, putting forward the UN Charter (Nanda, 2000, p. 315). Haines categorises the legal dispute into three positions: an orthodox, a diametrically opposed and a one in between (Haines, 2009, p. 478). The First one strictly falls under international law, the second one asserts the customary law allowing the use of force in cases of humanitarian emergency, and the third one might push the law and norms in the direction it needs (Haines, 2009, p. 478). Meaning that NATO's unlawful action is actually intended to be consistent with the law, which is already written. Mertus claims that although the bombing campaign did not align with international law, a meaningful humanitarian campaign does not pose a threat to the world order (Mertus, 2000, p. 1787). Resolutions 1160, 1199, and 1203 couldn't reach further than condemning the excessive use of force and demanding a peaceful settlement.

Kosovo is an exemplary case in intervention studies. Not only because of its historical background, but also because of its effects on humanitarian intervention norms.

Historically, Albanians and Serbians were divided for lots of reasons, including language, religion, culture and ethnicity. However, this case shows that no matter what the causes of division were, external actors used their differences against them for geopolitical gains. Albanians' conversion to Islam started around the 7th century. Although most of the Serbians remained Christians under Ottoman rule, the ethnicity and advantages which were given to the Muslims had a polarising effect between the two. Tribal conflicts of the past left their place to religious differences. With the rise of nationalism after the fall of empires, they became more dissatisfied with each other. Lack of solidarity and unity among international actors reflected on the mechanism of dispute settlements. Therefore, the UNSC couldn't react to the crises in the 90s in the former Yugoslavia. Kosovo massively suffered from this situation, and it became vitally important to international relations. Unilateral and illegal military intervention of NATO, legitimised by the international community. Without being sure whether it was just or unjust, NATO's intervention was illegal but legitimate. This means that social constructs can bend the rules of structures. Because the just is socially constructed through legitimacy. So, is intersubjectivity the nearest we can get to the truth?

Henry F. Carey states that the interventionism in the 90s was not the result of international norms and UN law, but rather, the UN interventionism with the leadership of the Clinton administration is the result of domestic pressures, mass media and public opinion polls (Carey, 2001, p. 72). The frequent interventions which are conducted by the US in Somalia, Haiti, Bosnia, Kosovo, and other UN peacekeeping forces were caused by US domestic politics (Carey, 2001, p. 72). If anything needs to be added on this, the changing conjecture in global politics, the rise in liberal internationalism and neo-liberal policies in the 90s, are also among the main reasons for the rise of interventionism. NATO's illegal intervention received mixed responses. On the one hand, some claimed that the moral ground should surpass legality in such cases of humanitarian crisis (Wheeler, 2002, p.114). However, in doing so, the legal framework shouldn't be revised to prevent its abuse (Wheeler, 2002, p.114). On the other hand, some claim that such surpasses damage the foundational principles of the international order and the UN (Wheeler, 2002, p.114). The power dynamics became clearer by disregarding the UNSC dynamics through neglecting vetoes.

To conclude, NATO's illegal intervention in Kosovo didn't meet the expectations of the protection of civilians. It was argued that the reason for the intervention was humanitarian causes. However, most of the killings of civilians actually happened after the intervention. Serb forces increased their violence against the KLA and civilians (Schnabel and Thakur, 2000, p.4). An increase in violent activity by the Serbian forces against the Albanians in Kosovo caused mass relocation and displacement. Therefore, careful reading is needed when studying the Kosovo intervention because most of the Western sources present the illegal intervention as it stopped the human suffering on the ground. However, this led to the weakening of Slobodan Milosevic's regime; in fact, Milosevic lost the elections and resigned from office due to internal pressure from the Serbian people. Therefore, the intervention in Kosovo is not an example of an intervention that aimed solely to protect civilians and succeeded in doing so.

3.2. Legal but Unjust: Libya

The Libya Intervention is significant because of three main factors. First, it is the first time that the United Nations Security Council authorised the use of force. The failure to respond to the atrocities happened especially in the former Yugoslavia territory, Somalia and Rwanda. The intervention in Kosovo was never justified by the UNSC, and it was an illegal but just action according to most of the international responses. Second is that the decision of Libya was in opposite conditions to the Kosovo intervention, and this is why both cases are significant for this thesis. The Libya intervention was a legally supported, legitimate decision. However, its justness is still open to debate. While Kosovo was illegal but claimed as just at the same time, the intervention on Libya was legal but unjust according to many views.

