



**THE RESPONSIBILITY TO PROTECT: THE
CASE OF SYRIA AND LIBYA**

Ayşen Belkıs ÖZSARI SEVEN

MS Thesis

**Department of Globalization and International
Relations (ENG)**

Adviser: Assoc. Prof. Hakan CAVLAK

2022



**KORUMA SORUMLULUĐU: SURİYE VE
LİBYA ÖRNEĐİ**

Ayşen Belkıs ÖZSARI SEVEN

Yüksek Lisans Tezi

**Küreselleşme ve Uluslararası İlişkiler Anabilim
Dalı (İNG)**

**Danışman: Doc. Dr. Hakan CAVLAK
2022**

T.C.
TEKİRDAĞ NAMIK KEMAL UNIVERSITY
INSTITUTE OF SOCIAL SCIENCES
GLOBALIZATION AND INTERNATIONAL RELATIONS (ENG)
MS THESIS

**THE RESPONSIBILITY TO PROTECT: THE CASE OF SYRIA
AND LIBYA**

Ayşen Belkıs ÖZSARI SEVEN

GLOBALIZATION AND INTERNATIONAL RELATIONS (ENG.)

ADVISER: ASSOC. PROF. HAKAN CAVLAK

TEKİRDAĞ-2022
All Rights Reserved

T.C.
TEKİRDAĞ NAMIK KEMAL ÜNİVERSİTESİ
SOSYAL BİLİMLER ENSTİTÜSÜ
KÜRESELLEŞME VE ULUSLARARASI İLİŞKİLER (İNG)
ANABİLİM DALI
YÜKSEK LİSANS TEZİ

KORUMA SORUMLULUĞU: SURİYE VE LİBYA ÖRNEĞİ

Ayşen Belkıs ÖZSARI SEVEN

KÜRESELLEŞME VE ULUSLARARASI İLİŞKİLER (İNG)
ANABİLİM DALI

DANIŞMAN: DOÇ. DR. HAKAN CAVLAK

TEKİRDAĞ-2022
Her Hakkı Saklıdır.

SCIENTIFIC ETHICS STATEMENT

I undertake that I abide by scientific ethics and academic rules in all stages of the MS thesis I have prepared, that I refer to every quote that I use directly or indirectly in the study, and that the works I use consist of those shown in the bibliography, and that I comply with the institute writing guide in my writing.

24/10 / 2022

Ayşen Belkıs ÖZSARI SEVEN

BİLİMSEL ETİK BİLDİRİMİ

Hazırladığım Yüksek Lisans Tezinin çalışmasının bütün aşamalarında bilimsel etiğe ve akademik kurallara riayet ettiğimi, çalışmada doğrudan veya dolaylı olarak kullandığım her alıntıya kaynak gösterdiğimi ve yararlandığım eserlerin kaynakçada gösterilenlerden oluştuğunu, yazımda enstitü yazım kılavuzuna uygun davranıldığımı taahhüt ederim.

24/10 / 2022

Ayşen Belkıs ÖZSARI SEVEN

ABSTRACT

Institution, Institute : Tekirdağ Namık Kemal University, Institute of Social Sciences,
Department : Department of Globalization and International Relations (ENG)
Thesis Title : The Responsibility to Protect: The Case of Syria and Libya
Thesis Author : Ayşen Belkıs ÖZSARI SEVEN
Thesis Adviser : Assoc. Prof. Hakan CAVLAK
Type of Thesis, Year : MS Thesis, 2022
Total Number of Pages : 85

Human rights violations occur across the globe, whether caused by racial injustice, gender inequality, poverty, genocide, or even war crimes. The effort to protect human rights extends the term just war to humanitarian intervention, in the 20th century, with the concept of Responsibility to Protect. The Arab Spring, which started in Tunisia, spread to many countries over time. In Syria and Libya, anti-government movements and uprisings turned into a civil war. While there was a humanitarian intervention in Libya, that's not the case for Syria. In the thesis, these two crises will be briefly explained and the Responsibility to Protect and its implementation will be evaluated with these two different decisions. In the thesis, documents published by the United Nations were used both while explaining the development of Responsibility to Protect and examining case studies. In cases where human rights violations occur, whether or not to intervene, and in what situations to intervene, is an ongoing debate. In international relations theories, The English School is one of the theories that discussed humanitarian intervention thoroughly. The humanitarian intervention debate in English School is between pluralists who argue that there should be no intervention in order not to disrupt the international order and solidarists who argue that intervention should be made to ensure justice, in cases where human rights are violated. English School writers argue that today's international society has a pluralist structure, however, over time it has become solidarist. Accepting English School's assumption that the international society is solidarist, in the thesis, can the concept of the Responsibility to Protect be considered as a solidarist institution of the international society? Focused on the question. While evaluating the responsibility to protect as a primary institution, used the methods of identifying primary institutions of Buzan and Holsti, who are the pioneers of both the theory and the concept of primary institutions, and used the founding texts of the Responsibility to Protect.

Keywords: English School Theory, Human Rights, Libya Intervention, Responsibility to Protect, Syria

ÖZET

Kurum, Enstitü, : Tekirdağ Namık Kemal Üniversitesi, Sosyal Bilimler Enstitüsü
ABD : Küreselleşme ve Uluslararası İlişkiler (ING) Anabilim Dalı
Tez Başlığı : Koruma Sorumluluğu: Suriye ve Libya Örneği
Tez Yazarı : Ayşen Belkıs ÖZSARI SEVEN
Tez Danışmanı : Doç. Dr. Hakan CAVLAK
Tez Türü, Yılı : Yüksek Lisans Tezi, 2022
Sayfa Sayısı : 85

İrksal adaletsizlik, cinsiyet eşitsizliği, yoksulluk, soykırım ve hatta savaş suçlarından kaynaklanan insan hakları ihlalleri dünyanın her yerinde meydana gelmektedir. İnsan haklarını koruma çabası, haklı savaş teriminden, insani müdahaleye kadar uzanmaktadır. Yirminci yüzyılda ise, Koruma Sorumluluğu kavramı ile gerçekleştirilmektedir. Tunus'ta başlayan Arap Baharı zamanla birçok ülkeye sıçramış, Suriye ve Libya'da hükümet karşıtı hareketler ve ayaklanmalar, iç savaşa dönüşmüştür. Libya krizinde insani müdahale yapılırken, Suriye için durum böyle değildir. Tezde bu iki kriz kısaca açıklanacak ve bu iki farklı kararlar ile Koruma Sorumluluğu ve uygulanması değerlendirilecektir. Tezde hem Koruma Sorumluluğunun gelişimi açıklanırken hem de vaka çalışmaları incelenirken Birleşmiş Milletler tarafından yayınlanan belgelerden yararlanılmıştır. İnsan hakları ihlallerinin meydana geldiği durumlarda, müdahale edilip edilmeyeceği ve hangi durumlarda müdahale edileceği halen devam eden bir tartışmadır. Uluslararası ilişkiler teorilerinde İngiliz Okulu, insani müdahaleyi derinlemesine ele alan teorilerden biridir. Çoğulcu-Solidarist tartışması, uluslararası düzenin bozulmaması için müdahale edilmemesi gerektiğini savunan çoğulcular ile insan haklarının ihlal edildiği durumlarda adaletin sağlanması için müdahale edilmesi gerektiğini savunan dayanışmacılar arasındadır. İngiliz Okulu yazarları, günümüz uluslararası toplumunun çoğulcu bir yapıya sahip olduğunu ancak zamanla dayanışmacı hale geldiğini savunurlar. İngiliz Okulu'nun uluslararası toplumun dayanışmacı olduğu varsayımını kabul eden tez, Koruma Sorumluluğunu uluslararası toplumu oluşturan bir kurum olarak tartışmaktadır. Tezde Koruma Sorumluluğu kavramı uluslararası toplumun dayanışmacı bir kurumu olarak değerlendirilebilir mi? sorusuna odaklanılmıştır. Analizlerde, hem teorinin hem de birincil kurum kavramının öncüsü olan Buzan ve Holsti'nin birincil kurumlarını belirleme yöntemleri ve Koruma Sorumluluğu'nun kurucu metinlerini kullanmıştır.

Anahtar Kelimeler: İngiliz Okulu Teorisi, İnsan Hakları, Koruma Sorumluluğu, Libya, Suriye

ACKNOWLEDGMENTS

In recent years, both the English School and the Responsibility to Protect are the subjects that have attracted a lot of attention and many studies have been conducted, all over the world and in Turkey. With his studies and contributions to the English school, Barry BUZAN has been one of the main sources used in almost entire the literature of the thesis.

This thesis has tried to position the Responsibility to Protect, which is the aim of protecting human rights, in the theories of international relations by combining these two subjects. With this thesis, I hope to contribute to both the literature and the prevention of human rights violations that are happening all over the world.

I would like to express my gratitude and appreciation to my supervisor, Assoc. Prof. Dr. Hakan CAVLAK, for his guidance and support. His strong patience has been the main factor for the emergence of this thesis.

I would also like to express my gratitude to my husband, Ferit SEVEN, for her support, patience, and of course encouragement. I am grateful to him and our family for sharing my excitement and determination.

Lastly, I would like to thank my mother Trkan BOZER for her sacrifices and support. I am grateful to her for all the things she gave up for raising me.

Ayen Belkıs ZSARI SEVEN

TEKİRDAĞ, 2022

TABLE OF CONTENTS

SCIENTIFIC ETHICS STATEMENT	ii
BİLİMSEL ETİK BİLDİRİMİ.....	Hata! Yer işareti tanımlanmamış.
TEZ ONAY SAYFASI.....	Hata! Yer işareti tanımlanmamış.
ABSTRACT	v
ÖZET	vi
ACKNOWLEDGMENTS	vii
TABLE OF CONTENTS.....	viii
LIST OF TABLES	x
ABBREVIATIONS	xi
INTRODUCTION.....	1
1. ENGLISH SCHOOL THEORY	5
1.1. Theory	6
1.2. Pluralist-Solidarist Debate.....	11
1.2.1. Pluralism.....	12
1.2.2. Solidarism.....	15
1.2.3. Solidarist Primary Institutions.....	17
1.3. Primary Institutions	24
2. THE RESPONSIBILITY TO PROTECT	28
2.1. Developments in Human Rights	28
2.2. The Humanitarian Intervention	32
2.3. Responsibility to Protect	35
2.3.1. ICISS Report	36
2.3.2. 2005 World Summit Outcome	39
2.3.3. Implementing the Responsibility to Protect	41
2.3.4. UN Security Council Reports and Others	43
2.3.5. Criticisms on Responsibility to Protect.....	46
2.3.6. Responsibility While Protecting and Responsible Protecting.....	48
2.4. Responsibility to Protect as Primary Institution.....	49
3. RESPONSIBILITY TO PROTECT IN LIBYA AND SYRIA.....	53

3.1. Libya.....	53
3.1.1. Developments after the Involvement of the UN	54
3.1.2. Intervention in Libya and Responsibility to Protect.....	56
3.1.3. Situation After the Intervention.....	57
3.2. Syria	59
3.2.1. Developments After the Involvement of the UN	60
3.2.2. Syria and Responsibility to Protect	63
3.3. Discussions.....	65
CONCLUSION.....	69
BIBLIOGRAPHY	75
GENİŞLETİLMİŞ TÜRKÇE ÖZET	86

LIST OF TABLES

Table 3.1: Three Responsibilities of RtoP and Libya Intervention.....	65
Table 3.2: The Principles of RtoP and Libya Intervention	65



ABBREVIATIONS

ICC	: International Criminal Court
ICISS	: International Commission on Intervention and State Sovereignty
NATO	: North Atlantic Treaty Organization
PoC	: Protection of Civilians
RtoP	: Responsibility to Protect
RwP	: Responsibility While Protecting
UN	: United Nations
UNDR	: Universal Declaration of Human Rights
UNSC	: United Nations Security Council
UNSMIL	: United Nations Support Mission in Libya
UNSMIS	: United Nations Support Mission in Syria

INTRODUCTION

Human rights violations occur across the globe, whether caused by racial injustice, gender inequality, poverty, genocide, or even war crimes. The effort to protect human rights extends from the early centuries of human right development with the term just war. Through time it has been tried to be protected with the term humanitarian intervention. In the 20th century, the protection of human rights was carried out with the concept of Responsibility to Protect. According to the Global Centre for the Responsibility to Protect 2022 Monitor, there are twelve countries currently in crisis from mass atrocity crimes that need urgent action. Since 2011, genocide, war crimes, ethnic cleansing, and crimes against humanity have been committed in the Central African Republic, Democratic Republic of Congo, Iraq, Libya, Nigeria, Sudan, Syria, and many other countries (Welsh, 2016). Since 2011, the beginning of the armed conflict between the government and opposition groups in Syria, more than three hundred fifty people died. At the same time as Syria, Libya's uprisings and civil war started with the Arab Spring. As a result, an intervention decision was taken to protect civilians in Libya. In the Libyan crisis, the concept of Responsibility to Protect, and the act of intervention was the subject of a UN resolution for the first time. In the case of Syria, the international response has been significantly more reluctant, and no intervention decision has been taken as it has been vetoed repeatedly by the Security Council.

In the thesis, these two crises will be briefly explained and these two different decisions will be examined within the scope of Responsibility to Protect and its implementation. Responsibility to Protect is a concept that has evolved in the United Nations context since its inception. In the thesis, documents published by the United Nations were used both while explaining the development of Responsibility to Protect and examining case studies, the Libya and Syria Crisis.

In cases where human rights violations occur, whether or not to intervene, and in what situations to intervene, is an ongoing debate. In international relations theories, The English School is one of the theories that discussed humanitarian intervention thoroughly. The pluralist-solidarist debate -one of the main debates in English School- is about whether or not to intervene when human rights violations

occur. The solidarist-pluralist debate is mainly based on the order-justice dilemma. Pluralism emphasizes the principles of sovereignty and non-intervention and says that should not interfere in cases of human rights violations occur. The opposite of pluralism, solidarism says human rights should be protected and therefore humanitarian intervention is necessary. English School writers argue that today's international society has a pluralist structure as it formed times from Westphalia, however, over time it has become solidarist.

In the thesis, accepting English School's assumption that the international society is solidarist, the thesis discusses the Responsibility to Protect as an institution that constitutes the international society. In the thesis, can the concept of the Responsibility to Protect be considered as a solidarist institution of the international society? Focused on the question.

English School theory, which forms the thesis' theoretical framework, approaches world politics in three groups. These; Realism, Rationalism, and Revolutionism. When referred to as the founders' names: Hobbesian, Grotian, Kantian. These three groups have parallel views and occasionally show similarities by intertwining. It combines these three traditions with three analyzes. International System, International Society, and World Society. English school theory defines The International System as a structure in which states interact regularly with each other and treat each other's actions by mutual calculations; World Society is a political structure, with a common institution and rules, a common interest and values of people, and a system without governments, or a single world state. And defines the International Society, an international institutional structure represented by shared common interests and identities as a middle ground or what later became labeled *via media* (Buzan 2014: 18-25). The International society is anarchic, but this doesn't mean that states cannot cooperate on a fundamental level. There are two different kinds of rationalist International Society in English School. Pluralist, and the other solidarist. Both approaches assume that the International Society is a society of states and focus on diplomatic, and historical analysis. The pluralist-solidarist debate about the order-justice in international society continues between Pluralists, who believe that the international society can cooperate minimum level, and Solidarity, who envision a

wider international society and put individuals and human rights at its center and advocate intervention when necessary. English School shapes pluralist-solidarity debates through primary institutions. Buzan (2004: 167) and Holsti (2004: 18-24) say that the development process of these institutions could be used in the historical narrative of the evolution of international societies. Buzan says that there is a tendency towards solidarity in the emergence, transformation, and forms of the primary institutions of international society (2014:164).

According to Solidarism, states that violate human rights should be intervened. The Responsibility to Protect supports this idea. And it is a concept that is still developing to protect human rights and prevent humanitarian interventions from being used in the interests of states. Also, it argues that states have a responsibility to protect their citizens from human rights violations, and also international society has the responsibility to assist those states in need. Therefore, it is the most appropriate concept to determine whether the international society is Pluralist or Solidarist. Responsibility to protect is driven by three pillars. These: States have a responsibility to protect their citizens from genocide, ethnic cleansing, war crimes, and crimes against humanity; In cases where states cannot fulfill this responsibility, the international society has a responsibility to assist states; Finally, when states do not or do not want to fulfill these responsibilities, this responsibility passes to the international society. In such a situation, the priority is to encourage states to prevent human rights violations with enforcement measures and sanctions and then intervene as a last resort. When making intervention decisions, restrictive principles have been set to prevent intervention from being used in the interests of another state. These are interventions by a legitimate authority, with the right intention, for the just cause, as a last resort, as a proportional means, and with a reasonable prospect.

There are some methods for identifying whether it is a primary institution. However, no one method can use in all studies as it is still a developing concept in the English School. Therefore, in this thesis, it is examined whether Responsibility to Protect can be seen as an institution that shapes the Solidarist international society by using the primary institutions' identification methods of Holsti (2004: 18-24) and Buzan (2014: 176). The ICISS report, the 2005 World Summit Outcome, and the

UNSC Implementing Responsibility to Protect reports have been identified as the founding documents of the Responsibility to Protect. In the analysis, these reports were used to discuss the criteria that Buzan and Holsti developed for the identification of primary institutions.

The first chapter of the thesis described the theory of the English School, which is the framework of the thesis. Starting from the emergence of the theory, general assumptions and main discussions were mentioned. After the main discussions, the Pluralist-Solidarist debate of the International Society and the Solidarist primary institutions were explained in detail. Then a broad definition of primary institutions was made and detection methods are mentioned. The second chapter defined human rights and humanitarian intervention and explained their developments. The end of the second chapter defined the Responsibility to Protect, which is the main subject of the thesis, and explained its development through its founding documents. Finally, the concept of Responsibility to Protect was evaluated with the methods developed by Buzan and Holsti to identify primary institutions. In the third chapter, the Libya intervention and the Syria Crisis were mentioned to apply a case study, and the process of the crises was explained through UN resolutions. Analysis of crises was carried out by using the founding documents of the Responsibility to Protect at the conclusion of the chapter. It is assumed that with the mentioned methods and analyzes, this thesis will be concluded that the concept of Responsibility to Protect is one of the primary institutions of Solidarist international society in the English School.

1. ENGLISH SCHOOL THEORY

The foundations of English School theory, which emerged in England in the post-World War II period, were presented by Martin Wight, Hedley Bull, Herbert Butterfield, and Adam Watson as members of the “British International Political Theory Committee” (Brown 1997: 52; as cited in Devlen and Özdamar 2010). It started as a club founded by academics who are experts in various fields such as history, philosophy, and international relations and became a trend in the 1970s. In the 1980s turned into a network mainly formed by academics and began to take its place in the literature. The fact that Martin Wight, Hedley Bull, Adam Watson, John Vincent, and Adam Johnson were the first academicians of the English School added wealth to the theory by being from different areas such as politics, law, history, and sociology. Hedley Bull is the one who made the most important contribution to the school's becoming a theory on its own. After Wight's death, he organized and published studies based on the works of three other academics and developed them with his contributions. Thus, the English School accepted as a theory in international relations (Bull, 1966, as cited in Devlen and Özdamar 2010). Later, Tim Dunne and Nicholas Wheeler, Andrew Hurrell, and Hidemi Suganami were the pioneers of the main discussions. Although they contributed to the English School theory and International Society, there are also important names working independently of the club like; Robert Jackson, Andrew Linklater, and Ian Clark. In the 1990s, many names such as Barry Buzan and Richard Little, Cornelia Navari, and Kalevi J. Holsti made significant contributions.

English School theory, which forms the theoretical framework of the thesis, approaches world politics in three groups. These; Realism, Rationalism, and Revolutionism. When referred to as the founders' names: Hobbesian, Grotian, Kantian. It combines these three traditions with three analyzes. International System, International Society, and World Society. By adopting these traditions and three analyses, it differs from other international relations theories with its eclectic structure. The English School has a multifaceted methodological pluralist structure that combines history and theory. The following chapters of the title will explain the theoretical structure of the English School theory, its main discussions, and core

concepts. The English School, the main subject of the thesis, defines International Society; as a middle ground represented by sharing common interests and identities among the states. In English School, the rationalist international society has two different directions. Pluralism and Solidarism. English School shapes pluralist-solidarist discussions through primary institutions. In the last chapters of the title, discuss the solidarist-pluralist debate, examine the primary institutions and Solidarist primary institutions, and finally, the evolution of primary institutions and methods of identifying them.

