



Hacettepe University Graduate School of Social Sciences

Department of International Relations

**MASS ATROCITY CRIMES IN THE MIDDLE EAST AND THE
IMPLEMENTATION OF THE RESPONSIBILITY TO PROTECT:
THE CASES OF SYRIA, YEMEN AND GAZA**

Deniz TAŞCI

Master's Thesis

Ankara, 2024

MASS ATROCITY CRIMES IN THE MIDDLE EAST AND THE IMPLEMENTATION OF
THE RESPONSIBILITY TO PROTECT: THE CASES OF SYRIA, YEMEN AND GAZA

Deniz TAŐCI

Hacettepe University Graduate School of Social Sciences

Department of International Relations

Master's Thesis

Ankara, 2024

To my beloved family...

ACKNOWLEDGEMENTS

I would first like to express my sincere gratitude to my advisor, Prof. Dr. Mine Pınar GÖZEN ERCAN for her continuous material and moral support not only throughout the research and writing phases of my thesis but also throughout my academic life as well as for her motivation and immense knowledge. Her invaluable patience, guidance and constructive feedback enabled me to complete this thesis.

I would also like to thank dear members of the defense jury, Assoc. Prof. Dr. Gonca OĞUZ GÖK and Assoc. Prof. Dr. Ayşe Ömür ATMACA for their valuable comments and feedback as well as their patience throughout the process.

During the process of writing and submitting my thesis, I would like to thank all my friends who have always given me support and motivation, but especially to my dear friends Nuriye Sitare Kurdeş, Ferit Tanış and Ömer Faruk Uslu who have never left me alone since the day we met and whose material and moral support I have felt on me.

Last but not least, I owe a great debt of gratitude to all my family members for never stopping believing in me even in my most desperate moments. I would like to thank my mother, Seher Taşcı, for being such a wonderful mother and supporting me throughout my entire life. I would like to thank my father, Mehmet Taşcı, for being a supportive father, without his material and moral support I would not be able to be successful in my life. Finally, I would like to thank my dearly beloved sister Dilara Taşcı Bayraktar and her husband Kuzey Bayraktar, who has been not only an older sister but also a mother to me throughout my entire life and who I believe will stand behind me in every decision I make, for standing by me and believing in me during this process.

ABSTRACT

TAŞCI, Deniz. *Mass Atrocity Crimes in the Middle East and the Implementation of the Responsibility to Protect: The Cases of Syria, Yemen and Gaza*, Master's Thesis, Ankara, 2024.

The Responsibility to Protect (R2P) has been the subject of intense debates on how the international community should act in the face of mass atrocities. Particularly in conflict zones such as the Middle East region, the inability of states to fulfill their responsibility to protect populations raises the need for international action. This thesis details the historical development and institutionalization of R2P within the United Nations (UN) and analyzes the political and structural obstacles faced by the international community in implementing this principle. In this context, this thesis examines the three pillars of R2P – the primary responsibility of states to protect their populations, the responsibility of the international community to provide assistance and the collective response in a timely and decisive manner – in the context of Syria, Yemen and Gaza. These three cases from the Middle East illustrate how selectivity in the implementation of R2P limits its effectiveness in practice. This thesis provides a comparative analysis of the cases of Syria, Yemen and Gaza within the framework of the normative foundations and practical limitations of R2P and aims to make an original contribution to the literature on its role in international interventions.

Keywords

Responsibility to Protect (R2P), Syria, Yemen, Gaza.

ÖZET

TAŞCI, Deniz. *Orta Doğu'da Kitle Vahşet Suçları ve Koruma Sorumluluğunun Uygulanması: Suriye, Yemen ve Gazze Örnekleri*, Yüksek Lisans Tezi, Ankara, 2024.

Koruma Sorumluluğu (R2P) uluslararası toplumun insan hakları ihlalleri ve kitlesel zulümler karşısında nasıl harekete geçmesi gerektiğine dair yoğun tartışmalara konu olmuştur. Özellikle Orta Doğu gibi çatışma bölgelerinde, devletlerin halklarını koruma yükümlülüklerini yerine getirmedeki yetersizlikleri, uluslararası müdahalenin gerekliliğini gündeme getirmektedir. Bu tez, Birleşmiş Milletler (BM) bünyesinde R2P'nin tarihsel gelişimini ve kurumsallaşmasını detaylandırmakta ve uluslararası toplumun bu ilkenin uygulanmasında karşılaştığı siyasi ve yapısal engelleri analiz etmektedir. Bu bağlamda, bu tez, R2P'nin üç sütunu–devletlerin halklarını korumaya yönelik birincil sorumluluğu, uluslararası toplumun yardım sağlama sorumluluğu ve zamanında ve kararlı bir şekilde kolektif müdahale–Suriye, Yemen ve Gazze örnekleri bağlamında incelemektedir. Orta Doğu'dan bu üç vaka, R2P'nin uygulanmasındaki seçiciliğin pratikteki etkinliğini nasıl sınırladığını göstermektedir. Bu tez, R2P'nin normatif temelleri ve pratik sınırlamaları çerçevesinde Suriye, Yemen ve Gazze örneklerinin karşılaştırmalı bir analizini sunmakta ve uluslararası müdahalelerdeki rolüne ilişkin literatüre özgün katkı yapmayı amaçlamaktadır.

Anahtar Sözcükler

Koruma Sorumluluğu, Suriye, Yemen, Gazze

TABLE OF CONTENTS

| | |
|---|-------------|
| ACCEPTANCE AND APPROVAL | I |
| YAYIMLAMA VE FİKRİ MÜLKİYET HAKLARI BEYANI | II |
| ETİK BEYAN..... | III |
| DEDICATION..... | IV |
| ABSTRACT | VI |
| ÖZET..... | VII |
| TABLE OF CONTENTS..... | VIII |
| LIST OF ABBREVIATIONS | X |
| INTRODUCTION..... | 1 |
| | |
| CHAPTER 1: THE RESPONSIBILITY TO PROTECT | 5 |
| 1.1. FROM HUMANITARIAN INTERVENTION TO THE RESPONSIBILITY TO PROTECT | 5 |
| 1.2. THE PROCESS OF INSTITUTIONALIZATION OF R2P UNDER THE FRAMEWORK OF THE UN..... | 10 |
| | |
| CHAPTER 2: THE IMPLEMENTATIONS OF PILLAR 1 | 16 |
| 2.1. THE CRISIS IN SYRIA..... | 16 |
| 2.1.1. Historical Background of the Syrian Crisis..... | 16 |
| 2.1.2. Implementation of Pillar 1 in Syria | 19 |
| 2.2. THE CRISIS IN YEMEN..... | 21 |
| 2.2.1. Historical Background of the Yemen Crisis..... | 21 |
| 2.2.2. Implementation of Pillar 1 in Yemen | 24 |
| 2.3. THE CRISIS IN PALESTINE | 25 |
| 2.3.1. Historical Background of Palestinian Issue..... | 25 |
| 2.3.2. Implementation of Pillar 1 in Gaza..... | 31 |
| | |
| CHAPTER 3: THE IMPLEMENTATIONS OF PILLARS 2 AND 3 | 35 |
| 3.1. PILLAR 2 AND PILLAR 3 IMPLEMENTATIONS IN THE CRISIS IN SYRIA | 35 |

| | |
|---|-----------|
| 3.2. PILLAR 2 AND PILLAR 3 IMPLEMENTATIONS IN THE CRISIS IN YEMEN..... | 48 |
| 3.3. PILLAR 2 AND PILLAR 3 IMPLEMENTATIONS THE CRISIS IN PALESTINE | 55 |
| CONCLUSION..... | 61 |
| BIBLIOGRAPHY | 67 |
| APPENDIX 1 ORIGINALITY REPORT..... | 93 |
| APPENDIX 2 ETHICS BOARD WAIVER FORM | 95 |

LIST OF ABBREVIATIONS

| | |
|--------------|--|
| AQAP | Al-Qaeda in the Arabian Peninsula |
| CoI | Commission of Inquiry |
| CWC | Chemical Weapons Convention |
| EU | European Union |
| FSA | Free Syrian Army |
| GCC | Gulf Cooperation Council |
| GCR2P | Global Centre for the Responsibility to Protect |
| HLP | High-Level Panel on Threats, Challenges and Changes |
| HRW | Human Rights Watch |
| ICC | International Criminal Court |
| ICG | International Crisis Group |
| ICISS | International Commission on Intervention and State Sovereignty |
| ICJ | International Court of Justice |
| IDF | Israel Defense Forces |
| IDPs | Internally Displaced Persons |
| IIM | International, Impartial and Independent Mechanism |
| ISIS | Islamic State of Iraq and Syria |
| ISSG | International Syria Support Group |
| IvI | Intervention by Invitation |
| NATO | North Atlantic Treaty Organization |
| NDC | National Dialogue Conference |
| NGO | Non-governmental Organization |
| NIAC | Non-International Armed Conflict |
| OCHA | Office for the Coordination of Humanitarian Affairs |

| | |
|---------------|--|
| OPCW | Organization for the Prohibition of Chemical Weapons |
| OPT | Occupied Palestinian Territories |
| P5 | Five Permanent Members of the United Nations Security Council – China, France, the United Kingdom, the United States, Russia |
| PDRY | People’s Democratic Republic of Yemen |
| PLO | Palestine Liberation Organization |
| PNC | Palestine National Council |
| PNPA | Peace and National Partnership Agreement |
| R2P | Responsibility to Protect |
| SG | Secretary-General |
| SNHR | Syrian Network for Human Rights |
| UAE | United Arab Emirates |
| UK | United Kingdom |
| UN | United Nations |
| UNGA | United Nations General Assembly |
| UNHCR | United Nations High Commissioner for Refugees |
| UNHRC | United Nations Human Rights Council |
| UNLU | United National Leadership of Uprising |
| UNMHA | United Nations Mission to Support the Hodeidah Agreement |
| UNP | United Nations Peacemaker |
| UNSC | United Nations Security Council |
| UNSMIS | United Nations Supervision Mission in Syria |
| US | United States |
| WHO | World Health Organization |
| WSOD | World Summit Outcome Document |

YAR

Yemen Arab Republic

YPG

People's Protection Units

INTRODUCTION

“The Responsibility to Protect (R2P, also abbreviated as RtoP)” (Gözen Ercan, 2016, p. 1) has been a matter of discussion in international law and international relations literatures for the last two decades. Various cases of mass atrocity crimes in different regions of the world have been studied in relation to R2P from different perspectives. Mass and repeated human rights violations appear to be and still pose one of the main threats to human security all over the world, including the Middle East region. Due to the armed conflicts and authoritarian regimes, the international community is still challenged with the question of whether to intervene is a humanitarian duty or international law violation even though it is to save people and to reduce their suffering.

In the wake of the Cold War and the emergence of numerous intrastate conflicts across various regions, the 1990s marked a significant period in which the international community engaged in humanitarian interventions in several countries. Prominent instances include the interventions in Kosovo, Somalia, and Rwanda, reflecting a commitment to addressing urgent humanitarian needs and fostering stability. With mass violations of human rights committed by states against their populations, multidimensional and wide-ranging legal and ethical debates emerged regarding the grounds and legitimacy of such interventions. Hence, Kofi Annan, the then Secretary-General (SG) of the United Nations (UN), sought a collective solution to these outstanding concerns and posed a question “[...] if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica—to gross and systematic violations of human rights that affect every precept of our common humanity?” (ICISS, 2001, p. vii).

As the global community confronts ever-changing and emerging obstacles, the implementation of R2P in the Middle East continues to be an enduring topic of debate, diplomacy, and initiatives. Achieving a harmonious balance between upholding sovereignty of states and fulfilling the ethical responsibility to protect vulnerable populations poses a significant challenge. Hence, this thesis questions the implementation

of R2P due to the crimes amounting up to mass atrocities that have emerged in the Middle East during the internal conflicts with a special focus on three select cases, namely Syria, Yemen, and Gaza, which stand out as not only three major but also and representative cases from the Middle East region. From a geopolitical point of view, the Middle East is a region wherein the conflicting interests of great powers have a direct impact on R2P decisions and where international interventions are intertwined with regional politics. Especially in the cases of Syria and Gaza, the deadlock through veto in the UN Security Council (UNSC) clearly demonstrates the political and structural obstacles R2P faces in practice. Moreover, the tendency to refer to R2P for strategic reasons rather than humanitarian ones in this region creates a contradictory structure in the regional perception of the norm. In this context, the crises in the Middle East provide a viable option for a comprehensive examination of the divergence between the theory and practice of R2P. Despite the fact that these three cases, especially that of Syria, have been studied separately, the literature lacks a comparative work on the three cases as well as a general overview on the Middle East.

As for the literature on R2P, there are various studies that analyze the concept of military intervention in relation to R2P (see, Bellamy, 2008; Evans, 2009). Furthermore, some scholars focus on the theoretical and normative aspects of R2P (see for instance, Acharya, 2013; Gözen Ercan, 2016; Paris, 2014; Welsh, 2012) or as a political tool for states (see for instance, Stahn, 2007). Moreover, the cases that are an R2P concern are studied from various perspectives (see for instance, Aning & Autobi, 2009; Badescu & Bergholm, 2009; Bellamy, 2005; Nuruzzaman, 2015; Gözen Ercan, 2019). There are also studies that focus on the three-pillar structure of R2P, and the challenge posed by Pillar 3 in terms of R2P's implementation (see for instance, Bellamy, 2015; Hehir, 2016; Jacob, 2018). On the other hand, R2P implementation is studied from the regional perspectives, including the Middle East especially after the Arab Uprisings (see for instance, Gifkins, 2016; Hehir & Pattison, 2015; Nuruzzaman, 2013), with a special focus on Libya case rather than other cases (see for instance, Kuperman, 2013; Terry, 2015; Thakur, 2011). While there are examples of R2P case studies on Syria, Yemen and Gaza in the literature, these are limited in number. For instance, Kul (2022, pp. 144-146) focuses on the protection of the refugees in both Libya and Syria cases from an R2P lens. Moreover, Gözen Ercan (2015a) and Eskiduman (2022, p. 154) focus on R2P's implementation in Gaza. In addition, Rosli

(2022) examines both the successes and the failures of R2P implementation through analyzing the pillars of R2P in Yemen case. Although there are different perspectives and views towards R2P Cases, there is still a need for deeper studies that would uncover the contestation of R2P and stress the deficiency in the implementation of its pillars. For this purpose, this thesis aims to examine where R2P stands within the UN and to reveal the inadequacy of the implementation of its pillars in the Middle East region through comparative case analyses of Syria, Yemen, and Gaza.

Even though there are examples in the literature of each case being elaborated separately, there is no collective analysis of the three. Accordingly, this thesis aims to contribute to the existing literature with an original comparison of the three. The case of Syria highlights the complexities and limitations in practicing R2P in highly contested and politically challenging contexts. The conflict in Yemen has evolved into a protracted and multifaceted conflict involving various internal and external actors. The prolonged nature of the conflict, coupled with the significant humanitarian crisis, has presented challenges that require an R2P response. Nevertheless, in the case of Yemen, the UN has not formally considered R2P's implementation. Although some UN documents refer to R2P indirectly, there is no formal reference to R2P, which allows the international intervention to operate openly on behalf of the country concerned. Lastly, due to the multiplicity of the authorities exercising control over the concerned territories, the problem of whose responsibility is it to protect populations from the mass atrocity crimes in the Israeli-Palestinian conflict makes the situation in Gaza as an exceptional case. The individual interests of superpowers in this conflict make it difficult to take collective R2P action. To this end, this thesis asks whether there is a selection bias in the implementation of R2P, to what extent those three cases have similarities and differences and aims to understand to what extent and how R2P has been implemented in the cases from the Middle East region.

Accordingly, this thesis consists of three main chapters. Chapter 1 seeks to establish the conceptual framework of the study by exploring the evolution from humanitarian intervention to R2P. The evolution of R2P under the UN system, its three-pillar structure and the role of the UNSC for the implementation of and the UN General Assembly (UNGA) on the development of R2P will be studied. Overall, a conceptual and normative

overview of R2P will be provided to lay the necessary background for question implementation in the cases to be studied.

The second chapter provides individual overviews of the historical background of the Syrian civil war, the Yemen crisis and the crisis in Gaza and will assess these crises within the framework of Pillar 1 of R2P in each case. This analysis will focus on examining how, in each case, states fulfilled or failed to fulfill their responsibility to protect their populations. For this purpose, mass atrocity crimes committed by the perpetrators in the beginning of the crises will be evaluated, and the reactions to the incidents of the authorities who are primarily responsible to protect the civilians in their country will be analyzed.

The three pillars of R2P are not necessarily to be followed in any particular order during practice but are often complementary and can be implemented according to the urgency and nature of the situation (UNGA, 2009a). In the third chapter, the crises in Syria, Yemen and Gaza are assessed within the context of Pillar 2 and Pillar 3 of R2P. While Pillar 2 emphasizes the responsibility of the international community to assist states to increase their capacity to protect their populations and provide international assistance (UNGA, 2009a, p. 15), Pillar 3 envisages the necessity of international action in a “timely and decisive” manner in the event of a state’s failure to fulfill this responsibility (UNGA, 2009a, p. 22). Therefore, analyzing Pillar 2 and Pillar 3 together allows a better understanding of the practical implementations of R2P and international response strategies so that more comprehensive and effective solutions to crisis situations can be developed.

The concluding chapter aims to compare the three cases through examining the roles of the perpetrators and the various international responses to the cases involved. Accordingly, it finds that while in the case of Syria there is no decision under R2P, in Yemen, even though there is a decision or a reference to R2P, it is debatable. And lastly, the case of Gaza stands out as an exceptional case, and also yet another example where there is no reference to either R2P or its pillars. Finally, it can be suggested that the selective practices of the international community pose a challenge to the realization of R2P

CHAPTER 1

THE RESPONSIBILITY TO PROTECT

Along with the various attempts for the institutionalization of R2P following the 2001 report by the International Commission on Intervention and State Sovereignty (ICISS), R2P started being a concern under the UN framework after the World Summit Outcome Document (WSOD) was adopted in 2005. Thus, this development paved the way for the institutionalization of R2P. However, Kul (2020, p. 10) argues that the acceptance of the norm in theory has not led to its implementation in practice. Therefore, issues related to the implementation of the norm have been discussed through the SG's annual reports and the activities of relevant UN organs, mainly the UNSC and the UNGA. In the process of institutionalization under the framework of the UN, emphasizing prevention vis-a-vis intervention has become more prominent in order for R2P to be differentiated from humanitarian intervention. This chapter analyzes the development of R2P through examining the differences between the humanitarian intervention and R2P as well as the institutional processes of R2P under the roof of the UN.

1.1. FROM HUMANITARIAN INTERVENTION TO THE RESPONSIBILITY TO PROTECT

Following the end of the Cold War, during the 1990s, the world has witnessed several issues such as international intervention in Somalia in 1993, indifference with regard to the genocide in Rwanda in 1994, inability of the UN to respond to the ethnic cleansing in Srebrenica, Bosnia in 1995, and the unauthorized North Atlantic Treaty Organization (NATO) intervention in Kosovo in 1999 (Evans, 2004, p. 78). Even though there were instances of humanitarian crises such as those in Northern Iraq and Sierra Leone, those in Somalia, Rwanda, Bosnia and Kosovo became the most prominent challenges to the acceptance, legality, morality, and legitimacy of the humanitarian intervention. Humanitarian intervention lacks a universally accepted definition, and thus, debates have arisen regarding this. As White (1994, p. 13) notes, some jurists argue that humanitarian intervention has never had a single definition in international law. The literature offers

various definitions of humanitarian intervention. For example, Gözen Ercan (2016, p. 19) defines it as the use of coercive force for stopping gross violations of fundamental human rights. Murphy (1996, pp. 12-13) considers humanitarian intervention as the use or threat of force by a state, group of states, or international organizations to protect a population who suffers from widespread human rights violations perpetrated within a state. On the other hand, Stowell (1921, p. 53) suggests that humanitarian intervention is any use of force for a legitimating purpose that is expressed in protecting the citizens of another state from continuous arbitrary and oppressive treatment. Inasmuch as the government of the relevant state exceeds the limits of the authority that requires it to act on the basis of justice and virtue within its own borders. According to this approach, intervention should aim to protect the rights of individuals regardless of their citizenship status. Military interventions by the interventionist state to protect or evacuate its own nationals are not considered humanitarian interventions. These can be seen as state intervention for “the right of individual or collective self-defense” enshrined in Article 51 of the UN Charter (UN, 1945).

While humanitarian intervention is explicitly intended to stop mass human rights violations within a state, as it involves military intervention it cannot be considered as a legal intervention unless the UNSC authorized it specifically. Given that fundamental principles of international law are the cornerstones of international order, such as “the principle of non-interference in internal affairs of states”, humanitarian intervention is in contravention of a number of legal and political restrictions. Gözen Ercan (2016, p. 19) reminds that some states perceive/present humanitarian intervention as a “right to intervene”, and such perception directly challenges the fundamental principles of international law. In this regard, according to restrictionist scholars, humanitarian intervention results in non-compliance with international law as it is in violation of “Articles 2(1) (the principle of sovereign equality)”; “2(4) (the prohibition of the threat and the use of force)”; as well as “2(7) (the principle of non-interference in internal affairs)” of the UN Charter (UN, 1945, p. 4; Brownlie, 1963; Grey, 2013, pp. 2-3). Nevertheless, Kul (2020, p.11) indicates that the most contested issues with regard to humanitarian intervention doctrine appeared in the post-Cold War era due to breach of Article 2(4). Along with the dissolution of the Soviet Union, there has been an increase in civil wars in the name of the struggle for independence, which has led to a shift in the

understanding of security. Waisová (2003, p. 62) points out that the 1990s was a period that human rights were also included in the understanding of security and also the UN security agenda, and from then on, not only conflicts between states but also violations of fundamental human rights within states became a concern for international security. However, Sak (2015, p. 122) argues that the interventions of the 1990s sparked a debate on the permissible extent of state sovereignty interference to halt human rights abuses committed by a state against its own population as well as the displacement of hundreds of thousands of people as a result of these actions through the use of force. Furthermore, Petreski (2015, p. 7) notes that in 1999, NATO's military intervention in Kosovo without UNSC authorization brought the international community to a critical turning point in the debate on the doctrine of humanitarian intervention as it raised questions on whether it violated Article 2(4) of the UN Charter.

In the light of the experiences of the 1990s, Kofi Annan, the UN SG sought a collective solution to these outstanding concerns and posed a question “[...] if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica—to gross and systematic violations of human rights that affect every precept of our common humanity?” (ICISS, 2001, p. vii). Moreover, in a speech delivered to the UNSC in 1999, Annan also stated that sovereignty of states has been redefined in its most fundamental sense with globalization (ICISS, 2001, p. viii). Şentuna (2019, p. 220) emphasizes that the debates on the axis of tension between state sovereignty and humanitarian values, which are brought to the agenda by the aforementioned questions, have an important place in the formation of R2P.

Following up on Annan's challenge, the ICISS was established in 2000 through the initiative of the Canadian government. Furthermore, the ICISS report on “The Responsibility to Protect” was published in 2001 and established a path for R2P in order to clarify the legitimate grounds for interventions under the name of stopping human rights violations (ICISS, 2001, p. viii).

The ICISS report (2001, p. 12) reassessed some of the foundations of the international system consolidated by the “Treaty of Westphalia” including the “principle of sovereignty” and “principle of non-interference in internal affairs”. The report formulated the responsibility to protect as an alternative approach to resolving the fundamental

contradiction between the sovereignty of states and the international community's responsibility to intervene. While introducing the idea of the responsibility to protect, the ICISS report (2001, p. 13) tried to establish a necessary basis regarding the obligations that this responsibility entails by reiterating the concept of "sovereignty as responsibility". Bellamy (2008, pp. 618-619) explains that this concept was first introduced by Francis Deng—who was appointed by the UN SG Boutros Boutros-Ghali as Special Representative of Internally Displaced Persons (IDPs) in 1993—and his colleague Roberta Cohen. Deng and Cohen were investigating the increasing number of internally displaced people due to intrastate conflicts. They took on the challenge of convincing governments to enhance the protection for IDPs and finding ways to circumvent the denial of assistance by the international community. In addition, in his report to the UN Economic and Social Council, Deng emphasized that no government can legitimately allow its population to experience starvation to death or lack access to protection and vital resources for their survival and well-being. In situations where the government is unable to provide protection and assistance, the international community must act either at the call of the host state or by international consensus to fill the gap (UNESCO, 1998, para. 4). As a matter of fact, Bellamy (2008, p. 620) explains that Deng's attitude towards the protection of IDPs should be primarily at the request of the host state for an aid, and that diplomacy will be resorted to in cases where the host state refuses aid, but in other situations, cases will be referred to the UNSC as a higher authority. In line with this, the ICISS report (2001, p. xi) started with the basic premise that "state sovereignty implies responsibility and the primary responsibility for the protection of its population lies with the state". The second premise followed this basic premise as: "where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect".