Lastly, the problematic nature of the decision and its consequences. In retrospect, the decision can be interpreted as impulsive and panic-driven. After the failure to adequately address the human rights crisis and atrocities in the last decade, Western saviours had to be involved. To start with, the aim was unclear. As Pattison argues, regime change didn't come out of nowhere; it was always an intention, but a secondary one. He highlights several arguments to strengthen the claim that the overall aim was unclear. First, the targets were places that posed a higher threat to civilians. Secondly, Pattison claims, if

the regime change was the main goal, coalition forces could bomb the regime troops anywhere, anytime they want to cause the most harm (Pattison, 2011, p. 274). However, the early attacks mainly focused on protecting civilian lives, rather than the destruction of the regime forces. The shift in the aim was clearer from May 2011 onwards (Pattison, 2011, p. 274).

To better understand the reasons for the intervention, Gaddafi's government should be studied in all of its aspects, including the political dynamic it brings to international relations since the beginning of Gaddafi's rule. Therefore, the revolutionary decade, the rise of Gaddafi's undisputed leadership, Gaddafism as a formula to rule the state, the increase of Gaddafi's anti-Western rhetoric in the international system and the effects of the Arab Uprisings will be studied in this section. Later, to clarify the concept of responsibility to protect in the case of Libya, the problems of the implementation and the reasons for its failure will be analysed.

Moreover, Libya's relations with the United States is directly linked, and I believe the key events are overlooked regarding the 2011 intervention. Major events such as the bombing campaign in Benghazi in 1986, a decade of a heavily sanctioned Libyan economy, 2003 disarmament of the weapons of mass destruction programs, normalisation with most of the European counterparts and the West except for the US and Libya's support against the war against the global jihad of the international terrorist organisation Al-Qaeda are keys to understand the complexity of the relations between the two states. The Libyan case is a clear example of the impact of politics on the decision-making processes under the Responsibility to Protect.

3.2.1. The rise and the fall of Libya under Colonel Muammar Gaddafi

During the 'revolutionary decade' in Libya, which lasted from 1973 to 1986, Muammar Gaddafi's government implemented radical economic and political reforms, benefiting from a large influx of oil revenues (approximately \$95 billion) (Vandewalle, 2012, p. 96). This period laid the foundations for the process that lasted from 1973 to 1986 and was referred to as the country's 'long revolutionary decade'. This process was fuelled by Libya's oil revenues of approximately \$95 billion and increased the country's per capita income from \$2,216 in 1969 to nearly \$10,000 a decade later (Vandewalle, 2012, p.96).

The impatience with the bureaucratic and political mechanisms that emerged during the regime's first four years, coupled with a distrust of the enduring influence of traditional powers, became central to what Gaddafi termed his Third Universal Theory. Codified in Gaddafi's Green Book, this theory was presented as an alternative to both capitalism and Marxism. This ideology, which developed a deep distrust of political parties and bureaucratic institutions, took a stance against intermediaries who were assumed to be preventing the people's direct participation in the revolution (Vandewalle, 2012, p.97). This ideology guided increasingly dramatic economic, social and political initiatives, ultimately leading to the establishment of the 'State of Masses' (Jamahiriyya), a form of government managed directly by citizens, without intermediaries. After 1973, and particularly following the massive influx of revenue that came after the second oil crisis in 1979, Gaddafi was provided with enormous economic resources to realise his vision (Vlaskamp, 2025, p.13). It was thought that this vision would provide the opportunity for an equally representative, fair and participatory society (Vandewalle, 2012, p.96). However, it was highly controversial among Western politicians. To achieve its goal, the government freely spent its available resources to implement Gaddafi's populist agenda. However, the public's lack of interest in the rhetoric of mobilisation during the first four years of the revolution did not escape Gaddafi's attention. That was the exact reason of the establishment of the Revolutionary Committees: to create interest and support for government policies among the public (Vandewalle, 2008, p.20). The regime's previous top-down management tendencies were supported by the publication of the Green Book. In the end, this happened to be the reason for contradictory policies in Libya. On the one hand, the state sought to control all economic and social activities, while on the other, it attempted to remove itself as a central point for political identities. The government's official economic planning efforts were balanced and exceeded by almost unlimited spending. In order to maintain the loyalty of groups it saw as supporters of the regime, major economic outlays were made through welfare measures, military purchases and state contracts (Vandewalle, 2012, p.98). Robust centralisation of economic and political decision-making processes caused the first coup attempt in 1975. The disputes inside the Revolutionary Command Council (RCC) regarding Gaddafi's leadership caused the attempt, and it was one of the major turning points in the regime (Gaub, 2013, p.6). The

public sector was oppressed, and Gaddafi consolidated his position as an undisputed leader of the regime. When the mobility of the capital began to slow down in the early 1980's regime was forced to review its economic plans.