The Solidarist-Pluralist debate in the English School is founded on the question of order and justice. According to solidarism, states that violate human rights should be intervened to protect human rights. The Responsibility to Protect supports this idea and it is a concept that is still developing to protect human rights and prevent humanitarian interventions from being used in the interests of states. Therefore, the Responsibility to Protect is the most appropriate concept to determine whether the international society is pluralist or solidarist. At the end of this chapter, will be explained the primary institution identification methods. And the next chapter will discuss the Responsibility to Protect as the primary institution of the Solidarist international society.

1.1. Theory

The main arguments of the theory are from the works of the founding author's works: Martin Wight's *Power Politics* and Hedley Bull's *Anarchical Society*. The first of the main arguments is that the sovereign state is the main actor in international relations (Buzan 2006, 2014: 12- 14, 16). Both of them puts the state at the center of their analysis. In international relations, there is a system of states, as long as two or more states have relations between them and can influence each other's decisions. And this system is anarchic however according to Wight, anarchy is not a complete disorder. It simply means that there is no governance. With these three arguments, both Bull and Wight came very close to realism (Buzan 2014: 27). Buzan sees the English School as a “great conversation” created by everyone who wants to talk about the concepts of International Society and World Society and who knows the literature on this subject well (Buzan 2014: 168).

English School theory is not bound by a single epistemology. Linklater and Suganami (2006: 81-4), say that the theoretical and methodological eclectic in English School is coincidental. The English School has benefited from many international relations approaches. Navari says that the English School created its pluralist eclectic structure by including some assumptions of theories such as realism, neorealism liberalism, institutionalism, rationalism, revolutionism, and feminism (Navari and Green 2014: 1). The English School associates the international system with realism, the international society with rationalism, and the world society with revolutionism. These three traditions have been used by school thinkers as levels of analysis. Thus, the English School addresses the ontologically different aspects that compose the international whole (Buzan 2004:22-24). English School thinkers did not give much place to the methods in their works. From its founders, Wight and Bull contributed to theorizing discussions and others such as Watson and Butterfield used historical methods (Devlen and Özdamar 2010: 50).

There are three important debates ongoing at the English School. The first of these is the question of what is international society and the definitions and relationships between the international system, the international society, and the world society., the other is the pluralism-solidarism debate. Finally, the last debate on how the European international society has expanded to the rest of the world. It has been seen that the writers of the English School who came after the founders were divided into two groups. Authors such as Vincent, Wheeler, Dunne, Jackson, and Mayall are included in the normative wing, working mostly on issues such as the order-justice dilemma, and the solidarity-pluralist debate; Andrew Linklater and Barry Buzan, who contributed in the 1990s, took part in the structuralist wing (Devlen and Özdamar 2010: 55-60).

English School theory, which forms the theoretical framework of the thesis, approaches world politics in three groups as mentioned above. These; Realism, Rationalism, and Revolutionism. When referred to as the founders' names: Hobbesian, Grotian, and Kantian (Wight 1991; as cited Buzan 2014: 12). It combines these three traditions with three analyzes. International System, International Society, and World Society. These three groups have parallel views and occasionally show similarities by

intertwining (Little 1995:15-16). Bull states that international systems come before international societies, and also these two can exist at the same time (Buzan 2004). States with diplomatic relations can create both an international system and an international society. The relationship between the international system and international society comes close at the forefront in the English School, the world society is a little behind. This triple classification presents a unique framework and gives the theory an eclectic structure, which emerged with the answers given to the question of what international society is. There is a long-standing dialog between three traditions, and no tradition is complete, nor is it alone sufficient to explain it all. The important thing is to maintain an effective discussion between the three of them. In this thesis, three levels of analysis (International System, International Society, and World Society) and three traditions (Realism/Hobbesian, Rationalism/Grotian, and Revolutionism/Kantian) will be tried to explain together just as Buzan classified.

International System (Realism/Hobbesian), is about power politics between states and puts the anarchic structure at the center (Buzan 2014: 12). Therefore, the tradition associated with the international system is Realism. Buzan and Watson define *“the international system as a group of states with regular interaction, acting on the accounts of others while at the same time creating the least amount of common rules and institutions”* (Buzan 2014; 171-2, Watson 1987: 147-53).

International Society (Grotian/Rationalism) is referred to as an interstate society and state system. It was called rationalism by Martin Wight, and Grotian by Hedley Bull (Bull and Wight 1966). Similar to Bull’s definition Martin Wight defined the International Society *“as a group of independent sovereign states in regular interaction with each other, sharing some form of recognition and diplomacy as institutions, and also trade”* (Buzan 2014: 48). It was before he made a distinction between the system and society. Wight predicts a comparative International Society and makes taxonomy between international and suzerain states-systems and the second between primary and secondary states-systems (Wight 1977:21-45). In his work *“International Theory: The Three Traditions”* (1991) Wight used the theory of the 'three traditions' to answer the question of what is international society. Hedley Bull continued to work inspired by Wight's theory of the three traditions. Bull; defines an

International Society as “an international whole in which a group of states shares the management of common institutions and organizations bound with each other by common institutions and rules”. States have a responsibility to comply with these rules, which creates a strong international society (Bull 1966:3-21). Same to Wight, Bull defined anarchy as the absence of an agreed government. However, states create order in line with common institutions, rules, and interests. There are two different kinds of rationalist International Society in English School. Pluralist and the other is Solidarist. Both approaches assume that the International Society is a society of states and focus on diplomatic, and historical analyses. The English School shapes pluralist-solidarist discussions and the international society through primary institutions. Buzan (2004: 228-49, 2014:78-80) and Holsti (2004) says that the development process of these institutions can be used with the historical narrative of the evolution of international societies.

The World Society (Kantian/Revolutionism) considers individuals, non-state organizations, and the global population as a whole. According to Buzan, world society reflects a revolutionary (Kantian) understanding (Buzan 2014: 13). The World Society has a quality that transcends sovereign states. It's not based on state ontology or individual. The World Society can be built on the common interests and values of people. Moreover, international relations can eventually become a system without governments or a political structure with a single world state (Wight, 1991: as cited in Buzan 2014).

According to the representatives of the English School, the probability of advancement in the field of international relations is unlikely. Between pessimistic extremes of realism and the overly optimistic extremes of revolutionism need a middle-way (via media) attitude. (Dunne, 1998: as cited in Buzan 2014) And that is a middle ground between Realism and Revolutionism, which is expressed as rationalism.

So far, it has been tried to give information about one of the main questions of the English School what the international society is. The second main question of the English School is, what is order? And it is answered by the pluralist-solidarist debate. However, before moving to the main focus of the thesis of pluralist-solidarist

debate and primary institutions, it is important to mention the historical approach of English School theory and its third main discussion. This historical structure pursues two projects; evolution and expansion. The first compares the evolutionary patterns (*raison de systeme*)¹ of different societies in different periods and places. The literature is less about this. Studies focused on the development of the traditional Chinese-based international society in East Asia (Buzan 2014: 18-45).

The second one is the expansion of modern European Society to the rest of the world. It is the story of the spread of modern and global international society after the Middle Ages. It is about the leap of western ideas out of the west such as colonization and decolonization, sovereignty, and nationalism. The story of the modern European Society in English School was born in Bull's work "*The Anarchical Society*" (1977). Bull says that in early modern Europe, with the birth of the Christian international society, natural law evolved into positive law, dynasticism evolved into sovereignty, and finally Christian international society to European civilization (*standard of civilization*)².

The classic story of expansion begins with the emergence and consolidation of European international society (*Westphalia*) built around the institutions of sovereignty, non-intervention, territoriality, the balance of power, international law, diplomacy, and great power management (Buzan, 2010). It then continues with the transfer of Europe's growing economic and military power to the rest of the non-Western world. The spread of the European-type nation-state to the rest of the world with the colonization process has caused both western values in the state system and institutions to become operational worldwide. Finally, the story ends with the liberation of the colonies, inequalities between western and third-world countries, and the problems that followed. This historical method parallels the spread of human rights and the emergence of the concept of humanitarian intervention, hence the concept of Responsibility to Protect. However, some scholars criticize the European international society for ignoring the revolutions and brutality and violence in the process of its

¹ "The belief that it pays to make the system work" (Watson, 1992)

² Following the expectations, policies, and rules determined by the hegemonic powers to fully participate in international relations.

expansion, imposing European supremacy, and not taking into account economic power (Buzan 2014: 60-77).

The second main question of the English School, what is the order which is one of the focal points of the thesis is answered by the Pluralist-Solidarist debate. The order-justice debate put forward by Bull (1977) is about Pluralism envisaging a narrower understanding of international society and believes that the international society can agree at a minimum level and Solidarism envisages a wider international society and puts more individuals and human rights at its center, and advocate intervention when necessary (Buzan 2014: 87). The English School defines international society within the institutions that frame it. It is also used in Pluralist-Solidarist international society discussions. Buzan (2004: 228-49, 2014:78-80) and Holsti (2004) says that the development process of these institutions can be used with the historical narrative of the evolution of international societies. Since these two concepts are the main subjects of the thesis, it would be more appropriate to discuss them under separate titles.

1.2. Pluralist-Solidarist Debate

Pluralism-Solidarism is about order and justice discussions in English School Theory. The main issue has been human rights and in particular humanitarian intervention. Wheeler says that humanitarian intervention most clearly revealing term for the debate between order and justice (Buzan 2014: 86). Bull "*The Grotian Conception of International Society*" (1966) distinguishes between Solidarist/Grotian thought and Pluralist thought on international society. After Bull's studies, the concepts of solidarism and pluralism were put forward in English School. Both pluralism and solidarism accept the existence of the international society and recognize that international law concerns of the states. And they both agree that society exists within an "anarchic world-political structure." The debate between pluralism and solidarism is fundamentally based on the tension between sovereignty and humanitarian intervention (Buzan 2014:83-85).

While pluralism prohibits any interference with state sovereignty, solidarism emphasizes the responsibilities of states to their citizens and the necessity to intervene against states violating fundamental human rights. Therefore, in cases where human

rights are violated, the question of “should the international society not intervene based on the inviolability of state sovereignty, or should it intervene based on the fact that human rights are a norm” is the focus of the pluralism solidarism debate. Pluralists reject humanitarian intervention and say that justice can only exist through the order. Order, security, and stability, which are the core values of the internal society are more important than the protection of human rights.

Buzan; explains the main difference between pluralism and solidarism; that pluralism presupposes a Westphalian type of international society, whereas solidarism presupposes a wider international society and that for justice, the intervention must be legitimate. He says that “*the world order is both pluralist and solidarist and always has been which means that the practical debate is not about either/or but about how to blend and mix the two qualities*” (De Almeida 2011:68, Buzan 2014:84). The acceptance of the thesis is that, as Buzan states, the current international society has a pluralist structure and has become solidarist over time (Ibid, 2014: 84,164).

1.2.1. Pluralism

The source of pluralism is an article written by Bull in 1962. Examining Grotius and Oppenheim's works he revealed the terms solidarism and pluralism. According to Bull, international society is based and should be based on positive law (Bull 1979:181). Bull limits the idea of international society to states and has drawn a clear boundary between world society. Bull claimed that states are “*capable of agreeing only for certain minimum purposes which fall short of that of enforcement of the law*” and excluded individuals from being subjects of international law (Bull 1966; Buzan 2014:92-93). Both Wight and Bull say that order is a necessary requirement for justice (Wight, 1966: 106-11, Bull, 2012: 77-98).

The main concern of pluralism is order, its vision of a state-centric international society, and norms of coexistence. Although pluralism, like Realism, accepts that states have different views from each other, despite their differences, states can provide order and peace to some extent. While the main principle of realism is *survival*, pluralism is coexistence (Buzan 2014: 90). In summary, pluralism claims that international society consists of states and that international law arises from relations between states, which is a positive law. Therefore, a law arising from relations

between states cannot be applied to individuals. State sovereignty and its protection from interference are foremost important. And humanitarian intervention is contrary to the foundations of international society, namely the principles of sovereignty and non-intervention. In the case of extreme disorder, pluralism emphasizes a functional balance in international society. This disorder might result from the absence of states, or disproportionate conflicts among states motivated by concerns such as power and survival, or opposing universalist views. Therefore, pluralism defines an order in international society with minimum rules, institutions, and norms (Ibid: 91).

At the same time, according to pluralists, the state's external dependency on internal affairs will harm the norm of sovereignty (Jackson 2000: 291). Any military intervention is neither legal nor legitimate. It would undermine sovereignty, which is one of the fundamental institutions of international society. It will disrupt the international order and increase the risk of war. Wars pose a greater threat to human rights. Therefore, according to pluralists any intervention with the aim of protecting human rights will cause more serious problems in international society (Jadrane 2012: 12-13).

James Mayall, (2000: 21) says that today's international society is pluralist. Robert Jackson (2000: 105) sees the quest for human rights above international society and order as a new standard of civilization. Pluralists refer to the creation of common interests in order and stability. Jackson and Mayall both thought that efforts to develop a solidarist society based on cosmopolitan values, especially human rights, and democracy, will increase disorder. Both thought that the institutions of the international society such as war, sovereignty, and imperialism would accommodate themselves over time and that an inter-state pluralist system would be consistent.

Like other theories of international relations, pluralism bases the birth of the modern international system on the emergence of sovereign territorial states in the 1648 Treaty of Westphalia in the seventeenth century. Buzan says that *“this the sovereignty-based form of ‘Westphalian’ international society that went on to impose itself on the rest of the world through the process of colonization and decolonization”* (Buzan 2014: 97).

English School says that the primary institutions could examine change and the nature of the members of the international society which was born in Westphalia in 1648. Pluralist primary institutions' emergence has a very slow and differentiated process. In the context of European history, the first primary institutions have an almost entirely pluralist tendency (Buzan 2014: 99-101). Bull, focuses on five primary institutions in explaining this process: *balance of power*, *diplomacy*, *great power management*, *international law*, and *war*. Since Bull prefers systems of states as the founding normative principle, *sovereignty* already exists before it comes to primary institutions. Then he supports that with the principle of *non-intervention* and *territoriality*. Upon this, he adds *diplomacy* and *international law*, which are the institutions of coexistence. Finally, Bull says that there is a need for regulatory rules and institutions in a broader sense of coexistence and mutual harmony (1966: 65-76).

Buzan gives more attention to some pluralist institutions such as *imperialism*. He says that although imperialism has officially ended, its legacy still influences international politics, such as regional and global international societies. The practices of the period such as slavery, racism, gender inequality, dynasticism, and empire support the assumption that humans were not equal. Despite the support of imperialism/colonialism, *human inequality* rejects the idea of coexistence (2014: 107). And the other institution that should be mentioned is *nationalism*. It emerged with the French Revolution and developed along with other institutions in the nineteenth century. In the nineteenth century, nationalism became a vehicle for empires with many different nationalities. Although this situation increased the power of the empires at first, it prevented the colonial empires from getting stronger with the spread of ideas such as human rights and human equality in the following periods. Nationalism is not the only institution in which sovereignty has changed. With the transformation of the nation-state, has moved away from territoriality and dynasticism and became closer to the people (Buzan 2014: 109-11; Holsti 2004:83-8; Mayall 2000:84).

The reason nationalism and colonialism are specifically mentioned is to show that not all pluralist institutions did not arise from Westphalia. Some did not appear until later in the nineteenth century. Nationalism both strengthened the harmony of the seven classical primary institutions and caused some problems in leading the

development of human rights. This has given rise to some controversy that whether the international society becoming close to the solidarism (Mayall 2000: 84). We can summarize the pluralist primary institutions used to understand international society as follows: “*territoriality, sovereignty, diplomacy, international law, the balance of power, great power management, war, colonialism, human inequality, dynasticism, and nationalism.*” However, since the main subject of the thesis is solidary institutions, it would be more appropriate to provide a short briefing on pluralist primary institutions and move on the solidarism.

1.2.2. Solidarism

The main concern of solidarism is the justice side in the order-justice debate. Solidarists see individuals as subjects of international law and root their thoughts on cosmopolitan values (Mayall 2010: 14). According to Buzan, solidarity in international society is more than coexistence, is about cooperation, and convergence. He sees solidarism as broader than human rights, including cooperation in the global economy, environment, and scientific subjects. He says that the international society is actually built on pluralist foundations and already includes solidarist elements (Buzan 2004: 96-98, 130). As Buzan points out, a solidarist international society not only encompasses human rights but also has a wide spectrum from environmental problems to the global economy.

Barry Buzan divides solidarity into two state-centered solidarism and cosmopolitan solidarism. He makes the distinction as follows; State-centric solidarity is stating that adopts norms and rules that foresee beyond the logic of coexistence, while cosmopolitanism is based on the idea that there are universal rights given to people. Cosmopolitan solidarity; means that natural law and moral values should be held equal or superior to positive international law by states (Buzan, 2014: 116-20). Bull saw solidarism as a social whole in which along with human rights, economic and environmental problems are managed, and also restrictions on the use of force. The interests of this social whole are above those of the states. Bull rejects cosmopolitan solidarity entirely and defines it with Grotius' natural law (Buzan, 2014: 121).

Wheeler (1992) sees solidarity in a state-centered framework. If states respect human rights among themselves, there will be no contradiction between human rights,

and sovereignty or non-intervention. Until civilization universally embraces human rights, states are responsible for protecting human rights. Wheeler argues that when the times need to be intervened, the humanitarian intervention must comply with just war and its criteria (Jadrane, 2012: 15). Another major English School writer, Andrew Linklater, is closer to cosmopolitan solidarism. It envisions state-centered solidarity, which embraces the idea of humanity. The impact of globalization advocates a more comprehensive understanding of citizenship that extends beyond the state (Linklater and Suganami, 2006: 117).

According to Vincent, a solidarist international society will be a society in which all its units will have similar domestic laws and values regarding humanitarian intervention, or at least accept common duties. It transforms human rights into citizen rights. While he claims that the principle of non-intervention is the basis of the order in international society, He also argued that the principle of non-intervention can be stretched to protect fundamental rights (1990: 38-64). According to Vincent, if individuals can persuade the states to protect their "fundamental rights" under their law, this will allow them to create a more just world without disturbing the international order. If a state harms its citizens or engages in separatist acts, its right to protection obtained by the principle of non-intervention should be taken away (Vincent, 1986: 126, Buzan, 204: 124). Situations requiring humanitarian intervention must be extraordinary. However, he is aware that international society has not developed that much. The pluralist-solidarity debate started with Bull and became more evident with Vincent. Dunne bases it on a system of conditional sovereignty, similar to Vincent. Modern states should exist solely to promote the welfare and security of their citizens (Buzan, 2014: 124-125).

There are some criticisms of the military intervention in human rights advocated by the solidarists. Even if humanitarian intervention is considered legitimate, it is criticized for the idea that states will act according to their interests. However, despite these criticisms, they were not completely against the intervention for human rights and stated that there would be some exceptions. Wheeler says that within the framework of international law and the principles of just war, the interventions made by legitimate authorities are already accepted by the international

society (Wheeler, 2000: 33-51). This is the point where the English School and Responsibility to Protect come closest. Nicholas Wheeler says that intervention by legitimate authority is also accepted by international society. From his perspective states have the right, and the obligation, to support human rights (Ibid, 11-13). Vincent and Dune also mention that states have a responsibility to protect their citizens just like Responsibility to Protect.

Buzan says that there is a tendency toward solidarism in the emergence, transformation, and forms of the primary institutions of international society (Buzan, 2014:164). And he believes the market has the most influence on other institutions. First is the *market* which adds classic pluralist institutions; *sovereignty/non-intervention, territoriality, the balance of power, great power management, international law, diplomacy, and war*; then other pluralist institutions are *imperialism/colonialism, nationalism, dynasticism, and human inequality*; and lastly adds two more *democracy* and *environmental stewardship*. In many studies, except for certain institutions such as sovereignty, the balance of power, great power management, international law, and war, others have not been examined at all. Buzan's "*An Introduction to The English School of International Relations*" is the most detailed study about primary institutions of international society. It has also been a frequently referenced source in this thesis. The next chapter will attempt to explain solidarist institutions and their evolution before moving on to how primary institutions are determined.

1.2.3. Solidarist Primary Institutions

There is a tendency toward solidarity in the emergence, transformation, and forms of the primary institutions of international society, as mentioned above. Therefore, when examining solidarist institutions, it is necessary to start with pluralist institutions. This thesis will be tried to explain the evolution of international society and its orientation toward a solidarist international society.