According to the ICISS report (2001, p. 17), R2P involves assessing issues from the perspective of those who want or need protection, rather than from the perspective of those considering to carry out an intervention. In this context, Gözen Ercan (2016, p. 57) points out that the Commission opted for the term "responsibility to protect" rather than the "right to intervene" as such change in terminology is suited for the notion of sovereignty as responsibility. Accordingly, a main difference between R2P and

humanitarian intervention is the three-layered responsibility notion of R2P wherein prevention is the prevalent goal. These are the responsibility to prevent, the responsibility to react, and responsibility to rebuild (ICISS, 2001, p. xi). The ICISS (2001, p. 18) emphasizes that any action taken in accordance with R2P must necessarily include a wide and diverse range of assistance. The ICISS report (2001, p. xi) states that intervention can only be considered in cases where the element of prevention is definitely exhausted. In its broader sense, there is a conviction by the ICISS (2001, p. 19) that R2P contains an accompanying responsibility, and it is the responsibility to prevent, which has been the first stage out of three responsibilities and why prevention has been broadly subsumed within the framework of R2P. According to Bellamy (2009, p. 98), the concept of prevention, by integrating armed intervention into a spectrum of actions, gained emphasis, and was notably highlighted in the ICISS report. The nexus between sovereignty and human rights has increasingly acknowledged the significance of prevention, particularly as it stands as the main priority of the responsibility to protect. Acknowledging the high costs and perils associated with military interventions, which offer a restricted capacity to uphold security and human rights, it is evident that the optimal approach lies in the adoption of preemptive measures and strategies. In the case, as previously stated, where prevention measures are exhausted, the responsibility to react is considered as the second stage in the progressive implementation of R2P. According to ICISS report (2001, p. 29), R2P includes first and foremost the responsibility to react to situations where there is an urgent need for humanitarian protection in the absence of preventive measures, when the state concerned is unable or unwilling to resolve the situation. This is because intervention measures are needed by the international community. These coercive measures may include political, economic, or judicial measures. Only in situations of extreme danger can military action be resorted to.

Gözen Ercan (2016, p. 23) reminds that addressing the debates on humanitarian intervention the just cause threshold and other precautionary principles are proposed by the Commission to determine under which circumstances an intervention should be carried out and be claimed to be legitimate. The ICISS (2001, p. xii) basically defines the just cause threshold on the basis of “large scale loss of life” and “large scale ethnic cleansing”. According to the ICISS (2001, p. 32), there are six criteria that need to be met to decide for and justify a military intervention, which are “right authority, just cause,

right intention, last resort, proportional means, and reasonable prospects”. The ICISS (2001, p. 39) suggests with reference to the responsibility to rebuild that in the event of military intervention due to a state’s failure or relinquishment of its responsibility to protect its own population, it is imperative that there exists an authentic dedication to establishing lasting peace, alongside the advancement of effective governance and sustainable development.

Gözen Ercan (2015b, p. 168) argues that the issue of humanitarian intervention, on which this report is based, is addressed under R2P principle as part of the responsibility to react, as a method of last resort when non-coercive methods are not sufficient. Therefore, the presence of the concept of humanitarian intervention within R2P as well as the fact that the ICISS report was published just three months after the 9/11 terrorist attacks did not positively contribute to the promotion and acceptance of this new idea of protection of populations (Gözen Ercan, 2016, pp. 57-58). However, as a result of the efforts of the Commission members and the efforts of notably the UN SG, the ICISS report has received increasing attention.

1.2. THE PROCESS OF INSTITUTIONALIZATION OF R2P UNDER THE FRAMEWORK OF THE UN

Welsh (2013, p. 370) argues that the publication of the ICISS Report led to a shift in international policies, although the United States (US) intervention in Iraq in the post-9/11 war on terrorism initially constituted a negative example creating a source of contestation for R2P. Indeed, on the path to institutionalization, the legitimacy of such an intervention was much debated in the international community. Gözen Ercan (2016, p. 58) suggests that at the early phase of its institutional development, the conceptual boundaries of R2P narrowed to the tenets set forth by the ICISS. The three elements of R2P alongside the delineated threshold criteria for military intervention, were integral to the foundational architecture proffered by the ICISS, which underpinned the subsequent deliberations of R2P under the framework of the UN. Following this line of understanding, it was with the “Report of the Secretary-General High-Level Panel on Threats, Challenges and Changes” (HLP), R2P was introduced on the agenda of the UNGA for the first time.

Evans (2008, p. 175) argues that the UN serves and should serve as the principal organ for discourse and action concerning R2P situations. The HLP was held in late 2003 to “recommend clear and practical measures for ensuring effective collective action, based upon a rigorous analysis of future threats to peace and security” (UNGA, 2004, p. 119). Moreover, Gözen Ercan (2015b, p. 169) notes that along with the report named “A More Secure World: Our Shared Responsibility” R2P was brought to the agenda of the UN under the framework of collective security and the use of force. The report (2004, p. 65) states that “the principle of non-interference in internal affairs cannot be used to protect genocidal acts or large-scale violations of international humanitarian law or large-scale ethnic cleansing”. Indeed, Annan (2004, p. 66) emphasizes that the main focus should be on mediation, but that the use of force should be applied as last resort, when necessary. In addition, Annan (2004, p. 66) emphasizes that military action can be authorized by the UNSC to halt the mass atrocities under the scope of Chapter VII of the UN Charter.

In 2005, Annan submitted a report entitled “UN Reform: In Larger Freedom”. Unlike HLP, in Annan’s report (2005, pp. 34-35), R2P was introduced under the fourth section named “Freedom to live in dignity”. Annan (2005, p. 34) also affirms that no legal principle including sovereignty should serve as a shield against “genocide, crimes against humanity and mass human suffering”. Moreover, Gözen Ercan (2016, p. 62) states that the displacement of R2P for its advocates in this report is more than legitimizing the use of force, but to emphasize that R2P does not have the same meaning as the notion of humanitarian intervention. Even though it was first established in the 2001 ICISS report, as Welsh (2013, p. 371) argues, R2P was not seen as institutionalized until the HLP report in 2004 and its endorsement in the World Summit in 2005.

This is why 2005 is a milestone. In October, over 150 heads of state and government convened at the UN World Summit, where the WSOD was unanimously adopted by the UNSC through Resolution A/RES/60/1. The UNSC (2005, p. 30) refers to R2P under Paragraphs 138 and 139 of the WSOD and limits the focus of R2P to four specific mass atrocity crimes: “genocide, war crimes, ethnic cleansing, and crimes against humanity”. Accordingly, Paragraph 138 emphasizes that the primary actor responsible for protecting its population from mass atrocity crimes is the state itself. On the other hand, Paragraph 139, referring to the responsibilities of the international community, provides that

diplomatic, humanitarian, and other peaceful means should be tried first under Chapter VI and VIII where the states are manifestly failing to halt mass atrocities, and if these fail to achieve the desired result, the use of force may be conducted under Chapter VII by the UNSC as the only authority, taking into account the dynamics of each case (UNGA, 2005, p. 30).

On the exercise of the veto, the ICISS (2001, p. 51) has also taken a position, urging permanent members (P5) not to prevent humanitarian intervention unless it is in their vital interests to do so, and urging them to establish a common code of conduct. However, Gözen Ercan (2016, pp. 64-65) points out that there are no statements in the WSOD regarding the restriction of the veto power of the P5 in the case of deadlock situations. On the other hand, the responsibility to rebuild, which is one of the three original elements of R2P, is not included within the scope of R2P under the WSOD. Moreover, the UNSC was decided to hold deliberations for R2P implementation under the UN SG's leadership.

The first case specific mention of R2P in a UNSC Resolution was Resolution 1564 (2004) on the Darfur crisis in Sudan, which made reference to the Sudanese government's primary responsibility to protect (UNSC, 2004). Indeed, as evidenced by the crimes committed, the Sudanese government failed to protect population in Darfur (Afewerky, 2022, p. 36). R2P was referred by the UNSC in two other resolutions in 2006: Resolution 1674 (2006), which concerns the protection of civilians in areas of armed conflict, reaffirmed the provisions of Paragraphs 138 and 139 of the WSOD; Resolution 1706 (2006) on the UN Secretary-General's report on Sudan, which recalls this concerns in Resolution 1674 (2006) (Gözen Ercan, 2016, p. 65). Upon his appointment as the UN SG, Ban Ki-moon expressed his intention to operationalize the responsibility to protect and appointed Edward Luck as "Special Adviser on the Responsibility to Protect". Ban Ki-Moon believed that the implementation of R2P should be done on more reliable and consistent grounds. To this end, in 2009, Ban Ki-Moon, acting under the guidance of the UNSC, submitted a report entitled "Implementing the Responsibility to Protect". Accordingly, the report was adopted by the UNSC Resolution 63/308 dated 14 September 2009. Gözen Ercan (2016, p. 66) argues that this report is recognized as the first comprehensive UN document on R2P.

The report introduced a three-pillar structure for R2P and reiterated the notion of collectivity in R2P implementation (UNGA, 2009a, para. 11). According to the report, Pillar 1 underlines “the responsibility of states to protect their populations from mass atrocity crimes”. Pillar 2 urges “the international community to assist and direct states to meet their responsibilities in accordance with Chapters VI and VIII of the UN Charter”. Pillar 3 stresses that if a state is manifestly failing to fulfil its responsibility to protect its population from such crimes, then the international community should act in a “timely and decisive” manner in line with Chapter VII of the UN Charter in order to protect the population suffering from the mass atrocity crimes (UNGA, 2009a, para. 11, pp. 8-10).

The UN SG Ban Ki-Moon has continued to study and report on the issue. Accordingly, in 2010, the SG published his second report entitled “Early Warning, Assessment and the Responsibility to Protect”. In the report, he identified the capacities of early warning mechanisms, gaps, and signs of lack of information exchange. In 2011, he published the third report entitled “The Role of Regional and Subregional Arrangements in Implementing the Responsibility to Protect”. In doing so, he highlighted the long-term view of the international organizations and the importance of the role of regional organizations as partners to it in addressing current challenges (UNGA-SC, 2011). In 2012, he presented the fourth report entitled “Responsibility to Protect: Timely and Decisive Response”. The report describes the mandatory and non-mandatory instruments available to implement the responsibility to protect and the role of actors at national, regional, and global levels to implement them (UNGA-SC, 2012, para. 37). In 2013, he submitted the fifth report entitled “Responsibility to Protect: State Responsibility and Prevention”. In this report, the SG focused on the primary responsibility of and represented and assumed by the state, for the prevention of crimes falling within the framework of R2P, shedding light on the causes and legacies of these crimes (GCR2P, 2013a). In 2014, Ban Ki-Moon presented his sixth report on the responsibility to protect, entitled “Fulfilling Our Collective Responsibility: International Assistance and the Responsibility to Protect”. The report focused on Pillar 2 of the principle, which defines the responsibility of the international community to provide assistance to states to help them assume their responsibility to protect their populations (GCR2P, 2014). In 2015, the SG submitted the seventh report on R2P under the title “A Vital and Enduring Commitment: Implementing the Responsibility to Protect”. This report assesses the scope

of implementation efforts and their impact on the framework of each of the three pillars of the principle, including: strengthening national capacity-building to prevent atrocity crimes; assisting countries to fulfill the core security-related responsibilities of targeted international initiatives; and efforts by the international community to respond to security crises (UNGA, 2015c). In 2016, Ban Ki-Moon presented the eighth and last report of his term named “Mobilizing Collective Action: The Next Decade of the Responsibility to Protect”. This report draws a framework of the future scope of R2P and analyzes how the UN system collectively protects populations from mass atrocity crimes (GCR2P, 2016b).

In 2017, following Ban Ki-Moon, the new UN SG Antonio Guterres presented the ninth report on R2P, entitled “Implementing the Responsibility to Protect: Accountability for Prevention”. The report addresses general practical steps that member states and international institutional bodies in the UN System can take to strengthen accountability for preventing atrocity crimes (GCR2P, 2017).

Guterres submitted the tenth report entitled “Responsibility to Protect: From Early Warning to Early Action” in 2018. This report stresses how the early warning system can be strengthened and sets three-phase strategy: strengthening existing capacities for prevention; promoting accountability; expanding civil action to prevent atrocities (UNGA-SC, 2018). The eleventh report entitled “Responsibility to Protect: Lessons Learned for Prevention” was published in 2019. The report addresses a number of measures that states, and the international community can take in fulfilling their responsibility to prevent (GCR2P, 2019b). Twelfth report entitled “Prioritizing Prevention and Strengthening Response: Women and The Responsibility to Protect” came out in 2020. The report focuses on the position of women in R2P and looks for the prevention of atrocity crimes that related to gender (GCR2P, 2020). The thirteenth report entitled “Advancing Atrocity Prevention: Work of The Office on Genocide Prevention and The Responsibility to Protect” of 2021, analyzed how R2P was operationalized under the UN System (GCR2P, 2021). The fourteenth report entitled “Responsibility to Protect: Prioritizing Children and Young People” in 2022, examines the needs of children and young people who are affected by the mass atrocity crimes, and the UN SG shed light to the privileged protection of children and young people (GCR2P, 2022). The fifteenth report entitled “Development and the Responsibility to Protect: Recognizing and

Addressing Embedded Risks and Drivers of Atrocity Crimes” of 2023 analyzes the link between development and mass atrocity crimes. The UN SG states how to use sustainable development to strengthen the resilience of states against mass atrocity crimes (GCR2P, 2023).

These reports generally describe the nature of the responsibilities of states and the international community in relation to R2P, in line with the 2005 WSOD and the three pillars of the 2009 Report of the SG. They emphasize important issues such as the need for the international community to put in place an early warning mechanism to prevent the four crimes, for more states to ensure the security of their populations, for the elimination of all forms of discrimination and equal rights for all, and for the comprehensive implementation of R2P.

Taking institutional and conceptual evolution of R2P into consideration, it can be observed that while the adoption of R2P required a reinterpretation of the concept of state sovereignty, it brought to the fore the responsibility of states to protect their populations against mass atrocities. In this context, the responsibility of the international community to step in if states fail to fulfill this responsibility is discussed in relation to Pillar 2 and Pillar 3 of R2P. In particular, the focus of Pillar 1 of R2P on the responsibility of states to protect their own populations was supported by an emphasis on preventive measures. The principle that intervention should only be resorted to when preventive measures have been completely exhausted was underlined.

Following from this, the next chapter analyzes in detail the implementation of Pillar 1 of R2P in the cases of Syria, Yemen and Gaza. Each case is examined with regard to the extent to which states are fulfilling their responsibility to protect their populations and what roles the international community have played when R2P was not upheld. The crises in Syria, Yemen and Gaza are important examples to illustrate how the theoretical framework of R2P translates into practice on the ground and the challenges faced in implementation.

CHAPTER 2

THE IMPLEMENTATIONS OF PILLAR 1

Some of the most complex and destructive conflicts are taking place in Syria, Yemen and Gaza. The ongoing crises in these regions are characterized by the failure of states to fulfill their responsibility to protect their populations and by widespread human rights violations. Pillar 1 of R2P emphasizes the responsibility of states to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity (UNGA, 2009a, p. 10). However, the governments of the three states have largely neglected this responsibility. The Assad regime in Syria, the conflict between the Hadi government and the Houthis in Yemen, and human rights violations in Gaza under the Israeli occupation are the main sources of violence and humanitarian crises faced by civilians in these regions. This chapter aims to examine how states have failed to fulfil their primary responsibility to protect in Syria, Yemen and Gaza through analyzing the background of each crisis, and the consequences of these violations within the framework of Pillar 1 of R2P. This analysis will also provide a basis for assessing the international community's response to these crises and whether the responsibility to protect is being (effectively) implemented under the framework of the other two pillars of R2P.

2.1. THE CRISIS IN SYRIA

2.1.1. Historical Background of the Syrian Crisis

The first act of the Arab Uprisings was by a young man named Mohamed Bouazizi in Sidi Bouzid, the center of the governorate in central Tunisia. After the authorities banned him from selling vegetables, Bouazizi set himself on fire (Jazeera, 2010). Tunisian people rose up and eventually ousted President Ben Ali. After Tunisia, the storm of the Arab Uprisings swept through Egypt. While the country was in dire economic conditions, President Hosni Mubarak was offering more privileges to the business elite. This led to popular protests and uprisings against Mubarak. Consequently, President Mubarak was forced to resign. After his resignation, there were several military interventions and elections in the country (Anderson, 2011, pp. 3-4). Then, the ripple effect of the Arab

Uprisings spread to Libya. The goal of the uprising was to overthrow Muammar al Gaddafi. The protests initially started peacefully. However, the harsh attitude of the government towards the protesters caused the uprising to spread to Tripoli. This uprising was not only an uprising against the government; it turned into a civil war between those who supported Gaddafi and those who did not (Anderson, 2011, p. 6). Moreover, the UNSC, which convened upon the grave events, asked for the International Criminal Court's (ICC) investigation into the events that started on 15 February 2011, with Resolution 1970 (UNSC, 2011c, p. 3). Many sanctions were imposed on Gaddafi by the UNSC with Resolution 1970. However, the UN response was not limited to sanctions. With the UNSC Resolution 1973 on March 17, 2011, air operations including the US, England, Italy and Canada started under the leadership of France. This operation was later transferred to NATO by ensuring a no-fly zone in Libyan Arab Jamahiriya (UNSC 2011d, p. 3).

The events in Syria started in Dar'a as a reaction to the detention of a group of young people who were influenced by the uprisings in Tunisia and Egypt for their peaceful protests against issues regarding corruption, freedom of expression and democratic rights etc. This protest movement has expanded rapidly, with dozens of demonstrators joining peaceful marches to express their rejection of the regime's repression, arrest and torture tactics against peaceful protesters (UNHRC, 2011, p. 8). Small (2014, p. 189) argues that the Syrian regime started using disproportionate force to suppress these demonstrations. First military operation by the State forces against demonstrators in Dar'a occurred on 25 April and Office of the United Nations High Commissioner for Human Rights (OHCHR) reported in the first report of the Independent International Commission of Inquiry on Syria (CoI), which is established by the UN Human Rights Council, that more than three thousand civilians have been killed and thousands of people have suffered since the events began (UNHRC, 2011, p. 8). In addition, approximately 350-400 people lost their lives in April in incidents where civilian casualties had already occurred before the military operation in Dar'a. The UN High Commissioner for Human Rights, Navi Pillay, called on the international community to reiterate its call on the Assad regime to stop killing its own citizens, and on the Assad regime to heed the warnings, first to end the violence and then to launch an investigation into the matter (OHCHR, 2011). On the other hand, various groups took advantage of the ongoing turmoil and the resulting power vacuum,

and Islamist terrorist groups took advantage of this to establish a presence in Syria (Kul, 2022, p. 137). Internal attacks by terrorist groups such as Islamic State of Iraq and Syria (ISIS)¹ have put Syria on the agenda of the international community.

Then, the UNSC held a meeting to discuss the situations in Syria at the end of April 2011. The United Kingdom (UK) proposed to demand the ending of violence and the joint condemning of Syria by the UNSC in one voice (UNSC, 2011e, p. 5). Russia, on the other hand, argued that both the government and demonstrators in Syria are using violence against each other and that this is an internal issue of Syria (UNSC, 2011e, p. 7). Meanwhile in April 2011, Bashar al-Assad announced a series of measures aimed at initiating political and legal reforms, forming a new government, lifting the state of emergency that has been in place since 1963, abolishing the Supreme State Security Court, issuing a general amnesty and enacting laws that grant citizens the right to peaceful demonstrations (UNHRC, 2011, paras. 31-32). Leylanoğlu (2021, p. 201) argues that these promises of reform and political measures coming from the very top of the administration did not seem convincing. The popular movement spread to other cities across the country, escalating into armed clashes between security forces and demonstrators. Zifcak (2012, pp. 73-74) states that in line with these developments, the demands of the demonstrators changed from administrative reform to regime change. In an attempt to halt the rise of this protest movement and the widespread demonstrations, on 2 June 2011, Assad announced the establishment of a National Dialogue Commission to organize political consultations that would lead the country towards establishing a multi-party democracy. In the meantime, in July, the Free Syrian Army (FSA), the armed opposition wing, was established. Founded under the leadership of Colonel Riyad al-Assad, who left the Syrian army, the FSA has taken responsibility for armed attacks against Assad regime officials (UNHRC, 2011, paras. 28, 32).

¹ It was founded in Iraq in 2004 as “Al-Qaeda in Iraq”, in October 2006 as the “Islamic State of Iraq”, in April 2013 as the “Islamic State of Iraq and Syria”, and in July 2014 as the “Islamic State” after declaring a caliphate (The Economist, 2014). Unlike other radical organizations, ISIS aims to establish an Islamic state and aims to institutionalize itself in the regions it captures in a short period of time. ISIS wants to establish an Islamic State based on Sunni Sharia in the region that includes Iraq, Syria, Palestine and Jordan. The fact that it declares a caliphate, collects taxes and makes administrative arrangements in the regions it dominates indicates that the organization considers itself as a state and takes care to act like one (Bayraktar, 2015, p. 66).

Regional organizations have also launched various initiatives in response to the events in Syria and discussed what measures could be taken to end the violence. The Arab League called on Assad to reform, and in September, Nabil al-Arabi, the Arab League Secretary-General, met with Assad. In a statement after the meeting, al-Arabi said that they agreed to implement reforms to end the violence (BBC, 2011). However, violence has continued in Syria despite the international community's calls for a ceasefire and reform.

2.1.2. Implementation of Pillar 1 in Syria

As indicated in Paragraph 138 of WSOD (UNGA, 2005), the primary responsibility to protect the population from mass atrocity crimes lies with the state itself. Moreover, the UN SG, while defining the pillars of R2P in his 2009 report, places an emphasis on Pillar 1 by stating that protection must first be internally provided (UNGA, 2009a, p. 10). Therefore, Assad's regime is the primary authority to provide protection to its population. However, as stated in the previous section, the Syrian regime started using disproportionate force to suppress the demonstrators (Small, 2014, p. 189).

Throughout the civil war that began in 2011, the Syrian government has failed to fulfill its responsibility to protect its population and has committed serious human rights violations (Cronogue, 2012, p. 147). According to Human Rights Watch (2011, p. 14), government forces have used excessive violence against peaceful protesters, including arbitrary arrests and torture. Moreover, in its second report in 2012, the CoI also notes that both government forces and anti-government groups have committed large scale human rights violations in Syria (UNHRC, 2012b, paras. 52-57). In addition, the government has been violating human rights conventions through acts, such as prolonged detentions without judicial authorization, charges and judicial guarantees, failure to notify the families of detainees, and suspicious disappearances (UNHRC, 2012b, paras. 63-73). Moreover, in addition to these acts perpetrated by government forces, the CoI reached the conclusion that sexual violence is also used against perceived opponents of the regime "during house searches, at checkpoints and in detention centers". The Report also states that rape and sexual violence against male and female detainees were committed (UNHRC, 2013a, paras. 91-93).

Refugees and IDPs are another human rights issue that are being addressed due to the Syrian crisis. According to 2018 Report of CoI, parties to the conflict has caused people to flee their home due to the crisis in the country. The parties to the conflict made a negotiation under the name of “evacuation agreements”, and hence, millions of civilians have been forcibly displaced (UNHRC, 2018a). As of 2024, 16,7 million people are in need for humanitarian assistance, 7,2 million people are in IDPs position (UNHCR, 2024). Given that states are responsible to protect their populations, it can be said that the Syrian state has failed to meet its primary responsibility, and is confronted a mass mobility of IDPs and refugees (Gallagher, 2014, p. 9; Kul, 2022, p. 138).

