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**The Legitimacy Issue in Turkey's Military Interventions
in Syria and Libya**

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The uppermost principles in international law are the prohibition of the use of force, the territorial integrity and sovereignty of states. Even though these principles have been repeatedly violated in essence and in practice, governments are readily available to provide justification and pretext when they intervene in the domestic affairs of other countries, especially if the intervention is of a military nature. A country needs to justify its military operations in a foreign country if they are constituting an intervention into domestic jurisdiction. This is especially true if consent of a sitting government will be disregarded.

As its troop deployments in Syria and Libya are constituting an intervention into domestic jurisdiction, Turkey needed to show that it is complying with the international laws as well as setting out the rationale for its military operations in those countries. To justify its military operations in Syria, Turkey has referred to self-defense and counterterrorism, and vaguely invoked humanitarian intervention and responsibility to protect civilians. In Libya, however, Turkey invoked UN resolutions and bilateral security agreements for its operations. These differences in Turkey's discourse for these operations had also an impact on its military actions and their nature. In this regard, Turkey's woes in Syria in terms of conducting military operations are, among other things, related to the fact that it is at odds with the sitting government of Syria. In the same vein, Turkey's ease at deploying troops and running overseas military operations in Libya is related to the fact that it is siding with the internationally recognized Tripoli government. These means of justifications were instrumental in preparing the ground for Turkey's military engagements in Syria and Libya. It is important to highlight that direct military engagement of a foreign country in regional conflicts would shift the overall balance on the battlefield.

In the classical Westphalian system of international relations, territorial integrity and non-intervention in domestic affairs are sacrosanct. This system is based on the assumption of the sovereign equality of all its members. All members are states, the uppermost actors of international relations, and are free to act as they please within their territories. This principle is enshrined by the article 2 of the UN Charter: "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter." While this established norm was essentially aiming at

maintaining international peace and security, it has also a blind spot when it comes to preventing gross violation of human rights, ethnic cleansings, genocides, civil wars and so on which fall within the domestic jurisdiction of a state.

In the near history, gross violation of human rights has been a forefront agenda item for international society in certain jurisdictions and has been mostly addressed under the concept of humanitarian intervention. Basically, humanitarian intervention is a calculated and uninvited breach of state sovereignty. [This principle](#) relies upon (usually military) actions undertaken by a state or a coalition of states “that are intended to alleviate extensive human suffering within the borders of a sovereign state.” This concept was actively employed in the 1990’s to interfere in internal conflict and state failures in Bosnia, Rwanda, Sierra Leone and Somalia. While in some cases, the UN Security Council gave a green light for humanitarian intervention, in others, such as Kosovo, a coalition of willing states acted without invoking the UN mechanisms.

At its face, the principle of humanitarian intervention is a breach of the principle of state sovereignty. This dilemma was well explained by the Former Secretary-General of the United Nations [Kofi Annan](#) as such: “if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica, to gross and systematic violation of human rights that offend every precept of our common humanity?” At the 2005 World Summit, the UN members endorsed this statement by adopting a novel principle: responsibility to protect. This principle [entailed](#) that “each individual state has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity.” One of three pillars of this principle stresses “the responsibility of the international community to protect when a State is manifestly failing to protect its populations.” With this principle, if a state fails to protect its own population or worse it is the perpetrator of the crimes, the international community has an inherent right to step in. Thus, the international community has now a mechanism to intervene in the domestic jurisdiction of a member state. Nevertheless, the existence of this principle is not a green light for individual states to arbitrarily intervene in other’s sovereignty. It is important to highlight that such an intervention can only take place collectively by the international community and only through the UN Security Council (“UNSC”) mechanisms. Otherwise, the international peace and security would be threatened by unilateral and arbitrary actions of

more powerful states at the expense of the uppermost principles of the prohibition of use of force, and the principle of territorial integrity.

Taking into account these principles, it is quite clear that international law is not really permissive of military interventions into other states' sovereignty and internal affairs. This position is becoming especially arguable where there is no UNSC resolution. If the UN Security Council cannot agree on an intervention, a sitting government has a tremendous capacity to inflict violence on its opponents within its territory, in theory and unfortunately in practice. Unsurprisingly, a better way to deploy troops in a foreign country is to get the consent of the sitting government with written agreement. Besides, when a government is considered as a legal representative of a state, it can cement a formal military cooperation agreement with its foreign allies. In other words, the ones who decide to side with "legitimate powers" have a free hand to support its allies with boots on the ground.

Turkey's engagements in Syria

In the aftermath of the Tunisian revolution that ended the rule of longtime president Ben Ali in January 2011, similar demonstrations spread to other Arab countries. The Egyptians, the Libyans, the Yemenis, the Iraqis and other Arab citizens also started to demonstrate against their rulers. The authoritarian government of Syria was not spared from popular protests. When the Syrian government responded to demonstrations in a heavy-handed manner and used violence to suppress the protests in 2011, it did not take long before the events in Syria had expanded into a full-fledged civil war.