In 1981, the United States ceased its oil imports from Libya. Even at the beginning of the 90s, the regime was carrying out an active foreign policy, mostly controversial with the West. Anti-Western and anti-imperialist rhetoric has always existed in the rhetoric of the Gaddafi regime since 1969. Among the accusations and the distrust to the Gaddafi regime, there were events such as the assassination of Israeli athletes in the Munich Olympics in 1972, the killing of the US ambassador in Sudan in 1973, the support of radical Palestinian groups and the support of the Irish Republican Army (Vandewalle, 2012, p.130). As a major event in the late Cold War period, the US initiated an airstrike campaign on Benghazi under the name of Operation El Dorado Canyon in 1986. Demonstrating the American strength in the region was among the main goals of the operation, according to Vandewalle (2012, p.131). Having admitted the terror acts such as the Lockerbie Bombing in 1988 and the attack on UTA Flight 772 in 1989, Gaddafi mostly denied accusations by the West regarding funding of terror groups.

The beginning of the 90s was marked by total polarisation of the relations between the Gaddafi government and the West, especially the US. Since then, the US government has tried to pressure the Libyan economy in order to push for a political change or revision in the policies of Gaddafi. The US attacks in 1986 significantly limited Gaddafi's energy, which shaped both his domestic and foreign policy. The regime increased its activities regarding international terrorism (such as the aforementioned attacks in 1988 and 1989). It can be said that following the US bombing in 1986, the government started to struggle both internally and externally. Therefore, Gaddafi's activism decreased. Therefore, the bombing campaign was a turning point for the regime both in terms of politics and economic policies. The international pressure was on every level of society. The deepening diplomatic isolation prevented international travel and opportunities for education abroad. Alongside these economic hardships, growing inequality among the elite contradicted the regime's egalitarian rhetoric and caused disappointment among the people (Vandewalle, 2012, p.150). The crash of Pan Am Flight 103 over Lockerbie, Scotland, on 21 December 1988, resulted in the death of 270 people, quickly became an

international issue. The President of the UN Security Council issued a statement condemning the attack and bringing the matter to the Council's agenda. Western intelligence officers claimed that two Libyan agents were behind the attacks. The United States and the United Kingdom demanded not only these two agents but also other individuals who could be held responsible to bring them to justice. The United Nations Security Council issued several resolutions regarding these terror actions, which were allegedly, at the time, sponsored by Libya. First, Resolution 731, adopted in early 1992, referred to the joint statement issued by the United States, the United Kingdom and France in November 1991 and made four fundamental demands of Libya: The surrender of the accused for trial and the acceptance of state responsibility; the sharing of all information and documents related to the crime; the payment of compensation to the families of the victims; and the cessation of Libya's support for terrorism (Hurd, 2005, p.504). However, Libya did not respond positively to these demands. In response, the Council, in its Resolution 748 of March 1992, characterised Libya's failure to cooperate as a threat to international peace and security and imposed sanctions. Air traffic to Libya was decreased, and sales of arms and weapons were stopped under these sanctions. Also, reducing the number of diplomatic missions in Libya was expected by the other actors. Later, in November 1993, Resolution 883 was adopted, and sanctions were expanded. Especially the most important ones were the freezing of Libya's financial assets abroad and the block of transfer of petroleum technology to Libya (Hurd, 2005, p.505). The tensions between the Gaddafi government and the West continuously increased in the 90s. Because of that, the main foreign policy agenda did become the normalisation of relations with the West to decrease the pressure on Libya and the lifting of the sanctions.