Another factor that makes the Syrian government a perpetrator in the crisis is also the use of illegal weapons such as chemical weapons against its population. According to Syrian Network for Human Rights (SNHR) (2023), the first use of chemical weapons by Syrian government was documented on 23 December 2012. According to the report of the “UN Mission to Investigate Allegations of the Use of Chemical Weapons in Syria”, in 2013, chemical weapons were used during the fighting in Al-Ghouta on 21 August, Khan Al-Assal on 19 March and Saraqib on 29 April (UNHRC, 2014a, para. 127). On the other hand, in the ten-year period between 2013 and 2023, also ISIS—a non-state perpetrator in the crisis—used chemical weapons against the Syrian people (SNHR, 2023).

Hence, the government forces are not the sole perpetrators of human rights violations in Syria. The Syrian regime has failed to fulfill its primary responsibility to protect, not only by being the perpetrator of crimes but also being unable to prevent atrocity crimes committed by non-state actors.

Other non-state actors committing human rights violations are the People’s Protection Units (YPG)² and other anti-government groups. The CoI found that anti-government groups were responsible for massacres, unlawful killings, torture, etc. (UNHRC, 2012b, para. 134). Nevertheless, the CoI concluded that both government and anti-government

² The YPG is the armed wing of the Democratic Union Party (PYD) in Syria and is considered the Syrian branch of the Kurdistan Workers’ Party (PKK). The PYD was founded in 2003 under the directives of Abdullah Öcalan and is ideologically aligned with the PKK. The YPG has organic ties with the PKK’s military wing, the People’s Defense Forces (HPG), and is largely trained by HPG members. It stands out as a structure aiming for autonomy, especially in northern Syria (Şahin & İrdem, 2017, p. 35).

forces deliberately committed crimes against humanity and were responsible for these acts (UNHRC, 2012b, para. 135). On the other hand, it is clear that ISIS has committed crimes amounting to genocide in Syria, and also Iraq, caused the displacement of hundreds of thousands of people, used rape as a weapon of war, committed ethnic cleansing through enslavement, hostage-taking, kidnapping, mass and extrajudicial executions, beheadings of captured people and broadcasting them in the media, and committed crimes against humanity and war crimes (Amnesty International, 2014, pp. 1-30; UNHRC, 2015b, paras. 15-16, 60-62, 74-75, 172).

In conclusion, the findings and information assessed above reveal that Pillar 1 of R2P has not been fulfilled not only due to unwillingness but also inability. The failure of the Syrian government to fulfill this responsibility has created a major humanitarian crisis in the country and hence shifted the responsibility to the international community.

2.2. THE CRISIS IN YEMEN

2.2.1. Historical Background of the Yemen Crisis

Yemen has faced several conflicts since the 1970s. Until 1990, Yemen was divided into Yemen Arab Republic (YAR) in the north and People's Democratic Republic of Yemen (PDRY) (Deniz, 2018, p. 78). On 22 May 1990, the Republic of Yemen was formed with the unification of YAR and PDRY. Around the same time, the collapse of the Soviet Union led to a loss of power for the PDRY and the YAR gained a political momentum in Yemen. Thereupon, Ali Abdallah Saleh was appointed as president (Dingli, 2013, p. 94). Clausen (2018, p. 562) argues that Saleh's regime was repressive and elites under the patronage network of Saleh controlled the top positions in the military and the Yemeni economy. Nonetheless, Wan Rosli (2022, p. 173) illustrates that Saleh's exclusion of the PDRY from politics and economics caused a civil war in 1994. As one of the results of this civil war, anti-Saleh secessionist movement in south Yemen led by former PDRY soldiers emerged (Dingli, 2013, p. 95).

Another challenge against Saleh regime was Houthis. Hathaway et al. (2018, p. 5) argue that Houthis, which are largely Zaydi Shi'a Islamic group that combines religious, political, and military elements, are the main rebel group in Yemen that was founded by Hussain al-Houthi in the Sa'ada province in the late 1990s (Hathaway et al., 2018, p. 5).

In 2004, the Saleh government forces, as Hathaway et al. (2018, p. 5) state, went to Sa'ada to suppress the protests and killed al-Houthi. Clausen (2018, p. 564) notes that following al-Houthi's death, five more Houthi wars between the Houthis and regime forces took place between 2004 and 2010. As a result of these six wars, many areas in Sa'ada were destroyed and many civilians were internally displaced in Yemen due to the violence of the regime forces (Clausen, 2018, p. 564). Popp (2015, p. 1) points out that as other Arab countries, Yemen was also affected by the Arab Uprisings, and not only the Houthis but almost the entire anti-government population started to react against Saleh.

Consequently, in late 2011, President Saleh decided to transfer his power through the "Initiative of Gulf Cooperation Council (GCC)" and the UNSC authorization. This initiative was organized as "two-phase transitional process". In the first phase, Vice President Mansour Hadi was appointed to serve as president on a temporary basis; and as the second phase, National Dialogue Conference (NDC) was aimed to be provided to stabilize the Yemeni political, social, and economic future (Hathaway et al., 2018 pp. 5-6; Nußberger, 2017, pp. 112-113; Wan Rosli, 2022, p. 174). Buys and Garwood-Gowers (2019, p. 4) state that NDC was perceived to negotiate the pacific political transition of Yemen. Nevertheless, Popp (2015, p. 2) shows that the NDC agreements succeeded in some issues such as Hadi's remain in power and the Houthi issue. Another important subject of debate in the NDC was the structure of Yemen. Therefore, Yemen was suggested to be divided into six main regions. However, this proposal was rejected by the Houthis. Additionally, Saleh's forces cooperated with Houthis against the Hadi government, and hence, this cooperation gained power and emerged as a de facto power in the capital, Sana'a (Popp, 2015, p. 2). In response to this, the UNSC took action and imposed a sanction including travel bans and asset freezes on the Houthis with Resolution 2140 (2014) (UNSC, 2014, pp. 4-5).

Despite the sanctions, the Houthis have continued to expand their power in Sana'a and across Yemen (UNSC, 2015b, pp. 12-13). Thereupon, Buys and Garwood-Gowers (2019, p. 5) state that with the aim of meeting the Houthi demands such as establishing a government of unity, on 21 September 2014, the Peace and National Partnership Agreement (PNPA) was concluded between the Houthis and Hadi's government. Moreover, Buys and Garwood-Gowers (2019, p. 6) indicate that Hadi and his cabinet

members were kept in house arrest by the Houthis, and hence, the Parliament was dissolved, and a new Presidential Council was established. Therefore, Resolution 2201 (2015) was adopted by the UNSC adopted, which demanded the Houthis to unconditionally take part in negotiations in good faith, remove their forces from government institutions and capital Sana'a, and release Hadi and his officials (UNSC, 2015a, para. 7). Moreover, Buys and Garwood-Gowers (2019, p. 6) state that Hadi fled to the city of Aden, where he declared it the capital of Yemen temporarily, and hence, he withdrew his resignation. However, Houthi forces continued their actions against the new capital. In the meantime, regional terrorist forces such as "Al-Qaeda in the Arabian Peninsula" (AQAP)³ and ISIS have exploited the political turmoil in Yemen to establish a strong presence in western Yemen (Nußberger 2017, p. 117). Upon these actions, Hadi escaped to Riyadh and asked GCC members for a military intervention in Yemen (Wan Rosli, 2022, p. 175). Consequently, without the UNSC authorization, under the lead of Saudi Arabia and support from other GCC members, first, "Operation Decisive Storm" was launched on 26 March 2015, and then "Operation Renewal of Hope" on 22 April 2015 (Buys & Garwood-Gowers, 2019, p. 6; Ruys & Ferro, 2016, p. 65). These operations achieved to retake the city of Aden and southern Yemen regions, yet still, Houthi-Saleh alliance kept controlling the western part of Yemen (Wan Rosli, 2022, p. 176).

Wan Rosli (2022, p. 176) states that from the point of human rights violations Yemeni population suffers, in April 2015, Ismail Ahmed was appointed as the UN Special Envoy by the then UN SG, Ban Ki-Moon in order to provide assistance to parties in conflict in Yemen into an interim agreement. However, as Hathaway et al. (2018, p. 7) state, neither Houthis nor Hadi agreed on even a "basic framework of peace". In December 2017, Saleh's stated support for the Saudi-led coalition led to disintegration of the Houthi-Saleh alliance, leading to Saleh's death by Houthi rebels the following day (Wintour, 2017). In return, on 23 April 2018, the head of the Houthi Supreme Political Council was killed in a Saudi-led drone strike (Wan Rosli, 2022, p. 176). From a human rights perspective, the

³ While al-Qaeda militants continued to operate in Yemen in the 2000s, fighting Yemeni and US armed forces, in 2009 they reorganized under the name "Al-Qaeda in the Arabian Peninsula (AQAP)" and became the most prominent armed Islamist organization in Yemen (Byman, 2018, p. 144).

Yemeni Crisis was still considered as “the worst humanitarian crisis in the world” (OCHA, 2019), and still continues to be one of the worst.

2.2.2. Implementation of Pillar 1 in Yemen

Hathaway et al. (2013, p. 538) emphasize that sovereignty as responsibility is not only to exercise power over a territory but also is a responsibility to protect population from any damage. Therefore, Wan Rosli (2022, p. 176) states that, although the coalition intervention in Yemen was requested by Hadi, the road to the intervention emerged as a consequence of the incidents during Saleh presidency.

Pillar 1 of R2P refers to states by reminding them that they are primarily responsible for protecting their people from four grave crimes (UNGA, 2005, para. 138). Nevertheless, Wan Rosli (2022, p. 176) notes that the resignation of Saleh as a response to demands and Hadi replacing him as a part of two-phased transition can be considered as the fulfilment of Pillar 1. However, during his presidency, Hadi was unable to protect its population against the Houthis and asked for military assistance (Wan Rosli, 2022, p. 176).

From an R2P perspective, Hathaway et al. (2013, p. 540) claim that if a state cannot hold its responsibility through its institutions, thus, can ask for foreign intervention through consent. This is what Hadi government did. Hadi officially requested military assistance from GCC members (UNSC, 2015d, p. 3). In the letter, Hadi blamed the Houthis for the instability, insecurity and disaster in Yemen and emphasized that although his government fulfils its responsibility to protect Yemeni civilians, the Houthis’ ongoing attacks have hindered the peaceful objectives being pursued by his government in Yemen (UNSC, 2015d, pp. 4-5).

Whether Hadi was authorized to make this invitation is important for the compatibility of this intervention with international law. In this context, Qureshi (2020, p. 243) states that the recognition of the host government as a legitimate government by the UN was considered sufficient for the legitimacy of an intervention by invitation. Meanwhile, in the preamble to Resolution 2216 (2015), the UNSC reaffirmed its support for Hadi’s legitimacy (UNSC, 2015e, p. 2).

Consequently, Hadi expressed his government's inability to halt atrocities in his letter, and according to Wan Rosli (2022, p. 178), this would authorize him to request for military assistance from GCC members with the aim of fulfilling its primary responsibility to protect civilians in Yemen. On the other hand, according to Ruys and Ferro (2016, p. 86), even though Hadi has international recognition, controversy in the "intervention by invitation" in the context of civil war cannot be underestimated.

2.3. THE CRISIS IN PALESTINE

2.3.1. Historical Background of Palestinian Issue

Awan and Malik (2024, p. 90) state that the current Israeli-Palestinian issue was ignited by the establishment of Israel in 1948. Nevertheless, the establishment of the state of Israel dates back to the emergence of political Zionism. The emergence of modern political Zionism, meaning Jewish nationalism centered on Palestine, were laid in Russia in the 1880s when anti-Semitism took root (Cleveland & Bunton, 2016, p. 228). Additionally, Tessler (2009, pp. 43-45) emphasizes that political Zionism developed under the influence of the historical experiences of Jews in Europe, especially the rise of anti-Semitism and national identity movements. Theodor Herzl, the main proponent of political Zionism, argued for the necessity of a national homeland for the Jews towards the end of the 19th century. Herzl's *The Jewish State (Der Judenstaat)*, published in 1896, laid the ideological foundation for political Zionism. According to Herzl, it was clear that Jews could not be permanently assimilated under the political and social conditions in Europe and that they needed a national state (Tessler, 2009, pp. 43-45). Moreover, the political Zionism was institutionalized with the first Zionist Congress held in Basel, Switzerland in 1897 under the leadership of Herzl. At this congress, the goal of establishing a national homeland for the Jewish people in Palestine was clearly stated (Tessler, 2009, pp. 47-48).

Following these developments, Balfour Declaration (1917) was a turning point in the international recognition of political Zionism. Tessler (2009, pp. 148-149) states that the Balfour Declaration was drafted by British Foreign Secretary Arthur Balfour on 2 November 1917 and officially declared Britain's support for the establishment of a Jewish national home in Palestine. This declaration emerged as a result of Britain's strategic

interests in Palestine during First World War and the influence of the Zionist movement. Tessler also emphasizes that this document, while causing great excitement among Jews, caused deep concern among Arabs and became one of the primary causes of the Jewish-Arab conflict in Palestine in the following years (Tessler, 2009, pp. 148-149). Moreover, at San Remo Conference (1920) in Italy, France and Britain were granted the right to establish mandates in the Arab lands taken from the defeated Ottomans. Accordingly, France was given the control of Syria and Lebanon, while Britain was allocated Iraq, Palestine, and the territory known as Transjordan. Then, these mandates were officially recognized by the League of Nations in 1923 (Scott-Baumann, 2024, p. 33).

After the Second World War ended, the UN member states as the international community made the UN propose a partition plan for the Palestinian territories that created a Jewish and a Palestinian state and that agreed on the international status of Jerusalem – *corpus separatum*⁴ (Awan & Malik, 2024, p. 90; Cleveland & Bunton, 2016, p. 249). On 29 November 1947, Resolution 181 was adopted by the UNSC, believing that it would end the long-standing conflict, but this resolution led to a disproportionate expansion of Israeli areas from 7% to a 55% in the Palestinian territories (Khalidi, 1997, p. 11; Scott-Baumann, 2024, p. 80). Nevertheless, Britain announced that their mandate on Palestine would be permanently withdrawn on 15 May 1948. However, Britain left Palestine one day before it proposed, and hence, a few hours later, the independence of Israeli state was declared by David Ben-Gurion, the first Prime Minister of Israel, on 14 May 1948 (Cleveland & Bunton, 2016, pp. 251-252; Scott-Baumann, 2024, p. 89).

Eskiduman (2022, p. 155) states that the search for a resolution to the dispute between Israel and Palestine was determined by the four vital Arab-Israeli wars in the lack of permanent solution that would be provided by the UN. On 15 May 1948, the first war erupted immediately after Israel declared its independence following the partition plan. The war resulted in the defeat of the Arab coalition including Egypt, Syria Lebanon, Jordan and Iraq, and Israel's annexation of more than allocated in the UN partition plan, which resulted with the displacement of the majority of Palestinians (Cleveland & Bunton, 2016, pp. 252-253). Moreover, on 23 January 1950, Jerusalem was declared as

⁴ "The City of Jerusalem shall be established as a *corpus separatum* under a special international regime and shall be administered by the United Nations" (UNGA, 1947, part III, Sect. A).

the capital of since the independence of Israel by the Knesset, Assembly of Israel (Tessler, 2009, p. 320). In 1956, the second war between the Egypt and Israel, also known as the Suez War, took place when Israel, in collusion with Britain and France, launched a military operation against Egypt, which had nationalized the Suez Canal. At the end of the war, although Egypt gained a political victory, with the secret assistance of France, Israel built Divona Nuclear Facility that turned Israeli-Palestinian conflict in its favor (Cleveland & Bunton, 2013, pp. 289-290; Eskiduman, 2022, p. 155). Yılmaz and Alagöz (2023, p. 117) emphasize that the Arab States, which have been acting in partnership with Palestine since 1948, thought of establishing a political organization to represent the Palestinian people. The Palestinian National Council, which was established with the aim of controlling the Palestinian struggle, established the Palestine Liberation Organization (PLO) on 2 June 1964 (Yılmaz & Alagöz, 2023, p. 117). In addition to the PLO, there were already established Palestinian guerrilla groups. Among these groups, Scott-Baumann (2024, p. 114) emphasizes Fatah as the leading symbol of Palestinian nationalism that would lead the movement. In early 1950s, Fatah was created by Palestinian students in Egypt under the leadership of Yasser Arafat but was officially established in 1959 (Cleveland & Bunton, 2016, p. 341; Scott-Bauman, 2024, p. 114).

According to Cleveland and Bunton (2013, pp. 315-317) a turning point in the Israeli-Palestinian conflict is the June war in 1967, which lasted only six days, was the third war, and an absolute Israeli victory and a humiliating blow to Egypt, Syria and Jordan. As a result of the war, Israel expanded its territory in 1948 and captured East Jerusalem, the West Bank, the Gaza Strip, Sinai Peninsula from Egypt, and the Golan Heights from Syria (Cleveland & Bunton, 2013, pp. 315-317). Resolution 242, adopted by the UNSC on 22 November 1967, emphasized that it was not possible to gain territory through war and that every state in the region had the right to live in peace within recognized borders. This could only be achieved by ending the war and Israel's withdrawal from the territories it occupied in the last war (UNSC, 1967, para. 1). Moreover, on 6 October 1973, the Arab coalition led by Egypt and Syria launched a surprise attack against Israel. This attack is named as Yom Kippur War, which is the Jewish holy day, and also called as Ramadan War by Arabs since it was during the Ramadan period (Tessler, 2009, p. 475). The war caused huge losses for both sides, but more importantly, as Eisenberg (2013, p. 86) emphasizes, this war paved the way for Egypt to engage in peace talks and the signing of

the first Arab-Israeli peace treaty in history between Israel and Egypt. The Camp David Accords of September 1978 are one of the most important diplomatic milestones towards resolving the long-standing Arab-Israeli conflict in the Middle East and signed between Egyptian President Anwar Sadat and Israeli Prime Minister Menachem Begin. It culminated in the Egypt-Israel Peace Treaty signed in March 1979, the first peace treaty between Israel and an Arab state (Peters, 2013, p. 3).

During the ongoing Israeli occupation, on 8 December 1987, an Israeli army vehicle crashed into two vehicles carrying Palestinians, killing four people in Gaza Strip (Nasrallah, 2013, p. 57). Tessler (2009, p. 679) claims that this so-called accident was the ignite power of *intifada*⁵, and hence, turned into protests and demonstrations. As Cleveland & Bunton (2016, p. 453) emphasize, in the beginning, *intifada* was a rebel from the people whose territories were occupied, and then, it turned into large-scale movement that spread among the Palestinians. Therefore, in January 1988, the United National Leadership of Uprising (UNLU) was established to coordinate strikes and demonstrations (Scott-Baumann, 2024, p. 170). As the uprising gained popularity, new organizations began to emerge, the most important of which was Hamas that means Islamic Resistance Movement in English (Cleveland & Bunton, 2016, pp. 453-454). Hamas was founded in 1988 as an Islamist resistance movement in the Gaza Strip, Palestine. Its establishment was an extension of the Muslim Brotherhood Movement in Palestine, as a movement fighting against the Israeli occupation of the Palestinian territories (Hroub, 2013, p. 235; Tessler, 2009, p. 696). Cleveland and Bunton (2016, p. 454) state that unlike the secular stand of PLO, Hamas based its roots from the Islamic motives and would act in accordance with the Islamic terms. Meanwhile, Tessler (2009, p. 723) notes that on 15 November 1988, PLO leader Yasser Arafat announced the “Declaration of Independence for the State of Palestine” at the Palestine National Council (PNC) meeting in Algeria. Thus, Cleveland and Bunton (2016, p. 455) state that the PLO recognized Israel’s right to exist in peace and security and recognized the Resolutions 242 and 338 of the UN and embraced the search for a political solution. As a response to these developments, Scott-Baumann (2024, p. 174) emphasizes the need to find an alternative way for Israel to

⁵ Intifada is an Arabic word meaning “shaking off”. In Palestinian history, it has become synonymous with two major popular resistance movements against the Israeli occupation (Britannica, 2020).

maintain its dominance in the West Bank and Gaza that is not so dependent on military force. To this end, in 1991, the Madrid Peace Conference was held under the mediation of the US, which is seen as an important development that laid the diplomatic foundation for the Oslo process. This Conference was an important diplomatic milestone in the initiation of multilateral negotiations on the Arab-Israeli conflict. This conference laid the groundwork for peace talks between Israel and the Arab states, with the Palestinian delegation represented along with Jordan, and indirect contacts began (Shlaim, 2005, pp. 242-243).

After the Madrid Conference, direct negotiations failed for a while, but secret talks began in Norway in the meantime. The Oslo Accords were mediated by the Norwegian government between Israeli and Palestinian officials in January 1993 (Scott-Baumann, 2024, p. 182). Furthermore, on 13 September 1993, Israeli and Palestinian leaders reached an agreement under the name of “Declaration of Principles”, better known as Oslo I. Accordingly, “the PLO recognized Israel’s right to exist in peace and security, while Israel recognized the PLO as the legitimate representative of the Palestinian people” (Cleveland & Bunton, 2016, pp. 478-479; Pappé, 2006, p. 241). Shlaim (2005, p. 247) states that Oslo I envisaged five-year transition period to ensure the transfer of certain areas in the West Bank and Gaza from Israeli control to the Palestinian autonomous administration. At the end of the transition period, the parties were to move to final status negotiations and the establishment of Palestine as a fully independent state (Shlaim, 2005, p. 247). Upon these initiatives, Gaza-Jericho Agreement, which allowed the authority transfer of Gaza and Jericho from Israel to the PLO, was signed in Cairo between Arafat and Yitzhak Rabin, the Prime Minister of Israel, and Palestinian Authority (PA) was created on 4 May 1994. Accordingly, the Oslo Interim Agreement, known as Oslo II, signed on 28 September 1995 between Arafat and Rabin, which provided for increased PA’s authority parts of the West Bank and a phased Israeli withdrawal (Tessler, 2009, pp. 763-764). However, the division of the West Bank into three separate territories created a complex governance structure between Palestinians and Israelis, and the struggle for control over these territories has continued. Moreover, Israel continued the occupation of Gaza and the West Bank, and hence, problematic issues such as the status of Jerusalem were also excluded from the Oslo Accords (Cleveland & Bunton, 2016, p. 480). Nevertheless, Oslo Accords’ inability to stop the Israeli occupation of West Bank and the

Gaza Strip led to Al-Aqsa Intifada on 28 September 2000, which is the second and more militarized Palestinian uprising (Cleveland & Bunton, 2013, p. 478). Bölme and Ulutaş (2011, p. 10) indicate that Hamas's victory in the 2006 Palestinian elections and the ensuing tensions between Hamas and Fatah led to the emergence of a two-headed administration, with Hamas in control in Gaza and Fatah in the West Bank. This led Israel to initiate the blockade of Gaza, which is still in place today, as Israel does not recognize Hamas (Bölme & Ulutaş, 2011, p. 10). In this context, on 19 September 2007, Israel declared the Hamas-controlled Gaza Strip as "hostile territory" and announced that it would restrict the flow of goods in and out of Gaza in order to put pressure on the Hamas regime as part of the fight against terrorism (IMFA, 2007). This will be addressed later, but it is worth mentioning here that after Hamas attacked Israel on 7 October 2023, Israel increased the intensity of the blockade, which it has maintained for more than 17 years, further aggravating the humanitarian situation (HRW, 2024). Moreover, Benoliel and Perry (2010, p. 74) define that on 27 December 2008, Israel launched a military operation named Operation Cast Lead that it claimed in self-defense and aimed to prevent Hamas rocket attacks on southern Israel. Shortly after the start of the operation, Israel announced that it would impose a naval blockade to prevent the entry of arms and ammunition into the Gaza Strip, citing the continuation of missile attacks from Gaza, and imposed a naval blockade on the Gaza Strip as of January 3, 2009 (Topal, 2013, p. 106). However, Kattan (2009, p. 101) argues that Operation Cast Lead turned into a violation of human rights of Palestinians rather than a proportionate response to Hamas attacks, and hence, cannot be considered under the inherent right of self-defense. According to Amnesty International (2009), less than a month after the operation, more than a thousand civilians including children were killed.