It has come to the fore that the English School literature should take into account economics more often in its assumptions. However, very few have applied it. Holsti (2004:211-18) focuses on trade, and Buzan (2014) focuses on capitalism as a primary institution. Later, Buzan continued with "*the market*" to include it in other

concepts such as trade. According to Buzan, the rise of the market as an institution began in the nineteenth century with nationalism. In this century Adam Smith's idea of the emancipation of the market from the state was implemented. After that, trade and communication increased, and with its help, some secondary institutions were created. Then, the First World War and the Great Depression caused significant obstacles for the global market. Despite the war and economic nationalism, the market rose again with more secondary institutions under the leadership of the United States. In this period market has been a powerful institution of the western global international society (Buzan, 2014). Buzan says that the Market still has rivals such as economic nationalism and economic liberalism. Although it has no roots in cosmopolitan values and human rights, it can be considered a solidarist institution (Buzan, 2014: 136-9).

“*Sovereignty*” and its corollary *non-intervention* are fundamental institutions of international society. It is clearly a pluralist institution that has long been at the center of international society. It underwent a powerful transformation with nationalism, princes, kings and emperors, dynasticism, and finally the liberation of colonies. Holsti stated that as long as the states continue as the main actors in the analysis of international societies, sovereignty will not change entirely (2004:135-42). One of the most controversial issues is the impact of human rights and non-intervention on sovereignty. Buzan said that the major change in the institution of sovereignty stemmed from the expansion of the international society (2014: 140). After the Second World War, the change began with decolonization based on self-determination and the subsequently failed states and humanitarian intervention. Thus, sovereignty as a pluralist primary institution started to gain a solidarist character. Sovereignty is the institution most affected by human rights. The process of protection of human rights has changed sovereignty to the understanding of responsible sovereignty.

Along with sovereignty, “*territoriality*” organizes and shapes people's political lives. Territoriality has rendered the acquisition of lands by force illegal. After the Second World War, with the liberation of the colonies, the world political map became more and more stable. However, the rise of the global market has had a great impact on national borders and made territoriality trivial. When considered this way,

the market has become a more serious threat to pluralist international society than human rights (Buzan, 2014: 141-43).

Both solidarists and pluralist international societies agree that power must be balanced. Because power will create hegemony and the only exception to this situation is when power is balanced with another. If there is no balance, or a single power imposes law on others, in this case, it prevents the formation of international society. Buzan says that; The Concert of Europe during the nineteenth century provides the model for the “*balance of power*” as an institution of international society (Buzan, 2014: 143). With the I-II World Wars, the Cold War, and nuclear warfare, there were fluctuations in the balance of power from time to time. It has been argued that the recent similarity of the democratic great powers has softened and even eliminated the power struggle (Ibid. 144). The weakening of important pluralist institutions, the global market, economic liberalism, and ideological similarity between the great powers are indicators that the structure of international society has begun to change (Navari and Knudsen 2019, 175).

The rule of “*great power*” implies collective hegemony, which is opposed to the principle of sovereign equality. There are also English School scholars who see that hegemony as the primary institution of international society. That creates a contradiction within the English School (Clark, 2011, as cited in Buzan, 2014). The contentious balance of power and the increasing opposition to hegemony with the liberation of the colonies, seen throughout most of the twentieth century show that this institution has weakened. It is seen that both regional powers and non-state actors have recently become active in international society.

“*International law*” appears to be a pluralist institution. Started with natural law, and in the nineteenth century, it turned into positive law. With the rising of the global market, increasing international trade and investments, and technological developments, all kinds of interactions in international society have increased. A rapidly growing and detailed process has begun. It has also expanded to include non-state actors and individuals. International law is still based on the system of states, but its content is moving towards solidarity. Human rights, environmental and

international law elements lead the international society to cooperation (Buzan, 2014:147).

“Diplomacy” is both the oldest and the most modern communication tool in international society. It is an institution that connects not only political leaders but also other international actors. It has experienced a transition from dynastic diplomacy to multilateral diplomacy (Holsti, 2004, as cited Youde, 2017). Decolonized countries have turned to intergovernmental organizations instead of opening embassies in more than two hundred different countries. The role of trade, investment, and finance companies and non-governmental organizations has gradually increased. Such as international law, diplomacy in its modern form has undergone major changes in terms of practice. Its basic principles have remained constant and they will remain important as long as states continue to be the main actors in world politics. Buzan, says that diplomacy is a pluralist institution that develops by making room for non-state actors and solidarity problems (2014:149). The reason is that twenty-first-century diplomacy is shaped by human-based problems rather than state-based ones, and strives to solve these problems through peaceful means.

“War” is the last of the classical primary institutions. Mayall argues that after the First World War, it lost its credibility as an institution and began to be seen more as the "collapse of international society" (2000: 17-19). The efforts of the League of Nations to restrict the right to war were also unsuccessful, and there was not much progress in the Second World War, except for some restrictions against chemical weapons.

Holsti says states have reduced their tendency to apply to war through the transition from absolutism to democracy (2004: 131-4). He observes that states turn to war as a last resort among democracies. With the rise of the market, the link between wealth and land ownership was severed and economic incentives for war diminished. The act of resorting to war was reduced for the reasons of the effects of the nuclear deterrent during the Cold War, the costs and the devastating impact of war, and the incentives to avoid resorting to war. Although there has been progress toward restricting the institution of war, the balances have changed again with the response of the United States after the September 11th terrorist attacks.

Buzan says that war is outdated among the western great powers, although it is still an important institution of modern international society. Along with the rise of human rights as an institution, the war has moved beyond self-defense (2014: 150-53). This situation creates much controversy between sovereignty and its corollary right to non-intervention and its responsibility to protect humans against acts of genocide. War has been a pluralist institution throughout history. However, it also serves solidarist purposes.

The disintegration of “*imperialism/colonialism*” began with the collapse of empires, national self-determination, popular sovereignty, and the consolidation of democracy within the European international society, with the resistance that emerged in the colonies. After 1945, the wave of decolonization expanded the international society. The fact that the newly formed states were poor and lacking in modernization brought up the concept of the *standard of civilization* again. The concept later evolved as a responsibility to the rich world against the third world, underdeveloped countries, or the colonies in aid and development, not as a criterion for entry into the international society. Buzan's “development” as the right to achieve modernity, can be a successor institution after imperialism/colonialism (2014:154). The post-decolonization expansion into a global society has raised issues such as multiculturalism and inequality. It has served the solidarists by helping the global society of humanity with the principles of human equality and sovereign equality. And also, has served pluralism by assisting in the establishment of the European system of states, along with seven primary institutions and nationalism.

By the end of the nineteenth century, “*nationalism*” had become well-established in Europe. It dissolved the Austro-Hungarian and Ottoman empires with imperialism. And formed fascism by taking extreme forms in Europe and Japan. It quickly reached a peak of violence and extremism during the second world war. Buzan says that nationalism is an institution of world society internalized by most people as a legitimate idea. Despite globalization, it maintains its pluralist position (Buzan, 2014:157).

“*Dynasticism*”, which is a legitimate form of government, could not maintain its place as opposed to power balance, nationalism, sovereign equality, and equality of

peoples. Closely related to empires, they both fell into decline. Dynasticism has not become illegitimate like colonialism but has become incompatible with modernity. The fall of the dynasty supported the solidarist side as it paved the way for an international society of sovereign equals, and also supported the pluralist side as it paved the way for human equality (Buzan, 2014: 157).

“Human inequality” has been seen as an auxiliary (derived) pluralist primary institution in connection with colonialism and dynasticism until the second world war, It peaked with World War II. And it began to disintegrate with colonialism. It has been replaced with *“human equality”* by the United Nations charter and the 1948 Universal Declaration of Human Rights. Human equality has been necessary and supportive of human rights. The UN Human Rights Council, public policies, and international calls for action have gained legitimacy as an institution.

Welsh, (2011) sees the responsibility given to sovereign states to protect human rights as progress. Mayall (2000: 33) and Donnelly (1998, as cited in Buzan, 2014), think that human rights are not universal, but become effective in international society. Although human rights have gained legitimacy as an institution, it is still emerging. It is mainly adopted in Western international society. Some states oppose it for fear of violating their right to non-intervention. At the same time, there are views in the English School that human rights have become a new standard of civilization used by the west against the world’s rest (Buzan, 2014: 159). It is still debated what are human rights and what kind of responsibilities and obligations does states have. Nevertheless, it is accepted as an institution of international society based on human rights and human equality.

“Democracy” is an emerging but still debated institution likewise of its direct connection with human rights. With the decline of dynasticism, it is the primary institution that defines the legitimate form of government in civilized international society. Mayall (2000) states that democracy is not universal, but the influence of democratic values such as human rights and the rule of law has increased and perhaps has become the standard of legitimacy in international society. After the second world war, it was fully established in Western international society as a primary institution. It is considered a preliminary condition for human rights and peace. As a result, the

lack of democracy was equated with barbarism. Although it is still a developing and questioned institution, democracy is seen as close to solidarists in international society (Buzan, 2014: 159).

Like human rights, “*environmental stewardship*” is seen as an emerging institution. Since 1970 environmental stewardship has gained a certain position in international law with a series of conferences, conventions and protocols have been held. Again, such as human rights, non-governmental actors played an important role. The literature on environmental stewardship has emerged recently in English School. Bull argues that environmental problems will exist whether or not the political order is based on an interstate society. Arguing that the establishment of the institution will be possible with the cooperation between the states, Bull came close to a state-centered solidarism (2012: 293-5). As long as conscious environmental management emerges as an institution of international society; it will consolidate solidarism. Buzan sees the emergence of environmental management as an institution of the international society, not as a social concept, but as a derivative of human rights (Buzan 2004: 182, 2014:158-60).

This chapter attempted to explain solidarist institutions and their evolution before moving on to how primary institutions are identified. This interaction between institutions reveals the historical evolution of international society. Before evaluating the Responsibility to Protect as an institution, it is necessary to examine its interaction with other institutions.

Responsibility to Protect is a concept that aims to protect human rights. Sovereignty has changed with the development of human rights as a modern concept. However, human rights have found the opportunity to strengthen in state-based societies. The rise of human rights as a value that every state should protect has transformed sovereignty into a concept that includes responsibility. Such as English School’s conditional sovereignty, Responsibility to Protect states that the sovereign state has a responsibility to protect its citizens from crimes against genocide, war crimes, ethnic cleansing, and crimes against humanity. Although sovereignty emerges as a pluralist institution, it gains a solidarist attitude. International law like sovereignty is moving towards solidarity with cosmopolitan values such as human rights and

environmental management. Likewise, the twentieth century's diplomacy deals with subjects that are based on the state as well as the individuals' rights. Although Mayall says that war has lost its reputation as an institution, it still continues to exist. The Responsibility to Protect has used war as a means of last resort (2000: 17-19). War also started to serve solidarist purposes like other pluralist institutions. With the end of colonialism, cosmopolitan issues such as all human inequality in the global society gained importance. Although not directly, Nationalism contributed to the view that all peoples are equal. With the rise of institutions such as democracy and environmental management, especially human equality, the Responsibility to Protect has found the opportunity to exist in modern society. The tendency of the international society toward the solidarist direction has led to the emergence of the Responsibility of Protect as a concept, even if it is not an institution. To evaluate whether the Responsibility to Protect as a primary institution there are identifying processes. The next chapter, will define primary institutions and try to explain these processes.

1.3. Primary Institutions

The primary institutions of the English School say that there is a certain degree of anarchy and order in the international whole that emerges from systems of sovereign states. In Bull's *Anarchical Society*, he said that states that are aware of certain common interests and values constitute the international society (2012:13). Then he says that order in the international society is supported by the rules that guide the protection of the community and the institutions that protect the rules. An important point noted here is the difference between common values of the international community called "primary institutions" and international organizations called secondary institutions. With this difference, the relationship between primary and secondary institutions is not a one-way hierarchical relationship as both shape each other.

Primary institutions offer an approach to looking at international society as well as world society as a form of social structure. It also helps in both the comparison and classification of international societies. International society is defined according to all the primary institutions that formed it. Buzan (2004:228-49) and Holsti (2004) argue that primary institutions' rise, evolution, and obsolescence is a historical

narrative of how international societies evolved. It ranges from diplomacy to trade, the balance of power, war, international law, great power management, nationalism, and the market. In the English School, the evolution of the international society born with the 1648 Treaty of Westphalia is examined through primary institutions. The purpose of this historical narrative also shapes the pluralist-solidarity debate. Buzan says that the primary institutions of international society tend to solidarism (2014: 84-164). Early pre-modern European international society was essentially pluralist but dynamic and regularly developed new practices and new institutions. The classical seven primary institutions, whose territoriality, sovereignty/non-intervention, diplomacy, international law, the balance of power, great power management, and war, that have developed up to this time have been both strengthened and restricted by a powerful institution of nationalism.

There is a slow and differentiated process of the emergence of institutions rather than the sudden appearance. According to Barry Buzan's definition, these primary institutions are "*relatively fundamental and durable practices, that are evolved more than designed; and...they are constitutive of actors and their patterns of legitimate activity in relation to each other*" (2004: 161-204). Buzan's definition is similar to Chris Reus-Smit's (1997:557 as cited in Youde, 2017) fundamental institutions. and Kal Holsti's (2004:12-20) foundational institutions.

Buzan; mentions three functional distinctions in order to theorize or conceptualize primary institutions. These are "*security against violence, compliance with agreements, property rights*" (2012: 53-7). Buzan adds two more categories: membership, and authoritative communication (Buzan, 2014:174). According to Buzan, such approaches can be used to group and classify primary institutions. They cannot make a limitation. Since they are social structures and forms arising from human societies, they have endless innovations (2014: 178). However, he says there should be a better classification of primary institutions and suggests a nesting method. Some primary institutions can be understood as comprising or forming others. He divides institutions into two masters and derivatives (Buzan, 2004: 182). Sees sovereignty as a master institution. And nonintervention, self-determination, and non-discrimination are derivatives of sovereignty. At the same time, international law is a

derivative of sovereignty. Likewise, the equality of people is a master institution. Human rights and humanitarian intervention are derivatives of the equality of people. At the same time, international law is a derivative of sovereignty.

Functional logic offers ways to classify primary institutions, yet cannot identify a definitive set. That leaves the definition of empirical observation as the best approach so far (Falkner and Buzan, 2017:5). In other words, there can't be a set of primary institutions. Because they arise from the complex processes of human societies that are infinitely creative about the social forms and structures they produce (Ibid, 2017: 5).

There are some methods used to identify infinite primary institutions. This raises another problem because the English School literature is quite inadequate in defining primary institutions. Holsti offers three criteria for identifying primary institutions; *“the existence of patterned, recurrent practices; the existence of coherent sets of ideas/beliefs that frame these practices and make them purposive; the presence of norms, rules, and etiquettes that both prescribe and proscribe legitimate behavior”* (2004: 18-24). Buzan has a more generalizing definition; *“that they are relatively fundamental and durable practices; that are evolved more than designed; and that they are constitutive of actors and their patterns of legitimate activity in relation to each other”* (2014: 167).

Falkner and Buzan used two main criteria in their 2017 study to identify whether environmental stewardship has become a primary institution. First, it establishes a clearly defined value or principle applicable in international society. Second, the creation of secondary institutions and behavior patterns that conform to this norm (Falkner and Buzan, 2017:6). Wilson (2012) suggests how to identify primary institutions through the perceptions of diplomats and statesmen. Navari proposes a method of identifying primary institutions through secondary institutions based on the founding documents of intergovernmental organizations (Navari and Green, 2014: 217-9). Furthermore, Friedner Parrot's (2014: 10) checklist is a quite helpful tool for evaluating an international practice as a new primary institution of the international society. It is a list of questions about its internationality, routines, actors, and stability.

It can be said that Buzan has done the most work on this subject. First, he divided the institutions as master and derivative, then created a general definition to identify the institutions in their next study, and finally, in their study with Falkner (Falkner and Buzan, 2017), they introduced two different methods to evaluate environmental stewardship as a primary institution. Given the centrality of institution concepts within the English School, there is no consensus on the definitions, identity, and role of institutions. How many and how widely primary institutions are adopted is important for institutions. The adopted principles and practices of institutions such as sovereignty, territoriality, international law, and diplomacy are not questioned. There isn't any list that provides clear criteria for defining what makes something a primary institution. However, the criteria determined by Holsti and Buzan, who can be considered the creators of both theory and institutions, are the most comprehensive and explanatory methods. It is the most comprehensive method that can be used to identify primary institutions or to determine their success, progress, or failure. These two methods will be used in this thesis. In the next chapter, after the conceptual development is explained, these methods will be used to evaluate the Responsibility to Protect as a primary institution.

2. THE RESPONSIBILITY TO PROTECT

Responsibility to Protect is a contemporary concept that has been developing in the last thirty years. While the concept is contemporary, yet its origins have a long history. It is similar to the concept of just war with its principles. And it is developing as a modern concept aiming at the protection of human rights. In the next chapters, starting from the development of human rights, the development of the concept of Responsibility to Protect will be discussed.

The concept of human rights in its current sense was used in the nineteenth century, and its recognition with positive law began towards the end of the twentieth century. It is a struggle for the protection of rights, from the Magna Carta to the Universal Declaration of Human Rights (Iren and Gürkaynak, 2016:23). In this chapter, starting from the development of human rights, the concept of humanitarian intervention, and finally the Responsibility to Protect will be explained.

2.1. Developments in Human Rights

Human rights, like the Responsibility to Protect, are still an evolving concept. It emerged as a result of people living together, and it took a long time to be used in its modern sense. Human rights and international peace and welfare run parallel to each other. Protecting and promoting human rights is a way to promote international peace.

The exact meaning and scope of the concept of “right” are still debated. The concept of right used in English and other Western languages has two basic elements. It means that something or action is right and someone has a right (Donnelly, 2013:12). The concept of a right has a dynamic character and changes according to time, place, and society. For example, the decline in the West in the Middle Ages followed the opposite development experienced in the Islamic world. Although it has an inclusive definition, it has been defined in different ways in different cultures and societies at different times. Today, the first source of the idea of human rights is natural law. The belief that human beings have innate rights and freedoms has preserved its existence in different periods of history. Although these rights are sometimes seen as natural rights given to man by God, sometimes they are excluded from religious teaching. The

common point of both views is that people should protect these rights, not gain them (Iren and Gürkaynak, 2016:33).

Human rights have been tried to be protected by a constant struggle against some power or the state or the church. The struggle between church and state in the Middle Ages was an obstacle to the development of human rights. In this period, the belief that people had fundamental rights and freedoms before the state was not widespread. Despite this, the Magna Carta, one of the best achievements of the quest for justice, emerged at the very beginning of the thirteenth century. It is the first official text that strengthened natural law, limited the powers of the king by religion, and included some basic human rights. Although the text emphasized the rights of the British people, it was the first step in the achievement of fundamental rights and freedoms. Subsequently, the restriction of individual freedoms and the prevention of arbitrary arrests were subject to judicial decisions with the Petition of Right (1628) and the Habeas Corpus Act (1679). With the Petition of Rights, the rule of law is secured. Later, the Virginia Declaration of Fundamental Rights (1776) advocated freedom of speech and religion of the press. The first ten of the twenty amendments adopted in the United States Constitution in 1787 are known as the United States Bill of Rights since they restrict the federal government's power to interfere with personal freedoms and local governments. In 1789, the French Declaration of the Rights of the Man and of the Citizen took its place in the struggle for rights. In the 1793 French Constitution, 35 different articles were reserved for human rights and freedoms (Iren and Gürkaynak 2016:339).

The first classical civil rights were obtained in the eighteenth and seventeenth centuries with the French Revolution and the American Declaration of Independence. These include human rights such as the right to life, the right to a fair trial, and the prohibition of slavery and torture. Along with these, rights such as freedom of thought and expression, freedom of assembly and association, right to petition, and freedom of religion and conscience are seen as the “first generation rights”. New political developments such as the rising working class and the expansion of suffrage in the twentieth century added a second generation of rights to individual rights. Constitutional activities had an impact on the acceleration of second-generation rights.

The need to prevent the oppression of the working class against capital, and to protect social security and the right to work, has made the state an active actor in the protection of “second generation” rights (Turhan, 2013: 303).

Third-generation rights, which emerged after the Second World War, especially supported by developing states, focused on group or collective rights rather than individuals. Some of the rights referred to as solidarity rights are known as the right to peace, the right to development, and the right to self-determination (Tomuscat, 2014). The threat of human copying can be cited as an example of fourth-generation rights that aim to protect human dignity against the possibility of misuse of science and technological developments, due to technological developments that make it possible to manipulate the structure of genes. In addition, the European Union Constitutional Treaty, which prohibits economic gain from the human body and its parts, and the Council of Europe Documents, which prohibit the asexual reproduction of humans, can be given as examples (Domaradzki et al., 2019: 29).