Reconciliation with the West began in the 2000s. British Prime Minister Tony Blair paid a symbolic visit by being the first British Prime Minister who visited Libya since the revolution in 1969 (Kawczynski, 2011). The Tony Blair government, which was struggling because of the Iraq invasion, saw this event as a surprise victory in the Middle East region (Kawczynski, 2011). This was because of the shocking event of Libya's declaration of abandoning its weapons of mass destruction program. The Gaddafi government announced that it would allow the inspections of the International Atomic Energy Agency inspectors immediately and unconditionally (Boureston and Feldman,

2004, p. 87). The Gaddafi government's effort to normalise relations with the rest of the world since the beginning of the 2000s was to de-pressurise the Libyan economy. However, because they supported the terror actions all over the world, and Gaddafi's unorthodox style was irritating for most of the policy makers around the world, the respect given by the international actors decreased. Also, the response to the pan-Africanist rhetoric was mixed. Some of the countries in the continent applauded the economic and political support given by Libya, while others stayed sceptical. The fifteen years of campaign in Chad ended in a humiliating defeat in 1987, which was among the reasons for the scepticism. With the start of the uprising in Tunisia, social displeasure exploded. The Jamahiriya system was heavily reliant on oil revenues despite the fact that the direct democracy of the people rhetoric was highlighted in theory. Yahia H. Zoubir divides the driving reasons for normalisation efforts with the US into two: domestic and international (Zoubir, 2006, p.55). Domestically, consumer goods prices increased significantly. The Western sanctions put remarkable pressure on the Libyan economy, forcing the Gaddafi government to compromise to reach a consensus. The Gaddafi government cooperated by handing over the two suspects of the Pan Am Flight 103 crash in Lockerbie, Scotland. Also, the Libyan government admitted responsibility and paid compensation for the event, which caused the death of a 25-year-old metropolitan police officer, Yvonne Fletcher (Zoubir, 2006, p.55). The unknown shooter fired its gun from the Libyan Embassy in London on 17th April 1984. Another settlement was between France and Libya on the subject of UTA Flight 772. Thus, Libya managed to improve its relations with most of its European counterparts. Zoubir also states that:

“Libyans believed that the end of the Lockerbie trial would lead to normalization with the United States, similar to what happened with France over the UTA 772 case. They called for a complete lifting of UN sanctions and made it clear that they sought normal relations with the United States.” (Zoubir, 2006, p.56).

The major shift in the foreign policy directions of the United States after the 9/11 attacks also affected the US-Libya relations. The Iran and Libya Sanctions Act of 1996 was extended several times under the strong pressure from the pro-Israeli lobby (Zoubir, 2006, p.57). The US policy-making relied on force rather than diplomacy after the invasion of Iraq.

3.2.2. How did it happen?

To truly understand what happened in Libya in 2011, it is necessary to look back over the past few decades. The revolution that led to Muammar Gaddafi's downfall and death was not sudden, an unexpected event. The fractures of the system he built over thirty years of rule caused it. The Arab uprisings emerged alongside the socio-economic collapse of Arab countries in the region and prompted the people to protest against leaders who had been in power for a long time (Saidin and Storm, 2024, p.3). After a young man in Tunisia set himself on fire to protest against the oppression of the regime and the police harassment, the masses were triggered. As a social multiplier, the action of the young man symbolised throughout the region and society demanded change. While most of the researchers who focus on authoritarianism in the Middle East claim that the 'Arab exceptionalism' differs Arab states from the rest of the world as being resistant to democracy, they were puzzled by the widespread social movements expecting a democratic shift from their rulers (Josua and Edel, 2021, p.586). While political pressure and authoritarianism are major causes of the uprisings, socio-economic unease and demographic factors cannot be unseen. Long-standing authoritarian regimes and dictatorships were challenged by a growing youth population. The role of platforms such as Twitter and Facebook was instrumental. Protesters became organised and escaped censorship through social media. High rates of unemployment, especially among the educated youth, were a catalysing effect. Mohamed Bouazizi, who became a symbol of the social movement after setting himself on fire in front of the Governor's office, succumbed to his wounds on January 2011 (Saidin and Storm, 2024, p.3). More than five thousand people attended his funeral. Despite President Ben Ali's promise of political and economic reforms, the number of protesters increased (Saidin and Storm, 2024, p.4). Tunisia remained the only example of a peaceful and successful transition. The role of the military can't be denied. Tunisian armed forces stand with the people. In Egypt, the army also refused to use force against the civilians. The overthrow of Hosni Mubarak led to military rule as a protector of the state's interests while the transition was happening. However, the military refused to deliver power to democracy. It is because the Supreme Council of the Armed Forces was enjoying its privileged position. After Muhammad Morsi was elected as the new head of state due to the continuation of the mass protests,