Bayeh (2014, p. 207) states that another bloody military campaign was the "Operation Protective Edge" launched by the Israel Defense Forces (IDF) on 7 July 2014 against Hamas, claiming that three Israeli teenagers were kidnapped by Hamas. Eskiduman (2022, p. 157) states that this was a war between Hamas and the IDF rather than a rescue operation, and hence, escalated into a humanitarian crisis with the violation of human rights.

Finally, on 7 October 2023, the Izzettin Kassam Brigades, a branch of Hamas, launched an offensive against Israel. In response, Israeli Prime Minister Binyamin Netanyahu declared war and announced the launch of air strikes on Gaza. Following this announcement, thousands of civilians, women, children, old and young, lost their lives in the attacks on Gaza (HRW, 2024).

2.3.2. Implementation of Pillar 1 in Gaza

Ban Ki-Moon reminds that there is no specific order of the pillars to be followed in the implementation of R2P (UNGA, 2009a). Eskiduman (2022, p. 157) emphasizes that Pillar 1 refers to sovereignty as responsibility and should be analyzed in the case of Gaza independently of Pillar 2 and Pillar 3 due to the exceptional situation of Gaza such that three different sovereign authorities that are responsible for the protection of population: Hamas, PA, and Israel. Under these circumstances, the question of who is responsible for protection rises (Gözen Ercan, 2015a). The PA is the legitimate authority of Palestine, where Hamas is the de facto authority that is exercising power over Gaza after winning the election in 2006. Israel is the occupying power in Gaza who has also effective control on this territory. In this respect, the PA stands at the top of the tripartite authority who is held responsible for its inability to protect Palestinians from the conflict between Hamas and Israel. Moreover, Hamas and Israel are considered as responsible under Pillar 1, since each authority has control over the region (Gözen Ercan, 2015a, pp. 1103-1104).

While they were responsible authorities, especially the former two have also been the perpetrators of mass violations of human rights in Gaza. Following the “Operation Cast Lead”, on April 3, 2009, “the UN Fact Finding Mission on the Gaza Conflict” was established by the Human Rights Council to investigate all committed crimes, breaches of international humanitarian law and human rights violations and the Mission prepared a report called the “Goldstone Report” (UNGA, 2009b, paras. 1-2).

Eskiduman (2022, p. 158) states that another independent commission of inquiry was established after the Operation Protective Edge to investigate breaches and violations and to prepare reports regarding Gaza. On the other hand, Israel-Palestine report prepared by Human Rights Watch (2015a) shows the civilian casualties and the devastating effects of the operation. Nevertheless, Eskiduman (2022, p. 158) emphasizes that all three reports

have commonly reached that three responsible authorities that are expected to protect civilians in Gaza violated the human rights.

After Hamas won the elections in 2006, it declared itself as de facto ruling authority in Gaza (Gözen Ercan, 2015a, p. 1103). Therefore, Hamas would have been obliged to protect the population from four grave crimes under R2P concern. However, Robinson (2024) argues that most of the governments including the US, and the European Union (EU) consider Hamas as a terrorist organization that attacks Israel. Nevertheless, Eskiduman (2022, p. 158) states that as both perpetrator of the incidents and a governing body in Gaza, Hamas's responsibility should be determined, since the actions of Hamas lead to a violent response by Israel and thus to violations of human rights.

The Goldstone Report (UNGA, 2009b, p. 27, paras. 79-80) emphasizes the detention of Fatah members and internal violence against some humanitarian organizations by Hamas. In addition, the investigations of the Mission show that Hamas used human shields against the attacks of Israel and this act breaches the international humanitarian law, and hence, constitutes a war crime (UNGA, 2009b, pp. 22-23, para. 55). Again, as a response to the Israeli operation, Hamas's uncontrolled rocket and mortars attacks led to indiscriminate attacks on the civilian population in Israel and constitute war crimes and may constitute crimes against humanity (UNGA, 2009b, p. 366, para. 1691). Moreover, Eskiduman (2022, pp. 158-159) indicates that in the 2015 report the commission puts forward that the response of Palestinian armed groups to Operation Protective Edge of Israel were directed towards civilian targets and led to Israeli counter attacks. Mortar and rocket attacks, arbitrary detention of the opposition and intentional attacks on civilians made Hamas a perpetrator of crimes in and outside Gaza (HRW, 2015a, pp. 311-312).

The PA, as the national governing body of Palestine, failed to protect its population due to its inability to avert the conflict between Hamas and Israel and to sustain justice on its territories (Eskiduman, 2022, p. 159; Gözen Ercan, 2015a, p. 1103). Furthermore, in 2009, the Commission investigated the allegations of PA committing violations such as "unlawful arrests and detention" of Hamas members (UNGA, 2009b, p. 335). Hamas's response was violence against Fatah members, and hence, it was not only the actions and attitudes of Hamas but also the PA that made human rights in Gaza violated (Eskiduman, 2022, p. 159).

As the de facto occupying power that exercises control over Gaza, Israel can be considered as a third sovereign authority in the region, and since its operations caused the humanitarian crises in Gaza, Israel failed to fulfill its responsibility to protect (Eskiduman, 2022, p. 159; Gözen Ercan, p. 1104). As the Goldstone Report finds, the IDF has committed war crimes through destructing industrial infrastructure, the mills and food productions (UNGA, 2009b, p. 21, para. 50). Hence, Israel's blockade over Gaza can be considered as a primary source of the humanitarian crisis in the region, which the UN SG describes as "a continuing collective penalty against the population in Gaza" (UNGA, 2015a, p. 19). The IDF used explosive weapons such as artillery and mortars, especially in civilian-populated areas, allegedly to prevent possible Hamas attacks (UNGA, 2015b, p. 11). The Commission concluded that most of these IDF actions may constitute a war crime (UNGA, 2015b, p. 20, para. 78). As Gözen Ercan (2015a, p. 1104) notes, as responsible authorities in Gaza, both Hamas and Israel are unable and unwilling to protect the Gazan population. Their mutual attacks on each other make the situation in Gaza even more complicated.

Last but not least, after the Hamas attacks on 7 October 2023, Israel launched raids against Hamas but violated international humanitarian law through targeting civilians in the Gaza Strip. Actions such as arbitrary detention of and sexual violence against civilians and targeting of hospitals constitute breaches of international humanitarian law and human rights law, and shows Israel's unwillingness to protect the population in the region in accordance with R2P (GCR2P, 2024b). Eskiduman (2022, p. 160) states that all findings show that all three heads of authority have failed to fulfill their responsibility to protect. Kersten (2014) clearly states that whether R2P is implemented or not, there is only one reality that civilian population in the region is devastatingly suffering from the conflict. Therefore, the response of the international community under other pillars of R2P needs to be elaborated.

Overall, it is important to provide an overview of the failure of all three states to fulfill their responsibilities under Pillar 1 of R2P. In Syria, the Assad regime has not fulfilled its responsibility to protect its population as it used excessive force against its population, and due to the use of illicit weapons, including chemical ones. It has also failed to prevent the activities of terrorist groups inside the country. This situation has resulted in the need

for international community to assume the responsibility to protect under Pillar 2 and/or Pillar 3.

In Yemen, the Hadi government failed to protect its people against the threats posed by the Houthi rebels and called for foreign military intervention. This request is a clear indication of Yemen's failure to fulfill the responsibility under Pillar 1, yielding the international community to uphold its responsibilities.

In Gaza, the PA, Hamas and Israel all have failed to fulfill their responsibilities under Pillar 1. While the PA was unable to protect the population in the West Bank due to internal conflicts and political disputes, Hamas committed human rights violations against civilians in Gaza and its attacks on Israel deepened the crisis by provoking a harsh Israeli response. Israel, on the other hand, has neglected its responsibility to protect the civilian population through its military operations and blockades of Gaza. These failures highlight the need for implementation of R2P under Pillars 2 and 3.

These cases show that all three states have failed to fulfill Pillar 1 responsibility of R2P, necessitating a discussion of Pillar 2 and Pillar 3, where the responsibility of the international community comes into play. In the next chapter, this thesis analyzes how the other two pillars of R2P have been implemented in these crises.

CHAPTER 3

THE IMPLEMENTATIONS OF PILLARS 2 AND 3

This chapter provides a joint analysis of implementations of Pillar 2 and Pillar 3 of R2P in the cases of Syria, Yemen and Gaza. Pillar 2 of R2P is about the responsibility of the international community to assist the states to protect their populations from atrocity crimes (UNGA, 2009a, p. 15), while Pillar 3 concerns the responsibility of the international community to take “timely and decisive action” in states that are unable or unwilling to fulfill their responsibility (UNGA, 2009a, p. 22). As the UN SG notes (UNGA, 2009a), there is no order in which the pillars are implemented, and hence, each pillar is equally important. All pillars support each other. Therefore, in R2P implementation in three cases, both coercive and non-coercive measures of Pillar 2 and Pillar 3 can be observed. In this context, in the cases of Syria, Yemen and Gaza, how and under what conditions the international community has reacted or not matters as to the realization of R2P.

3.1. PILLAR 2 AND PILLAR 3 IMPLEMENTATIONS IN THE CRISIS IN SYRIA

The first ten years of the Syrian civil war has shown that more than 580,000 people, of which more than 300,000 were civilians, have been killed and more than 13 million people, half of which became refugees, have been displaced (GCR2P, 2024c).

In Syria, anti-government protests turned into a large-scale civil war different from previous examples of the Arab Uprisings (Kul, 2022, p. 137). The Arab League, one of the first groups to take action as a response to the events in Syria, suspended the membership of Syria and imposed regional sanctions on the country upon the continuation of the events. In addition, many countries, including the Arab League and the EU, have openly condemned the regime for the situation in Syria and more than forty-five countries have imposed unilateral sanctions against the Syrian regime (Adams, 2015, p. 11). Moreover, in April 2011, the human rights violations in Syria, which began to take place in March 2011, were first addressed in the UNSC during a session on the Israeli-

Palestinian conflict. At this session, the US, the UK, France and Germany were concerned about the violence against the protesters, whereas Russia argued that the debate unacceptable as it considered this to be an interference in internal affairs of Syria (Mohamed, 2012). Accordingly, in a special session held in the UNSC, the US condemned the acts of violence in Syria, while Russia claimed that the actions in Syria did not violate international peace and security (UNSC, 2011e).

In August 2011, the UNSC convened to seek a solution to the deadlock in the decision-making process. The presidential statement expressed concern over the situation in Syria where many people have lost their lives, condemned the human rights violations, called on all parties to end these violations immediately and to respect human rights, and emphasized the importance of Syria's sovereignty, territorial integrity, and independence. (UNSC, 2011f). Furthermore, in October 2011, a draft resolution was submitted to the UNSC recalling the primary responsibility of the Syrian regime to protect its population, deploring the deaths of thousands of people including women and children, condemning in the strongest terms the systematic commission of crimes against humanity and calling on all parties to immediately renounce the use of violence. It also expressed that the Syrian government must implement this decision within 30 days, otherwise adopting sanctions under the Article 41 of the UN Charter would be considered (UNSC, 2011g). However, China and Russia vetoed the draft resolution underlying the need for the Council to recommend dialogue between the parties and emphasized respect for Syria's national sovereignty and territorial integrity and the principle of non-interference in its internal affairs (UNSC, 2011h, pp. 3-5). In addition, the Commission of Inquiry (CoI) established by the UNHRC published nine reports by the end of 2014, confirming that crimes against humanity have been committed in Syria (Adams, 2015, p. 8).

Moreover, the UNSC meeting on 31 January 2012 strongly condemned human rights violations in Syria and focused on the Arab League plan of action. Accordingly, the Arab League plan of action aims at the formation of a new government of national unity, the resignation of the Assad government, and free elections under the supervisions of the Arab League and international community (UNSC, 2012a). For this purpose, a draft resolution was submitted to the UNSC which calls on the Syrian government to end the violence and protect its people, release those arbitrarily arrested, withdraw its armed

forces from towns and cities, ensure the freedom of peaceful demonstrations, establish dialogue between the parties in line with the Arab League's plan of action of 2 November 2011 and its resolution of 22 January 2012, and ensure the transition to a democratic pluralist political system in Syria in which all Syrian people participate (UNSC, 2012b). However, Russia vetoed it by stating that Russia was trying to contribute to a solution, but was prevented from doing so by some states advocating regime change, and that the draft resolution did not include a provision on the cessation of hostilities by all armed forces while China vetoed it by stressing the importance of principles such as sovereignty, independence, non-interference in internal affairs as it did before (UNSC, 2012c, p. 9). Nevertheless, Zifcak (2012) argues that these two states declared that the NATO intervention in Libya, which was authorized by the UNSC, deviated from the purpose of protecting civilians and became a regime change operation, thus violating the sovereignty of states and the principle of non-intervention, and vetoed the military intervention proposal, expressing their reservations due to the possibility of the same scenario happening again in Syria in line with the interests of certain states. On the other hand, Adams (2015, p. 20) emphasizes that though the veto of the draft resolution by Russia and China seems like an overstep of authority in the implementation of R2P in Libya, the real reason is the political divisions between the P5, where Russia and China lead one bloc (P2), while the US, Britain and France lead the other (P3) (Nirmal, 2015, p. 363).

In February 2012, a resolution adopted by the UNSC on the deterioration of the situation in Syria. It referred to the Syrian authorities' ongoing violations of human rights and the use of violence against the population. It also reaffirmed the role of regional organizations in maintaining international peace and security as an implementation of Chapter VIII of the UN Charter (UNGA, 2012). The resolution also demanded the Syrian regime to comply with the plan of action of Arab League (UNGA, 2012, para. 6). This resolution can be considered as an attempt of the international community to uphold its responsibility to protect through the non-coercive measures under Pillar 3.

Following these initiatives, on 5 April 2012, the six-point proposal of Kofi Annan, "Joint Special Envoy of the United Nations and the League of Arab States" on a solution was approved and positive talks were held with Bashar al-Assad to implement the plan (UNSC, 2012d). The Annan Plan included a ceasefire, the withdrawal of regime forces

and tanks from the cities, the release of political prisoners, freedom of movement for journalists, freedom of assembly, aid to the besieged Syrian people and political negotiations with the Syrians (Adams, 2015, p. 12). However, Adams (2015, p. 12) states that even though Assad made a positive statement on the Annan plan that he would abide by the plan, the implementation of the plan failed, the regime did not comply with the six-point proposal and the ceasefire did not achieve its objective due to the presence of many other armed groups in the region.

Furthermore, on 14 April, the UNSC adopted Resolution 2042 (2012). In this resolution, it again emphasized Syria's sovereignty, independence and territorial integrity. It also condemned the Syrian regime and the opposition for the violations of human rights and pointed to the punishment of those responsible. It also emphasized that the Syrian regime has begun to implement the obligations of the six-point plan of Special Envoy (UNSC, 2012e). In addition, the UNSC adopted Resolution 2043 (2012). In this resolution the UNSC authorized the deployment of 300 unarmed military observers to monitor the cessation of armed violence in all its forms between the parties to the conflict, and the deployment of "the United Nations Supervision Mission in Syria" (UNSMIS) for an initial period of 90 days (UNSC, 2012f). However, Garwood-Gowers (2013, p. 612) states that this mission was characterized as the lowest joint response and its work was subsequently suspended due to the ongoing violence in Syria. Nevertheless, neither Resolution 2042 nor Resolution 2043 made any statements concerning the implementation of any measures under Chapter VII of the UN Charter in case where there would be failure to comply with these resolutions. Additionally, neither of the resolutions referred to R2P.

Meanwhile, on 30 June, a meeting of the Action Group for Syria was held under the chairmanship of the Joint Special Envoy Kofi Annan. This meeting, also called the Geneva I Conference, was attended by the P5, the foreign ministers of Qatar, Iraq, Kuwait and Türkiye, the EU High Representative for Foreign Affairs and Security and the "Final Communiqué of the Action Group for Syria" was issued. The Final Communiqué emphasized mainly the formation of a transitional government in Syria, the Syrian people deciding the future of Syria, the inclusion of all segments of society in the dialogue process, the establishment of a constitutional order and respect for the territorial integrity,

independence and unity of Syria (UNGA–SC, 2012a). However, the non-participation in the process of pro-regime Iran, the Syrian administration and the opposition, and support of Russia to the Assad regime on the one hand, and on the other hand the fact that the US did not want to see Assad in power caused the failure for the process to be carried out in a planned manner. Therefore, peace could not be achieved and Annan resigned from his mission (Lundgren, 2016, p. 276).

On 19 July, Western countries submitted another draft resolution to the UNSC, seeking to extend the UNSMIS for 45 days and threatening to impose sanctions on the Syrian regime if the six-point plan is not implemented (UNSC, 2012h). However, Russia and China exercised their veto right on the grounds that the resolution did not have any reference to the violence committed by the opposition, did not exclude the option of resorting to military intervention and therefore would not contribute to the resolution of the crisis (Garwood-Gowers, 2013, p. 612). Nevertheless, as stated in the previous chapter, the CoI stated in its August 2012 report that government forces as well as the anti-government groups have committed gross human rights violations (UNHRC, 2012b). The commission also found that government forces and pro-government armed organizations used excessive force against peaceful protesters, violated the right to life—a fundamental cornerstone of international human rights—and killed many civilians in the alleged use of force against terrorism (UNHRC, 2012b, para. 56).

Upon these events, in May 2013, a resolution was adopted by the UNSC that recalled UNSC Resolution 2042 (2012) and expressed concern for the human rights violations (UNGA, 2013). Another importance of this resolution is that it is the first UNGA resolution that concerning R2P demanding all parties to the conflict to end violations and demanding the Syrian government to uphold its primary responsibility to protect its population (UNGA, 2013, para. 4). However, the conflict between the Syrian regime and the opposition have become increasingly violent. Thus, according to HRW 2013 report, regime forces carried out a massacre near Baniyas and al-Bayda. Assad's militias killed 248 people on 2 May 2013 (HRW, 2013b). According to another HRW report, on 4 August 2013, on the first day of Eid al-Fitr⁶ (Festival of Breaking Fast), opposition groups

⁶ It is an important religious holiday in the Islamic world celebrating the end of Ramadan. Muslims give thanks to Allah and reinforce social solidarity with this holiday after finishing their fasts during the month of Ramadan (Britannica, 2024).

launched an attack on Latakia. The attack targeted civilians and killed 190 people, including 57 women, 18 children and 14 aged people (HRW, 2013c). The UNHRC CoI stated in its August 2013 report that government forces and pro-government forces continued widespread attacks against the civilian population, committing “killings, acts of torture, rape, enforced disappearances and intentional killings” constitute crimes against humanity. It also stated that acts such as “torture, intentional killings, extrajudicial killings and hostage-taking” by opposition military groups against the Syrian regime constitute war crimes (UNHRC, 2013b).

On 21 August 2013, Syrian government forces killed 1,500 civilians, including nearly 400 children, through the use of chemical weapons (HRW, 2013a). The day before, at the UNSC meeting, it was claimed that chemical weapons were used in the Khan al-Asal region in Syria (UNSC, 2013a, p. 5). The Special Advisers on the Prevention of Genocide and the Responsibility to Protect expressed strong condemnation of the chemical attack that resulted in the deaths of hundreds of civilians in Syria and emphasized the urgent need for UN access to investigate the alleged use of chemical weapons. The Special Advisers called on the Syrian regime and all armed parties to the conflict to ensure that the UN guarantees safe access to the sites of the attacks and that investigators gather evidence in a timely manner (GCR2P, 2013b). Then, the Syrian government of its responsibility to protect its population was reminded by the Special Advisers (GCR2P, 2013c, p. 3). Thereupon, the UN SG established a mission to conduct an on-site investigation and sent the “Organization for the Prohibition of Chemical Weapons” (OPCW) and the “World Health Organization” (WHO) for technical support to Syria (UNGA–SC, 2013b). In the report, it is emphasized that the Syrian regime has become a party to the “Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction” on 14 September (UNGA–SC, 2013b). It is stated in the report that according to the evidence of the investigation in the Ghouta, it was concluded that chemical weapons were used against civilians (UNGA–SC, 2013b, para. 27). Moreover, the medical, environmental and chemical samples collected show that “sarin” gas was used in the rockets in Ein Tarma, Moadamiyah and Zamalka (UNGA–SC, 2013b, para. 28).

Thereupon, the OPCW Executive Council decided that all chemical weapons, materials and equipment in Syria will be eliminated by mid-2014 (OPCW, 2013, para. 1(c)). This decision was approved by UNSC Resolution 2118 (2013) (UNSC, 2013c, para. 3). Another important development Resolution 2118 (2013) brought was the emphasis on the measures of Chapter VII of the UN Charter, when there is non-compliance with the resolution through unauthorized transfer or the use of chemical weapons by any party to the conflict in Syria (UNSC, 2013c, para. 21). In the Syrian crisis, it is the first resolution that referred to Chapter VII of the UN Charter in the UNSC. Russia did not wield its veto power in this resolution, since the US and Russia agreed on 14 September in Geneva to work together in the elimination of the chemical weapons in Syria (UNGA–SC, 2013c). If any party to the conflict does not comply with the resolution, the issue is brought directly to the UNGA and the UNSC (UNGA–SC, 2013c, para. 10). In the UNSC meeting, Russia emphasized that the resolution does not fall within the scope of Chapter VII of the UN Charter. Yet, it reaffirmed that the UNSC calls on careful investigation and be ready to act in accordance with Chapter VII in case of any use of chemical weapons by any party to the conflict (UNSC, 2013b, p. 4). However, HRW (2017a) reported that the use of chemical weapons targeting civilians continued in Syria by the government forces.

Nevertheless, in the twelve UNSC meetings concerning Syria between October 2011 and April 2013, seven Council members explicitly or implicitly emphasized R2P. It is noteworthy that no member state referred to Pillar 3 of R2P during the discussions. The discussion of R2P over Syria was very cautious. In this context, what the Syrian incident demonstrates is that the fragile consensus expressed in the Libyan intervention that the era of R2P has arrived has been irreparably damaged (Morris, 2013, pp. 1276-1277). On the other hand, Hehir and Pattison (2015, p. 142) argue that inaction of the US and other states against the use of chemical weapons in Syria in 2013 showed their unwillingness to halt crisis in Syria.

In December 2013, a resolution was adopted by the UNSC that put forward human rights violations. Resolution condemns the actions of the parties to the conflict that violates the borders of Syrian neighbors and expresses concern about the situation of the Syrian refugees. The resolution also calls on the UNSC to refer the issue of the use of chemical

weapons to the ICC (UNGA, 2014). Moreover, the “Final Communiqué of the Group of Action for Syria” was approved and immediate international conference for the implementation of this communiqué was called for (UNGA, 2014, para. 20). For this purpose, this conference started on 22 January 2014 in Montreux under the name of the Geneva II Conference. The first phase ended on 31 January, and the second phase was held between 10-15 February 2015, but no results were achieved due to the sharp disagreement between the Western world and the Eastern world regarding Assad remaining on power (Stratejik Ortak, 2018). Lakhdar Brahimi, who was appointed as Joint Special Envoy after Annan, resigned from his post after the failed Geneva II conference, since neither any negotiations were achieved nor was there any success in stopping the violence between the parties (Adams, 2015, p. 19).