The striking point in the development of human rights is that these rights emerge in a dynamic and relative manner over time. Another important point is that the emergence of different generations of human rights has made a cumulative contribution to the development of human rights. Because each new generation of rights is complementary and carried forward instead of ignoring or changing the previous rights. Along with social development, it has revealed numerous different human rights in every period. With the establishment of the modern international system, human rights became the subject of positive law after natural rights. However, during the second world war, human rights violations, especially the ill-treatment of civilians, increased, and the idea that human rights and freedoms should be protected both nationally and internationally became widespread to prevent the reoccurrence of these bad events (Iren and Gürkaynak, 2016: 333).

After the Second World War, the United Nations (UN) was established in order to build a new world order in order to ensure international peace and security by protecting human rights at the legal level. It is an intergovernmental organization established after the League of Nations failed in its task of maintaining international peace and security by failing to prevent the outbreak of the Second World War after

the First World War. The United Nations Charter, signed by 50 state representatives at the San Francisco Conference, entered into force on October 24, 1945 (Çalik, 2015: 1093).

The starting point of today's international concept of human rights is the UN Charter. With the 55th article of the UN Charter, all states have been held directly responsible for the protection of human rights, prohibiting the discrimination of race, gender, language, or religion. Maintaining international peace depends on universal respect for these rights. Since the second world war, the UN has taken many actions to protect and promote human rights. The first of these is the Convention on the Prevention and Punishment of the Crime of Genocide. According to the convention, genocide is recognized as a crime without distinction of war or peace, and states are given the task of preventing genocide and punishing those responsible. Later, the Universal Declaration of Human Rights (UDHR), adopted in 1948, became the second step. Although it is not a binding source, it is accepted as an indispensable element of modern human rights law (Iren and Gürkaynak, 2016: 333).

Later, the Office of the High Commissioner for Human Rights was established through the Vienna Declaration, which was accepted by consensus at the World Conference on Human Rights. The World Conference on Human Rights has played a role in the establishment of some agreements and institutions in Europe, Africa, and America in order to ensure regional peace and expand the protection of human rights at the international level. An example of the most important ones are; the European Convention on Human Rights, the European Social Charter, the American Convention on Human Rights, the African Charter on Human and Peoples' Rights, The Arab Charter on Human Rights, and the African Union, Association of Southeast Asian Nations (Buergenthal, 2009, Moeckli, 2018). Although there are references to human rights in numerous international documents, not every society has the same rights at the same time. While individual and individual rights come to the fore in Western societies; In Islamic, Asian, and African civilizations, terms such as collective rights and social duties are prominent (Iren, 2016: 61).

2.2. The Humanitarian Intervention

Humanitarian intervention has been one of the most discussed issues in international relations. Especially since the 1990s, among international relations theorists and practitioners, it has been argued that humanitarian intervention cannot be legal or justified, and some argue that there is an obligation to humanitarian intervention for the protection of human rights. Humanitarian intervention is not a modern concept (Iyi, 2015). Throughout history, societies have resorted to war as a solution to their problems. In addition to the interests of the state, religious reasons, or the threat of the state, the most discussed cause of war until today is the idea of war in the name of humanity and goodness. The idea of war in the name of goodness and humanity became the concept of just war until the nineteenth century, then humanitarian intervention, and then the Responsibility to Protect from the twenty-first century (Hehir, 2010: 458). The humanitarian standards, which are the focus of wars in the name of a just war, are similar to the standards sought in humanitarian interventions after the Cold War.

The first person to argue that there can be a just war in order to protect the innocent and to ensure the continuity of peace was St. Augustine. Trying to answer the question of how a Christian fought without sinning, Augustine argued that if war was justified, it would cease to be a sin. St. Augustine and Aquinas say that there are three important criteria for the war to be justified; authority, just causes, and right intention (Fixdal and Smith, 1998 as cited in Iren and Gürkaynak, 2016). Before that the Roman philosopher Cicero is considered the pioneer of the concept of right authority, by distinguishing for the first time the war for peace and survival, and pointing out that the war will not be justified unless it is declared by a legitimate authority (Murphy, 1996: 39). With the Renaissance and Reformation movements, the just war has been stripped of its religious roots. Under the leadership of Vitoria in the fifteenth century, and the efforts of Grotius in the seventeenth century, the theory of just war moved from its theological roots to natural law. Hugo Grotius, one of the founders of modern international law, in his work *De Jure Belli Ac Pacis* (1625) mentioned the laws and rules of just war, which evokes the concept of humanitarian intervention. Just war has gained a secular identity with the works of Vitoria, Grotius, and many other thinkers.

Walzer, on the other hand, is one of the recent thinkers who explained the idea of just war by associating it with the concepts of secularism and human rights. In the twentieth century, with the rise of positive law, the doctrine of just war has become a concept with a strong historical, philosophical and legal aspect, inspiring humanitarian intervention and subsequently the Responsibility to Protect (Iren and Gürkaynak, 2016: 85).

Although the legal and political debates put forward for the legitimization of humanitarian interventions have changed over time, the tradition of just war has continued. Humanitarian intervention in its current sense was used in the early nineteenth century. Despite this, a clear definition explaining humanitarian intervention could not be established. However, the fact that each civilization has its definition of human rights and different definitions of humanitarian intervention has enriched the concept and also caused confusion.

There are numerous definitions created for humanitarian intervention, the most striking are the definitions made based on purely military intervention and the definitions made by adding economic and diplomatic sanctions. Despite the development of the concept of humanitarian intervention, a clear definition of humanitarian intervention has not been established. Writers such as Holzgrefe, Roberts, Brown, Brownlie, Murphy, Başeren and Teson have defined humanitarian intervention as a purely military intervention with the authority to use force (Iren, 2016: 91). While Holzgrefe defines humanitarian intervention as “*the threat or use of force by one or more international actors to protect citizens of another state from widespread human rights violations that occur in that state*” (Holzgrefe and Keohane 2003: 18). On the other hand, Murphy defines humanitarian intervention as “*the use of military force by one or more states against another state to prevent widespread human rights violations*” (Murphy, 1996). While some authors justify a legitimate intervention to protect human rights, others argue that it means violating the sovereignty of the state and should not be interfered with.

Waal, Omar, Reagan, and Heinze describe military intervention as including economic and diplomatic options (Iren, 2016: 93). Heinze, who includes economic and diplomatic methods other than military options in his definition of humanitarian

intervention, sees “intervention of one or more states against another state to stop human rights violations by using military and the non-military option” as humanitarian intervention (Heinze, 2004: 472-73). Definitions that add options other than military intervention to humanitarian intervention reveal an approach that evaluates the phenomenon of humanitarian intervention from a broad perspective. Brown and Browline explain humanitarian intervention as the use of force for the desired goal (Ercan, 2022). They argue that if the internal affairs of a member of the international society are intervened with for humanitarian reasons, the main objective should be in the interest of local people and aim to protect human rights (Iren, 2016: 93).

The League of Nations, which tried to maintain international peace by limiting the use of force, could not take adequate precautions against human rights violations. Thus, the UN almost entirely banned the use of force. After the Cold War, states in various parts of the world could not prevent humanitarian crises within their borders, and humanitarian intervention was used as a solution tool to prevent humanitarian crises by the international society despite the UN's ban on the use of force.

In terms of a broad definition, the most distinctive aspect of humanitarian intervention is that the intervention must be carried out by states or international organizations. Another element is that the intervention aims to prevent serious and widespread human rights violations caused by internal conflicts. Different definitions of humanitarian intervention prevent the concept from being clear and understandable, and at the same time led to the enrichment of the academic and philosophical background of the term. Therefore, the legality and legitimacy of humanitarian intervention have been debated among international lawyers, academics, philosophers, and diplomats for years. Some question that humanitarian intervention consists of contradictory terms that are given too much moral value and how any intervention can take on a humanitarian character. Another group is skeptical of humanitarian intervention and emphasizes that humanitarian intervention should be an unlawful concept (Holzgrefe and Keohane, 2003: 11). Debates on law and legitimacy facilitate the establishment of international peace and order. Those who consider the necessity of humanitarian intervention criticize the international society and the states for failing

to prevent humanitarian crises after the Cold War, and state that these crises should be terminated so that they do not happen again. Complying with the rules of international law and respecting concepts such as state sovereignty and human rights will promote international peace and stability. For this reason, it is very important to place humanitarian intervention on a legal and legitimate basis (Iren, 2016:94).

2.3. Responsibility to Protect

The twentieth century has been the period in which the most contribution to the literature on human rights has been made, as well as the period in which human rights have been violated the most. Since the 1990s, massacres as a result of human rights violations in East Timor, Rwanda, Somalia, the Democratic Republic of Congo, Darfur, and Srebrenica could not be prevented. International law has prioritized promoting human rights rather than preventing humanitarian crises. Measures to be taken against states violating human rights have led to confusion between concepts such as state sovereignty, the principle of non-intervention in internal affairs, and the national interests of states, and have prevented international law from developing a common sanction against states violating human rights. This situation has revealed the need for further measures to protect human rights. In a way, the Responsibility to Protect (RtoP) emerged from the human rights tenders of the 1990s and the debate over the place of humanitarian intervention in international law (ICISS).

The International Commission on Intervention and State Sovereignty (ICISS) has been a radical attempt to bridge the gap between the legality and legitimacy of humanitarian interventions. There are three main sources for the development of the Responsibility to Protect. The first of these is the report published by “*ICISS*” in 2001 in which the concept was defined for the first time. The second is the 138th and 139th paragraphs of the “*2005 World Summit Outcome*” and the third is the Report on the “*Implementation of Responsibility to Protect*” published by the UN Secretary-General in 2009. In these three documents, have been determined the general lines of the concept. In the next chapter, the development of the concept will be tried to be revealed with the three sources mentioned.

2.3.1. ICISS Report

The UN special representative appointed to investigate Internally Displaced Persons Francis Deng, is the first person who mentions states' responsibility, underlining that states are responsible for protecting their people's universal rights, not just sovereign rights over individuals (Deng et al, 1996: xii-xiii). Along with the disagreements about the civil wars and military intervention in the 1990s, UN Secretary-General Kofi Annan called on the UN General Assembly to form a new normative consensus. With the leadership of the Canadian government, ICISS was established and this commission prepared a report called Responsibility to Protect in 2001 (A/59/56557). This report is provided a concrete framework for the reinterpretation of sovereignty and the determination of the conditions for the assistance of the international society to sovereign states and necessary measures.

The concept of Responsibility to Protect was used for the first time in 2001, in the report prepared by ICISS, and later it became the center of current political and academic debates. ICISS report has been prepared in great detail and revealed the main features of the Responsibility to Protect. This report is seen as the source text of Responsibility to Protect. The main element that constitutes the concept of Responsibility to Protect; is the responsibility of the states and international society when states are unwilling or unable to evade their responsibility to protect their own citizens in cases of mass murder, crimes against humanity, rape, and starvation (ICISS 2001: 7). The nature and dimensions of the responsibility regarding the intervention brought up the questions of whose authority, by whom, where, when, and how the intervention would be carried out. Some of the commissioners emphasized military intervention should be possible without the approval of the Security Council (Welsh 2012: 296).

In the report, the Responsibility to Protect primarily places a responsibility on sovereign states. In this approach, which is based on the principle of sovereignty as responsibility, the responsibility of the international society comes into question when state or states do not fulfill their responsibilities in cases such as wide-scale deaths, genocide, and gross violations of human rights, which constitute serious

violations of international law (Ercan, 2016). As stated in the report, the principle of responsibility to protect covers three specific responsibilities. The first is the responsibility to prevent. It includes measures that can be taken to prevent situations where this population is at risk due to internal conflicts and crises, the direct effects of this situation, and its origins. It is mentioned that different organizations such as states, the UN and its specialized organizations, international financial institutions, regional organizations, non-governmental organizations, religious groups, business circles, media, and scientific and educational societies should take a role in the measures (ICISS, 2001; 19-23). The second is the responsibility to react. It includes responding to situations where humanitarian aid needs exist, with appropriate measures. The content of these coercive measures consists of sanctions in various fields, international prosecution, early warning mechanisms, economic sanctions, and the option of military intervention in very exceptional cases (Ibid, 29-35). Responsibility to Protect includes not only prevention and intervention but also reconstruction. Responsibility to rebuild is the undertaking of real assistance in sustainable development, the advancement of good governance, and the establishment of lasting peace in case of military intervention, in case the capacity and authority of the state collapse. International representatives, together with local authorities, should fulfill their responsibility to build within their mandate to restore public safety and order (Ibid, 39-44).

The most important aspect of the Responsibility to Protect Report is the prevention of mass human rights violations without the need for military intervention and other coercive measures that do not involve military intervention. All options must be used up before intervention. The implementation of the responsibility to prevent and respond should be applied proportionately, starting with the less coercive measures to the more severe ones. In this context, military intervention for the protection of people is an exceptional measure. The reasons were mentioned such as the wide-scale deaths caused by various reasons or with the intention of the state, and the state's indifference or inability to prevent it. And in the case of wide-scale deaths and ethnic cleansing, intervention can also be made for reasons such as forced migration,

widespread terrorism, and systematic rape. Certain principles have been established to limit and prevent the intervention from being used in the interests of states. These are;

1. *Right Authority*: the military intervention must be approved by the UN Security Council.
2. *Just Cause*: the situations in the state does not or cannot do anything such as acts that cause great loss of life, death, forced migration, acts of terrorism, and, regardless of whether there is a purpose for genocide,
3. *Right Intention*: the primary purpose of the intervention should be to relieve and prevent people's suffering,
4. *Last Resort*: must have tried all non-military options or peaceful means of preventing and ending the crisis,
5. *Proportional Means*: the intensity and duration of the military intervention should be determined as the minimum time to protect people,
6. *Reasonable Prospect*: it must be ensured that there is a reasonable chance of success in preventing or stopping the suffering that justifies the intervention, and that the situation in the country does not become worse than it was before the intervention.

The most important of these conditions is that the intervention was made to stop and prevent human suffering. In addition to the existence of the aforementioned conditions, it was stated that the UN Security Council (UNSC) was authorized to decide on military intervention. (ICISS, xii) UN security turns to regional or sub-regional organizations as alternative solution proposals in case a decision cannot be taken in any way. Leaving the issue of authorization for interventions to the UN Security Council not only limits the options for resolving the problem but also in some cases completely prevents the problem from being resolved.

RtoP quickly attracted international attention, as ICISS placed the responsibility of protection primarily on the state and then on the international society. Another development of RtoP is the reference to the Responsibility to Protect in the report published after The United Nations High-Level Panel on Threats, Challenges and Changes (2004) organized by UN Secretary-General Kofi Annan. The first of

these is the reference in the report to the shift to each state's responsibility from one state's right to intervene for people suffering from acts such as mass killings, rape, ethnic cleansing through the use of force and terrorism, and deliberate exposure to hunger and disease. The other reference is the statement as follows; “*we endorse the emerging norm that there is a collective international responsibility to protect, exercisable by the Security Council authorizing military intervention as a last resort*” (A/59/56557: 57).

In the report *In Larger Freedom: Towards Development, Security and Human Rights for All* published in 2005 by UN Secretary-General Kofi Annan, the statement “We have to embrace the responsibility to protect and act accordingly whenever necessary” is another development that has helped to bring the Responsibility to Protect to the fore in the international arena (A/59/2005).

The RtoP aimed to change the conceptual definition of protecting human rights through humanitarian intervention to the Responsibility to Protect. At the same time, with the transition to the understanding of sovereignty as responsibility, there has been a radical change in the understanding of absolute sovereignty, by preserving states' sovereignty. It gave priority to coercive sanctions before the intervention. It legitimized the intervention by giving the decision authority to the UNSC so that the intervention can be used in situations where it is truly necessary.

The ICISS report, which revealed the concept of RtoP, used the historical background of humanitarian intervention by referring to its definition. Thus, it is present RtoP as a post-modern concept designed to respond to the needs of the modern world in order not to repeat the mistakes of the past and to eliminate its deficiencies (Iren, 2016:110).

2.3.2. 2005 World Summit Outcome

Another important document on the responsibility to protect is the World Summit Outcome dated 2005. Paragraphs 138 and 139 in the final declaration of the 2005 World Summit were the turning points of the RtoP. Thus, RtoP was included in the agenda of the World Summit for the first time. The Responsibility to Protect

become a political commitment with unanimous adoption by all UN General Assembly members at the 2005 World Summit.

The 138th paragraph gives the states the responsibility to protect from certain crimes their own populations. These crimes are genocide, war crimes, ethnic cleansing, and crimes against humanity. This responsibility requires that such crimes be prevented by appropriate and necessary means. Again in the same paragraph, the UN stated that this responsibility was accepted and that the international community would encourage and assist states, as appropriate, to fulfill this responsibility (World Summit Outcome, 2005: art. 138).

In the other paragraph, it was emphasized that the General Assembly should continue to consider its responsibility to protect people from mentioned crimes against humanity and their consequences, keeping in mind the principles of the Charter and international law. And General Assembly should also commit to assisting States, as necessary and appropriate, to develop their capacity to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity, and to assist those under stress before crises and conflicts arise.

The 139th paragraph states that the international community through the UN has a responsibility to use appropriate diplomatic and other peaceful means, to help populations from genocide, war crimes, ethnic cleansing, and crimes against humanity. Under Chapters VI and VIII of the Charter, the Security Council will take collective action on a case-by-case basis and in cooperation with relevant regional institutions, where peaceful means are inadequate and national authorities have clearly failed to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity (World Summit Outcome, 2005: art. 139).

The change in the understanding of state sovereignty in the ICISS report continued with the 2005 World Summit. The responsibility to protect human rights continued with the obligation of the sovereignty to protect its people and the responsibility protect given to the international society in case the state is unable or unwilling to fulfill this obligation or causes it. The conceptual transformation from humanitarian intervention to the responsibility to protect has changed from

humanitarian intervention to the responsibility of ensuring the well-being and protecting the rights of the individual at both the national and international levels (Eckert, 2012: 96). Therefore, it has been tried to change the concept of sovereignty from sovereignty as control to sovereignty as responsibility. The focus of the action has been shifted from the state to groups that need protection and benefit from the intervention (Iren, 2016: 112).

The most important regulation has been made in the definition of the crimes that will be covered by the RtoP. ICISS limited it to crimes such as “genocide, war crimes, crimes against humanity and ethnic cleansing” instead of “wide-scale deaths” mentioned in the ICISS report (Reçber, 2015: 214). Following the amendments, the Responsibility to Protect was elaborated and unanimously accepted at the World Summit. Afterward, RtoP references were made in many UNSC resolutions. The most important one is in resolution 1674 which is the first UNSC document that referenced RtoP.

2.3.3. Implementing the Responsibility to Protect

In 2009, then UN Secretary-General Ban Ki-Moon published the Implementing the Responsibility to Protect report for a more successful and systematic implementation of RtoP (A/63/677). This report was the first comprehensive UN document in the transformation of RtoP from theory to practice. In essence, the report has brought together what needs to be done to protect human life under three non-consecutive pillars. The report mentions three responsibilities expressed in three pillars.

Pillar one is about the protection responsibilities of states, quoted in the first three paragraphs of the 138th of the 2005 World Summit “*Each individual state has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity*” (World Summit Outcome 2005: art. 138). Pillar two is about international assistance. “*It is the commitment of the international community to assist states in meeting those obligations*” (A/63/677: sect. III). The international community has a responsibility to assist any state in meeting its responsibilities.

And Pillar three *“is the responsibility of member states to respond collectively in a timely and decisive manner when a state is manifestly failing to provide such protection”* (A/63/677: IV). The international community has a responsibility to take timely and decisive action to prevent or stop any state that clearly fails to protect its citizens against crimes such as crimes against humanity, genocide, war crimes, and ethnic cleansing. The third pillar is given the responsibility to respond to the international community through the Security Council to take measures against the state, which cannot exercise its sovereign rights within the scope of atrocities and fail to protect the population under its control. The third pillar refers to several diplomatic channels such as calls for restraint, declaration of a no-fly zone, arms embargo, travel ban, freezing of assets, and military intervention as a last resort.

The report also consists of three titles. The Protection Responsibilities of the State, International Assistance, and a Timely and Decisive response. The first chapter recommended that States become parties to international humanitarian law additionally the International Criminal Court (ICC). Thus, a complementary role of the ICC has emerged regarding the Responsibility to Protect. In the second part, the importance of help to regional and sub-regional organizations to prevent crimes and violence related to the Responsibility to Protect was mentioned. In the third chapter, it is stated that the responsibility to protect is not only a responsibility of the members of the Security Council. In this report, it is clear that the emphasis is placed on responsibility rather than intervention, and the importance of assistance in cases where states fail is often emphasized.