another coup took place in 2013 against the Muslim Brotherhood. Abdel Fattah el-Sisi, as the three-time victor of the Egyptian elections, remained as the president of Egypt. Libya and Syria were plunged into civil war. The regime's harsh approach plunged Syria into a decade-long civil war, while in Libya, the Gaddafi government fell in 2011 due to both the opposition in the Libyan military forces to the regime, and the international intervention that took place. Unlike republics facing popular uprisings, monarchies in the MENA region have largely avoided large-scale revolts. The strategic response of states such as Morocco, Jordan and Oman has been to offer various preventive political and economic concessions, ranging from constitutional reforms to the removal of unpopular officials from office. These actions were generally backed by immense oil wealth, which enabled them to finance subsidies and buy public support. For this reason, the oil-rich countries in the Gulf managed to emerge from these social events without suffering any damage or with minimal damage. Following the spread of uprisings in Egypt, Tunisia and Libya, the first protests occurred in Bahrain. However, fearing a Shiite rebellion that could take over Bahrain, which would strengthen Iran's hand in the Gulf region, Saudi Arabia sent armed forces under the Gulf Cooperation Council (K. Al-Rawi, 2015, p.26). This event marked the sectarian dynamics in the Arab uprisings.

'State of the masses' understanding of Jamahiriya was falling apart. The reality of a highly centralized political system didn't meet the criteria of the theoretical explanation in the Gaddafism where he refers as the direct democracy of people. The suppressive rule aimed to gather all the power around Gaddafi was seen as a dictatorial regime rather than an institutional democracy where people contribute to it directly. Gaddafi defines the state in a three-layered society. It starts with the smallest unit of family, tribes are consisted of families, and the state is formed by tribes. Through the manipulation of the tribal characteristics of Libyan Gaddafi managed to directly influence employment, economics, politics and even the military. Without functioning institutions, Gaddafi was ruling the country on his own. In a rentier model, based on oil revenue, the wealth was distributed poorly in an unequal way. The main source of the regime's power, oil, became the main reason for the oppression and unequal distribution of wealth. Restriction of political differences and civil rights, summing up with the economic difficulties, which were both because of poor economic policies and the international sanctions, the society was

becoming more and more unhappy about their rulers. Gaddafi was using the political and economic power to maintain his seat rather than pushing reforms to change public opinion. The Arab Spring started to emerge at an unbelievable pace. The fate of Gaddafi's rule suddenly changed.

The Arab Spring might have changed so many dynamics in the region suddenly. However, Gaddafi's downfall was not a sudden event, and it was certainly not unrelated to the events happening in the region. After mentioning the external factors affecting the downfall of Gaddafi, it is necessary to analyse the internal factors. Gaddafism, formulated by Muammer Gaddafi, was the official form of government from 1977 to 2011 in Libya. Under the name of the Third Universal Theory, a paradoxical mixture of pan-Arabism, Islamism, Socialism and Pan-Africanism, the theory claims to offer a form of anti-parliamentary, direct democracy. Gaddafi presented this theory as an alternative to both capitalism and Marxism. However, the approach of 'Jamahiriya' (state of the masses) is a deliberately constructed form of government designed to consolidate the absolute power of the ruler.

The serious disturbance started in February. Gaddafi was marking all the protesters and 'freedom fighters' as terrorists. Seeing the overthrow of dictators in neighbouring countries, as all the freedom movements, the uprising against the dictator Gaddafi was romanticised by the Arabs of Libya. In February, when the regime violently responded to protesters, the situation shifted from a mass protest to armed rebellion. Colonel Muammar Gaddafi's threat to use excessive force and threat to commit atrocities in Benghazi was the breaking point. It was when the UNSC decided to take all necessary measures to prevent such atrocities. He states that he would track the 'cockroaches' (protesters) 'house by house' (Butchard, 2020, p.42). Butchard also claims that "While NATO's operation might be seen as implementing the responsibility to react to atrocity crimes, it became apparent that the subsequent, and equally important, responsibility to rebuild was not sufficient implemented." (Butchard, 2020, p.43).