In the aftermath of Geneva II, the Resolution 2139 (2014) was adopted by the UNSC, which reaffirms the issue concerning the use of chemical weapons, stresses the deterioration of the humanitarian situation in Syria day by day, the mass displacement of people both inside and outside the country due to the ongoing violence and conflict, demands that humanitarian assistance not to be obstructed by the parties and that humanitarian personnel be protected, and condemns in the strongest terms the terrorist acts of organizations or individuals linked to Al-Qaeda, which have caused massive destruction (UNSC, 2014a). However, HRW (2015b, p. 516) concluded that barrel bombs continued to be used against civilians despite the resolution. In addition, referring to R2P and emphasizing that the Syrian regime has the primary responsibility to protect its own people, this resolution is the first one that made reference to R2P concerning the case of Syria (GCR2P, 2024a), yet without invoking either Pillar 2 or Pillar 3. Then, a draft resolution was proposed to the UNSC in May. It referred the Syrian case to the ICC to investigate the perpetrators of crimes against humanity and war crimes allegedly committed since the beginning of the crisis in Syria in March 2011, which falls under the jurisdiction of the ICC (UNSC, 2014c). However, Russia and China casted a veto. Another resolution referring to R2P in the Syrian case adopted by the UNSC was Resolution 2165 (2014). The resolution reaffirmed the primary responsibility of the Syrian authorities to protect its population (UNSC, 2014d). The main emphasis here is again on the responsibility under Pillar 1 of the R2P. No reference is made to the

responsibilities of the international community within the framework of Pillar 2 and Pillar 3.

Due the involvement and actions of ISIS, the Syrian crisis has taken on a new regional and global dimension. In its 2014 report, the CoI emphasized that ISIS violated basic freedoms such as the freedoms of expression, movement and religion, and attacked the civilian population through torture and murder, at a degree which may also amount to war crimes and crimes against humanity (UNHRC, 2014b, para. 20, 46). In its 2015 report, CoI reported that in 2014, suicide bombings and car bombs targeted civilians in Hama and Homs (UNHRC, 2015a, para. 26). Another prominent detail emphasized in this report is the inability of Syrian state to protect its own people, and hence, its failure to fulfill Pillar 1 of responsibility to protect (UNHRC, 2015a, para. 47). Thus, the report emphasizes the responsibility of the international community to protect the population in Syria through the UN, since the Syrian government manifestly failed (UNHRC, 2015a, para. 146).

Accordingly, a US-led global coalition was established in September 2015 to fight ISIS in Syria and airstrikes against ISIS began (UNHRC, 2016b, para. 191). In this context, Resolution 2170 (2014) was adopted by the UNSC. The resolution “called on all member states to take national measures to stem the flow of foreign terrorist fighters linked to ISIS, al-Nusra and their affiliates” (UNSC, 2014e, para. 8). It was also decided to add ISIS and al-Nusra to the sanctions list against al-Qaeda and to impose economic sanctions on these groups under Chapter VII of the UN Charter (UNSC, 2014e, para. 18). Nevertheless, while airstrikes against ISIS in Iraq are carried out at the request of the Iraqi government (UNSC, 2014f), airstrikes against ISIS in Syria are not carried out with the request or consent of the Syrian government. Thereupon, at the UNSC, Syrian representative Walid al-Moualem said that the US-led coalition has not achieved any results in the operations against ISIS since a year, and that the states that want to fight terrorism on Syrian territory must cooperate with the Syrian regime and its armed forces in fighting terrorism, and that the military actions of the UK and France on Syrian territory violate Syrian sovereignty, international law and the UN Charter. On the other hand, al-Moualem supported Putin’s initiative and Russia’s military actions against terrorism with Syria’s will and consent (UNSC, 2015g, p. 30). Accordingly, for the first time, Russia

launched airstrikes against ISIS in Syria, on 30 September (BBC, 2015). However, HRW (2016a, p. 556) reported that Russian airstrikes targeted other groups and caused civilian casualties.

Furthermore, Resolution 2254 (2015) adopted by the UNSC was important for the restoration of peace. In this context, after expressing concern over the situation in Syria, it was reminded that the Assad regime has the primary responsibility to protect the Syrian people and that lasting stability can only be achieved if the demands of the people are met (UNSC, 2015f). For this purpose, resolution aimed to end the civil war by calling for a ceasefire between the parties, taking into account the multilateral talks of the “International Syria Support Group” (ISSG) convened in Vienna on 30 October, and the plan agreed upon by the same group in Vienna on 14 November (UNSC, 2015f). Accordingly, for a political transition, it recognized the role of the ISSG, which includes representatives of rival states, in facilitating the UN efforts for a political settlement in Syria, within six months, a new constitution should be drafted and based on this constitution, elections should be held within eighteen months under the auspices of the UN, in accordance with international standards, transparent and with the participation of all Syrians, including Syrians outside the country, and the political process should be accompanied by ceasefire across the country in accordance with the Geneva talks of 2012 (UNSC, 2015f, para 2-5). Four days later, Resolution 2258 (2015) was adopted by the UNSC. The resolution highlighted concerns regarding the inadequate implementation of the Resolutions 2139, 2165, and 2191, which pertain to the safe delivery of humanitarian assistance (UNSC, 2015g). Consequently, it decided to extend Resolution 2165 for an additional year (UNSC, 2015g, para. 1). Resolutions 2254 and 2258 both emphasize only the primary responsibility of the Syrian regime to protect the population (GCR2P, 2016a, p. 3).

In 2016, the UNHRC reported that the Syrian regime committed crimes may amount to crimes against humanity such as murder, rape, torture (UNHRC, 2016a). HRW (2016b) reported that the Assad regime committed war crimes in the region. In September and October, the use of cluster munitions and indiscriminate impact weapons in Aleppo by the Assad regime, together with Russia, resulted in killing 440 civilians, including 90 children. Moreover, in December, the UNSC established the “International, Impartial and

Independent Mechanism” (IIIM) to collect evidence and prepare a file to investigate human rights violations in Syria that may constitute war crimes and those responsible for committing them (UNGA, 2017, para. 4). Following the escalation of violence in Syria, the UNSC adopted Resolution 2332 (2016). The primary responsibility of the Syrian regime to protect civilians in Syria was once again reaffirmed (UNSC, 2016a). It also decided to extend for one year the provisions of the previously adopted resolution 2165 on the route for the delivery of humanitarian aid and the establishment of a monitoring mechanism (UNSC, 2016a, para. 2). In the meantime, Resolution 2336 (2016) was adopted in support of Türkiye and Russia’s mediation efforts to end the civil war and initiate a political process, the Astana talks, which aimed to bring together representatives of each party to the conflict, was considered to be significant for the political process and for the negotiations in Geneva to restart (UNSC, 2016d, paras. 1, 3). As an attempt to end the war in Syria, the mediation efforts of Türkiye and Russia can be considered as one of the important steps taken under Pillar 2 of R2P.

In 2017, during the Geneva talks in its fourth round, also called Geneva IV, all parties agreed once again on the implementation of Resolution 2254. De Mistura, the UN Special Envoy, announced that the issue of “counter-terrorism” has been added as the fourth item in addition to the three main items stipulated in Resolution 2254, namely a transitional administration including all parties, a multi-party and free election environment and a new constitution (de Mistura, 2017). However, the conflict continued and even during Geneva IV talks, almost 300 civilians were killed in Syria and thousands of people were displaced. SNHR (2017) stated that as civil society, they have been doing their part, pressuring the parties to participate in the Geneva process, working for the implementation of the items presented by Mistura, but all the while, the regime forces have continued their attacks.

In 2017, the UNSC adopted one resolution concerning Syria. Resolution 2393 (2017) noted that more than a quarter of a million people have died as a result of extreme acts of violence in the conflict in Syria, including children, and condemning the situation, and emphasizing the primary responsibility of the Syrian authorities (UNSC, 2017c). It also demanded the implementation of previous resolutions, and if the decision is not complied with, the measures under the UN Charter will be taken (UNSC, 2017c, paras. 1, 7).

From March 2011, when the events in Syria began, until December 2018, the UNSC adopted 23 resolutions relating to the situation in Syria. Due to the violations of the resolutions by the Syrian regime or opposition groups and the failure of the permanent members of the UNSC to adopt a common stance against these violations, Resolution 2449 (2018) was adopted. The resolution reaffirmed respect for Syria's sovereignty, independence and territorial integrity in light of the purposes and principles of the UN Charter. It recalled that thousands of people have lost their lives, millions have been forced to flee and/or are in need of medical assistance and expressed concern at the inadequate implementation of previous UNSC resolutions. It was reaffirmed that main priority of the Syrian authorities is to protect their population (UNSC, 2018d). However, draft resolution stating that the Syrian regime violated Resolution 2118 by using chlorine gas and calling for compliance with the Chemical Weapons Convention (CWC) (UNSC, 2018a) was vetoed by Russia. Nevertheless, another draft resolution in 2019 calling for a ceasefire, stating that the indiscriminate attacks on Idlib are unacceptable and will lead to further refugee flows and humanitarian tragedy, and reminding all parties that some to war crimes and crimes against humanity committed in Syria (UNSC, 2019c) was wielded a veto by Russia and China. Resolution 2449 is the last UNSC resolution concerning Syria that refers to R2P (GCR2P, 2024a).

Leylanoğlu (2021, p. 229) states that despite adopting 24 resolutions on the Syrian crisis until early 2020, the UNSC has failed in adopting a clear and bold resolution guaranteeing protection of civilians in Syria. Moreover, some of these resolutions have been violated, whether by the Assad regime or the opposition. The situation in Syria in particular undoubtedly provides the conditions for the implementation of R2P.

Garwood-Gowers (2013, p. 611) states that Western powers saw the situation in Syria in the beginning as a protest by pro-democracy supporters against the repressive practices of the Assad regime, while states such as Russia and China saw it as a legitimate government countermeasure against attacks on state infrastructure by armed opposition forces backed by external forces. The two different perspectives on the events made efforts to reach a consensus on appropriate measures futile. Western states and later the Arab League advocated Assad's withdrawal, while Russia and China stated that they

would oppose any foreign intervention that could lead to regime change (Garwood-Gowers, 2013, p. 611).

According to Thakur (2013, p. 70), the excesses of intervention of NATO in Libya were a punishment for Syria. Thakur (2013, pp. 70-71) also emphasizes that R2P would have been fulfilled in Syria had it not been for the ill-advised intervention in Libya. Nevertheless, Kofi Annan stated that the way R2P was implemented in Libya narrowed the political room for maneuver for the great powers to develop a common response to the Syrian crisis (Welsh, 2019, p. 65). On the other hand, Adams (2015, p. 5) argues that following the rejection of the UN's proposal to investigate crimes against humanity committed in Syria, the failure to carry out military intervention under Pillar 3 of R2P has led to continued civilian casualties in Syria today. Adams (2015, p. 11) also underlines that states such as Türkiye and regional organizations such as the EU and the Arab League acted through sanctions and condemnations in the Syrian crisis, besides the division in the UNSC on Syria, and these actions can be evaluated as an attempt to meet the responsibility to protect under Pillar 2. According to Welsh (2021, p. 236), the alleged rivalry is another factor contributing to the failure to implement R2P effectively. In the recent years, there has been intense rivalry among the P5, both economically and politically. Siboe (2022, p. 220) argues that the failure to effectively implement R2P in Syria has turned into a complex situation in which the national interests of local, regional and international actors are at stake. Thus, the national interests of superpowers and the policies that shape global relations make it difficult to implement R2P in practice.

As can be seen from the above UN documents it was frequently emphasized that the responsibility to protect the Syrian people lies with the Syrian regime and the responsibility of the regime to protect its population was reiterated. However, there was no reference to Pillar 3 of R2P, namely the need for the international community to intervene in a timely and decisive manner when a state seriously fails to fulfill this responsibility.

3.2. PILLAR 2 AND PILLAR 3 IMPLEMENTATIONS IN THE CRISIS IN YEMEN

In Paragraph 138 of WSOD, it is basically emphasized that the international community should assist the state in fulfilling its responsibility (UNGA, 2005). Furthermore, Paragraphs 28 and 29 of the 2009 report of the UN SG highlight the coordination, cooperation and support mechanisms necessary for the international community to effectively implement R2P. They also recognize the importance of strengthening early warning systems, capacity building and international assistance to help states fulfill their responsibility to protect their populations (UNGA, 2009a, p. 15). Moreover, four forms of assistance are emphasized: “(a) encouraging States to meet their responsibilities under Pillar 1 (para. 138); (b) helping them to exercise this responsibility (para. 138); (c) helping them to build their capacity to protect (para. 139); and (d) assisting States under stress before crises and conflicts break out” (UNGA, 2009a, p. 15). Nevertheless, in his 2014 report, the UN SG defined that states in stress can temporarily request for international assistance, and hence, both regional and international actors can provide assistance to settle the dispute (UNGA-SC, 2014, paras. 60-62).

In this respect, Wan Rosli (2022, p. 179) states that in the early phases of the crisis in Yemen, as an initiative of atrocity crimes prevention, Qatar took a step for mediation. For ensuring ceasefire between the government of Yemen and the Houthis, Qatari-brokered peace agreement, also known as the Doha Agreement, was drafted in mid-2007 and signed on 1 February 2008 (Winter, 2011, p. 104). The main provisions of the agreement include a cessation of hostilities and a ceasefire between the parties, the mutual release of prisoners from both sides, reconstruction and aid, the disarmament of the Houthi militias and their integration into the Yemeni government (Baabood and Baabood, 2020, pp. 167-168). Despite the failure of the Doha Agreement to fully succeed, mediation of Qatar is important for the resolution of the conflict in Yemen owing to representing the international community and relatively fulfil its responsibility under Pillar 2 of R2P to prevent atrocities (Boucek, 2010 p. 16; Wan Rosli, 2022, p. 179). Although some of its provisions have been fulfilled, as Baabood and Baabood (2020, pp. 167-168) argue, conflict and instability have continued due to the failure to fully implement the agreement.

Nevertheless, the Doha Agreement set the stage for subsequent peace initiatives and the role of the international community in Yemen.

Wan Rosli (2022, p. 179) explains that upon these developments, as the Arab Uprisings spread to Yemen and plunged it into civil war, initiatives of the international community can be considered as an attempt to fulfill its responsibility to protect under Pillar 2, which includes international assistance and capacity building. In mid-January 2011, rebellions against the Saleh regime erupted in Sana'a and other cities. These rebellions have turned towards Saleh's resignation and the holding of democratic elections. Bloody incidents took place during these demonstrations. On 18 March 2011, snipers under Saleh's regime killed fifty-two protesters in Sana'a (Świętek, 2017 p. 41).

Subsequently, as the humanitarian crisis intensified, the GCC brokered an agreement on 23 November 2011 between Saleh's government and the opposition to assist incumbent government through the "GCC Initiative" and also contributed to the transitional process (ICG, 2012). Furthermore, Resolution 2014 (2011) adopted by the UNSC that called on the parties to reconcile and legitimized the GCC initiative in the transitional process through expressing its support (UNSC, 2011i). In this regard, the UN SG emphasized that the most effective approach to resolving the ongoing crisis in Yemen is the implementation of an inclusive Yemeni-led political transition that responds to popular demands for change (UNSC, 2011i). Within the scope of Resolution 2014, the UN and the GCC adopted the "Agreement on the Implementation Mechanism for the Transition Process in Yemen in Accordance with the Initiative of the Gulf Cooperation Council (GCC)" on 5 December 2011 (UNP, 2011, para. 2). Moreover, this two-phase transitional process was put into practice and the consensus candidate Hadi became president after the elections (Nußberger, 2017, p. 113). The GCC Initiative can be considered as the efforts of the international community to meet its responsibility to protect under Pillar 2.

To implement and to move beyond the GCC initiative in a more comprehensive way (Wan Rosli, 2022, p. 180), the UNSC adopted Resolution 2051 on 12 June 2012, which established the National Dialogue Conference (NDC) with the participation of a large delegation of international observers (UNSC, 2012g). It emphasized the need to improve the security situation in Yemen and reform its security forces. It also emphasized the

importance of making humanitarian assistance accessible, particularly for women, children and other vulnerable groups (UNSC, 2012g, paras. 4-5).

Eventually, on 18 March 2013, the NDC was held in cooperation with the UN and the GCC. To reiterate the NDC decisions, On 21 January 2014, an “Outcome Document” containing 1,800 recommendations was published (Ruys & Ferro, 2016, p. 63). On 26 February 2014, Resolution 2140 was adopted by the UNSC, which reaffirmed the need for full and swift implementation of the decisions of the NDC (UNSC, 2014b, para. 1). It should be noted that fact-finding missions are also measures under Pillar 2 of R2P and therefore a “Panel of Experts” has been established in Yemen to fulfill this mandate and follow up on the implementation of the measures set out in Resolution 2140 (UNSC, 2014b, para. 21-21(b)). In addition, as stated in section 2.2.1., the PNPA, which signed between Houthis and Hadi to de-escalate the conflict between the parties and to initiate a peaceful transition across Yemen (Nußberger, 2017, p. 115), can be seen as an attempt for reconciliation and negotiation efforts. Both the GCC initiatives, the NDC and the PNPA were the efforts during the transitional process of Yemen under Pillar 2 of R2P. Anttila (2021, pp. 84-85) evaluates the efforts of Pillar 2 by analyzing that the GCC, as the regional organization, demonstrated its direct responsibility for the protection of Yemeni population through its initiative. In addition, the joint efforts of the UN and the GCC enabled the international community to participate in the PNPA. The UN played an active role in the realization of the PNPA. All three agreements aimed to end the conflict in the country and thus protect the Yemeni people (Anttila, 2021, pp. 84-85).

As a matter of fact, even though these are considered as an important step to fulfill international community’s responsibility to protect under Pillar 2, as Ruys and Ferro (2016, p. 63) argue, along with the end of the process that is decided to divide Yemen in six federal regions, the Houthis called for protests against Hadi, including a demand for the dissolution of the government (Ruys & Ferro, 2016, p. 63). In the ongoing process, the violence deepened even further when Hadi was placed under house arrest and forced to resign. Meanwhile, the Islamic State, which attacked two Shi’ite mosques in the capital Sana’a, declared its presence in Yemen (Ruys & Ferro, 2016, p. 63).

Consequently, Mulford (2022, p. 86) states that before the conflict erupted in 2015, through NDC and international support of transitional process, both the UN and the GCC

initiative have taken considerable attempts to fulfill Pillar 2 responsibilities. However, after the breakout of conflict, the actors have failed to fulfill their responsibilities either unwillingly or due to inability, and the responsibility has shifted to the international community under Pillar 3.

On 15 February 2015, UNSC Resolution 2201 called on the Houthis to unconditionally return to the negotiating table, release all individuals under house arrest, and withdraw their forces from government and security institutions (UNSC, 2015a, para. 7(b)-(c)). On 22 March 2015, the President of the UNSC renewed his support for Hadi and condemned the Houthis for obstructing Yemen's political transition and endangering Yemen's sovereignty (UNSC, 2015c). In the meantime, as a response to Hadi's letter, the coalition that comprising of United Arab Emirates (UAE), Saudi Arabia, Bahrain, Kuwait and Qatar made a statement to the UNSC that affirms their responsibility to protect Yemen and decided to respond to Hadi's request (UNSC, 2015d, p. 5). The content of this letter emphasizes that the Houthis are the main threat both to peace and security in Yemen, and regional and international peace and security. Moreover, Hadi states that the Houthis are supported by regional powers that are in search of establishing influence in the region (UNSC, 2015d, p. 5). In this joint statement, there are two justifications for the validity of the intervention. The first one is "the right to individual and collective self-defense" in accordance with Article 51 of the UN Charter and Article 6 of the Charter of the Arab League, which was also referred to in the invitation letter (UNSC, 2015d, p. 4), and the second one is the "Intervention by Invitation" (IvI).

Under these circumstances, Nußberger (2017, p. 120) indicates that coalition states conducted the IvI doctrine, and hence, Saudi Arabia launched a military operation to protect the civilians in Yemen under the justification of IvI and the request from legitimate government of Hadi. Furthermore, "Operation Decisive Storm" was launched to make every effort together with the Yemeni people to stabilize the region based on the political process initiated by the GCC and its implementation mechanism (Nußberger, 2017, p. 118). Although the UNSC did not make any formal reference to the authorization, the fact that it did not raise any objection seems to support the operation, indicating that the Coalition forces are the legitimate authority under Pillar 3 to protect the Yemeni people (Ruys & Ferro, 2016, p. 69; Wan Rosli, 2022, p. 181). Nevertheless,

in his 2004 report, the UN SG reiterated the five basic legitimacy criteria for the UN whether or not to authorize military force, and these are “seriousness of threat; proper purpose; last resort; proportional means; and balance of consequences” (UNGA, 2004, p. 61).

From the perspective of criterion of seriousness of threat, Wan Rosli (2022, p. 182) argues that crimes allegedly committed by Houthis such as crimes of aggression and criminal attacks in Hadi’s letter have not escalated to the level of mass atrocity crimes. Hence, the conflict between Houthis and Hadi’s government is considered as the Non-International Armed Conflict (NIAC), since the Houthis are an organized group and at the same time control a specific region (Nußberger, 2017, p. 111).

Under the proper purpose criterion, Wan Rosli (2022, p. 183) states that in the framework of the letter Hadi wrote, his government met its primary responsibility under Pillar 1 yet was unable to protect the population from atrocities. The Houthis were allegedly committing the crimes, and hence, the responsibility shifted towards the international community under Pillar 2 and Pillar 3. Buys and Garwood-Gowers (2019, p. 31) emphasize that even though the intervention was legitimized to protect the population in Yemen and to fight against terrorism, the purpose seems to be more about protecting the Yemeni regime. Hence, this undermines the legitimacy of the use of force and makes the intervention acquiesced by the international community (Buys & Garwood-Gowers, 2019, p. 31). Data on civilian casualties supports this argument. HRW 2017 report shows that more than 4,000 civilians were killed and over 7,000 were injured since the beginning of the conflict until October 2016 (HRW, 2017b). In the 2018 UNHRC report, it is shown that Saudi-led intervention had devastating impact on the civilian casualties through air strikes (UNHRC, 2018b), and the data shown in report reiterates the argument that the main purpose of intervention is to control authority (Wan Rosli, 2022, p. 184). Moreover, one of the points, as Stenslie (2015, p. 1) claims, about the purpose of the intervention is that Saudi Arabia used it to dominate Sunni Muslims in the region.

Nevertheless, highlighting the last resort criterion, Wan Rosli (2022, p. 185) argues that prevention within Pillar 2 or small-scale coercive measures under Pillar 3 would be considered rather than military intervention, where the actions allegedly committed by the Houthis reached the “threats of mass atrocity crimes”. Similarly, Tzimas (2018, p.

181) argues that consent of Hadi could be in different way, as the transition process was adopted by the UNSC, the response to the process would be in establishing a “peace-building” or a “peace-keeping mission” under the UNSC.

From proportionality scale, Ruys and Ferro (2016, p. 94) state that Iran allegedly supports Houthis both in political and material spheres. However, since the Saudi-led operation intervened with two hundred aircrafts, 18 warships and more than 150,000 troops, Iran’s so-called support is disproportionate in comparison. Furthermore, the coalition forces were alleged to commit “indiscriminate use of airstrikes and surface-to-surface missiles” (Strategic Comments, 2017, p. v). From July 2015 to June 2016, the UN High Commissioner for Human Rights reported 2,067 deaths and 2,815 injuries of civilians in the conflict, where 1,259 of the deaths and 1,360 of the injuries resulting from airstrikes (UNHRC, 2016c, para. 13). Thompson (2017) posits that since the outbreak of hostilities, there has been no accountability-based oversight of acts of war crimes or crimes against humanity committed by coalition forces due to the lack of independent investigations. Research shows that more than a third of the airstrikes conducted by the Saudi-led coalition in Yemen have targeted civilian areas, particularly educational and health institutions, markets, places of worship and economic infrastructure (MacAskill & Torpey, 2017).

Moreover, according to the 2017 report of UN SG, 683 children were killed and injured in 2016 as a result of Saudi-led intervention attacks on dozens of schools and hospitals in Yemen. The UN has included the Saudi-led Coalition Forces in Yemen on its blacklist of child rights violators (UNGA–SC, 2017b). Thus, in the later stages of the military intervention launched by the coalition forces to protect civilians in Yemen, the disproportionate use of force in terms of intensity emerged. This is a violation of the proportionality criterion in the context of R2P (Wan Rosli, 2022, p. 187). In terms of the above-mentioned incidents, the military intervention in Yemen failed to meet the criterion of reasonable chance of success. In this context, Wan Rosli (2022, p. 188) posits that interveners must have realized the possibility of a humanitarian catastrophe, and the Saudi-led operation led to worse consequences than inaction.