Evans and Sahnoun emphasize three important dimensions of Responsibility to Protect. The situation should be evaluated from the point of view of the party that needs help, not the one who intervenes. The international society reserve the right to take action if the state doesn't or fails to fulfill its responsibility. Third, the Responsibility to Protect is as inclusive as an umbrella, and it has the responsibility to prevent and rebuild, as well as the responsibility to react. These three important dimensions are the aspects that separate them from the concept of humanitarian intervention (Evans and Sahnoun, 2005). All members of the UN's security council accept and supported the three-pillar RtoP while prioritizing violence prevention

efforts. Within the scope of the third pillar, it was emphasized that the efforts to help the states in need should be carried out with the respect for the principle of sovereignty and that the priority should be diplomatic and political means, and then military power as a last resort (Mustafayeva, 2019: 73). The pillars of the responsibility of states to protect their citizens and the assistance of the international community in fulfilling these responsibilities have been reached consensus. However, some countries have stated that the principles of sovereignty and non-intervention should be respected in the implementation of the third pillar's sanctions, coercive measures, and last-resort interventions (Güneş Gülal, 2019: 39-42).

Since 2009, there are many reports, resolutions, and statements published by UNSC. However, it is not possible to consider them all separately. To highlight important developments, some of these documents will be covered in the next chapter.

2.3.4. UN Security Council Reports and Others

These reports and decisions are not as comprehensive as the ICISS report. Today, it cannot be said that the principle of Responsibility to Protect constitutes a valid norm of international law. However, discussions, reports, and resolutions continue on this concept, which has emerged as a need arising from negative experiences. Since 2009, many reports, resolutions, panels, and studies have emerged that have enabled the development of the concept. Some of these documents will be covered in this chapter.

In the report presented at the 64th Session of the UN Secretary General's meeting, The importance of regional and semi-regional organizations was mentioned to use the early warning system efficiently in the face of genocide, war crimes, ethnic cleansing, and crimes against humanity, to obtain information from the scene, and to establish a more efficient, flexible, and balanced system (A/64/864, 2010). He also mentioned the importance of non-governmental organizations in the report he presented to the 65th Term UN General Assembly. These organizations were asked to increase the sharing of information on these actions with regional and semi-regional organizations, to contribute to the regional dialogue on the implementation of the Responsibility to Protect and to cooperate (A/65/877, 2011).

In Ban Ki-Moon's report titled “*Responsibility to Protect: Timely and Decisive response*”, it was stated that there were civilian casualties during the air operation despite all efforts during the Libyan intervention, and it was suggested that every possible precaution should be taken to avoid actions that would pose a risk to civilians while using military force. It was stated in the report that non-coercive methods were not effective enough in the Libyan crisis that took place at the time the report was published. Brazil's Responsibility While Protecting initiative was welcomed as a constructive dialogue in terms of the implementation of the Responsibility to Protect and emphasized the commitments of each state (A/66/874, 2012).

Responsibility to Protect: State Responsibility and Prevention adopted on 9 July 2013, is the fifth report by Ban Ki Moon since 2009. This report follows paragraphs 138 and 139 of the World Summit Final Declaration, and the events in Syria were mentioned in order to strengthen the 'prevention' activity, a comprehensive examination of the actions to be taken and the risks that will occur is indicated. In the same report, it is stated that women and men are affected differently during armed conflicts, and reminding the relevant Security Council resolutions, emphasizes the importance of preventing sexual violence and the equal participation of women in the policy-making and peace-building process. The report qualifies rape and sexual violence against women as war crimes, crimes against humanity, and acts that can lead to genocide. And it is stated that widespread systematic sexual violence should be supervised by the Security Council for the reason it poses a security threat. The Council is mandated to disclose to the public crimes and violations against children in armed conflicts, including the forced conscription of children under the age of 15, which are considered war crimes, as well as sexual violence and other forms of crimes against humanity that may constitute genocide (A/67/929, 2013).

The report of the Secretary-General on *Fulfilling Our Collective Responsibility: International Assistance and the Responsibility to Protect*, published in 2014, identifies the approaches and principles that should guide efforts to assist states in fulfilling their responsibilities to protect peoples from genocide, war crimes,

ethnic cleansing and crimes against humanity, and the various actors who can contribute to their responsibility to help (A/68/947, 2014).

2015 Report of the Secretary-General on *A Vital and Enduring Commitment: Implementing the Responsibility to Protect*, summarizes ten years of work to develop Responsibility to Protect and prioritizes six points for Responsibility to Protect in the next decade. The first one is to build political unity at national and global levels to protect people from atrocity crimes, strengthen responsibility to prevent, timely and decisive response, prevent crimes of atrocities, prevention of genocide, risk of recurrence, and finally, regional action to respond to them (A/69/981, 2015).

2018 Report of the Secretary-General on *Responsibility to Protect: From Early Warning to Early Action*, this report despite progress made in implementing the principle of Responsibility to Protect, the international community is still lacking in preventing genocide, war crimes, ethnic cleansing, and crimes against humanity, and protecting vulnerable communities. To this end, some recommendations for improving early warning and evaluation are made in this report (A/72/884, 2018).

2020 was the 15th anniversary of the 2005 World Summit Outcome and the 20th anniversary of Resolution 1325 on Women, Peace, and Security. The *Prioritizing Prevention and Strengthening Response: Women and the Responsibility to Protect*, (A/74/964, 2020) report published by the Secretary-General, aims to improve understanding of the gender dynamics of brutality crimes and enhance the effective implementation of RtoP. In the report, it has been emphasized that war crimes and crimes against humanity, such as rape, sexual slavery, forced prostitution, forced pregnancy, and forced sterilization, affect women and girls. In the report acts that disproportionately affect women and girls may also be constitutive acts of the crime of genocide, which are listed as; taking measures to prevent births within a certain group and forcibly transferring children belonging from one group to another.

The second part of the report of the Secretary-General emphasizes for effectively implementing the RtoP required the development of gender equality. The report suggests various policy measures for the UN and its member states should take to prioritize the meaningful participation of women and the protection rights of

women. These are; strengthening risk analysis with gender-sensitive indicators and sex-disaggregated data; women's full and equal participation in peace processes and decision-making processes, as well as in the design of preventive measures, ending any gender gaps in the prevention of any atrocities and encouraging the protection of women and girls from human rights violations through regional and sub-regional mechanisms (Ercan, 2022)

The report notes that combating impunity and ensuring accountability for crimes of atrocities are essential to advancing RtoP, but highlights that there are serious gaps in states' willingness and ability to hold perpetrators of crimes against women and girls accountable, and encourages UN member states to do more.

Thirteen UNSC reports and many resolutions on RtoP have been published since 2009. The most important developments are listed above. It is clear that all these documents contribute to the still-developing RtoP concept. On the one hand, while trying to advance the term, the criticism continues. The next chapter will discuss the reviews of the RtoP concept.

2.3.5. Criticisms on Responsibility to Protect

The most significant criticism of RtoP is that the principles and rules set in some reports are not included in others. The best example of these is the principles determined in the ICISS report to prevent the intervention made within the Responsibility to Protect from being made in line with the interests of the states, and the UNSC being the sole authority, not included in the 2005 World Summit Outcome. This continues to be the focus of criticism, with the thought that it will cause the interventions to be made in line with the interests of the states or prevent intervention from being made by using the veto right.

At the same time, in the report, the authority given to regional organizations in case the UNSC cannot take a decision is not included in the World Summit Outcome. In the opposite way there were no criteria for when to intervene, only the World Summit Outcome mentions that the events should be evaluated basis on a case by case. Therefore, the lack of clarity about the way to be followed if the permanent members cannot decide due to the veto right has been one of the reasons for the

criticisms made against the Responsibility to Protect (Bellamy and Dunne, 2016: 249-269).

The other criticism is that RtoP does not cover humanitarian issues. It is discussed that nuclear weapons, diseases, and natural disasters should be evaluated within this concept. In response to this, the answer is given that these problems are mostly related to human security. The most cited examples of this are Myanmar and Gaza (Evans, 2009: 166-168). After the natural disaster in 2008, it has been widely criticized the UNSC's rejection to send aid to Myanmar under the RtoP (Güneş Gülal, 2019: 43-45).

RtoP has been criticized for using the human rights discourse in the interests of Western countries. The response to this criticism was that the protection of human rights was included in its founding treaty by the African Union for the first time. (Kioko, 2003: 807) It is also criticized for the thought that the concept of Responsibility to Protect will reinvigorate colonialism by pushing the world to the distinction between civilized and uncivilized and that RtoP is a rhetorical concept with no equivalent. In response to this; It has been said that it is a concept that avoids taking the place of any racist or apartheid tool and reminds the states and the UN of their responsibilities in this sense (Reçber, 2015: 221). There are also criticisms that the Responsibility to Protect is the updated version of “humanitarian intervention” and “just war” (Marks and Cooper, 2010). As a response to this criticism three things to mention. First, humanitarian intervention is seen as a moral concept, however, RtoP is limited to three-stage responsibilities. Second, while it is unclear in which situations the humanitarian response will be applied, RtoP mentions four specific crimes. Finally, UNSC approval is sought for interventions made under the RtoP. And interventions that are not approved by the right authority are not considered legitimate and legal (Iren, 2016: 128).

In addition to the discussions on the legitimacy and legality of humanitarian intervention, the legality of the concept of RtoP itself is also discussed by academics. RtoP's efforts to stop unlawful practices and human rights violations conflict with the two important institutions of international law, the right of sovereignty and the principle of non-interference (Iren, 2013: 123). It is emphasized that RtoP, which aims

to protect and promote human rights, shapes today's positive law and is compatible with “custom” or “common” international law by many authors (Iren, 2013: 95; Reçber, 2015: 210).

Although member states accept their responsibilities to protect their citizens, other states do not accept a legally binding text to protect other states' citizens. Therefore, the legally binding part of the work remains incomplete. One of the questions regarding the Responsibility to Protect is who will authoritatively enforce this principle. The important point here is that assigning this responsibility to everyone means that no one is responsible (Reçber, 2015: 212).

Finally, it seems difficult to reach a full consensus on the principle of Responsibility to Protect. Although the principle of Responsibility to Protect has different content in the ICISS report and other reports and resolutions, the degree of importance of each one of them is different and they are important steps in the development of the concept. At the same time, these resolutions are non-binding, but there is continued and widespread support for RtoP among the members of the General Assembly. These documents contributed to the content of the principle in different ways and in varying degrees.

2.3.6. Responsibility While Protecting and Responsible Protecting

After the Libyan intervention, discussions increased in order to further develop the concept and prevent its abuse. As a result of these discussions, some concepts similar to the Responsibility to Protect have been developed by taking advantage of its experience. The concept of Responsibility While Protecting was introduced by Brazil. The concept of Responsible Protection was developed by a Chinese academic.

Responsibility While Protecting (RwP) was introduced by Maria Luiza Riberio Viotti, Brazil's permanent representative to the UN, in the 66th opening speech of the UN General Assembly in 2011. She referred to the shortcomings of the Responsibility to Protect and stated that NATO had exceeded its mission of protecting civilians in Libya, and claimed that the purpose of NATO was regime change, not protecting the people. Brazil highlighted some important points and emphasized that

the international community should show a high degree of responsibility while fulfilling its responsibility to protect and suggested an independent control mechanism during the implementation phase of military operations. Thus, consistency between intervention decisions and intervention actions will be ensured by eliminating the problems such as regime change in Libya (Eldem, 2015: 24).

Responsibility While Protecting has been criticized for being developed as a new concept against RtoP. However, it is stated that it is not a new concept, it was introduced as a complement to RtoP (Eldem, 24-5). The development of RWP was hindered by reasons such as the departure of the Brazilian representative, attempts to be developed by a small group, and institutional inadequacies (Çağlayan, 2018: 355).

Based on Brazil's RWP proposal, the Chinese academic Ruan Zongze developed the concept of Responsible Protection. It is about the military aspect of the intervention by emphasizing the principles such as "just cause, right intention, last resort, proportional means and reasonable prospect" in the ICISS Report. Emphasizes that intervention should protect human rights and security and stability in the region, not a political or armed group. States that UN permanent members should not use their veto rights unless it goes against their vital national interests and that intervention can be used in extreme cases that shock the conscience of humanity. It emphasizes intervention should be made when UNSC and its alternative institutions are dysfunctional and, as a last resort, only to prevent humanitarian crises (Demirbaş, 2021; Garwood-Gowers, 2015: 5). Similar to China's Responsible Protection concept, France and Mexico have had initiatives and many countries have supported them. A proposal has been put forward by a group of states to elect a RtoP representative. Since 2010, the elected representatives called 'focal points' have held meetings every year (Eldem 2015: 25-7).

2.4. Responsibility to Protect as Primary Institution

Before moving on to the evaluation of RtoP as an institution forming the international society in the English School, some similarities should be mentioned about these two subjects. The point RtoP and English School came closest to is the pluralism and solidarism debate. Besides that, the whole debate is about the humanitarian intervention itself, solidarism has some similar understanding on

humanitarian intervention with RtoP. According to solidarism states that violate human rights should be intervened to protect those human rights. Solidarism sees individuals as subjects of international law and the root of cosmopolitan values. Some writers of English School think that states should transform human rights into citizen rights. It is precisely at this point, the English School Theory and its solidarist international society and RtoP are the most compatible and closest point to each other.

As stated in the previous sections, the methods used by Holsti (2004) and Buzan (2014) in identifying the primary institution are the most comprehensive and explanatory methods. While trying to answer these criteria, two sources will be used. The first of these is the principles regarding the limitation of intervention determined by the ICISS report. And the three responsibilities are outlined in the Implementing Responsibility to Protect Report.

Holsti offers three criteria for identifying primary institutions, patterned and repetitive practices, opinion and belief groups that support these practices, and the norm, rule, or etiquette that makes behavior both prescribe and proscribe (2004: 18-24). Buzan defines it as undesigned evolved fundamental and durable practices and the founder of actors and their activities (2014: 167).

The framework of the RtoP concept was formed with the report published in 2001 after ICISS. an Implementing the Responsibility to Protect report was published for a more successful and systemic implementation of RtoP. Implementing the RtoP brought together three pillars to protect human rights. States have the responsibility to protect their own citizens from genocide, war crimes, crimes against humanity, and ethnic cleansing. The international community has the responsibility to assist the states to fulfill their responsibilities. And in cases states are unwilling or unable to do so, that responsibility must be taken over by the broader community. In the ICISS report, the Responsibility to Protect contains three responsibilities. Responsibility to prevent, react and rebuild (Evans and Sahnoun, 2005). Responsibility to prevent is about addressing the root causes of the conflicts. Responsibility to rebuild is about assistance in sustainable development, and the establishment of lasting peace in case of military intervention. Responsibility to react is about coercive measures, such as sanctions and international prosecution, and military intervention in extreme cases. In the case of

intervention, some principles should be considered. These are; the right authority, right intention, just cause, last resort, proportional means, and reasonable prospect (Evans and Sahnoun, 2005; United Nations General Assembly 2009).

It can be said that the Responsibility to Protect meets Holsti's definition criteria of the existence of practices with a certain pattern. In the Responsibility to Protect, states have a responsibility to protect their citizens from human rights violations, and the international community has a responsibility to assist. Finally, the international community has a responsibility to react. Responsibility to react first includes coercive measures, and then, as a last resort, humanitarian intervention. Intervention must be undertaken in time, as a last resort, and proportionately, based on UN Charter VII, by a legitimate authority to end human rights violations and restore order. Thus, it can be said that the decision to intervene is a practice that has a certain pattern. The restrictions mentioned above are the principles established to prevent intervention from using in the interests of states in the ICISS report. With these principles, it can be said that Holsti's third criterion of the existence of norms, rules, and etiquette that both prescribe and proscribe behavior, is also met by RtoP.

Considering that the RtoP is a concept developed to protect human rights, it can be said that Responsibility to Protect meets Holsti's second criterion of the existence of ideas and belief groups framing practices. With the Implementing the Responsibility to Protect report, the state is responsible for protecting its citizens against genocide, war crimes, crimes against humanity, and ethnic cleansing.

Buzan's definitions, which will be used as another criterion method, are very similar to Holsti's. It is seen that the Responsibility to Protect is compatible with Buzan's definitions, undesignated evolved fundamental and durable practices, and the founder of actors and their activities. Responsibility to Protect whose origins are based on just war transformed into a modern concept aimed at protecting human rights. This has been mentioned in previous chapters. After the concept of humanitarian intervention, which has had prejudices on it, it is tried to be developed as a legal norm to protect human rights. Although the success of the interventions in the last decade is debatable, in practice it is developed as a moral concept with responsibilities that tries to protect human rights. It can be said that the principles mentioned in ICISS Report

are designed rather than evolved so that the intervention is not used in the interests of the states. However, it should be taken into account that these principles were determined out of a need. The act of protecting human rights has been tried to be carried out from the concept of just war to humanitarian intervention and with the Responsibility to Protect in the last twenty years. Thus, it can be said that it is a concept that has evolved in the last century although some parts of it were designed, and it is a fundamental practice Responsibility to Protect has been developed to protect human rights and prevent human rights violations by the actors of the international community and international organizations. It can be said that RtoP meets Buzan's' second criterion, founders of actors and their activities.

In light of all these evaluations, it can be said that 'theoretically' the RtoP can be a solidarist primary institution of international society. Meets both Holsti's and Buzan's primary institution identification criteria. However, in order to say that the RtoP is a complete primary institution, it is necessary to evaluate how much it can be applied in practice. Hence, it is necessary to look at the actions and interventions made in the name of RtoP in the last two decades. In the thesis, Libya and Syria crises are discussed for the case study. Both of the crises experienced severe human rights violations as a result of civil wars in the same years. In the next section, it will be tried to explain how the crisis emerged, its development, and its evaluation in terms of Responsibility to Protect.

3. RESPONSIBILITY TO PROTECT IN LIBYA AND SYRIA

This section will be discussed the Libya and Syria crisis, which both cause human rights violations and threaten national and regional peace and order. In 2011, violent clashes broke out between the government and the opposition in both countries. Many different international organizations have produced reports on crimes of mass atrocities committed by government forces against civilians. It was expected that the international community would intervene and act within the scope of the RtoP in order to stop the atrocities inflicted by the rulers of Libya and Syria. In Libya, the UN Security Council adopted the resolution allowing the use of force to save civilian lives, under the RtoP. However, in the case of Syria, the Security Council got stuck with the veto of Russia and China, and no intervention resolution under the RtoP was adopted.

Therefore, in this section, the Security Council's taking such different decisions under similar circumstances will be examined after the crises are explained. In the Libyan crisis, the beginning of the crisis was mentioned and the intervention and intervention stages were evaluated. In the Syrian crisis, the beginning of the crisis was mentioned and the UN resolutions that were vetoed and adopted were evaluated within the scope of RtoP. Finally, at the end of the chapter, the Responsibility to Protect will be evaluated within the framework of these crises.

3.1. Libya

Since 2011, the demands of the people of Tunisia for democratization and change of administration against the oppressive and totalitarian regimes spread to other Arab countries in a short time. People in Libya, Yemen, Bahrain, Jordan, Syria, and even Northern Iraq took to the streets with similar demands. While some countries responded to the uprisings with reform and democracy movements, the uprisings turned into civil war with Qadhafi's use of harsh measures in Libya. As in other Arab countries, the Gaddafi administration, which was thought to lose at the beginning, turned the situation in its favor in the following periods and drew the attention and reaction of the international community by using intense air power in its attacks against civilians.

Protests against the arrest of anti-regime Lawyer Fathi Terbil in Benghazi spread throughout the country in a short time and started the Arab Spring in Libya.

The excessive use of Qadhafi's troops against the protestors heated the conflict between the tribes who had been excluded from administration until then and the protests turned into a civil war. While up to thirty tribes ruled, the few tribes close to Qadhafi were in an important position. The threat of cutting off the oil flow by some tribes and controlling the borders of others was the beginning of the civil war (Ayhan 2011:13).

The tribes that took control of eastern Libya officially established the Transitional National Council of Libya on March 5, 2011. The Arab League did not directly recognize the council but accepted the council's request for a no-fly zone to be declared (Reçber 2015: 284).