3.3.3. The problem of implementation

The military intervention that led to the fall of Gaddafi is the basis of most of the objections to Western Interventionism (Vilmer, 2016, p.24). Within the atmosphere,

international actors reacted under a post-90s trauma panic. It was the major factor behind the poor decision-making and the lack of planning for the intervention on Libya. Lessons learned from examples like the crisis in post-Yugoslav territory and Rwanda, through the lack of consensus, made the Libya intervention possible. Especially after Iraq, the US should've planned better. However, it was not because of the miscalculation, but because of the shift in the agenda after the intervention. If the intervention had stopped at Benghazi, prevented the deaths of thousands of people, it could be the perfect example of the Responsibility to Protect in action. The aim became a regime change. This is the reason why the history of US-Libya relations is important. The US wanted to change the regime. In the end, the intervening powers left Libya as a state that had no constitutional base to distribute power.

With the crisis in Libya, the United Nations Security Council activated the R2P concept for the first time (Thakur, 2017, p.253). Resolution 1970 demanded an end to atrocities. It imposed arms embargo and targeted sanctions, as well as condemning and demanding further investigations of the situation of the Gaddafi government's use of lethal force. In the following month, on March 17th of 2011, resolution 1973 passed. A no-fly zone over Libya was established to prevent the regime from using air power against civilians. Excluding the presence of foreign occupation forces, the resolution allowed air forces to use force when it is necessary to protect civilians. All necessary measures to protect civilians, except for the presence of an occupation force, were authorised. While it was supposed to prioritise the protection of civilians, the purpose of the intervention shifted to a military operation that aims to change the regime. Gaddafi became a direct target. Thakur stated that,

“In the Balkans, it took NATO almost the full decade to intervene with air power in 1999. In Libya, it took just one month to mobilise a broad coalition, secure a UN mandate to protect civilians, establish and enforce no-kill zones, stop Gaddafi's advancing army and prevent a massacre of the innocents in Benghazi. It is possible for the international community, working through the authenticated, UN-centred structures and procedures of organised multilateralism, to deploy international force to neutralise the military might of a thug and intervene between him and his victims.” (Thakur, 2017, p254).

However, even if the decision's purpose of protecting civilians succeeded, it exceeded. Thakur also claims that by 2016, Libya became a failed state and a heaven for

terrorism (Thakur, 2017, p. 255). Sirte became a major location for ISIS during the 2014-2016 period. Ruled under the Islamic State, it became a base of operations, a training ground. The question is whether the intervention in Libya was right to intervene or a responsibility to act. The Libya example proved that the R2P can be misused (Brockmeier et al, 2016, p.114). The international criticism of the responsibility to protect mostly focuses on Libya. First, it is because of the practice. Second, it is because of the aftermath. The UNSC is excessively politicised. It is worth mentioning to think whether to have a body where the decision of intervention extracted from politics is possible or not. Both the Kosovo and Libya cases show that the decision to intervene is never independent from international politics. Kosovo was seen as just but illegal, and Libya was seen as legal but unjust. In Kosovo, there was no consensus, but NATO and the US felt responsible for stopping the atrocities in Kosovo. However, the Libya intervention was clearly because of the dislike against the Gaddafi government.

CONCLUSION

Is the Responsibility to Protect a limitation on sovereignty? Is it an institutionalised way of controlling the state's behaviour? Those questions were tried to be answered in this thesis. Through exploring the concepts of sovereignty, state and intervention, comprehensive research has been conducted. All three of those concepts have historically evolved and developed. However, international law still falls short in answering them. Is reductionism a necessity of institutionalisation? So far, the history of international organisations and international law shows that, in order to standardise certain norms and rules, there needs to be a compromise on comprehensiveness. This study shows that even the very foundational concepts, such as 'sovereignty', may change over time. In *Leviathan*, Thomas Hobbes attaches sovereignty to the absolute monarch. However, within a few centuries, the meaning of "state" and "sovereignty" shifted. There has been a significant shift in interventionism after the Second World War. On the other hand, with Responsibility to Protect, there has been a shift in the humanitarian intervention norm and in the understanding of sovereignty. The state is no longer a non-intervened absolute power in a certain territory over a certain population and institutions that has to be protected and respected at all cost. States now have to prevent the suffering of people. Although the Hobbesian understanding of social contract already meant the protection of its subjects, there are certain differences in contemporary political philosophy. Therefore, rules and norms of social life may always change. The three-layered analysis of the Responsibility to Protect report suggests that in the first layer, states are responsible for protecting their citizens. In the second layer, it claims that states are responsible for helping each other in cases of such emergencies. Lastly, the third layer claims that the international community is responsible for intervening in such cases when mass atrocities such as crimes against humanity, war crimes, genocide and ethnic cleansing happen. However, the first and only implementation of the Responsibility to Protect was Libya. In Libya, intervening powers went further than the suggested practice of the R2P. After preventing the possible bloodshed in Benghazi by the regime of the Gaddafi government, the intervening states changed their aim and end as the change of the regime. The problem was, it was a step further than the protection of civilians. Without proper planning of the aftermath, they left Libya as a state which as no functioning institutions and Libya quickly