Nevertheless, as a positive step for the implementation of R2P pillars in a peaceful manner, the Houthis and the Yemeni Government announced that the conflicting parties

reached an agreement on the “Hodeidah Ceasefire Agreement” for the port and city of Hodeidah, which is of great importance to the Yemeni people, after UN-brokered negotiations in Stockholm, Sweden, on 6-13 December 2018 (UNSC, 2019a). In the aftermath of these developments, Resolution 2452 (2019) was unanimously adopted by the UNSC, which decided to establish in 2019 the UN Mission to Support the Hodeidah Agreement (UNMHA), a political mission in support of the agreement on the city of Hodeidah, the ports of Hodeidah, Salif and Ras Isa, as stipulated in the Stockholm Agreement (UNSC, 2019b).

Consequently, the risk of further fragmentation of Yemen is exacerbated by political infighting between pro-government forces and coalition members. The exclusion of some parties from the political negotiations may make it difficult to achieve a sustainable peace. Moreover, not all groups involved in the conflict show sufficient commitment to fulfill their responsibility to protect (GCR2P, 2019a, p. 9). According to Wan Rosli (2022, p. 189), the responsibility for Pillar 2 has been relatively fulfilled through various initiatives of the international community, but there are clearly problems in the implementation of Pillar 3.

The root causes of the problems underlie the failed Saudi-led interventions that were not conducted with the motives of R2P. The UN has held negotiations to end the Yemeni crisis and bring about a peaceful settlement between the conflicting parties under Pillar 2 and Pillar 3, but these attempts have not been successful and led to failure of upholding its responsibility to protect due to the lack of action in a timely and decisive manner. Leylanoğlu (2021, p. 318) emphasizes that even though the UN initiatives in Yemen were important, they were not conducted under R2P. The WSOD of 2005 and the 2009 UN SG Report, which have a prominent place within the scope of the responsibility to protect, have also not been mentioned in any way.

Last but not least, with regard to the peace and mediation processes to be considered under the scope of R2P, the UNSC Resolutions, notably Resolution 2201 (2015, p. 1-2) recommend negotiated peace and suggest that the parties pursue a peaceful, inclusive and Yemeni-led agreement process. Regarding the processes of cessation of hostilities, confiscation of weapons and peacemaking, it is observed that R2P policy does not go beyond written invitations and does not proceed to the reactive response. This perpetuates

a process in which there are no sanctions, the protection of civilians is left to the discretion of the parties to the conflict, and human rights violations continue.

As of 2015, Yemen, where one of the most serious humanitarian crises in the world is being experienced due to the civil war, is a country where many studies have been carried out for years in search of a solution. Due to the civil war that has been going on for nine years in Yemen, millions of people are living under the threat of death and struggling with hunger. The negative effects of the civil war in Yemen are increasing day by day and humanitarian aid efforts are not enough to prevent the humanitarian crisis.

3.3. PILLAR 2 AND PILLAR 3 IMPLEMENTATIONS THE CRISIS IN PALESTINE

In the case of case of Gaza, as Pillar 2 of R2P sets out the international community's responsibility to assist states in fulfilling their responsibilities (UNGA, 2009a), it is possible to say that the UN has contributed to the process with efforts through establishing fact-finding missions and to identify the features of such assistance (Eskiduman, 2022, p. 161). In this context, the 2009 Goldstone Report reaffirmed the responsibility of the international community (UNGA, 2009b, para. 1913), but also noted that the international community also failed to protect the population in Gaza (2009b, para. 1916). In 2014, during the "Operation Protective Edge" of Israel, more than 2,100 Palestinians were killed and more than 10,000 were injured through indiscriminate rocket attacks (HRW, 2015a, p. 308). The UN SG condemned the IDF for its attacks near UN schools in Rafah, and also the UN reported that Hamas was using some of the UN facilities to shield itself.

In this context, the UN SG emphasized in his 2009 report that the three of the four grave crimes that establish the framework of R2P are under the jurisdiction of the ICC, thus, crimes that lead to manifest failure of a state can be referred to the ICC. The participation of states to the Rome Statute of the ICC together with other international instruments on human rights can be seen as an initial step for the full implementation of R2P (Gözen Ercan, 2015a, pp. 1104-1105). Thereupon, the CoI established by the Human Rights Council condemned all attacks that may amount to war crimes committed by the parties to the conflict and called for ceasefire and commitment to the international humanitarian law (UNGA, 2015b, p. 20). Since the member states of the UN are not legally obliged by

the fact-finding missions' reports, these reports are only to define the problems, to detect whether mass atrocity crimes are committed and to make suggestions concerning Gaza (Eskiduman, 2022, p. 161).

Under the responsibility of the international community, there are other efforts such as draft resolutions in the UNSC. In 2011, the draft resolution, which reaffirmed and condemned the illegal Israeli settlement on the Occupied Palestinian Territories (OPT) and called on the parties acting under their obligation to international law, was proposed to the UNSC (UNSC, 2011a, paras. 1-3). However, the US vetoed it by claiming that this draft resolution would make negotiations harder for both parties to the conflict (UNSC, 2011b, pp. 4-5). Furthermore, besides various vetoed draft resolutions, the UNSC adopted Resolution 2334 (2016) that reaffirmed illegal Israeli settlements on the OPT and called on the prevention of acts of violence against the civilians (UNSC, 2016b). The US, renowned for vetoing all resolutions on Israeli-Palestinian issues, abstained for the first time this time by arguing that preserving the two-state solution is critical for long-term peace in the region Israel's settlement policies jeopardize this solution (UNSC, 2016c, p. 5), leading to the adoption of the resolution, which marked an exception in the conflict. Nevertheless, in 2017, another draft resolution calling for the status of Jerusalem to be determined through negotiations (UNSC, 2017a) was vetoed by the US which claimed that Jerusalem has belonged to the Jewish people over thousands of years (UNSC, 2017b, p. 4). Again in 2018, draft resolution calling for international protection measures to protect Palestinian civilians in the Gaza Strip, the target of Israeli military operations (UNSC, 2018b), was vetoed by the US by claiming that it ignored the role of Hamas as one of the root causes of the violence in Gaza (UNSC, 2018c, p. 3).

After the terrorist attacks of Hamas against Israel on 7 October 2023, another draft resolution was proposed to the UNSC that condemns the terrorist attacks of Hamas and all violence against civilians and calls for stopping the violence (UNSC, 2023a). However, this draft resolution was vetoed by the US claiming that there was no reference to "the inherent right of self-defense" of Israel (UNSC, 2023b, p. 5).

Eskiduman (2022, p. 162) considers the inadequacy of the UNSC as the impasse created by the veto right, notably by the US. Although the establishment of fact-finding missions and their associated reports represented valuable initiatives under Pillar 2 that could have

led to recourse to Pillar 3, they were limited by the mandate of the UNSC and did not achieve sufficient results in terms of prevention and action. The status of Palestine in the UN was “observer entity” until November 2012, then it became a “non-member observer state” (Gözen Ercan, 2015a, p. 1103). Nevertheless, the US was an obstacle before the full membership of the State of Palestine to the UN (Eskiduman, 2022, p. 162). On the other hand, Awan and Malik (2024, p. 94) state that international efforts in Gaza have largely been inadequate and have had limited success in providing humanitarian assistance, besides addressing the root causes of the conflict. Following Hamas’s electoral victory in 2007, humanitarian aid to Gaza received a serious blow, and although there has been much need for food and medical supplies in the region, the UNSC deadlocks have blocked many resolutions aimed at delivering aid to the people of Gaza. Thus, the UN’s failure to fulfill its responsibility under Pillar 2 is deepening the humanitarian crisis (Awan & Malik, 2024, p. 94).

Furthermore, after becoming a state party to the Rome Statute, Palestine referred the situations since 2014 to the Chief Prosecutor of the ICC, in May 2018. In December 2019, the Prosecutor announced that the evidence of the findings of the preliminary examination was determined to open an investigation against both Israeli and Palestinian armed groups that allegedly committed war crimes (BBC, 2019; ICC, n.d.). However, as it did in the UNSC draft resolutions, to hamper the processes the US imposed sanctions against the officials of the ICC (Eskiduman, 2022, p. 163). Nevertheless, in March 2021, the Prosecutor declared that the investigation of the situation in Palestine was opened (ICC, n.d.).

The UN SG emphasized in his 2009 report that three of the four grave crimes that establish R2P framework are under the jurisdiction of the ICC, thus, crimes that lead to manifest failure of a state can be referred to the ICC. The involvement of the ICC together with other international instruments on human rights can be seen as an initial step for fulfilling R2P responsibilities (Gözen Ercan, 2015a, p. 1105). Thus, Eskiduman (2022, p. 162) posits that the referral of the case by the PA to the ICC may be regarded as upholding of its primary responsibility to protect under Pillar 1, as well as fulfillment of the non-coercive measures of Pillar 3. On the other hand, in December 2023 South Africa applied to the International Court of Justice (ICJ) for a lawsuit against Israel concerning the

violation of the Genocide Convention (ICJ, 2024). On 26 January 2024, the ICJ ruled that Palestinians are entitled to protection from genocide. The order emphasized that Israel must not harm the civilian population, must allow humanitarian aid to enter, and must prosecute officials who incite genocide, particularly in relation to the humanitarian crisis in Gaza (ICJ, 2024). However, the Court refrained from ordering Israel to halt its military operations, as South Africa had requested (UN News, 2024).

Meanwhile, the UNHRC adopted two resolutions one of which calls to end illegal Israeli occupation and to stop human rights violations (2024a, para. 7(a)-(b)), one of which demands an end of blockade and calls for an immediate ceasefire in Gaza (2024b, paras. 2-3). After the 7 October 2023 attacks, the CoI investigated that Hamas and other Palestinian armed groups have committed the war crimes (UNHRC, 2024c, pp. 55-57). Nevertheless, the UNHRC resolutions have not led to any changes in the conflict. Moreover, another draft resolution that called for immediate ceasefire was proposed to the UNSC (UNSC, 2023c). However, the US wielded a veto in this draft resolution through claiming that it was an unbalanced draft resolution and by questioning why those who drafted this resolution did not condemn the 7 October attacks by Hamas (UNSC, 2024d, p. 4). As of 15 August 2024, more than 40,000 people that are mostly civilians have been killed in the Hamas-Israel war that begun on 7 October 2023 (Reuters, 2024).

In the light of the findings above, it can be seen that the situation in Gaza is a very complicated one and makes this case exceptional from an R2P perspective. Alexander (2024) argues that the international response to the humanitarian crisis in Gaza has been limited to condemnation, with calls for a ceasefire becoming fewer and fewer, demonstrating the inadequacy of the global response. This, in turn, has exposed the limitations and failures of the implementation of R2P, calling the norm into question. Moreover, Awan and Malik (2024, p. 102-103) emphasize the politicization of R2P in Gaza conflict, which results in the lack of action by the international community, and hence, the inability to protect populations from the catastrophe. The privileges of the P5 causes the organization to fail to fulfill its function in the dispute settlement process. By using or threatening to use their veto power, Council members can set the agenda of the Council and prevent the adoption of resolutions in line with their wishes and interests (Hanhimäki, 2015, p. 52).

As Awan and Malik (2024, p. 103) argue, the objections of the US to the draft resolutions through its veto power can be interpreted as the display of power dynamics in the region, which has an impact on the selective implementation of R2P. Similarly, as Hehir and Lang (2015, p. 175) argue, “[...] perpetrators of systematic human rights abuses can shield themselves from external censure if they have cultivated an alliance with one of the veto-wielding P5”. Similarly, as Gözen Ercan (2015a, p. 1106) states, one of the prominent challenges to R2P implementation is its dependency on the UNSC and notably the veto power of the P5. Nevertheless, Eskiduman (2022, p. 165) posits that it is undeniable that the UN has taken various steps under Pillar 2 and Pillar 3, but various difficulties in the UNSC have prevented any action in the conflict. In this context, the stalemate in the Council over the Israeli-Palestinian conflict has blunted the functionality of R2P. Furthermore, Hehir (2014) states that the paucity of reports on R2P in Gaza emphasizes the selectivity of non-governmental organizations (NGO) engaged in R2P and highlights the paucity of research on the applicability of R2P in inter-state crises.

For an international norm to be successful, Western (2009, p. 328) argues that it needs to get support from the powerful states of the international system. Such an absence, according to Moses (2024, p. 213), has led to the selective implementation of the cases under R2P over the last twenty years. In addition, Eskiduman (2022, p. 167) emphasizes that there should be an impartial check and balance system that examines the commission of mass atrocity crimes, as well as the implementation of R2P. At this point, even though the ICC can be considered for this, yet it would respond to the crises in a short time. In the face of the apparent breaches of international humanitarian law by Israel, there is a clear need for an R2P intervention by the international community (Awan & Malik, 2024, p. 95).

In the context of the Israeli-Palestinian conflict, particularly in the Gaza Strip, the challenges of implementing R2P principles and a selective implementation can be observed. The selectivity of the international community in implementing R2P is related to inconsistencies in humanitarian interventions. R2P appears to have been particularly successful in Libya but has failed in Syria and Yemen. This situation shows that R2P has been implemented based on political interests (Welsh, 2016, p. 79) and that humanitarian considerations are often ignored. On the other hand, while R2P could have provided a

framework to avert the humanitarian crisis in Gaza (Gözen Ercan, 2015, as cited in Kelleci & Bodur Ün, 2017, p. 95) , this option was not considered.

Addressing the implementation of Pillar 2 and Pillar 3 of R2P in Syria, Yemen and Gaza, this chapter examined how the international community responded to crises in each case. On the one hand, in Syria, demands for international intervention grew as anti-regime protests escalated into a violent civil war, while veto rights in the UNSC prevented an effective response. While UN initiatives in Syria have called on the regime to fulfill its primary responsibility, concrete steps to implement Pillar 3 of R2P have not been taken. Russia and China's characterization of the intervention in Libya as a "regime change" led them to refrain from similar action in the context of this crisis. In Yemen, on the other hand, the GCC and UN-brokered political processes under Pillar 2 of R2P achieved temporary successes at the early stages of the crisis, but the Saudi-led military intervention, which began with the request and support of the Hadi government, has been criticized for civilian casualties and disproportionate use of force. The intervention in Yemen is interpreted as a show of force shaped more by political and regional interests rather than in line with the principles of R2P. Lastly, in Gaza, UN efforts in the Israeli-Palestinian conflict have fallen short of implementing R2P, with the US veto power preventing progress. This reveals the selective implementation of R2P and reinforces criticisms that international norms are shaped by political expediency. All three examples illustrate the political challenges that limit the potential of R2P to promote international peace and security.

CONCLUSION

This thesis has attempted to make an original contribution to the literature with an original comparative analysis by examining how and to what extent R2P has been implemented pillar-by-pillar in three important cases in the Middle East, namely Syria, Yemen and Gaza. The analysis in this thesis has provided a comprehensive and comparative assessment of these crises, which are mostly addressed in the literature through individual case studies. Thus, it goes beyond existing studies and systematically reveals the implementation gaps for R2P in the Middle East. It also has revealed the selective interventions of the international community to different crises, highlighting the inconsistencies in the implementation of R2P. This Middle East-specific comparative analysis shows that R2P needs a more inclusive and effective implementation model.

Over the last two decades, R2P has defined a responsibility for the international community to get involved when states fail or violate their responsibility to protect their own populations. The institutionalization of R2P within the UN has reshaped the concept of sovereignty and put human rights protection at the forefront of the international agenda. Yet, in practice, as we see in the example of the Middle East, a parallel between the theory and the practice is not there.

In Syria, the military response of the government to the protests that began in March 2011 led to further escalation of events, resulting in a civil war that has not yet ended as of 2024. Nevertheless, in its very first report, CoI affirmed that Syrian government has committed crimes against humanity (UNHRC, 2011). Commission also reaffirmed that Syrian government committed crimes against its population that may amount to crimes against humanity, and hence, manifestly failed to protect its population (UNHRC, 2012a). Subsequent reports have stated that many war crimes have been committed by terrorist organizations and armed groups and the Syrian regime. Thakur (2013, pp. 65-66) argues that sovereignty is used as a shield to protect states against foreign intervention. The Assad regime has used this principle as a means of defense to prevent the international community's intervention. This strategy of the Syrian regime shows that the Pillar 1 of

R2P has lost its effectiveness in Syria. Moreover, the involvement of the terrorist groups to the conflict such as ISIS has also revealed the inability of the Syrian government to fulfill its primary responsibility to protect its population.

The veto powers of the P5 have been the most influential factor in the adoption of the any resolution in the Syrian crisis. In particular, Russia and China, have repeatedly vetoed international interventions in Syria through their diplomatic and military support for the Assad regime. Although the escalating severity of crimes in Syria has increased the invocation of R2P, Russia's opposition to the use of coercive measures has prevented the Council from adopting a resolution concerning Pillar 3 of R2P that involves the measures of Chapter VII (Welsh, 2013, p. 386). This raises the question of the selective implementation of R2P, and the Syrian case has undermined the credibility of R2P.

In a nutshell, the responsibility to protect the Syrian people rests with the Syrian authorities and the call to protect its population was reiterated in many UN documents. However, Pillar 3 of R2P, namely the "timely and decisive response" of the international community when a state clearly fails to protect its population, was not addressed. Apparently, the Syrian regime has not fulfilled its responsibility to protect from mass atrocity crimes. Thus, the responsibility shifted to the international community. However, the international community failed to reach a common decision, and they failed in their responsibilities by pursuing their own private agendas and evaluating the crisis within the framework of their national interests rather than their responsibility to protect. Although there have been observed interventions in Syria, these interventions have been limited and no official decision has been taken under R2P.

In Yemen, during his presidency, Saleh failed to protect its population in the conflict that dated back to the Houthi wars. Nevertheless, as a result of the protests against Saleh yielded with his resignation is seen as the fulfilling of Pillar 1. Nonetheless, Hadi, as a successor, also failed to protect its population. Given that Hadi's request for foreign military intervention aimed to halt mass atrocities committed in Yemen, it may be argued that the government sought assistance to fulfil its primary responsibility. The aim of R2P is primarily to exercise the responsibility to prevent, rather than the responsibility to react, which enables a military operation. In this context, military intervention should be resorted to as a last resort. However, in Yemen, diplomatic and non-military sanctions

within the scope of prevention were not pursued. Non-coercive, peaceful measures under Pillar 2 have not been taken. The UNSC has not adopted any resolutions that include either peaceful and diplomatic measures or sanctions. The criterion of last resort under reaction, which includes the use of military means, has been quickly exhausted by the Saudi-led Coalition, and hence, military intervention caused further casualties including civilians. Nonetheless, through indiscriminate attacks and airstrikes, each party to the conflict has committed crimes against humanity (GCR2P, 2024d). As Pillar 2 has relatively been upheld through initiatives such as ceasefire agreements etc., the failure of the international community to fulfil its responsibility rested with Pillar 3 (Wan Rosli, 2022, p. 189). As faced in Syria, in Yemen, the international community's efforts to fulfill its responsibility to protect during internal conflict of Yemen has often been influenced by regional and international clash of interests. Consequently, the international community has failed to uphold its responsibility under Pillar 2 and Pillar 3.

The Palestinian conflict challenges R2P with the question of whose responsibility is it to protect populations in the region, since there are three sovereign authorities, in other words, PA, Hamas and Israel. At the same time, these sovereign units are perpetrators who have committed crimes that reaches the gravity of war crimes and crimes against humanity. The PA, as the national governing body of the state of Palestine, have failed to uphold its responsibility under Pillar 1 due to its inability to put an end the conflict between the Israel and Hamas.

Hamas stands as the de facto ruler in Gaza, and naturally is to assume the responsibility to protect the Gazan population, yet it is internationally designated as a terrorist organization by mainly the US and other Western states due to the illegal attacks it carries out. There are allegations of restrictions on civil rights and freedoms, suppression of dissenting voices, and violations of the rule of law in Hamas-ruled areas. This demonstrates that Hamas has failed to fulfill its Pillar 1 responsibility.

Israel maintains effective control over the region, which has a direct impact on the daily lives of Palestinians. The responsibility of Israel is frequently called into question by serious human rights violations that amount to violations of international law. Although the protection of the population in Palestine living under occupation is the responsibility

of Israel as the occupying power, this responsibility has not been fulfilled due to the ongoing conflict between Israel and Hamas.

In the Palestinian issue, the involvement of the international community has been largely limited to political obstacles. The inability of the international community to take decisive action to protect the Palestinian people has prevented the implementation of R2P principle in this region. As Russia and China did in Syria, the US has been exercising its veto power, and national interests of major powers in the region have outweighed the implementation of R2P and exacerbated the humanitarian situation.

In a detailed comparison, when the similarities of all three cases are examined under the framework of R2P pillars, in Syria, Yemen and Gaza, the domestic authorities have failed to fulfill their responsibility to protect their populations. In Syria, the Assad regime has committed gross human rights violations, including the use of chemical weapons and failed to protect its population from those violations by non-state actors, while in Yemen, the Hadi government has lost control over large parts of the country, requested for military assistance that caused humanitarian casualties and failed to fulfill its responsibility under Pillar 1. Similarly, in Israeli-Palestinian conflict, the three-headed authority structure has failed to provide sustainable protection for Palestinians, leading to violations against the civilian population in areas such as Gaza. These common problems call into question the effectiveness of Pillar 1 of R2P.

From an international response perspective, The UN and other international actors failed to provide adequate intervention in all three cases due to geopolitical obstacles and conflicting interests of the great powers. The Russian and Chinese vetoes in Syria, the politically motivated nature of the Saudi-led interventions in Yemen, and the US vetoes in favor of Israel in Gaza demonstrate the decisive role of strategic interests in the implementation of R2P as a global norm. In Syria, just as in Libya, the implementation of R2P has been associated with the goal of regime change, undermining the legitimacy of the norm (Morris, 2013, pp. 1276-1277). While the P2 assumes that some states are seeking regime change in Syria and R2P may serve as a justification for ulterior motives, the P3 does not necessarily make claims about R2P while they assume that the situation in Syria can only be resolved through regime change (Akbarzadeh & Saba, 2019, pp. 544-

545). This undermines the norm's inherent goal of universal protection of populations from mass atrocity crimes and give rise to deepened and multifaceted humanitarian crises.

The cases of Syria, Yemen and Gaza provide the most concrete and similar examples of selective behavior in the implementation of R2P. Particularly in the cases of Syria and Gaza, geopolitical interests overruled humanitarian interventions in the international community's implementation of R2P. This reinforces the criticism that R2P is being used as a tool that changes according to the interests of powerful states. The failure of the international community to reach a common understanding of its responsibility under Pillar 3 of R2P undermines its applicability and accountability. In particular, inconsistency and selectivity in the decision-making processes of the UNSC limit the impact of international responses to Pillar 3 and prevent accountability mechanisms from functioning effectively (Hunt, 2016, p. 882). This creates uncertainties in the overall R2P framework and calls into question the capacity of the international community to react. Such failure of the international community to intervene in a timely and decisive manner can be interpreted as the result of selectivity bias.

When the differences are analyzed, on the one hand, the Syrian crisis clearly demonstrates the conflict between international politics and the legal framework in the implementation of R2P. The backlash from NATO intervention in Libya and the conflicting interests of the major powers in the UNSC have made it difficult to effectively implement R2P in Syria and it is an example of how veto power can be an obstructive force in the implementation of Pillar 1 and Pillar 3 of R2P. In Yemen, on the other hand, there was a direct Saudi-led military intervention. However, this intervention deviated from the objective of R2P to protect civilian population, as it pursued regional interests. Saudi-led attacks in Yemen, which resulted in civilian casualties, contradicted principles such as proportionality and proper purpose. In the case of Gaza, instead of a direct intervention, Israeli blockade of Gaza in the region and its restrictions on the Palestinian people are at the forefront. Due to the US vetoes in support of Israel, the international community was unable to take steps to protect the Palestinian people and R2P principles could not be put into action in Gaza. This case is an example of Pillar 3 of R2P not being implemented, leaving only the search for a negotiated two-state solution. Furthermore, the lack of any

change in the outcome of the UN resolutions, especially after the 7 October 2023 attacks, shows the failure of the international community to prevent conflict.