3.1.1. Developments after the Involvement of the UN

As a result of the disproportionate use of Gaddafi's forces, the escalating violence has ceased to be a Libyan internal issue and has become a threat to international peace and security, and General Secretary Ban Ki Moon has called on Libya to consider international humanitarian laws and obligations under the RtoP. As this call was ignored by the Libyan government, the Security Council adopted Resolution 1970 on 26 February 2011, referring to Article 41 of the UN charter. With this decision, Libya's RtoP responsibilities were reminded by demanding an end to the violence likely to lead to crimes against humanity. A monitoring committee was established to determine the crimes and violations committed in Libya. It was stated that some coercive measures would be taken at the end of the time that was given (S/RES/1970, 2011).

With the resolution 1970, the UN Security Council requested from the Libyan government; an immediate end to violence; complying with human rights and international humanitarian law, allowing international organizations and observers working on this issue to enter the country, bring aid, and work in areas in need; guaranteeing the security of life and property of foreigners in the country, facilitating their departure from the country; lastly, the lifting of restrictions on the media. In addition, human rights violations in the country were referred to the ICC, an arms embargo prohibiting the sale of all kinds of weapons and ammunition was applied to the country, and a travel ban for Qadhafi, his family, and his senior executives in the

country and freezing their assets abroad were envisaged. Despite these sanctions and decisions, the Libyan government's continued use of force against the civilian population, arbitrary arrests of mercenaries, torture, mass death sentences, and bans on the media have worsened the situation in Libya.

Following these developments, The UN Security Council adopted Resolution 1973 on Libya on 17 March 2011. In the decision, the responsibility to protect the Libyan government against the Libyan people is reminded and it is emphasized that measures should be taken to ensure the safety of civilians (S/RES/1973, 2011). For the first time after Resolution 1674, the concept of the international community's responsibility to protect human rights has been the subject of a Security Council resolution. The concept of Responsibility to Protect was used for the first time as a legal basis in a concrete and factual situation with the Security Council's resolution no. 1973.

With this decision, the UN Security Council increased its enforcement measures. Prescribed measures; consist of the extension of the arms embargo, the freezing of assets, and the additions to the list of people who have been banned from travel. In order to protect the civilian population, demands were made for an immediate ceasefire and an end to violence and attacks against the civilian population. Establishing a no-fly zone in Libyan airspace and military intervention was envisaged (Ibid, 2011: 3-5).

In this process, Britain and France led the attempt to provide diplomatic support to some military operations to help the Libyan rebels, and the United States' support was the critical turning point for Libya. The point that should be emphasized here is that the UN Security Council resolution 1973 was not taken with the affirmative votes of all members. Only, The People's Republic of China and Brazil have emphasized the principle of non-intervene in the internal affairs of other states. The Russian Federation, the People's Republic of China, Germany, India, and Brazil have abstained from voting on the resolution (Ibid, 2011).

Despite 1970 and 1973 UN Security Council resolutions, Qadhafi's made a speech to the nation that he was planning an attack on Benghazi and that those who

did not surrender would not be treated kindly. Thus, on March 19, 2011, upon the possibility of an attack, a military intervention called Operation Odyssey Dawn was launched against the military elements in Libya by the coalition forces of the United States, England, and France. The Security Council's sanction decisions against Libya are seen as effective proof of the applicability of the RtoP (Hehir, 2013: 144 cited as Reçber, 2015: 285).

Although NATO initially did not want to be involved in the airstrike, two weeks after the start of the intervention, NATO has taken over the operation. Over the next six months, NATO launched air strikes alongside various attempts to reach a political solution to the conflict (Brockmeier, et al. 2016). Until August, neither Qadhafi nor NATO forces had a remarkable success, but the NATO-backed opponents removed Qadhafi's forces from Tripoli on 25 August. NATO-led Libya intervention ended with the overthrow and death of Qadhafi in October 2011.

3.1.2. Intervention in Libya and Responsibility to Protect

Before the intervention in Libya was carried out, with the resolution of 1970, it was reminded that the Libyan administration was responsible for its own people, and coercive measures were envisaged at the beginning. This shows that prevention and reaction responsibilities were fulfilled before the decision to intervene was taken. Likewise, the second stage, the responsibility to react, coincides with the decision numbered 1973 with the authorization of military intervention after the coercive measures. The establishment of the United Nations Support Mission in Libya (UNSMIL) after the intervention shows that there is an effort to implement the responsibility to rebuild.

The fact that military intervention is carried out in order to protect civilians with the UN Security Council Resolution 1973 shows that it complies with the principles of right authority, just cause, and right intention. It can be said that the intervention also complies with the proportional means principle. The command centers used to attack civilians were targeted in the operation, only the air force was used, and the operation was completed in a short time. And also, it was aimed to end the intervention after the military facilities of the Libyan administration were destroyed and the government changed. However, it cannot be said that the NATO

operation complies with the principle of right intention as it causes regime change in Libya (Iren 2013: 108). However, it can be said the decision to military intervention in Libya was taken as a last resort after the necessary coercive measures were applied. However, the controversial issue is that the time given for the implementation of the coercive measures envisaged in the 1970 decision was insufficient and the decision for military intervention was taken early. Contrary to this view, some argued that decision number 1970 was insufficient and the bombardment of Qadhafi in Benghazi made the intervention necessary. It is in line with the expectation of making Libya better (a reasonable prospect).

It is still debated whether the intervention was done with the intention of RtoP. In the analysis of the Security Council's resolutions on Libya, it seems that the concept used by the Council to take action decisions is the protection of civilians in armed conflict (PoC) rather than RtoP. RtoP and PoC are separate norms that share the purpose of protecting people but have different characteristics. Despite the emphasis on the Responsibility to Protect for the first time in the UN's history with resolution number 1973, the intervention was not made within the RtoP. Although there is a general opinion that the intervention was made under the RtoP, it was based on UN Charter VII and was made for the purpose of the PoC. It should also be noted that this is the first time an intervention is made with the PoC authority. Although the responsibility of the Libyan government was reminded in both UNSC resolutions 1970 and 1973, the responsibility of the international community was not emphasized.

Contrary to Resolution 1973, which was taken during the political events before the intervention and its limited scope of humanitarian intervention, NATO was criticized for causing regime change. The UNSC 1973 resolution is crucial as it plays a central role in the Responsibility to Protect. In both resolutions regarding Libya, the responsibility of the Libyan administration to protect its people was reminded. Other than that, the intervention was based on Chapter VII of the Charter of the UN, and there was no mention of the international community's responsibility to protect.

3.1.3. Situation After the Intervention

With the UN Security Council resolution, 2009 on the *Establishment of the UN Support Mission in Libya* dated in 2011, the Transitional Council of Libya was

recognized as the official representative of Libya, and UNSMIL was established to support the reconstruction process of Libya. With this decision, the military embargo was lifted, and the purchase of weapons was only allowed for security reasons. With this resolution, it was foreseen to help the new Libyan government in the disarmament of various opposition groups, and it was aimed to protect humanitarian aid and diplomatic personnel. The main task of UNSMIL is the establishment of the rule of law, along with the restoration of security and public order. With this decision of the Security Council, the National Transitional Council was recognized as the official representative of the Libyan people (S/RES/2009, 2011).

In the UNSC resolution 2016 dated 2011, which is one of the decisions taken on Libya after Qadhafi; It was mentioned that the Libyan authorities should protect their people and put an end to reprisals, arbitrary arrests, and human rights violations. The authorization to use force was terminated as of October 31, and the flight ban was lifted afterward (S/RES/2016, 2011). After Resolution 2016, many decisions have been taken regarding Libya. These are generally about the normalization process, the extension of UNMSIL's mandate (S/RES/2040, 2012), the fight against immigration and human trafficking, and the removal of chemical weapons.

The only positive development in Libya is the elections held in July 2012 after the NATO-led intervention. However, human rights violations continued to occur despite the end of the civil war in the country. According to the Human Rights Watch report in April 2012, it was stated that crimes against humanity were committed in some parts of the country in a widespread and systematic manner (World Report, 2012). The government that was established did not have much success in the face of problems such as the occupation of the military facilities in the country by the rebels, the attacks on the election offices, the state of the weapons that emerged after the intervention, some parts of the country that could not be controlled, non-recognition of the government by some the tribe and the rebels (Reçber 2015:295).

After the intervention, opposition groups in Libya entered into a power struggle among themselves, and the civil war in the country continues. There are two major power candidates supported by different national and regional powers; Led by Haftar, along with the Libyan National Army, the House of Representatives, and the

Tripoli-based Government of National Accord (Demirbaş 2021: 265). Along with all this, it is seen that terrorist groups taking advantage of the authority absence in the country have increased their actions. On March 10, 2021, the Government of National Unity was established by merging with the House of Representatives and the Government of National Accord until the next elections. When Amnesty International's current data for 2019 is analyzed, it is determined that the humanitarian crisis in the country continues to deepen. According to the report, the conflicting parties in the country commit serious war crimes and violate human rights and humanitarian law (Amnesty Report, 2019).

3.2. Syria

The Arab Spring started with demands for "democracy, freedom, justice and welfare" against authoritarian governments in Tunisia, followed by a civil war in Syria. Although the regime survives in a part of the country, the civil war still continues with the involvement of non-state actors. The protests in Syria did not attract much attention until March 2011, and this situation changed with the publication of images taken by a group of young people. The government reacted violently to the peaceful protestors of the family and friends of political prisoners in front of the Ministry of Interior on 16 March 2011. Over time, narratives against the regime increased within the country, but unlike Libya, there was no national unity, and separate complaints emerged from each region. Bashar Al-Assad respond to temporary regional solutions to local protests, each of which was carried out by different ethnic groups and religions, and different institutions in different regions, and acted with severe violence (Jadrane 2012: 45). The Syrian society is constantly faced with violence and massacres of the state forces and their units, as well as some opposition groups. Since the crisis started in Syria, at least 580,000 people have been killed. The UN has reported nearly thirteen million people have been displaced, including 3.1 million children. Fourteen million people, including 6.1 million children, require assistance. The World Food Program estimates that 12.4 million Syrians are food insecure (Human Right Council Report, 2022).

In addition to the Assad regime's use of excessive force against the opposition in Syria, the involvement of terrorist organizations caused the crisis to turn into a civil

war in a short time. The countries that support the Syrian civil war, the regime and the opposition, and terrorist organizations are among the factors that make the conflicts in Syria inextricable. According to UN Secretary-General Ban ki-Moon, this is a proxy war in which regional and international actors' arm one side against the other. It is seen that Saudi Arabia, Turkey, and Qatar provide weapons and logistical support to some opposition groups, and Russia and Iran provide military and economic subsidization to the Bashar al-Assad administration. The crisis in Syria has turned from a conflict between the pro-regime and the opposition to a war with international consequences that threaten regional peace and security with the massive flow of refugees to neighboring countries (Reçber 2015: 298).

3.2.1. Developments After the Involvement of the UN

The situation in Syria has come to the agenda of the Security Council many times. In the Council, a non-coercive resolution was demanded many times to condemn the widespread and systematic human rights violations perpetrated against civilians by the Syrian authorities, however, this request was met with a veto from Russia and China (Eckert 2012:90).

The following development was the presidential statement of the Security Council on 3 August 2011. In this statement regarding the events in Syria, widespread human rights violations and the use of force against civilians by the Syrian administration were condemned. The Council affirmed its strong commitment to Syria's sovereignty, independence, and territorial integrity and emphasized that an inclusive solution to the crisis can be resolved politically by negotiating with the Syrian leadership. It was recommended that the Syrian regime should also respect human rights and comply with its responsibilities (S/PRST/2011/16, 2011).

The UN Security Council prepared the first draft of the resolution, which envisages an end to violence in Syria, condemnation of the Syrian administration, and the prosecution of the criminals at the ICC. In the draft resolution, it was requested that the Syrian government end its violence against civilians, ensure human rights and freedoms, and ensure the safe return of the displaced within 30 days. Otherwise, it has been stated that sanctions that do not include the use of force will be applied under Article 41 of the UN Charter. The Russian Federation vetoed it, saying that Russia

would not accept a decision that paved the way for military intervention. Based on the principle of non-intervention, the People's Republic of China vetoed it, emphasizing the need to protect state sovereignty. Brazil, India, South Africa, and Lebanon abstained (S/2011/612, 2011).

The second draft proposal, on February 4, 2012, has similar content to the previous draft resolution. However, this draft resolution was vetoed by the Russian Federation and the People's Republic of China. Contrary to the previous draft, this draft resolution did not refer to Article 41 of the UN Charter, and it was stated that there was no mention of Article 42, which could lay the groundwork for intervention. India, Pakistan, and South Africa have stated that there is no regime change proposal and military intervention is excluded. Russia vetoed the decision because it did not bring measures to end the attacks, while the representative of the People's Republic of China stated that they support the efforts to end the violence, but that the country's independence and territorial integrity should be respected (S/2011/612, 2011).

On February 23, 2012, the UN Security Council and the Arab League appointed Kofi Annan as the joint special envoy (Fung, 2018). He presented the six-point plan for the ceasefire in Syria (Eldem 2015: 18). With the resolution 2042, it was decided to send 30 military observers to Syria, which is one of Annan's six points (S/RES/2042, 2012). The United Nations Supervision Mission in Syria (UNSMIS) was established on 21 April 2012 (S/RES/2043, 2012).

According to the draft decision numbered S/2012/538 prepared on 19 July 2012 under the leadership of France, Germany, Portugal, England, and the United States; It was envisaged to extend the mandate of UNSMIS, to stop the violence, to work with the UN Special Representative of the parties, to withdraw the Syrian army from cities and towns, to release those who were arbitrarily detained. In addition, it was predicted that Article 41 of the UN Charter could be applied if the specified obligations were not fulfilled. Referring to Article 41 in the resolution, stipulated that coercive measures will be taken without military intervention. While Pakistan and South Africa supported the solution, they emphasized that the crisis should not be further militarized. However, the Russian Federation vetoed the decision with the

thought that this decision might pave the way for military intervention (S/2012/538, 2012).

One of the most striking events in Syria is a large sarin gas attack in Damascus and Ghita on August 21, 2013. As a result of the attack, 1,400 people lost their lives. The chemical attack inflamed discussions of a possible military operation against Syria (RtoP Monitor, 2013, 12). In the later stages of the conflict, efforts were made to reduce the use of chemical weapons in Syria through diplomatic initiatives. The draft resolution envisaging the destruction of all chemical weapons in the country on September 27, 2013, went down in history as the most important UN resolution. However, Assad did not comply with this decision (S/RES/2118, 2013).

The statement of the Presidency of the Security Council dated October 2, 2013, it was requested by the Syrian regime to facilitate the delivery of humanitarian aid, protect civilians from all parties, and end human rights violations (S/PRST/2013/15, 2013). BM A draft resolution was submitted to the UN Security Council that what happened in Syria is a crime against humanity and should be referred to the ICC, yet this resolution was vetoed by the Russian Federation and the People's Republic of China. The Russian Federation claimed that the Court was used for military intervention and reminded that the same practice in Libya dragged the situation even more to a dead end. China, on the other hand, stated that the humanitarian disaster in Syria is opposed, but if the issue is taken to the ICC, it may harm the sovereignty of the relevant state (S2014/348, 2014).

On 22 February 2014 UNSC called for humanitarian aid to Syria (S/RES/2139, 2014), and on 14 July, UNSC unanimously adopted a resolution; to establish a monitoring mechanism to send cross-border humanitarian aid through Turkey, Jordan, and Iraq (S/RES/2165, 2014).

Thereupon, UNSC addressed another issue in its decisions and directed its attention to terror activities in the region. With the UN Security Council resolution 2170, the terrorist activities of Al-Qaeda-linked Al Nusra Front and Islamic State in Iraq and the Levant in Syria and Iraq were condemned, and regulations including

sanctions for combating these activities were accepted. Resolution 2170, foreseen individual sanctions based on UN Charter VII (S/RES/2170, 2014).

On 7 August 2015, it was decided to establish a UN Organization for Prohibition of Chemical Weapons and Joint Investigate Mechanism to determine the responsibility for usage chemical weapons in Syria (S/RES/2235, 2015). According to its draft resolution 2254 on 18 December 2015, for the first time, the focus was on finding a political solution to the Syrian crisis, a ceasefire, and establishing peace, but this decision could not be put into practice (S/RES/2254, 2015). Afterward, many draft resolutions were vetoed by Russia and China although the members who abstained changed. On 5 December 2016, a resolution envisaging an end to violence in Aleppo (S/2016/1026, 2016), a resolution on the use of chemical weapons (S/2017/172, 2017), and a resolution to condemn the Khan Shaykhun attack in Syria (S/2017/315, 2017) were vetoed by Russia and China.

The last thing to mention is the Statement by the President of the Security Council dated 8 October 2019, emphasizing that there will not be a military solution to the conflict in Syria and that this can only be resolved by the full implementation of resolution 2254 mentioned above (S/PRST/2019/11, 2019). Between 2011 and 2019, the number of resolutions adopted by the United Nations Security Council on the Syrian issue is rather low. The most vital resolutions on the agenda of the UNSC were vetoed by Russia and China, and the adopted resolutions are those that do not foresee sanctions and intervention. Resolutions that are adopted generally on prohibiting the use of chemical weapons and preventing terrorist activities. It is seen that in the resolutions adopted in the following period, decisions do not include sanctions and international intervention and include missions such as humanitarian aid and observation.

3.2.2. Syria and Responsibility to Protect

It can be clearly observed that the internal conflicts in Syria threaten international peace and security at the regional level. Major actors at the international level and actors at the regional level have been involved in these internal conflicts in various dimensions, and it can be thought that they are relatively perpetrators of human rights violations at the mass level, even if not directly.

In the UN Security Council resolutions and statements, the concept of Responsibility to Protect was occasionally referred to regarding Syria between 2011 and 2013. However, it should be noted that no member state refers to the three responsibilities of the RtoP. The international community's responsibility for protecting against human rights violations in Syria has not been implemented. Sanction decisions were not complied with, and UNSC decisions approving military intervention were constantly vetoed. When discussing the responsibility to protect in Syria Crisis, the international community has been very cautious about it. There are debates about the end of the Syrian crisis, but in general, the references made by the UN and in its documents to the Responsibility to Protect are increasing.

According to the ICISS Report, which forms the basis of the Responsibility to Protect approach; It is stated that even if the planned intervention has humanitarian purposes, it will not be considered legitimate if it has the potential to worsen the situation or cause larger conflicts. Likewise, paragraph 139 of the 2005 World Summit Outcome confirms that the specific circumstances of each case should be evaluated. After Libya, the understanding that intervention against Syria would bring more harm than good began to spread. As the reason for this, it is argued that Syria has different and unique conditions.

Although a decision to intervene against the human rights violations in Syria could not be adopted due to the constant veto by Russia and China, the UNSC's Responsibility to Protect Syria was reminded from time to time both with the decisions and the statements of the Secretary-General. UN, Arab League, European Union, and the United States also tried to impose enforcement sanctions by taking measures such as cutting off connections with the Syrian Central Bank, travel bans, asset freezing, and restrictions on the gold trade (Jadrane 2012: 55).

Reasons such as the absence of strong opposition in Syria, the fact that the opposition differs in each region, a situation that is even more complicated by the involvement of international and regional actors, and the presence of a strong army loyal to the regime will reduce the chances of success in the event of an intervention. It will make the civil war worse and exacerbate already existing human rights

violations. This shows that even if intervention decisions were not vetoed, they would not be successful (Jadrane 2012: 56-57).

3.3. Discussions

Before moving on to the discussions, it is important to summarize the evaluations of the Libyan intervention within the scope of the RtoP. While evaluating the Libyan intervention, documents published by the UN were used. Here is a table of the Libyan intervention with the six principles set by ICISS and the three responsibilities;

Table 3.1 Three Responsibilities of RtoP and Libya Intervention

Responsibilities of RtoP	Libya
Responsibility to Prevent	Before the intervention, peaceful measures were sought by taking economic, military, and political-diplomatic measures with the decision numbered 1970 and 1973.
Responsibility to React	After the peaceful measure military intervention was brought to the agenda. Therefore, military intervention was resorted to as a last resort. However, Although there is no reference to the responsibility of the international community, suggestions have been made to international and regional organizations to prevent the crisis in both resolutions 1970 and 1973.
Responsibility to Rebuild	With resolution 2009 UNSMIL Established. The main task of UNSMIL is the establishment of the rule of law, along with the restoration of security and public order. With the same resolution, it was foreseen to help the new Libyan government in the disarmament of various opposition groups, and it was aimed to protect humanitarian aid and diplomatic personnel. The National Transitional Council was recognized as the official representative of the Libyan people, together with the National Transitional Council, efforts were made to ensure security, prevent racist attacks, and restore infrastructure and public services.