became a decentralised, destabilised terrorist heaven. In Kosovo, prior to the R2P, an inspiration for the R2P report, the illegal intervention of NATO assumed just. However, it didn't stop the aggression of Serbian forces, and it certainly didn't change the regime. The intervention only paved the way for a regime change by weakening the Serbian government.

In the first chapter, a theoretical analysis has been conducted regarding the concept of intervention. It was stated that the state and sovereignty of our comprehension are not independent of the concepts' historical evolution. An accumulation does not necessarily mean development. However, it indicates a change. If we look at the changes over the past centuries, we can see the shift in the concepts of state and sovereignty. Building upon the Westphalian system of states, modern states are different from those in the 17th century. The state is no longer the sole actor in the system. Power asymmetries are still being relevant; international and regional organisations, as well as multi-national corporations, influence policy-making processes and policy-makers. Or sometimes they even become policy-makers like the UN, NATO, and the EU. Non-state actors like the media, Human Rights Watch (HRW) and Global Centre for the Responsibility to Protect (GCR2P), as well as violent non-state actors who affect the policy-making process in a very different way by posing threats to international peace and security. However, this vast network is influential in policy-making. Therefore, humanitarian intervention is not just a question for states to answer as follows: should we intervene or not? After witnessing the catastrophic events in the 90s, a significant paradigmatic shift started to occur. With the illegal intervention in Kosovo, the credibility of the UNSC, which was already being questioned, was damaged. Acting under humanitarian responsibility, NATO decided to override the legal structure of the UN regarding intervention. The UNSC is still the only entity which can authorise an intervention. Kosovo was a place which have an issue of recognition. Therefore, the case becomes unique. Because, in the end, the intervention in Kosovo created a state which is partially recognised. The claims over the justness of the illegal intervention focus on the humanitarian dimension of the crisis. However, as it was stated in the thesis, the intervention didn't stop the atrocities but only weakened the Serbian government. This legal, normative and political debate inspired the 2001 report

of The Responsibility to Protect. The R2P was a multi-layered solution to the question of humanitarian intervention.

Walzer's Just War Tradition maintains its relevance with the topic of intervention since it is one of the most influential works on the morality of warfare. However, its limitations must be better understood. *Walzer and War: Reading Just and Unjust Wars Today* revisits the concepts of Michael Walzer. As it was mentioned in the first chapter, the concept of supreme emergency is problematic. Decisions regarding what is supreme and what is an emergency are open to debate; thus, it is dangerous to empower people to make such decisions. Walzer, in the terrorism section in *Just and Unjust Wars*, states that in asymmetric warfare, we can't expect insurgents to act in the sense of morality. However, he claims that the regular armies of states act in a moral way in warfare. This is certainly untrue. The state is not a fixed and given institution that always acts in a just way. In insurgency, the underdogs, insurgents, have to use creative methods to balance the disproportionate power difference. According to Walzer, Israel's war in Gaza is just. However, the civilian deaths show that Gaza falls under the R2P studies. Since the system is in a deadlock, R2P does not function. As Gareth Evans states, R2P becomes functional only when states decide to show solidarity and consensus. It was certainly a development if we consider the humanitarian intervention's 'right to intervene' rhetoric. But it is evident that no matter how much we develop the principle, without a consensus among those in power, it is just a theoretical framework without implementation. Walzer states that the states won't choose to deploy their soldiers without a political leverage or interest. Non-intervention examples prove that claim. Moreover, the intervention examples partially prove the claim.