For R2P to be more effective in the future, the international community needs to adopt a more decisive, unbiased and law-based approach. Reforming structural elements, such as the functioning of the UNSC and the veto mechanism, could remove obstacles to international intervention in complex crises such as Syria, Yemen and Gaza. Moreover, supporting R2P with instruments other than military intervention, such as diplomatic, economic and humanitarian assistance, would ensure a multifaceted approach to the norm and contribute to more successful outcomes in similar crises. Establishing a mechanism to hold states as well as non-state actors accountable is critical to strengthening international humanitarian law and protecting fundamental human rights. Consequently, the international community needs to strengthen its political will and implement structural reforms in order to more effectively implement R2P principle in international law and international relations.

BIBLIOGRAPHY

- Acharya, A. (2013). The R2P and Norm Diffusion: Towards A Framework of Norm Circulation. *Global Responsibility to Protect*, 5, 466-479.
- Adams, S. (2015). Failure to Protect: Syria and the UN Security Council. *Global Centre for the Responsibility to Protect, Occasional Paper Series*, 5, 1-27.
- Afewerky, R. K. (2022). Darfur: R2P and Dilemmas of Implementation. In P. Gözen Ercan (Ed.), *The Responsibility to Protect Twenty Years On: Rhetoric and Implementation* (pp. 33-53). Palgrave Macmillan. doi:10.1007/978-3-030-90731-0_8
- Akbarzadeh, S. & Saba, A. (2019). UN paralysis over Syria: the responsibility to protect or regime change? *International Politics*, 56, 336-350.
- Alexander, K. (2024, March 1). *The limits of international law: the Responsibility to Protect (R2P), Israel and the International Court of Justice*. Elcano Institute. Retrieved August 23, 2024 from <https://www.realinstitutoelcano.org/en/commentaries/the-limits-of-international-law-the-responsibility-to-protect-r2p-israel-and-the-international-court-of-justice/>.
- Amnesty International. (2009). Israel / OPT: Fuelling conflict: Foreign arms supplies to Israel/Gaza. Retrieved August 1, 2024, from <https://www.amnesty.org/en/documents/mde15/012/2009/en/>.
- Amnesty International. (2014). *Ethnic cleansing on historic scale: the Islamic State's systematic targeting of minorities in northern Iraq*. Retrieved August 27, 2024 from <https://www.amnesty.org/en/documents/mde14/011/2014/en/>.
- Amnesty International. (2016). *Yemen: New evidence challenges coalition's denial it used cluster munitions in recent attack*, Retrieved August 22, 2024 from <https://www.amnesty.org/en/documents/mde31/3208/2016/en/>.

- Aning, K., & Atuobi, S. (2009). Responsibility to Protect in Africa: An Analysis of the African Union's Peace and Security Architecture. *Global Responsibility to Protect*, 90-113.
- Anttila, S. (2021). *There is a responsibility to protect in Yemen : Qualitative content analysis of the United Nations Security Council's approach to the situation in Yemen* [Master's Thesis, Tampere University]. Trepo. <https://trepo.tuni.fi/handle/10024/124905>.
- Awan, H. S., & Malik, H. (2024). Humanitarian Crisis and Crumbling Pillars of R2P in Gaza. *Journal of Security and Strategic Analyses*, 10(1), 87-105.
- Baabood, A., & Baabood, A. (2020). Omani and Qatari Roles in the Yemen Crisis. In S. W. Day, & N. Brehony (Eds.), *Global, Regional, and Local Dynamics in the Yemen Crisis* (pp. 165-178). Palgrave Macmillan.
- Badescu, C. G., & Bergholm, L. (2009). The Responsibility to Protect and the Conflict in Darfur: The Big Let-Down. *Security Dialogue*, 40(3), 287-309.
- Bayeh, E. (2014). The Current War on Gaza: A Challenge to the Principle of 'The Responsibility to Protect'. *International Journal of Political Science and Development*, 2(9), 205-210.
- Bayraktar, Ü. (2015). *Arap Baharı Sonrası Ortadoğu'daki Statüko Karşıtı Yapılanmaların Türkiye'nin Güvenlik Stratejilerine Etkileri* (Publication No. 421674) [Master's Thesis, İzmir Katip Çelebi University]. YÖK Ulusal Tez Merkezi.
- BBC. (2011, September 10). *Arab League chief "agrees reforms" with Syrian leader*. Retrieved October 5, 2024 from <https://www.bbc.com/news/world-middle-east-14869012>.
- BBC. (2015, September 30). *Syria crisis: Russian air strikes against Assad enemies*. Retrieved August 31, 2024 from <https://www.bbc.com/news/world-middle-east-34399164>.

- BBC. (2019, December 21). *ICC wants to open 'war crimes' investigation in West Bank and Gaza*. Retrieved August 22, 2024 from <https://www.bbc.com/news/world-middle-east-50871337>.
- Bellamy, A. J. (2005). Responsibility to Protect or Trojan Horse? The Crisis in Darfur and Humanitarian Intervention after Iraq. *Ethics & International Affairs*, 19(2), 31-54.
- Bellamy, A. J. (2008). The Responsibility to Protect and the Problem of Military Intervention. *International Affairs*, 84(4), 615-639.
- Bellamy, A. J. (2015). The Changing Face of Humanitarian Intervention. *St Anthony's International Review*, 11(1), 15-43.
- Benoliel, D., & Perry, R. (2010). Israel, Palestine, and the ICC. *Michigan Journal of International Law*, 32(1), 73-127.
- Boucek, C. (2010). Yemen: Avoiding a Downward Spiral. In C. Boucek, & M. Ottaway (Eds.), *Yemen on the Brink* (pp. 1-30). The Carnegie Endowment.
- Bölme, S. M., & Ulutaş, U. (2011). Birleşmiş Milletler'de Filistin Oylaması: Devlete Doğru Mu? *Seta Analiz*, 44, 1-21.
- Britannica, T. Editors of Encyclopaedia (2020, May 2). Intifāḍah summary. Encyclopedia Britannica. Retrieved October 2, 2024 from <https://www.britannica.com/summary/intifada>.
- Britannica, T. Editors of Encyclopaedia (2024, October 10). Eid al-Fitr. Encyclopedia Britannica. Retrieved September 22, 2024 from <https://www.britannica.com/topic/Eid-al-Fitr>
- Brownlie, I. (1963). *International Law and the Use of Force by States*. Clarendon Press.
- Buys, E., & Garwood-Gowers, A. (2019). The (Ir)relevance of human suffering: Humanitarian intervention and Saudi Arabia's operation decisive storm in Yemen. *Journal of Conflict & Security Law*, 24(1), 1–33.

- Byman, D. (2018). Yemen's Disastrous War. *Survival*, 60(5), 141–158. <https://doi.org/10.1080/00396338.2018.1518376>.
- Clausen, M-L. (2018). Competing for Control over the State: The Case of Yemen. *Small Wars & Insurgencies*, 29(3), 560-578. doi: 10.1080/09592318.2018.1455792
- Cleveland, W. L., & Bunton, M. (2013). *A History of the Modern Middle East* (5. ed.). Westview Press.
- Cleveland, W. L., & Bunton, M. (2016). *A History of the Modern Middle East* (6. ed.). Routledge.
- Cronogue, G. (2012). Responsibility to Protect: Syria The Law, Politics, and Future of Humanitarian Intervention Post-Libya. *Journal of International Humanitarian Legal Studies*, 3(1), 124-159. doi:[10.1163/18781527-00301004](https://doi.org/10.1163/18781527-00301004)
- Deniz, Y. (2018). Orta Doğu'da Vehhabi-Şii Mücadelesi. *TESAM Akademi Dergisi*, 5(1), 63-95. doi:10.30626/tesamakademi.392968
- Dingli, S. (2013). Is the Failed State Thesis Analytically Useful? The Case of Yemen. *Politics*, 33(2), 91-100. doi: 10.1111/j.1467-9256.2012.01453.x
- Eisenberg, L. Z. (2013). The Israeli-Palestinian Peace Process, 1967-1993. In J. Peters, & D. Newman (Eds.), *Routledge Handbook on the Israeli-Palestinian Conflict* (pp. 81-91). Routledge.
- Erameh, N. I. (2017). Humanitarian intervention, Syria, and the politics of human rights protection. *The International Journal of Human Rights*, 21(5), 517-530. doi: 10.1080/13642987.2017.1307829
- Eskiduman, Ö. (2022). Gaza: R2P and Selective Implementation. In P. Gözen Ercan (Ed.), *The Responsibility to Protect Twenty Years On: Rhetoric and Implementation* (pp. 153-169). Palgrave Macmillan. doi:10.1007/978-3-030-90731-0_8

- Evans, G. (2004). The Responsibility to Protect: Rethinking Humanitarian Intervention. *Proceedings of the Annual Meeting (American Society of International Law)*, 98, 78-89.
- Evans, G. (2008). *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All*. Washington, DC: Brookings.
- Evans, G. (2009). The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All. *Irish Studies in International Affairs*, 20, 7-13.
- Gallagher, A. (2014). Syria and indicators of 'Manifest Failing.' *The International Journal of Human Rights*, 18(1), 1–19.
- Garwood-Gowers, A. (2013). The Responsibility to Protect and The Arab Spring: Libya as the Exception, Syria as the Norm?. *UNSW Law Journal*, 36(2), 594-618.
- Gifkins, J. (2016). R2P in the UN Security Council. *Cooperation and Conflict*, 51(2), 148-165.
- Global Centre for the Responsibility to Protect (GCR2P). (2013a, August 23). *Statement by the UN Special Advisers on the Prevention of Genocide and the Responsibility to Protect on the alleged use of chemical weapons in Syria, August 2013*, Retrieved August 30, 2024 from <https://www.globalr2p.org/resources/statement-by-the-un-special-advisers-on-the-prevention-of-genocide-and-the-responsibility-to-protect-on-the-alleged-use-of-chemical-weapons-in-syria-august-2013/>.
- Global Centre for the Responsibility to Protect (GCR2P). (2013b, November 15). *R2P Monitor*, (12), Retrieved August 30, 2024 from <https://www.globalr2p.org/publications/r2p-monitor-issue-12-15-november-2013/>.
- Global Centre for the Responsibility to Protect (GCR2P). (2016, January 20). *R2P Monitor*, (25), Retrieved August 30, 2024 from <https://www.globalr2p.org/publications/r2p-monitor-issue-25-20-january-2016/>.

- Global Centre for the Responsibility to Protect (GCR2P). (2019, January 15). *R2P Monitor*, 43(9), Retrieved August 23, 2024 from <https://www.globalr2p.org/publications/r2p-monitor-issue-43-15-january-2019/>.
- Global Centre for the Responsibility to Protect (GCR2P). (2024a). *UN Security Council Resolutions and Presidential Statements Referencing R2P*, Retrieved August 31, 2024 from <https://www.globalr2p.org/resources/un-security-council-resolutions-and-presidential-statements-referencing-r2p/>.
- Global Centre for the Responsibility to Protect (GCR2P). (2024b). *Israel and the Occupied Palestinian Territory*. Retrieved August 2, 2024 from <https://www.globalr2p.org/countries/israel-and-the-occupied-palestinian-territory/>.
- Global Centre for the Responsibility to Protect (GCR2P). (2024c). *Syria*. Retrieved August 24, 2024 from <https://www.globalr2p.org/countries/syria/>.
- Global Centre for the Responsibility to Protect (GCR2P). (2024d). *Yemen*. Retrieved August 31, 2024 from <https://www.globalr2p.org/countries/yemen/>.
- Gözen Ercan, P. (2015a). Responsibility to protect and inter-state crises: why and how R2P applies to the case of Gaza. *The International Journal of Human Rights*, 19(8), 1098–1111. <https://doi.org/10.1080/13642987.2015.1082849>
- Gözen Ercan, P. (2015b). İkinci On Yılına Girerken Koruma Sorumluluğunu Yeniden Düşünmek: Lex Ferenda Olarak R2P. *Hacettepe Hukuk Fakültesi Dergisi*, 5(2), 165-182.
- Gözen Ercan, P. (2016). *Debating the Future of the 'Responsibility to Protect': The Evolution of a Moral Norm*. Basingstoke: Palgrave Macmillan.
- Grey, C. (2013). The Use of Force for Humanitarian Purposes. *Research Handbook on International Conflict and Security Law*, 1-33.
- Hanhimäki, J. M. (2015). *The United Nations: A Very Short Introduction* (2nd ed.). Oxford University Press.

- Hathaway, O. A., Haviland, A., Kethireddy, S. R., & Yamamoto, A. T. (2018). Yemen: Is the U.S. breaking the law? *Harvard National Security Journal*, 10, 1–74.
- Hehir, A. (2014, July 23). *Is Gaza in Israel? R2P and interstate crisis*. Retrieved August 23, 2024 from <https://justiceinconflict.org/2014/07/23/is-gaza-in-israel-r2pand-inter-state-crises/>.
- Hehir, A., & Lang, A. (2015). The Impact of the Security Council on the Efficacy of the International Criminal Court and the Responsibility to Protect. *Criminal Law Forum*, 26(1), 153–179. <https://doi.org/10.1007/s10609-015-9245-4>.
- Hehir, A., & Pattison, J. (2015). Introduction: The Responsibility to Protect after the Arab Spring. *Cooperation and Conflict*, 51(2), 141-147. doi:10.1177/0010836715612853
- Hehir, A. (2016). Assessing the influence of the Responsibility to Protect on the UN Security Council during the Arab Spring. *Cooperation and Conflict*, 51(2), 166-183.
- Hroub, K. (2013). Hamas. In J. Peters, & D. Newman (Eds.), *Routledge Handbook on the Israeli-Palestinian Conflict* (pp. 233-243). Routledge.
- Human Rights Watch (HRW). (2011, June 1). “We’ve Never Seen Such Horror”: *Crimes Against Humanity by Syrian Security Forces*. Retrieved August 12, 2024 from <https://www.hrw.org/report/2011/06/01/weve-never-seen-such-horror/crimes-against-humanity-syrian-security-forces>.
- Human Rights Watch (HRW). (2013a, September 10). *Attacks on Ghouta: Analysis of Alleged Use of Chemical Weapons in Syria*. Retrieved August 30, 2024 from <https://www.hrw.org/report/2013/09/10/attacks-ghouta/analysis-alleged-use-chemical-weapons-syria>.
- Human Rights Watch (HRW). (2013b, September 13). “No One’s Left” *Summary Executions by Syrian Forces in al-Bayda and Baniyas*. Retrieved August 28, 2024 from <https://www.hrw.org/report/2013/09/13/no-ones-left/summary-executions-syrian-forces-al-bayda-and-baniyas>.

- Human Rights Watch (HRW). (2013c, October 10). *"You Can Still See Their Blood" Executions, Indiscriminate Shootings, and Hostage Taking by Opposition Forces in Latakia Countryside*. Retrieved August 28, 2024 from <https://www.hrw.org/report/2013/10/10/you-can-still-see-their-blood/executions-indiscriminate-shootings-and-hostage>.
- Human Rights Watch (HRW). (2015a). *World Report 2015: Israel/Palestine*. Retrieved August 1, 2024 from <https://www.hrw.org/world-report/2015/country-chapters/israel/palestine>.
- Human Rights Watch (HRW). (2015b). *World Report 2015: Syria*. Retrieved August 31, 2024 from <https://www.hrw.org/world-report/2015/country-chapters/syria>.
- Human Rights Watch (HRW). (2016a). *World Report 2016: Syria*. Retrieved August 31, 2024 from <https://www.hrw.org/world-report/2016/country-chapters/syria>.
- Human Rights Watch (HRW). (2016b, December 1). *Russia/Syria: War Crimes in Month of Bombing Aleppo: UN General Assembly Should Organize Emergency Special Session*, Retrieved August 31, 2024 from <https://www.hrw.org/news/2016/12/01/russia/syria-war-crimes-month-bombing-aleppo>.
- Human Rights Watch (HRW). (2017a). *World Report 2017: Syria*. Retrieved August 30, 2024 from <https://www.hrw.org/world-report/2017/country-chapters/syria>.
- Human Rights Watch (HRW). (2017b). *World Report 2017: Yemen*. Retrieved August 20, 2024 from <https://www.hrw.org/world-report/2017/country-chapters/yemen>.
- Human Rights Watch (HRW). (2024, July 17). *"I Can't Erase All the Blood from My Mind": Palestinian Armed Groups' October 7 Assault on Israel*. Retrieved August 1, 2024, from <https://www.hrw.org/news/2024/07/17/october-7-crimes-against-humanity-war-crimes-hamas-led-groups>.
- Hunt, C. T. (2016). Emerging powers and the responsibility to protect: non-linear norm dynamics in complex international society. *Cambridge Review of International Affairs*, (29)3, 870-890.

- International Commission on Intervention and State Sovereignty (ICISS). (2001). *The Responsibility to Protect: The Report of the International Commission on Intervention and State Sovereignty*. Ottawa, Canada: International Development Research Center.
- International Court of Justice (ICJ). (2024, January 26). *Application of the Convention on The Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa V. Israel)*. Retrieved August 23, 2024 from <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf>.
- International Criminal Court (ICC). (n.d.). *State of Palestine*. Retrieved August 22, 2024 from <https://www.icc-cpi.int/palestine>.
- International Crisis Group (ICG). (2012, July 3). *Yemen: Enduring Conflicts, Threatened Transition* (Middle East Report No: 125). Crisis Group. Retrieved August 17, 2024 from <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/yemen/yemen-enduring-conflicts-threatened-transition>.
- Israel Ministry of Foreign Affairs (IMFA). (2007, September 19). *Security Cabinet declares Gaza hostile territory*. Retrieved October 5, 2024 from <https://www.gov.il/en/pages/security-cabinet-declares-gaza-hostile-territory>.
- Kattan, V. (2009). Operation Cast Lead: Use of Force Discourse and Jus ad Bellum Controversies. *The Palestine Yearbook of International Law Online*, 15(1), 95-118.
- Khalidi, W. (1997). Revisiting the UNGA partition solution. *Journal of Palestine Studies*, 17(1), 5-21.
- Kelleci, T. & Bodur Ün, M. (2017). TWAIL ve Yeni Bir Hâkimiyet Aracı Olarak Koruma Sorumluluğu (R2P): Libya Örneği. *Uluslararası İlişkiler*, 14(56), 89-104.
- Kersten, M. (2014, July 23). *The Israeli-Gaza Crisis and the Responsibility to Protect: Does the Norm Apply*. Justice in Conflict. Retrieved August 1, 2024, from <https://justiceinconflict.org/2014/07/23/the-israeli-gaza-crisis-and-the-responsibility-to-protect-does-the-norm-apply/>

- Kul, S. (2020). *Legal Aspects of Protection Provided within the Responsibility to Protect Framework* (Publication No. 642007) [Master's Thesis, Hacettepe University]. YÖK Ulusal Tez Merkezi.
- Kul, S. (2022). Libya and Syria: The Protection of Refugees and R2P. In P. Gözen Ercan (Ed.), *The Responsibility to Protect Twenty Years On: Rhetoric and Implementation* (pp. 133-151). Palgrave Macmillan. doi:10.1007/978-3-030-90731-0_8
- Kuperman, A. J. (2013). A Model Humanitarian Intervention? Reassessing NATO's Libya Campaign. *International Security*, 38(1), 105-136.
- Leylanoğlu, H. (2021). *Uluslararası Hukukta Koruma Sorumluluğunun Arap Ülkelerinde Uygulanması (Libya, Suriye, Yemen ve Bahreyn Örnekleri)* [Doctoral Thesis, Ankara Hacı Bayram Veli University]. Ankara.
- Lundgren, M. (2016). Mediation in Syria: initiatives, strategies and obstacles. *Contemporary Security Policy*, 37(2), 273-288.
- MacAskill, E. & Torpey, P. (2017, November 28). One in three Saudi air raids on Yemen hit civilian sites, data shows. Retrieved, August 23, 2024 from *The Guardian*: <https://www.theguardian.com/world/2016/sep/16/third-of-saudi-airstrikes-on-yemen-have-hit-civilian-sites-data-shows>
- Massingham, E. (2009). Military intervention for humanitarian purposes: does the Responsibility to Protect doctrine advance the legality of the use of force for humanitarian ends? *International Review of the Red Cross*, 91(876), 803-831. doi:10.1017/S1816383110000068
- Mohamed, S. (2012, March 26). *The U.N. Security Council and the Crisis in Syria*. Retrieved August 24, 2024, from American Society of International Law: <https://www.asil.org/insights/volume/16/issue/11/un-security-council-and-crisis-syria>.
- Morris, J. (2013). Libya and Syria: R2P and The Spectre of The Swinging Pendulum. *International Affairs*, 89(5), 1265-1283.

- Moses, J. (2024). Gaza and the Political and Moral Failure of the Responsibility to Protect. *Journal of Intervention and Statebuilding*, 18(2), 211-215.
- Mulford, F. (2022). Circumventing The Responsibility to Protect in Yemen: Rhetorical Adaptation and the United Nations Security Council. *Global Responsibility to Protect*, 14(1), 75–104. <https://doi.org/10.1163/1875-984x-14010009>
- Murphy, S. D. (1996). *Humanitarian Intervention: The United Nations in an Evolving World Order*. Philadelphia: University of Pennsylvania Press.
- Nasrallah, R. (2013). The First and Second Intifadas. In J. Peters, & D. Newman (Eds.), *Routledge Handbook on the Israeli-Palestinian Conflict* (pp. 56-68). Routledge.
- Nirmal B.C. (2014). Responsibility to Protect: A Political Doctrine or an Emerging Norm (With special references to Libyan and Syrian Cases). *Journal of the Indian Law Institute*, 57(3), 333-375.
- Nuruzzaman, M. (2013). ‘The Responsibility to Protect’ Doctrine: Revived in Libya, Buried in Syria. *Insight Turkey*, 15(2), 57-66.
- Nuruzzaman, M. (2015). Rethinking Foreign Military Interventions to Promote Human Rights: Evidence from Libya, Bahrain and Syria. *Canadian Journal of Political Science*, 48(3), 531-552.
- Nußberger, B. (2017). Military strikes in Yemen in 2015: Intervention by invitation and self-defence in the course of Yemen’s ‘model transitional process.’ *Journal on the Use of Force and International Law*, 4(1), 110–160.
- Office for the Coordination of Humanitarian Affairs (OCHA). (2019, February 14). *Yemen: 2019 Humanitarian Needs Overview*. Retrieved June 25, 2024, from <https://reliefweb.int/report/yemen/yemen-2019-humanitarian-needs-overview-enar>
- Organization for the Prohibition of Chemical Weapons (OPCW). (2013, September 27). *Decision Destruction of Syrian Chemical Weapons*, EC-M-33/DEC.1, Retrieved August 30, 2024 from <https://www.opcw.org/ec-m-33>.

- Pappe, I. (2006). *A History of Modern Palestine* (2. ed.). Cambridge University Press.
- Paris, R. (2014). The 'Responsibility to Protect' and the Structural Problems of Preventive Humanitarian Intervention. *International Peacekeeping*, 21(5), 569-603. doi:10.1080/13533312.2014.963322
- Peters, J. (2013). Introduction: Understanding the Israeli-Palestinian Conflict. In J. Peters, & D. Newman (Eds.), *Routledge Handbook on the Israeli-Palestinian Conflict* (pp. 1-8). Routledge.
- Petreski, M. (2015). THE INTERNATIONAL PUBLIC LAW AND THE USE OF FORCE BY THE STATES. *Journal of Liberty and International Affairs*, 1(2), 1-9.
- Popp, R. (2015). War in Yemen: Revolution and Saudi intervention. *CSS Analyses in Security Policy*, 175, 1-5.
- Qureshi, W. A. (2020). The Crisis in Yemen: Armed Conflict and International Law. *North Carolina Journal of International Law*, 45(1), 227-268.
- Reuters. (2024, August 15). *Gaza death toll: how many Palestinians has Israel's campaign killed?* Retrieved August 22, 2024 from <https://www.reuters.com/world/middle-east/gaza-death-toll-how-many-palestinians-has-israels-campaign-killed-2024-07-25/>.
- Robinson, K. (2024, August 1). *What is Hamas?*. Council on Foreign Relations. Retrieved August 2, 2024, from <https://www.cfr.org/backgrounder/what-hamas>.
- Rosli, H. (2022). The Forsaken War in Yemen: R2P as Mere Rhetoric? In P. Gözen Ercan (Ed.), *The Responsibility to Protect Twenty Years On: Rhetoric and Implementation* (pp. 171-195). Palgrave Macmillan. doi:10.1007/978-3-030-90731-0_9
- Ruys, T., & Ferro, L. (2016). Weathering the storm: Legality and legal implications of the Saudi-led military intervention in Yemen. *International and Comparative Law Quarterly*, 65(1), 61–98.