Table 3.2 The Principles of RtoP and Libya Intervention

ICISS Principles	Resolution 1973
Right Authority	Intervention resolution 1073 is based on Chapter VII of the Charter of the UN.

Just Cause	Libyan government's use of force against the civilian population, arbitrary arrests of mercenaries, torture, mass death sentences, wide spread systemic attacks.
Right Intension	Based on Chapter VII of the Charter of the UN ensure the safety of civilians.
Last resort	The coercive measures envisaged in the resolution of 1970 were repeated in 1973. The responsibility of the Libyan Government has been constantly reminded. Although there is no reference to the responsibility of the international community, suggestions have been made to international and regional organizations to prevent the crisis in both resolutions 1970 and 1973.
Proportional Means	Targeted only command centers used to attack civilians, used only the air force, and aimed to end the intervention after the military facilities of the Libyan government.
Reasonable Prospect	The NATO-led intervention ended with the overthrow and death of Gaddafi in 2011. After that, efforts were made to ensure the establishment of order together with UNSMIL.

In the crisis in Libya, the responsibility to prevent with sanctions and coercive measures within the scope of RtoP, followed by the decision to intervene, was applied for the first time. However, the first time RtoP was used was in the 2007 Kenyan Presidential elections. Although the intervention in Libya was carried out for humanitarian reasons, the Responsibility to Protect was only reminded in Resolution 1973. The forced measures and intervention were made on behalf of the Protection of civilians, not RtoP. In addition to that, the responsibility of the international society was not mentioned in this resolution or any documents or statements. This shows that the intervention was not made on behalf of RtoP, but made for humanitarian reasons. It is important to highlight that there were three weeks between resolutions 1970 and 1973. However, this period is not sufficient time for the implementation of coercive measures and sanctions. NATO's involvement in the intervention and the consequent regime change made the intention of the intervention questioned. The failure of the recently formed government to maintain its authority after the intervention, and the human rights violations and violent crimes that took place afterward, show that the

rebuilding process has not been successful. The decision to intervene was taken in accordance with the principles set in ICISS to prevent the intervention from being used in the interests of states. It can be said that the intervention to protect the civilians was successful, but what happened afterward upstaged the success of the intervention.

In Syria, on the other hand, the decision to intervene was vetoed repeatedly, and no action was taken other than coercive measures in order to prevent human rights violations and protect human rights. As stated in the 2005 World Summit Outcome, the use of military force is a decision that must be evaluated and made on a case-by-case basis. Even if the decision to intervene is taken, the reasons such as; the opposition differing in each region and being so the absence of strong opposition, a situation that is even more complicated with the involvement of international and regional actors, and the presence of a strong army loyal to the regime cannot achieve a lasting result – as in Libya – even if a short-term success is achieved. It's indicated that any intervention in Syria will worsen the situation.

Interventions should be evaluated on a case-by-case basis as stated in the 2005 Outcome Document and in line with the principles set out in the ICISS report to limit interventions. Considering these, in Syria the reasons for not deciding to intervene emerge in terms of evaluating each event on its own terms and considering the chances of success in interventions (Eldem 2015: 22-25). Since there isn't any intervention in Syria, there is no need to evaluate the ICISS principles of RtoP and the responsibilities of RtoP. Thus, there will be no need for tables too. However, in the case of Syria, the UN has issued many resolutions to alleviate the humanitarian situation in the country.

In light of all these evaluations, it cannot be said that the RtoP was fully implemented in the Libyan intervention. However, it is the first time that RtoP is tried to be applied in its entirety. The decision not to intervene in Syria seems appropriate with Rtop considering the possible human losses and human rights violations. However, it can be said that the implementation of the principle of assistance responsibility of the international society should be improved. In the examples of Libya and Syria, RtoP has encountered many problems both in the decision-making phase and implementation. However, studies are continuing to develop the concept and, more importantly, to prevent human rights violations. The concept of

Responsibility While Protecting was introduced by Brazil and the concept of Responsible Protection was developed by a Chinese academic, and some countries' attempts to assign RtoP representatives are the best examples of this.



CONCLUSION

The purpose of this thesis was to evaluate the Libya intervention and Syria crises in the scope of RtoP and evaluate the Responsibility to Protect as a solidarist institution that constitutes the international society today. The English School with its pluralist eclectic structure by combining three different analyses international system, international society, world society, and three different traditions realism, rationalism, and revolutionism. In the first part of the thesis, the theoretical structure, and methodology of the English School are briefly explained, then the pluralism-solidarism debate and solidarist primary institutions, and finally, the definition and determination methods of primary institutions, are explained. There are three main debates that come to the fore in English School today. The first of these is the pluralism-solidarism debate, the second one is the discussion of the definition and relationship between the international system, the international society, the world society, and finally the historical development of the international society. The English School analyzes current world politics through international society and uses primary institutions to make sense of the evolution and structure of international society. The International Society is a system of states in which states have relations and can influence each other's decisions. It is a society in which states maintain their sovereignty within the framework of common institutions and values. English School links international society with the tradition of rationalism and divides it into two different approaches pluralist-solidarist. Like other international relations theories, both pluralist and solidarist base the birth of modern international society on the emergence of sovereign territorial states in the period from the 1648 Agreements of Westphalia to the seventeenth century. In both, it is an international society to which states are voluntarily bound and cooperate on a fundamental level. Both approaches focused on historical analysis. In cases where human rights violations occur, while one party argues that state sovereignty should not be interfered with, the other argues that it should be intervened. The pluralist-solidarist debate is briefly the order-justice debate shaped through the act of humanitarian intervention.

According to pluralism, the inviolability of state sovereignty and the principle of non-intervention as essential for maintaining order in international society. Solidarism, on the other hand, says that a state loses its legitimacy at the point where it violates the rights of its citizens and that these states harm the order in the international society. For this reason, states protect their sovereignty by protecting human rights and also contribute to the maintenance of order in international society. English School examines the change in the nature of international society and its members, through primary institutions. It suggests history's first primary institutions are almost entirely pluralist in the context of European history. The first five institutions that existed from the birth of modern international society are sovereignty and non-intervene, the balance of power, power management, international law, and war. Pluralism examines territoriality, diplomacy, dynasticism, colonialism, human inequality, and nationalism institutions in connection with the development of international society. Above these institutions, solidarists say that there are other institutions that exist in the international society, and add the market to the first place. And they say that the birth of the market started with nationalism in the nineteenth century. Likewise, solidarism add democracy and human equality after the rise of nationalism, the decline of dynasticism, and later decolonization movements. Finally, environmental stewardship has recently been discussed by solidarists as a primary institution.

In the first chapter of the thesis, after explaining all these solidarist primary institutions, the methods of defining and determining primary institutions are explained at the end of the chapter. The methods of Buzan and Holsti, who have the most studies on this subject, stand out since they are the most explanatory. Holsti has three criteria for identifying primary institutions; the existence of practices with a certain pattern, the existence of norms and rules that both prohibit and command behavior, and the existence of groups of ideas and beliefs that frame practices. Buzan, on the other hand, defines primary institutions as undesigned evolved fundamental and durable practices and the founder of actors and their activities. In the thesis, with the acceptance that the international society is solidarist, the question of whether the

concept of responsibility to protect is an institution of the international society has been tried to be answered.

The second part of the thesis focuses on the historical development of the Responsibility to Protect. Responsibility to Protect is a concept used to prevent human rights violations and protect human rights. Responsibility to Protect is a contemporary emerging concept, but it has a long history of origins. It is similar to the concept of just war with its principles, and it is tried to be developed as a legal norm as a solution to the bad perception of humanitarian intervention so that it does not deviate from its purpose. Responsibility to Protect, like the English School, offers a different perspective of sovereignty. It states that states have a responsibility to protect their citizens' human rights and sees the protection of human rights as the fundamental basis of sovereignty. There are three founding documents of the responsibility to protect which are used for analysis in the thesis. These are; the 2001 ICISS Report, the 2005 World Summit Outcome, and the Implementing to Responsibility to Protect Report published by the UN in 2009. At the end of the chapter, using these three documents has been analyzed the RtoP as a primary institution through Holsti and Buzan's methods.

As stated in the Implementing Responsibility to Protect report in 2009, states have a responsibility to protect their citizens from human rights violations, the international society has the responsibility to assist states that are in need, and finally, the international society has also a responsibility to respond. Responsibility to respond/react includes coercive measures first, and then the decision to intervene as a last resort. Intervention, as stated in the 2001 ICISS report, must be done in a timely manner, as a last resort, and in a proportionate manner, based on UN Charter VII, by a legitimate authority to put an end to human rights violations and to restore order by removing disorder in the country. Thus, it can be said that the decision to intervene is in line with the responsibility to protect, is an action that has a certain pattern, these actions have norms and rules that both prohibit and command behavior. Responsibility to protect specifically mentioned four violations to protect human rights. These are genocide, war crimes, crimes against humanity, and ethnic cleansing. Responsibilities and interventions are made to prevent these violations and to protect human rights. It

can be said that such Protection responsibility fulfills all the criteria of Holsti's methods. It is seen that Buzan's definitions are compatible with the Responsibility to Protect. The act of protecting human rights has been tried to be carried out by the actors of the international community and international organizations with the concept of the responsibility of protection in the last two decades, before that with the concept of just war and humanitarian intervention.

In light of all these evaluations, Responsibility to Protect meets the primary institution identification methods of Holsti and Buzan. However, in order to say that the Responsibility to Protect is the primary institution, it is necessary to evaluate how much it can be applied in practice. For this, it is necessary to look at the actions and interventions made in the name of responsibility to protect in the last two decades. In Libya and Syria, civil wars with severe human rights violations took place at almost the same time. In the third part of the thesis, the Libya and Syria crisis were discussed.

Although the intervention in Libya was carried out for humanitarian reasons, the intervention was made on behalf of the Protection of civilians and the responsibility of the international community was not mentioned in the resolution 1973 or any other documents. This shows that the intervention was not made on behalf of RtoP, but an intervention made for humanitarian reasons. The intervention was carried out in a timely manner in accordance with ICISS principles. However, with NATO's involvement and the resulting regime change, the intention of the intervention was questioned. After the intervention, the failure of the established government to protect its authority and the subsequent second civil war and human rights violations, and violent crimes show that the rebuilding process has not been successful at all. Therefore, the intervention to protect civilians was successful. However, when considering all its principles, the responsibility to protect has not been successful in Libya.

In Syria, on the other hand, the decision to intervene was vetoed and no action could be taken beyond coercive measures in order to prevent human rights violations and protect human rights. Two points stated in the founding documents should be taken into account when making the decision on interventions. Principles for limiting interventions in the ICISS report and case-by-case evaluation of interventions

mentioned at the 2005 World Summit Outcome. Considering these, it seems that the decision not to intervene in Syria is in line with the Responsibility to Protect. Because the crisis may not be resolved by intervention or the situation may worsen. In the examples of Libya and Syria, RtoP has been faced with many problems both in the decision-making phase and implementation. The intervention for the protection of civilians and the peace that couldn't achieve after showed that the intervention decision in the Libya Crisis is not compatible with the Responsibility to Protect. On the contrary, it seems that the decision not to intervene in Syria, coercive measures, and individual restrictions, even if not implemented, is in accordance with the Responsibility to Protect.

Both primary institutions and the responsibility to protect are emerging concepts. When the responsibility to protect is evaluated as a primary institution, it can be said that it is compatible with the methods of Holsti and Buzan. Therefore, the Responsibility to Protect is a solidarist primary institution. However, in practice, considering the Libyan crisis, it cannot be said that the Responsibility to Protect has been successfully implemented. Considering the Syria crisis as stated above, not taking a decision to intervene and taking coercive measures in the Syrian crisis, although compatible with the responsibility to protect, failed to achieve its purpose which is protecting human rights and preventing human rights violations.

Therefore, it cannot be said that the Responsibility to Protect is a solidarist institution that constitutes the international society “yet.” However, considering the master-derivative classification, which is one of Buzan's functional classifications mentioned in the second chapter, it can be seen Responsibility to Protect is a derivative of the solidarist human equality institution. This shows that the responsibility to protect is one of the emerging primary institutions of the solidarist international society. It confirms the assumption put forward by the English School that the rise, transformation, and forms of the primary institutions of international society have a tendency towards solidarism.

At the same time, this thesis reveals that the methods developed to determine the primary institutions in the English School are not sufficient alone, and that many definitions should be used at the same time or a more inclusive definition is required.

In addition, it is important to mention both the solidarist- pluralist sides of the English School and the Responsibility to Protect, are in the inadequacy of what should be done for the continuity of peace after the intervention or the protection of human rights in cases where it is not intervened and problems its implementation.



BIBLIOGRAPHY

Amnesty International. 2020. *Amnesty International Report 2019 on Human Rights In The Middle East And North Africa* MDE 01/1357/2020.

Arı, Tayyar. 2013. *Uluslararası İlişkiler Teorileri*. MKM Yayıncılık. Bursa.

Ayhan, Veysel. 2011. "Libya İç Savaşı: Kabileler Arası İktidar Mücadelesi." *Middle Eastern Analysis/Ortadoğu Analiz* 3(27).

Bellamy, Alex, and Tim Dunne. 2016. *The Oxford Handbook of the Responsibility to Protect*. Oxford University Press.

Brockmeier, Sarah, Oliver Stuenkel & Marcos Tourinho. 2016. The Impact of the Libya Intervention Debates on Norms of Protection, *Global Society*, 30:1, 113-133.

Buergenthal, T., Shelton, D. L., & Stewart, D. P. 2009. International Human Rights in a Nutshell. (4th ed. 2009), *GWU Legal Studies Research Paper*, (2013-34), 2013-34.

Bull, Hedley. 1966. "The Grotian Conception of International Society in: Herbert Butterfield, Martin Wight (ed.), *Diplomatic Investigations*".

———. 1979. "Natural Law and International Relations". *British Journal of International Studies* 5(2): 171-81.

———. 2012. *The Anarchical Society: A Study of Order in World Politics*. Bloomsbury Publishing.

Bull, Hedley, and Stanley Hoffman. 1977. *The Anarchical Society: A Study of Order in World Politics*. New York.

Buzan, Barry. 2001. "The English School: An Underexploited Resource in IR". *Review of International Studies* 27(3): 471-88.

———. 2004. *95 From International to World Society?: English School Theory and the Social Structure of Globalization*. Cambridge University Press.

- . 2006. “Rethinking Hedley Bull on the Institutions of International Society”. In *The Anarchical Society in a Globalized World*, Springer, 75-96.
- . 2010. Culture and International Society. *International Affairs Royal Institute of International Affairs* 86(1), 1–25.
- . 2014. “An Introduction to The English School of International Relations. Cambridge: Polity Press.” *Cambridge: Polity Press* 11(1): 262-65.
- . 2015. “Uluslararası İlişkilerde İngiliz Okulu”. Çev. H. Özdemir), Uluslararası İlişkiler Kütüphanesi-Röle Akademik Yayıncılık, İstanbul.
- Buzan, Barry, and George Lawson. 2017. 1 *The English School: History and Primary Institutions as Empirical IR Theory?* Oxford University Press.
- Çağlayan Sezai. 2018. Koruma Sorumluluğunun Bir Eleştirisi: “Koruma Öncelikli Sorumluluk”. *Uyuşmazlık Mahkemesi Dergisi*, 12.
- Çalik, Tacettin. 2015. “Birleşmiş Milletler Organlarının Koruma Sorumluluğu ile İlişkisi”. *İnönü Üniversitesi Hukuk Fakültesi Dergisi*: 44.
- De Almeida, Joao Marques. 2011. “Pluralists Solidarists and the Issues of Diversity, Justice and Humanitarianism in World Politics”. *The International Journal of Human Rights*: 144-63.
- Değer, Filiz. 2020. “Koruma Sorumluluğu Gelişimi ve Uygulaması”. Doktora Tezi. İstanbul Gelişim Üniversitesi.
- Demirbaş, Çağrı Emin. 2021. “Libya’dan Sonra Koruma Sorumluluğu Doktrinini: Koruma Sırasında Sorumluluk ve Sorumlu Koruma Yaklaşımları Üzerine Bir Değerlendirme”. *Uluslararası Kriz ve Siyaset Araştırmaları Dergisi* 5(1): 248-87.
- Deng, Francis M. vd. 1996. *Sovereignty as Responsibility: Conflict Management in Africa*. Washington, DC: Brookings Institution Press.
- Devlen, Balkan, ve Özgür Özdamar. “Uluslararası İlişkilerde İngiliz Okulu Kuramı: Kökenleri, Kavramları ve Tartışmaları”. *Uluslararası İlişkiler* 7(25).

Domaradzki, Spasimir, Margaryta Khvostova, and David Pupovac. 2019. "Karel Vasak's Generations of Rights and the Contemporary Human Rights Discourse". *Human Rights Review* 20.

Donnelly, Jack. 2013. *Universal Human Rights in Theory and Practice*. Cornell University Press.

Eckert, Amy E. 2012. "The Responsibility to Protect in the Anarchical Society: Power, Interest, and the Protection of Civilians in Libya and Syria". *Denv. J. Int'l L.* 41: 15.

Eldem, Tuğba. 2015. "Koruma Sorumluluğu Normunun Libya ve Suriye Krizleri Bağlamında İşlevselliği". *Uluslararası Hukuk ve Politika* 11(43): 1-38.

Ercan, Pinar Gözen, 2016. *Debating the Future of the 'Responsibility to Protect*. Palgrave Macmillan London. XVI, 202.

Ercan, Pinar Gözen, 2022. *The Responsibility to Protect Twenty Years On*. Palgrave Macmillan London. XVI, 309

Evans, Gareth, and Mohamed Sahnoun. "The responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty". Ottawa.

Falkner, Robert, and Barry Buzan. 2017. "The emergence of environmental stewardship as a primary institution of global international society". *European Journal of International Relations* 25(1): 131-55.

Fung, C.J. 2018. Separating Intervention from Regime Change: China's Diplomatic Innovations at the UN Security Council Regarding the Syria Crisis. *The China Quarterly*, 235, 693 - 712.

Garwood-Gowers, Andrew. 2015. "China's Responsible Protection Concept: Reinterpreting R2P and Military Intervention for Humanitarian Purposes". *Asian Journal of International Law* 6(1): 89.

Güneş Gülal, Asiye Gün. 2019. "Uluslararası Toplum ve Koruma Sorumluluğu: Libya ve Suriye Örnekleri". Doktora Tezi, Akdeniz Üniversitesi

Hehir, Aidan. 2010. *Humanitarian Intervention: An Introduction*. Palgrave-Macmillan.

Heinze, Eric. 2004. "Humanitarian intervention: morality and international law on intolerable violations of human rights: Vol 8, No 4". *The International Journal of Human Rights* 8(4).

Holsti, Kalevi J. 2004. *Taming the sovereigns: Institutional change in international politics*. Cambridge University Press.

Holsti, Kalevi J. 2009. "Theorising the Causes of Order: Hedley Bull's The Anarchical Society". İçinde *Theorising International Society*, Springer, 125-47.

Holzgrefe, J. L., and Robert O. Keohane, ed. 2003. *Humanitarian Intervention: Ethical, Legal and Political Dilemmas*. Cambridge: Cambridge University Press.

Human Rights Watch. 2012. *World Report Events of 2011 Libya*. ISBN-13: 978-1-60980-389-6.

Iren, Adem Ali. 2013. "*Uluslararası İlişkilerde Bir Kuvvet Kullanma Aracı Olarak Koruma Sorumluluğu: Darfur ve Libya Örnek Olay İncelemeleri*".

———. 2016. "*Uluslararası İlişkilerde Koruma Sorumluluğu Kavramına Teorik Bir Yaklaşım: İngiliz Okulu Perspektifi*". Doktora Tezi. Süleyman Demirel Üniversitesi.

Iren, Adem Ali, ve Muharrem Gürkaynak. 2016. "Modernizm Öncesi ve Sonrası Batı Toplumlarında İnsan Haklarının Kavramsallaştırılması". *Süleyman Demirel Üniversitesi Sosyal Bilimler Enstitüsü Dergisi* (23): 330-57.

Iyi John-Mark. 2016. *Humanitarian Intervention and The Au-Ecowas Intervention Treaties Under International Law: Towards A Theory Of Regional Responsibility To Protect*. Springer Science and Business Media.

Jackson, Robert H. 2000. *The Global Covenant: Human Conduct in a World of States*. Oxford: Oxford University Press.

Jadrane, Jilhane. 2012. “*English School and Humanitarian Intervention: The Case of Libya and Syria*”. Master Thesis, University of Groningen.