Although the states remain the main actors of international relations, the influence of the aforementioned entities is notable. As mentioned at the end of the first chapter, social constructs legitimise the actions of institutions as well as their existence. The critical constructivist point of view clarifies the underlying factors in the two cases presented in this thesis. In Kosovo, the illegal intervention was justified through humanitarian discourse. However, as stated in the last section, civilian deaths continued after the intervention. The aim of protecting civilian lives fell short. In fact, the Milosevic government increased their aggression and led to the deaths and relocation of thousands

of people. Thus, the use of language is critical to study. The intervention should be accepted as unjust.

However, to better understand the issue of sovereignty, sources of power and legitimacy must be studied in greater depth. To expand our comprehension, texts and studies outside of contemporary history must be analysed. Because the current system of inter-national relations and inter-societal interaction is to be better understood if we look at their historical development. Building on this, further study should be conducted to grasp the functions, legitimacy, purposes and nature of the existence of international institutions.

In the second chapter, the UN's understanding of sovereignty and the change of the concept were studied. The legal framework of intervention and the resolution examples were given. In the heart of this thesis, the Responsibility to Protect section, the paradigmatic shift was studied. There were two normative shifts with the introduction of R2P, which was influenced especially by Kosovo and the catastrophic crisis in the 90s. The first shift was the change in sovereignty, and the second shift was the change in 'right to intervene' to 'responsibility to protect'. In this research, the contradiction between the normative and the implementation of the R2P norm was presented.

In conclusion, the law is definitive and reductionist by its nature. It consists of conclusive, definite judgments. The contradiction is that social sciences are neither conclusive nor reductionist. Thus, harmonising law with international relations, as a field in social sciences, causes certain problems. This debate, therefore, is not only about the actions of just or unjust interventions. It is about an identity conflict. The normative nature of law contradicts the grey areas of interpretive social sciences. But the key problem is the contradiction that lies between normative and practice. The Responsibility to Protect might have a sophisticated analysis on intervention in cases of crisis against humanity, ethnic cleansing, genocide and war crimes; however, in such cases, the world hasn't seen a practice of implementation other than Libya yet. Regarding Libya, even Western decision-makers claim that the aftermath of the intervention was planned poorly. This study shows that interventions cannot be solely just or unjust. Unfortunately, it is not that simple. The perceptions of rights and wrongs may differ. Therefore, ontologically, social

reality is constructed through interaction and interpretation. Epistemologically, the truth is fluid and inter-subjectively constructed. Since we haven't seen a thriving implementation of R2P, I believe the practice won't meet the criteria of the normative.

The international system has several legislations regarding the rights of states and people. The UN Charter, the Universal Declaration of Human Rights, the Montevideo Convention, and the Rome Statute are foundational documents that are still evolving. As mentioned in the last section of the first chapter, international relations studies lack a focus on the impact of historical accumulation. Also, this thesis proves that the R2P implementations were never fulfilled. This thesis aims to emphasise the evolutionary nature of socially constructed rules and norms by highlighting key figures and works from the field. As I said earlier, international relations is about how to maintain the peace.

Most importantly, as Gareth Evans, who was the co-chair of the International Commission on Intervention and State Sovereignty, published the report 'The Responsibility to Protect in 2001, states that it might have been the triumph of the R2P if the intervention had stayed as the protection of the civilians in Benghazi who were openly threatened to be killed by Gaddafi. However, the intervening powers, which are three of the permanent members of the United Nations Security Council, the UK, France and the US, decided to extend their operation to the toppling of the Gaddafi government. This change in the course of intended action later became an excuse for Russia in Syria. Therefore, Libya is still one of the most controversial examples of Western interventionism. The Responsibility to Protect couldn't pass beyond optimism since the interventions are not segregated from the political discourse of the intervening powers and decision-makers. It is possible to detach politics from the decision of intervention. The Responsibility to Protect was a major step in humanitarian intervention practices. This thesis shows that, unfortunately, to expect the R2P framework to work, consensus among the UNSC members is needed. The lack of implementation and planning for the aftermath in Libya proves why the intervention was unjust. As there is no example of justified intervention under R2P, there is little to be done other than expect states to act fairly under international unity and solidarity.

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Publications:-

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