- Sak, Y. (2015). Uluslararası Hukukta İnsancıl Müdahale ve Libya Örneği: Suriye’de Yaşanan ya da Yaşanacaklar için Dersler. *Uluslararası İlişkiler*, 11(44), 121-153.
- Scott-Baumann, M. (2024). *Kısa İsrail-Filistin Tarihi*. (A. Önal, Trans.) İstanbul: Say Yayınları.
- Sharma, S. K. (2010). Toward a Global Responsibility to Protect: Setbacks on the Path to Implementation. *Global Governance*, 16(1), 121-138.
- Shlaim, A. (2005). The Rise and Fall of the Oslo Peace Process. In L. Fawcett (Ed.), *International Relations of the Middle East* (pp. 241-261). Oxford University Press.
- Siboe, N. N. (2022). *The Responsibility to Protect Principle : a Comparative Perspective on the Last Decade of Implementation* (Order No. 30215274). Available from ProQuest Dissertations & Theses Global. (2732139068). <https://www.proquest.com/dissertations-theses/responsibility-protect-principle-comparative/docview/2732139068/se-2>.
- Small, M. (2014). An Analysis of the Responsibility to Protect Program in Light of the Conflict in Syria. *Washington University Global Studies Law Review* 13(1), 179-200.
- Staffan de Mistura, United Nations Special Envoy for Syria Briefing to the Security Council on the outcomes of Geneva 4*. (2017, March 8). Retrieved August 31, 2024, from The United Nations Office at Geneva: <https://www.ungeneva.org/en/news-media/press-conference/2017/03/staffan-de-mistura-united-nations-special-envoy-syria-briefing>.
- Stahn, C. (2007). Responsibility to Protect: Political Rhetoric or Emerging Legal Norm? *The American Journal of International Law*, 101(1), 99-120.
- Stenslie, S. (2015). “Decisive Storm”: Saudi Arabia’s attack on the Houthis in Yemen. *NOREF: Norwegian Peace Building Research Centre, Expert Analysis*, 1-4.
- Stowell, E. C. (1921). *Intervention in International Law*. Washington, D.C: John Bryne & Co.

- Strategic Comments. (2017). The percolating proxy war in Yemen. *Strategic Comments*, 23(1), iv–vi.
- Stratejik Ortak (2018). *Dünden Bugüne Tüm Suriye Zirveleri(Kronolojik)*. (2018, April 4). Retrieved August 30, 2024, from Stratejik Ortak: <https://stratejikortak.com/2018/04/suriye-zirve-astana-cenevre-soci.html>.
- Świętek, H. (2017). The Yemen War: A Proxy War, or a Self-Fulfilling Prophecy. *Polish Quarterly of International Affairs*, 26(2), 38-54.
- Syrian Network for Human Rights (SNHR). (2017, March 22). *Joint Statement of Members of the International Syria Support Group*. Retrieved August 31, 2024 from <https://snhr.org/blog/2017/03/22/37858/>.
- Syrian Network for Human Rights (SNHR). (2023, August 20). *The 10th Anniversary of Two Ghoutas Attack: The Largest Chemical Weapons Attack by the Syrian Regime on Syrian Citizens*. Retrieved September 22, 2024 from <https://snhr.org/blog/2023/08/20/the-10th-anniversary-of-two-ghoutas-attack-the-largest-chemical-weapons-attack-by-the-syrian-regime-on-syrian-citizens/>.
- Şahin, Y., & İrdem, İ. (2017). PYD-YPG : Suriye'deki PKK. *Güvenlik Çalışmaları Dergisi*, 19(1), 21-45.
- Şentuna, T. (2019). Libya Askeri Müdahalesinin Uluslararası Hukuka Uygunluğu ve Koruma Sorumluluğu Kavramı Çerçevesinde Meşruiyeti. *The Turkish Yearbook of International Relations*, 50, 215-239.
- Terry, P. C. (2015). The Libya intervention (2011): neither lawful, nor successful. *The Comparative and International Law Journal of Southern Africa*, 48(2), 162-182.
- Tessler, M. (2009). *A History of the Israeli-Palestinian Conflict* (2. ed.). Indiana University Press.
- Thakur, R. (2011). *The Responsibility to Protect: Norms, Laws and the Use of Force in International Politics*. Routledge.

- Thakur, R. (2013). R2P after Libya and Syria: Engaging Emerging Powers. *The Washington Quarterly*, 36(2), 61–76.
<https://doi.org/10.1080/0163660X.2013.791082>.
- Thompson, D. (2017, January 25). *Responsibility While Protecting (RwP) and the Intervention in Yemen*. Ethics & International Affairs. Retrieved August 23, 2024 from <https://www.ethicsandinternationalaffairs.org/online-exclusives/responsibility-while-protecting-rwp-and-the-intervention-in-yemen>.
- Topal, A. (2013). İsrail'in Gazze Ablukası ve Mavi Marmara Saldırısı = (Israeli Blockade of Gaza and the Attack on Mavi Marmara). *Milletlerarası Hukuk ve Milletlerarası Özel Hukuk Bülteni*, 32(1), 103–154.
- Tzimas, T. (2018). Legal Evaluation of the Saudi-Led Intervention in Yemen: Consensual Intervention in Cases of Contested Authority and Fragmented States. *ZaöRV*, 78, 147-187.
- United Nations Economic and Social Council (UNESCO). (1998, February 2). *Report of the Representative of the Secretary-General, Francis M. Deng, submitted pursuant to Commission [on Human Rights] resolution 1997/39, E/CN.4/1998/53/Add.2*.
- United Nations General Assembly (1947, November 29). *Resolution Adopted on the Report of the Ad Hoc Committee on the Palestinian Question, A/RES/181(II)*.
- United Nations General Assembly (UNGA). (2004, December 2). *A More Secure World: Our Shared Responsibility: Report of the High-Level Panel on Threats, Challenges and Change*. Report of the Secretary-General, A/59/565.
- United Nations General Assembly (UNGA). (2005, October 24). *Resolution adopted by the General Assembly on 16 September 2005, 60/1. 2005 World Summit Outcome, A/Res/60/1*.
- United Nations General Assembly (UNGA). (2009a, January 12). *Implementing the Responsibility to Protect*. Report of the Secretary-General, A/63/677.

- United Nations General Assembly (UNGA). (2009b, September 25). *Human Rights in Palestine and Other Occupied Arab Territories*. Report of the United Nations Fact-Finding Mission on the Gaza Conflict. A/HRC/12/48.
- United Nations General Assembly (UNGA). (2010, July 14). *Early Warning, Assessment and the Responsibility to Protect*. Report of the Secretary-General, A/64/864.
- United Nations General Assembly (UNGA). (2012, February 12). *Resolution adopted by the General Assembly on 16 February 2012*, A/RES/66/253.
- United Nations General Assembly (UNGA). (2013, May 15). *Resolution adopted by the General Assembly on 15 May 2013*, A/RES/67/262.
- United Nations General Assembly (UNGA). (2014, January 30). *Resolution adopted by the General Assembly on 18 December 2013*, A/RES/68/182.
- United Nations General Assembly (UNGA). (2015a, March 5). *Human Rights Situation in The Occupied Palestinian Territory, Including East Jerusalem*. Report of the Secretary-General, A/HRC/28/45.
- United Nations General Assembly (UNGA). (2015b, June 24). *Human Rights Situation in Palestine and Other Occupied Arab Territories*. Report of the Independent Commission of Inquiry established pursuant to Human Rights Council Resolution S-21/1, A/HRC/29/52.
- United Nations General Assembly (UNGA). (2015c, July 13). *A Vital and Enduring Commitment: Implementing the Responsibility to Protect*. Report of the Secretary-General, A/69/981—S/2015/500.
- United Nations General Assembly (UNGA). (2016, July 22). *Mobilizing Collective Action: The Next Decade of the Responsibility to Protect*. Report of the Secretary-General, A/70/999—S/2016/620.
- United Nations General Assembly (UNGA). (2017, January 11). *Resolution adopted by the General Assembly on 21 December 2016*, A/RES/71/248

- United Nations General Assembly–Security Council (UNGA–SC). (2011, June 27). *The Role of Regional and Subregional Arrangements in Implementing the Responsibility to Protect*. Report of the Secretary-General, A/65/877–S/2011/393.
- United Nations General Assembly–Security Council (UNGA–SC). (2012a, July 6). *Identical letters dated 5 July 2012 from the Secretary-General addressed to the President of General Assembly and the President of the Security Council*. A/66/865–S/2012/522
- United Nations General Assembly–Security Council (UNGA–SC). (2012b, July 25). *Responsibility to Protect: Timely and Decisive Response*. Report of the Secretary-General, A/66/874–S/2012/578.
- United Nations General Assembly–Security Council (UNGA–SC). (2013a, July 9). *Responsibility to Protect: State Responsibility and Prevention*. Report of the Secretary-General, A/67/929–S/2013/399.
- United Nations General Assembly–Security Council (UNGA–SC). (2013b, September 16). Report of the United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic on the alleged use of chemical weapons in the Ghouta area of Damascus on 21 August 2013, A/67/997–S/2013/553.
- United Nations General Assembly–Security Council (UNGA–SC). (2013c, September 24). *Letter dated 19 September 2013 from the Permanent Representatives of the Russian Federation and the United States of America to the United Nations addressed to the Secretary-General*, A/68/398–S/2013/565.
- United Nations General Assembly–Security Council (UNGA–SC). (2014, July 11). *Fulfilling Our Collective Responsibility: International Assistance and the Responsibility to Protect*. Report of the Secretary-General, A/68/947–S/2014/449.
- United Nations General Assembly–Security Council (UNGA–SC). (2017a, August 10). *Implementing the responsibility to protect: Accountability for prevention*. Report of the Secretary-General, A/71/1016-S/2017/556.

- United Nations General Assembly–Security Council (UNGA–SC). (2017b, August 24). *Children and Armed Conflict*. Report of the Secretary-General, A/72/361 – S/2017/821.
- United Nations General Assembly–Security Council (UNGA–SC). (2018, June 6). *Responsibility to Protect: from Early Warning to Early Action*. Report of the Secretary-General, A/72/884 – S/2018/525.
- United Nations General Assembly–Security Council (UNGA–SC). (2019, June 10). *Responsibility to Protect: Lessons Learned for Prevention*. Report of the Secretary-General, A/73/898 – S/2019/463.
- United Nations General Assembly–Security Council (UNGA–SC). (2020, July 23). *Prioritizing Prevention and Strengthening Response: Women and The Responsibility to Protect*. Report of the Secretary-General, A/74/964 – S/2020/501.
- United Nations General Assembly–Security Council (UNGA–SC). (2021, May 3). *Advancing Atrocity Prevention: Work of The Office on Genocide Prevention and The Responsibility to Protect*. Report of the Secretary-General, A/75/863 – S/2021/424.
- United Nations General Assembly–Security Council (UNGA–SC). (2022, May 26). *Responsibility to Protect: Prioritizing Children and Young People*. Report of the Secretary-General, A/76/844 – S/2022/428.
- United Nations General Assembly–Security Council (UNGA–SC). (2023, June 6). *Development and the Responsibility to Protect: Recognizing and Addressing Embedded Risks and Drivers of Atrocity Crimes*. Report of the Secretary-General, A/77/910 – S/2023/409.
- United Nations High Commissioner for Refugees (UNHCR). (2024, April 10). *Syrian Arab Republic*. Retrieved October 1, 2024, from Operational Data Portal: <https://data.unhcr.org/en/country/syr>.

- United Nations Human Rights Council (UNHRC). (2011, November 23). *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*. A/HRC/S-17/2/Add.1
- United Nations Human Rights Council (UNHRC). (2012a, February 22). *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*. A/HRC/19/69.
- United Nations Human Rights Council (UNHRC). (2012b, August 16). *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*. A/HRC/21/50
- United Nations Human Rights Council (UNHRC). (2013b, July 18). *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*. A/HRC/23/58
- United Nations Human Rights Council (UNHRC). (2013c, August 16). *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*. A/HRC/24/46
- United Nations Human Rights Council (UNHRC). (2014a, February 12). *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*. A/HRC/25/65.
- United Nations Human Rights Council (UNHRC). (2014b, November 14). *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*. A/HRC/27/CRP.3.
- United Nations Human Rights Council (UNHRC). (2015a, February 5). *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*. A/HRC/28/69.
- United Nations Human Rights Council (UNHRC). (2015b, August 13). *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*. A/HRC/30/48.

- United Nations Human Rights Council (UNHRC). (2016a, February 3). *Out of Sight, Out of Mind: Deaths in Detention in the Syrian Arab Republic*, A/HRC/31/CRP.1.
- United Nations Human Rights Council (UNHRC). (2016b, June 15). “*They came to destroy*”: *ISIS Crimes Against the Yazidis*, A/HRC/32/CRP.2.
- United Nations Human Rights Council (UNHRC). (2016c, August 4). *Situation of Human Rights in Yemen*. Report of the United Nations High Commissioner for Human Rights. A/HRC/33/38.
- United Nations Human Rights Council (UNHRC). (2018a, August 9). *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*. A/HRC/39/65.
- United Nations Human Rights Council (UNHRC). (2018b, August 17). *Situation of human rights in Yemen, including violations and abuses since September 2014*. Report of the United Nations High Commissioner for Human Rights. A/HRC/39/43.
- United Nations Human Rights Council (UNHRC). (2024a, April 15). *Resolution adopted by the Human Rights Council on 5 April 2024*, A/HRC/RES/55/32
- United Nations Human Rights Council (UNHRC). (2024b, April 16). *Resolution adopted by the Human Rights Council on 5 April 2024*, A/HRC/RES/55/28
- United Nations Human Rights Council (UNHRC). (2024c, June 10). *Detailed findings on attacks carried out on and after 7 October 2023 in Israel*. Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel. A/HRC/56/CRP.3
- United Nations News (UN News). (2024, January 26). *UN world court calls for prevention of genocidal acts in Gaza*. Retrieved August 23, 2024 from <https://news.un.org/en/story/2024/01/1145937>.
- United Nations Office of the High Commissioner for Human Rights (OHCHR). (2011, April 25). *Pillay denounces escalation of Government crackdown in Syria, calls for immediate end to killings* (Press Release). Retrieved October 6, 2024 from

<https://www.ohchr.org/en/press-releases/2011/04/pillay-denounces-escalation-government-crackdown-syria-calls-immediate-end>.

United Nations Peacemaker (UNP). (2011, December 5). *Agreement on the Implementation Mechanism for the Transition Process in Yemen in Accordance with the Initiative of the Gulf Cooperation Council (GCC)*, Retrieved August 17, 2024 from <https://peacemaker.un.org/yemen-transition-mechanism2011>.

United Nations Security Council (UNSC). (1967, November 22). *Resolution 242 Adopted by the Security Council at its 1382nd Meeting*, S/RES/242.

United Nations Security Council (UNSC). (2006a, April 28). *Resolution 1674 Adopted by the Security Council at its 5430th Meeting*, S/RES/1674.

United Nations Security Council (UNSC). (2006b, August 31). *Resolution 1706 Adopted by the Security Council at its 5519th Meeting*, S/RES/1706.

United Nations Security Council (UNSC). (2011a, February 18). *Draft Resolution 24*, S/2011/24.

United Nations Security Council (UNSC). (2011b, February 18). *6484th Meeting*, S/PV.6484.

United Nations Security Council (UNSC). (2011c, February 26). *Resolution 1970 Adopted by the Security Council at its 6491st Meeting*, S/RES/1970

United Nations Security Council (UNSC). (2011d, March 17). *Resolution 1973 Adopted by the Security Council at its 6498th Meeting*, S/RES/1973

United Nations Security Council (UNSC). (2011e, April 27). *6524th Meeting*. S/PV.6524

United Nations Security Council (UNSC). (2011f, August 3). *Statement by the President of the Security Council*, S/PRST/2011/16.

United Nations Security Council (UNSC). (2011g, October 4). *Draft Resolution 612*, S/2011/612.

- United Nations Security Council (UNSC). (2011h, October 4). *6627th Meeting*, S/PV.6627.
- United Nations Security Council (UNSC). (2011i, October 21). *Resolution 2014 Adopted by the Security Council at its 6634th Meeting*, S/RES/2014.
- United Nations Security Council (UNSC). (2012a, January 31). *6710th Meeting*, S/PV.6710.
- United Nations Security Council (UNSC). (2012b, February 4). *Draft Resolution 77*, S/2012/77.
- United Nations Security Council (UNSC). (2012c, February 4). *6711th Meeting*, S/PV.6711.
- United Nations Security Council (UNSC). (2012d, April 4). *Statement by the President of the Security Council*, S/PRST/2012/10
- United Nations Security Council (UNSC). (2012e, April 14). *Resolution 2042 Adopted by the Security Council at its 6751st Meeting*, S/RES/2042.
- United Nations Security Council (UNSC). (2012f, April 21). *Resolution 2043 Adopted by the Security Council at its 6756th Meeting*, S/RES/2043.
- United Nations Security Council (UNSC). (2012g, June 12). *Resolution 2051 Adopted by the Security Council at its 6784th Meeting*, S/RES/2051.
- United Nations Security Council (UNSC). (2012h, June 19). *Draft Resolution 538*, S/2012/538.
- United Nations Security Council (UNSC). (2013a, August 20). *7020th Meeting*, S/PV.7020.
- United Nations Security Council (UNSC). (2013b, September 27). *7038th Meeting*, S/PV.7038.
- United Nations Security Council (UNSC). (2013c, September 27). *Resolution 2118 Adopted by the Security Council at its 7038th Meeting*, S/RES/2118.

- United Nations Security Council (UNSC). (2014a, February 22). *Resolution 2139 Adopted by the Security Council at its 7116th Meeting*, S/RES/2139.
- United Nations Security Council (UNSC). (2014b, February 26). *Resolution 2140 Adopted by the Security Council at its 7119th Meeting*, S/RES/2140.
- United Nations Security Council (UNSC). (2014c, May 22). *Draft Resolution 348*, S/2014/348.
- United Nations Security Council (UNSC). (2014d, July 14). *Resolution 2165 Adopted by the Security Council at its 7216th Meeting*, S/RES2165.
- United Nations Security Council (UNSC). (2014e, August 15) *Resolution 2170 Adopted by the Security Council at its 7242nd Meeting*, S/RES/2170.
- United Nations Security Council (UNSC). (2014f, September 22). *Letter dated 20 September 2014 from the Permanent Representative of Iraq to the United Nations addressed to the President of the Security Council*, S/2014/691.
- United Nations Security Council (UNSC). (2014g, September 30). *7527th Meeting*, S/PV.7527
- United Nations Security Council (UNSC). (2015a, February 15). *Resolution 2201 Adopted by the Security Council at its 7382nd Meeting*, S/RES/2201.
- United Nations Security Council (UNSC). (2015b, February 20). *Letter dated 20 February 2015 from the Panel of Experts on Yemen established pursuant to Security Council resolution 2140 (2014) addressed to the President of the Security Council*. S/2015/125.
- United Nations Security Council (UNSC). (2015c, March 22). *Statement by the President of the Security Council*, S/PRST/2015/8
- United Nations Security Council (UNSC). (2015d, March 27). *Identical letters dated 26 March 2015 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General and the President of the Security Council*. S/2015/217.

- United Nations Security Council (UNSC). (2015e, April 14). *Resolution 2216 Adopted by the Security Council at its 7426th Meeting*, S/RES/2216.
- United Nations Security Council (UNSC). (2015f, December 18). *Resolution 2254 Adopted by the Security Council at its 7588th Meeting*, S/RES/2254.
- United Nations Security Council (UNSC). (2015g, December 22). *Resolution 2258 Adopted by the Security Council at its 7595th Meeting*, S/RES/2258.
- United Nations Security Council (UNSC). (2016a, December 21). *Resolution 2332 Adopted by the Security Council at its 7849th Meeting*, S/RES/2332.
- United Nations Security Council (UNSC). (2016b, December 23). *Resolution 2334 Adopted by the Security Council at its 7853rd Meeting*, S/RES/2334.
- United Nations Security Council (UNSC). (2016c, December 23). *7853rd Meeting*, S/PV.7853.
- United Nations Security Council (UNSC). (2016d, December 31). *Resolution 2336 Adopted by the Security Council at its 7855th Meeting*, S/RES/2336.
- United Nations Security Council (UNSC). (2017a, December 18). *Draft Resolution 1060*, S/2017/1016.
- United Nations Security Council (UNSC). (2017b, December 18). *8139th Meeting*, S/PV.8139.
- United Nations Security Council (UNSC). (2017c, December 19). *Resolution 2393 Adopted by the Security Council at its 8141st Meeting*, S/RES/2393.
- United Nations Security Council (UNSC). (2018a, April 10). *Draft Resolution 321*, S/2018/321.
- United Nations Security Council (UNSC). (2018b, June 1). *Draft Resolution 516*, S/2018/516.
- United Nations Security Council (UNSC). (2018c, June 1). *8274th Meeting*, S/PV.8274.

- United Nations Security Council (UNSC). (2018c, December 13). *Resolution 2449 Adopted by the Security Council at its 8423rd Meeting*, S/RES/2449.
- United Nations Security Council (UNSC). (2019a, January 9). *Letter dated 31 December 2018 from the Secretary-General addressed to the President of the Security Council*. S/2019/28.
- United Nations Security Council (UNSC). (2019b, January 16). *Resolution 2452 Adopted by the Security Council at its 8444th Meeting*, S/RES/2452.
- United Nations Security Council (UNSC). (2019c, September 19). *Draft Resolution 756*, S/2019/756.
- United Nations Security Council (UNSC). (2023a, October 18). *Draft Resolution 773*, S/2023/773.
- United Nations Security Council (UNSC). (2023b, October 18). *9942nd Meeting*, S/PV.9442.
- United Nations Security Council (UNSC). (2023c, December 8). *Draft Resolution 970*, S/2023/970.
- United Nations Security Council (UNSC). (2023d, December 8). *9499th Meeting*, S/PV.9499.
- Waisová, Š. (2003). Human Security — the Contemporary Paradigm? *Perspectives*, (20), 58-72.
- Welsh, J. (2012). The Responsibility to Protect: Dilemmas of a New Norm. *Current History*, 111(748), 291-298.
- Welsh, J. M. (2013). Norm Contestation and the Responsibility to Protect. *Global Responsibility to Protect*, 5, 365-396.
- Welsh, J. M. (2019). Norm Robustness and the Responsibility to Protect, *Journal of Global Security Studies*, 4(1), 53-72, <https://doi.org/10.1093/jogss/ogy045>.

- Welsh, J. M. (2021). The Security Council's Role in Fulfilling the Responsibility to Protect. *Ethics & International Affairs*, 35(2), 227-243.
- Western, J. (2009). Humanitarian Intervention, American Public Opinion, and the Future of R2P. *Global Responsibility to Protect*, 1(3), 324-345
- White, N. D. (1994). HUMANITARIAN INTERVENTION. *International Law and Armed Conflict Commentary*, 1(1), 13-27.
- Wiener, A. (2014). *A Theory of Contestation*. Heidelberg and New York: Springer.
- Winter, L. (2011). Conflict in Yemen: Simple People, Complicated Circumstances. *Middle East Policy*, 18(1), 102-120.
- Wintour, P. (2017, December 4). *Yemen Houthi rebels kill former president Ali Abdullah Saleh*. Retrieved June 25, 2024, from The Guardian: <https://www.theguardian.com/world/2017/dec/04/former-yemen-president-saleh-killed-in-fresh-fighting>
- Zifcak, S. (2012). The Responsibility to Protect after Libya and Syria. *Melbourne Journal of International Law*, 13(1), 59-93.