Kioko, Ben. 2003. “The right of intervention under the African Union’s Constitutive Act: From non-interference to non-intervention.” *International Review of the Red Cross*, (85): 807-26.

Linklater, Andrew, and Hidemi Suganami. 2006. *The English School of International Relations: a Contemporary Reassessment*. Cambridge University Press.

Little, Richard. 1995. “Neorealism and the English school: a methodological, ontological and theoretical reassessment”. *European Journal of International Relations* 1(1): 9-34.

Marks, Stephen P, and Nicholas Cooper. 2010. “The Responsibility to Protect: Watershed or Old Wine in a New Bottle?” *The Responsibility to Protect 2*: 45.

Mayall, James. 2000. *World Politics: Progress and its Limits*. Cambridge: Polity.

Moeckli D. Shah S. Sivakumaran S. and Harris D. J. 2018. *International human rights law (Third)*. Oxford University Press

Murphy, Sean D. 1996. *Humanitarian Intervention: The United Nations in an Evolving World Order*. Philadelphia: University of Pennsylvania Press.

Mustafayeva, Aytakin. 2019. “*Koruma Sorumluluğu ve Doğu Asya’da İnsani Güvenlik: Roghingya Örneği*,” Doktora Tezi, İstanbul Üniversitesi.

Navari, Cornelia. 2010. “English School Methodology and Methods”. In *Oxford Research Encyclopedia of International Studies*,

———. 2011. “The concept of practice in the English School”. *European Journal of International Relations* 17(4): 611-30.

Navari, Cornelia, and Daniel Green. 2014. “*The English School methodology*”. In *Guide to the English School in international studies*, Wiley & Blackwell, 143-58.

Parrat, Charlotta Friedner. 2014. "International organization in international society: UN reform from an English School perspective". *Journal of International Organizations Studies* 5(2): 7-21.

Reçber, Sercan. 2015. "İnsancıl Müdahale ve Koruma Sorumluluğu". Doktora Tezi. Marmara Üniversitesi, Sosyal Bilimler Enstitüsü.

Tepeciklioğlu, Ali Onur. 2009. "İngiliz Okulu'nun Uluslararası Toplum Bakışı". Doktora Tezi Ege Üniversitesi.

Tomuscat, Cristian. 2014. *Human Rights Human Rights: Between Idealism and Realism, Third Edition*. Oxford University Press.

Turhan, Aydın. 2013. "İnsan Hakkı Kuşakları Arasındaki Tamamlayıcılık İlişkisi". *İnönü Üniversitesi Hukuk Fakültesi Dergisi* 4(2): 357-78.

United Nations General Assembly. 2005. "2005 World Summit Outcome".

Vincent, R. John, and J. D. B. Miller. 1990. "Order and Violence: Hedley Bull and Order in International Politics". Oxford University Press.

Watson, Adam. 1987. "Hedley Bull, states systems and international societies". *Review of International Studies* 13(2): 147-53.

Welsh, Jennifer. 2011. "A normative case for pluralism: reassessing Vincent's views on humanitarian intervention". *International Affairs* 87(5): 1193-1204.

———. 2012. "The Responsibility to Protect: Dilemmas of a New Norm". *Current History* 111(748): 291-98.

———. 2016. "The Responsibility to Protect after Libya & Syria." *Daedalus*; 145 (4): 75–87.

Wheeler, Nicholas J. 1992. "Pluralist or solidarist conceptions of international society: Bull and Vincent on humanitarian intervention". *Millennium* 21(3): 463-87.

———. 2000. *Saving Strangers: Humanitarian Intervention in International Society*. OUP Oxford.

Wight, Martin. 1977. *Systems of States*. Leicester: Leicester University Press.

———. 1979. *Power Politics*. A&C Black.

Wight, Martin, and Gabriele Wight. 1991. *International Theory: The Three Traditions*. ed. Brian Porter. New York: Holmes & Meier Pub.

Wilson, Peter. 2012. “The English School Meets the Chicago School: The Case for a Grounded Theory of International Institutions”. *International Studies Review* 14(4): 567-90.

———. 2016. “The English School in Retrospect and Prospect: Barry Buzan’s An Introduction to the English School of International Relations: The Societal Approach”. *Cooperation and Conflict* 51(1): 94-136.

Youde, Jeremy. 2017. “Global Health Governance in International Society”. *Global Governance* 23: 583-600.

UN Reports

United Nations General Assembly. 2004. Report of the Secretary-General, *A More Secure World: Our Shared Responsibility High-Level Panel on Threats, Challenges and Changes*, A/59/565.

United Nations General Assembly. 2005. Report of the Secretary-General, *In larger freedom: towards development, security and human rights for all*, A/59/2005.

United Nations General Assembly. 2009. Report of the Secretary-General, *Implementing the Responsibility to Protect*, A/63/677.

United Nations General Assembly. 2009. Report of the Secretary-General, *Implementing the Responsibility to Protect*, A/63/677.

United Nations General Assembly. 2010. Report of the Secretary-General, *Early Warning, Assessment and the Responsibility to Protect*, A/64/864.

United Nations General Assembly. 2011. Report of the Secretary-General, *The Role of Regional and Subregional Arrangements in Implementing the Responsibility to protect*, A/65/877–S/2011/393.

United Nations General Assembly. 2013. Report of the Secretary-General, *Responsibility to Protect: Timely and Decisive Response*, A/66/874–S/2012/578.

United Nations General Assembly. 2013. Report of the Secretary-General, *Responsibility to Protect: State Responsibility and Prevention*, A/67/929–S/2013/399.

United Nations General Assembly. 2014. Report of the Secretary-General, *Fulfilling Our Collective Responsibility: International Assistance and Responsibility to Protect*, A/68/947–S/2014/449.

United Nations General Assembly. 2015. Report of the Secretary-General, *A Vital and Enduring Commitment: Implementing the Responsibility to Protect*, A/69/981–S/2015/500.

United Nations General Assembly. 2018. Report of the Secretary-General, *Responsibility to Protect: From Early Warning to Early Action* A/72/884-S/2018/525.

United Nations General Assembly. 2020. Report of the Secretary-General, *Prioritizing Prevention and Strengthening Response: Women and the Responsibility to Protect* A/74/964-S/2020/501.

United Nations General Assembly. 2005. Resolution adopted by the General Assembly on, *2005 World Summit Outcome*, A/RES/60/1.

United Nations Security Council. 2006. Security Council Resolution 1674 on *Protection of Civilians in Armed Conflict*, S/RES/1674.

United Nations Security Council. 2011. Security Council Resolution 1970 on *Establishment of a Security Council Committee to Monitor Implementation of the Arms Embargo Against the Libyan Arab Jamahiriya* S/RES/1970.

United Nations Security Council. 2011. Security Council Resolution 1973 on *the Situation in the Libyan Arab Jamahiriya* S/RES/1973.

United Nations Security Council (2011), Security Council Resolution 2009 on *the Establishment of the UN Support Mission in Libya* S/RES/2009.

United Nations Security Council. 2011. Security Council Resolution 2017 on *Measures to Prevent the Proliferation of All Arms and Related Materiel of All Types in Libya* S/RES/2017

United Nations Security Council. 2011. Security Council Resolution 2016 on *Termination of the Provisions of Paragraphs 4, 5, and 6 to 12 of Resolution 1973* S/RES/2016.

United Nations Security Council. 2011. Security Council Resolution 2022 on *Extension of the mandate of the UNSMIL Until 16 Mar. 2012* S/RES/2022.

United Nations Security Council. 2011. Security Council Resolution Draft Resolution, S/2011/612.

United Nations Security Council. 2012. Security Council Resolution 2040 on *Extension of the Mandate of the UNSMIL for a Further Period of 12 months* S/RES/2040.

United Nations Security Council. 2012. Security Council Resolution 2042 on *Authorization of the Deployment of an Advance Team of up to 30 Unarmed Military Observers to the Syrian Arab Republic*, S/RES/2042.

United Nations Security Council. 2012. Security Council Resolution 2043 on *the Establishment of a UN Supervision Mission in the Syrian Arab Republic (UNSMIS)*, S/RES/2043.

United Nations Security Council. 2012. Security Council Resolution Draft Resolution, S/2012/77.

United Nations Security Council. 2012. Security Council Resolution Draft Resolution, S/2012/538.

United Nation Security Council. 2013. Security Council Resolution 2118 on *the Use of Chemical Weapons in the Syrian Arab Republic* S/RES/2118.

United Nations Security Council. 2013. Security Council Resolution 2095 on *Extension of the Mandate of the UNSMIL for a period of 12 months*, S/RES/2095.

United Nations Security Council. 2014. Security Council Resolution Draft Resolution, S/2014/348.

United Nations Security Council. 2014. Security Council Resolution 2139 *on the Middle East*, S/RES/2139.

United Nations Security Council. 2014. Security Council Resolution 2165 *on the Humanitarian Situation in the Syrian Arab Republic and the Establishment of a Monitoring Mechanism* S/RES/2165.

United Nations Security Council. 2014. Security Council Resolution 2170 S/RES/2170.

United Nations Security Council. 2015. Security Council Resolution 2235 *on the Establishment of an OPCW-UN Joint Investigative Mechanism to Identify the Use of Chemical Weapons in the Syrian Arab Republic* S/RES/2235.

United Nations Security Council. 2015. Security Council Resolution 2254 *on the Situation in the Syrian Arab Republic* S/RES/2254.

United Nations Security Council. 2016. Security Council Resolution Draft Resolution, S/2016/1026.

United Nations Security Council. 2017. Security Council Resolution Draft Resolution, S/2017/172.

United Nations Security Council. 2017. Security Council Resolution Draft Resolution, S/2017/315.

UN Security Council Statements

United Nations Security Council. 2011. Statement made on behalf of the Security Council, at the 6598th Meeting, 3 Aug. 2011, in connection with the Council's Consideration of the item entitled "*The situation in the Middle East* S/PRST/2011/16.

United Nations Security Council. 2011. Letter dated 9 November 2011 from the Permanent Representative of Brazil to the United Nations addressed to the Secretary-General at the 66th meeting, 11 November 2011, A/66/551–S/2011/701.

United Nations Security Council. 2013. Statement made on behalf of the Security Council, at the 7039th meeting, 2 Oct. 2013, *in connection with the Council's consideration of the item entitled "The situation in the Middle East" S/PRST/2013/15.*

United Nations Security Council. 2019. Statement made on behalf of the Security Council at the 8634th meeting of the Security Council, held on 8 October 2019, in connection with the Council's consideration of the item entitled "*Reports of the Secretary-General on Sudan and South Sudan*", S/PRST/2019/11.

United Nations Human Rights Council. 2022. Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, A/HRC/49/77.

GENİŞLETİLMİŞ TÜRKÇE ÖZET

İnsan hakları ihlalleri, ırksal adaletsizlik, cinsiyet eşitsizliği, yoksulluk, soykırım ve hatta savaş suçlarından kaynaklanmakta, dünyanın her yerinde meydana gelmektedir. Suriye ve Libya'da Arap Bahar'ının etkisi ile ayaklanmalar başlamış ve iç savaş ortaya çıkmıştır. Libya'da sivilleri korumak için müdahale kararı alınmıştır. Suriye örneğinde, uluslararası tepki önemli ölçüde daha isteksiz olmuş ve Güvenlik Konseyi tarafından defalarca veto edildiği için herhangi bir müdahale kararı alınmamıştır. Tezde bu iki kriz kısaca açıklanmakta ve bu iki farklı karar Koruma Sorumluluğu ve uygulanması kapsamında incelenmektedir. Koruma Sorumluluğu, başlangıcından bu yana Birleşmiş Milletler bağlamında gelişen bir kavramdır. Tezde hem Koruma Sorumluluğunun gelişimi anlatılırken hem de vaka çalışmaları olan Libya ve Suriye Krizi incelenirken Birleşmiş Milletler tarafından yayınlanan belgelerden yararlanılmıştır.

İnsan hakları ihlallerinin meydana geldiği durumlarda, müdahale edilip edilmeyeceği ve hangi durumlarda müdahale edileceği halen devam eden bir tartışmadır. Uluslararası ilişkiler teorilerinde İngiliz Okulu, insani müdahaleyi derinlemesine ele alan teorilerden biridir. İngiliz Okulu'nun temel tartışmalarından biri olan çoğulcu-dayanışmacı tartışması, insan hakları ihlalleri olduğunda müdahale edip etmeme konusundadır. Dayanışmacı-çoğulcu tartışma, esas olarak düzen-adalet ikilemine dayanmaktadır. Çoğulcular, egemenlik ve müdahale etmeme ilkelerini vurgular ve insan hakları ihlallerinin meydana geldiği durumlarda müdahale edilmemesi gerektiğini söylemektedir. Dayanışmacılar ise, insan haklarının korunması gerektiğini ve bu nedenle insani müdahalenin gerekli olduğunu söylemektedir. Tezde, İngiliz Okulunun, uluslararası toplumun dayanışmacı olduğu varsayımını kabul edilmektedir. Tezde, Koruma Sorumluluğu kavramı uluslararası toplumun dayanışmacı bir kurumu olarak değerlendirilebilir mi? Sorusuna odaklanılmıştır.

Okul, uluslararası toplumun ve üyelerinin doğasındaki değişimi birincil kurumlar aracılığıyla inceler. Buzan, uluslararası toplumun birincil kurumlarının ortaya çıkışında, dönüşümünde ve biçimlerinde dayanışmaya yönelik bir eğilim olduğunu söylemektedir. (2014:164). Bu tezde, Holsti (2004: 18-24) ve Buzan'ın

(2014: 176) birincil kurum tanımlama yöntemlerini kullanarak, Koruma Sorumluluğunun Uluslararası Dayanışma toplumunu şekillendiren bir kurum olarak görülüp görülemeyeceği incelenmiştir. ICISS raporu, 2005 Dünya Zirvesi Sonuçları ve 2009 BMGK Koruma Sorumluluğu Uygulaması raporu, Koruma Sorumluluğunun kurucu belgeleri olarak belirlenmiştir. Analizde bu raporlar ile Buzan ve Holsti'nin birincil kurumların belirlenmesi için geliştirdikleri kriterler birlikte tartışılmaktadır.

Holsti, birincil kurumları belirlemek için üç kriter sunar; kalıplaşmış ve tekrarlayan uygulamalar, bu uygulamaları destekleyen görüş ve inanç grupları; davranışı hem emreden hem de yasaklayan norm, kural veya görgü kuralları. (2004: 18-24). Buzan, bunu tasarlanmamış, evrimleşmiş temel ve dayanıklı uygulamalar, aktörlerin ve faaliyetlerinin kurucusu olarak tanımlar (2014: 167).

2009 yılındaki Koruma Sorumluluğu Uygulaması raporunda belirtildiği gibi, devletlerin vatandaşlarını insan hakları ihlallerinden koruma sorumluluğu, uluslararası toplumun ihtiyacı olan devletlere yardım etme sorumluluğu ve son olarak uluslararası toplumun tepki verme sorumluluğu bulunmaktadır. Yanıt verme/tepkisi verme sorumluluğu, önce zorlayıcı önlemleri, ardından son çare olarak müdahale etme kararını içerir. 2001 ICISS raporunda belirtildiği gibi müdahale, insan hakları ihlallerine son vermek ve insan hakları ihlallerini ortadan kaldırmak için meşru bir otorite tarafından zamanında, son çare olarak ve orantılı bir şekilde, BM Şartı VII'ye dayalı olarak yapılmalıdır. Dolayısıyla koruma sorumluluğu kapsamında müdahale kararının belirli bir örüntüsü olan bir eylem olduğu, bu eylemlerin davranışı hem yasaklayan hem de emreden norm ve kurallara sahip olduğu söylenebilir. İnsan haklarını korumak için özellikle belirtilen suçlar; soykırım, savaş suçları, insanlığa karşı suçlar ve etnik temizlik suçlarıdır. Bu tür bir Koruma sorumluluğunun Holsti'nin yöntemlerinin tüm kriterlerini karşıladığı söylenebilir. Buzan'ın tanımlarının Koruma Sorumluluğu ile uyumlu olduğu görülmektedir. İnsan haklarını koruma eylemi, son yirmi yılda koruma sorumluluğu kavramıyla uluslararası toplum ve uluslararası kuruluşların aktörleri tarafından, ondan önce adil savaş ve insani müdahale kavramıyla gerçekleştirilmeye çalışılmaktadır. Tüm bu değerlendirmeler ışığında, Koruma Sorumluluğu, Holsti ve Buzan'ın birincil kurum tanımlama yöntemlerini

karşılıkmaktadır. Ancak Koruma Sorumluluğunun birincil kurum olduğunu söylemek için uygulamasını da değerlendirmek gerekir.

Libya'ya müdahale insani nedenlerle gerçekleştirilmiş olmasına rağmen, müdahale sivillerin korunması adına yapılmış ve 1973 tarihli kararda veya başka hiçbir belgede uluslararası toplumun sorumluluğundan bahsedilmemiştir. Bu, müdahalenin RtoP adına değil, insani nedenlerle yapılmış bir müdahale olduğunu göstermektedir. Müdahale, ICISS ilkelerine uygun olarak zamanında gerçekleştirilmiş, ancak NATO'nun müdahalesi ve bunun sonucunda ortaya çıkan rejim değişikliği ile müdahalenin amacı sorgulatmıştır. Müdahaleden sonra, kurulu hükümetin otoritesini koruyamaması ve ardından gelen ikinci iç savaş ve insan hakları ihlalleri ve şiddet suçları, yeniden yapılanma sürecinin hiç başarılı olmadığını göstermektedir. Bu nedenle sivilleri korumaya yönelik müdahale başarılı oldu. Ancak tüm ilkeleri göz önüne alındığında koruma sorumluluğu Libya'da başarılı olmamıştır.

Suriye'de ise müdahale kararı veto edilmiş ve insan hakları ihlallerinin önlenmesi ve insan haklarının korunması için zorlayıcı tedbirlerin ötesinde bir işlem yapılamamıştır. Müdahalelere karar verilirken kurucu belgelerde belirtilen iki nokta dikkate alınmalıdır. ICISS raporunda müdahaleleri sınırlama ilkeleri ve 2005 Dünya Zirvesi Sonuçlarında belirtilen müdahalelerin vaka bazında değerlendirilmesi şartı göz önüne alındığında Suriye'ye müdahale etmeme kararının Koruma Sorumluluğu ile uyumlu olduğu görülmektedir. Çünkü kriz müdahale ile çözülmeme veya yaşanan kötü insani durum daha da kötüleşme ihtimali bulunmaktadır. Libya ve Suriye örneklerinde RtoP hem karar verme aşamasında hem de uygulamada birçok sorunla karşı karşıya kalmıştır. Sivillerin korunmasına yönelik müdahale ve sonrasında sağlanamayan barış, Libya Krizi'ndeki müdahale kararının Koruma Sorumluluğu ile bağdaşmadığını göstermiştir. Aksine Suriye'ye müdahale etmeme kararı, cebri tedbirler, uygulanmasa dahi bireysel kısıtlamalar Koruma Sorumluluğuna uygun görünmektedir.

Hem birincil kurumlar hem de koruma sorumluluğu ortaya çıkan kavramlardır. Koruma sorumluluğu birincil bir kurum olarak değerlendirildiğinde Holsti ve Buzan'ın yöntemleriyle uyumlu olduğu görülmektedir. Bu nedenle Koruma Sorumluluğu dayanışmacı bir birincil kurumdur. Ancak uygulamada Libya krizi göz önüne alındığında Koruma Sorumluluğunun başarıyla uygulandığı

söylenememektedir. Suriye krizine yukarıda değinildiđi gibi, müdahale kararı alınmaması ve zorlayıcı tedbirler almak, koruma sorumluluđu ile uyumlu olmakla birlikte, insan haklarını koruma ve insan hakları ihlallerini önleme amacına ulaşamamıştır.

Dolayısıyla Koruma Sorumluluđunun “henüz” uluslararası toplumu oluşturan dayanışmacı bir kurum olduđu söylenemez. Ancak, Buzan'ın ikinci bölümde değinilen işlevsel sınıflandırmalarından biri olan ana-türev sınıflandırması dikkate alındığında, Koruma Sorumluluđunun dayanışmacı insan eşitlik kurumunun bir türevi olduđu görülebilir. Bu, koruma sorumluluđunun, dayanışmacı uluslararası toplumun ortaya çıkan birincil kurumlarından biri olduđunu göstermektedir. İngiliz Okulu'nun uluslararası toplumun temel kurumlarının yükselişi, dönüşümü ve biçimlerinin dayanışmaya yönelik bir eğilime sahip olduđu varsayımını doğrulamaktadır.