At the very beginning of the demonstrations in Syria, Turkey tried to mediate between the Syrian president, Bashar al-Assad, and the protestors. It advised Damascus to introduce some democratic measures that would calm the situation in Syria. When it became clear that the Syrian government whose security apparatus was dominated by Alawites, would quash the demonstrations in brutal manner, Ankara decided to side with the insurgents who were mainly Sunnis. Turkey's engagement to the Syrian civil war started with heavily criticizing the Syrian government. It went on with middle-scale intervention into Syria by providing training to the opposition, delivering weapons to them, and turning a blind eye to the flow of fighters going to Syria through its porous borders to fight against the Assad government.

Turkey, however, did not provide aid to the insurgents in an open manner. After all, Turkey always expressed discontent with al-Assad government because of its support to the PKK, designated a terrorist organization by Turkey. And it had [overtly threatened](#) Syria with war in 1998 as it was harboring Abdullah Öcalan, the leader of the PKK in its territory. Turkey decided to recognize the National Coalition of Syrian Revolution and Opposition Forces [as the sole legitimate representative](#) of the Syrian people in December 2012. Thus, Turkey could comfortably lend some support to the opposition. The fact that Turkey does not recognize Bashar al-Assad and his government as legitimate representatives of Syria did not hamper Damascus' ability to strike a security agreement with Russia in 2015, one of the most critical turning points of the Syrian civil war.

Turkey's large-scale military intervention on Syrian territory began only in August 2016. Ankara declared in August 2016 that the main objective of Operation Euphrates Shield was to eradicate DEASH [ISIS] presence from the Syrian territories. Turkey's military operations were indeed limited to ISIS held territory in northern Syria. Ankara then opened a new front by launching Operation Olive Branch against "the threat posed by the PKK/YPG terrorist elements in Syria" in 2018. Turkey declared that "[t]he objectives of the Operation Olive Branch were to ensure our border security, to neutralize terrorists in Afrin and to liberate the local population from the oppression and tyranny of terrorists." Turkey expanded its operations against the YPG with Operation Peace Spring in 2019, this time after convincing the Trump administration of the necessity of such an operation. Turkish Foreign Ministry [stated](#) that "[t]he objectives of the Operation Euphrates Shield were to eliminate the terror threat to our national security, contribute to the preservation of Syria's territorial integrity and unity, liberate the local population from the oppression and tyranny of the terrorists and lay the ground for the dignified, safe and voluntary returns of displaced Syrians." In the same vein, while answering to the criticism raised by the Syrian government's representative to the UN about Turkey's military operations in Syria, [Feridun Sinirlioğlu](#), permanent representative of Turkey to the United Nations declared that "Operation Peace Spring was a limited cross-border counter-terrorism operation to fight such terrorist organizations as the PKK, the PYD, the YPG and Da'esh [ISIS]. I therefore flatly reject and strongly condemn any representation of our counter-terrorism operations as an offensive or aggression."

Along with these operations Turkey began to deploy permanent troops on Syrian soil and took control of some territories from the hands of ISIS and the YPG in northern Syria. It is noteworthy that ISIS and the YPG do not enjoy the same degree of legitimacy as the Syrian government and state itself. The ISIS is a terrorist organization par excellence for the rest of the world. While the YPG enjoyed some foreign backing because of its usefulness in the fight against the ISIS, it is a de facto local power within Syria, but it is definitely not a governmental entity.

During its operations in the Syrian territory, Turkey mostly eschewed directly confronting Syrian government forces. However, the inevitable armed conflict between Ankara and Damascus broke out in February 2020 after sustained attacks on the Turkish army's posts in Idlib. The Syrian government's attacks on Idlib also threatened to trigger a massive exodus of Syrian refugees, up to three million people, into Turkey's territory. Turkey launched the Operation Spring Shield on February 29, 2020. Turkish Defense Minister [Hulusi Akar](#) said that this launched operation is based on "the self-defense right stipulated in Article 51 of the U.N. Charter, the Adana Agreement, the Astana Peace Process and the Sochi Deal." This last armed conflict which was concentrated on Idlib province ended after an agreement between Turkey and Russia in March 2020 by reemphasizing the importance of Idlib de-escalation area.

As of 2020, it is estimated that [Turkey has retained](#) between 10,000 and 15,000 troops in northwest Syria where about 4 million people live outside Syrian government control. The security of this stretch of territory is very precarious and totally rely upon Turkish armed forces. The safe zone areas under direct Turkish control are Tel Abyad, Jarablus, and Afrin. Idlib is under Turkey's sphere of influence but ruled by an autonomous administration. It is quite certain that without Turkey's armed presence, these territories cannot last long against the Syrian government assaults. It can also be said that under the current state of affairs, Turkey would mostly endeavor to secure its gains, instead of expanding its sphere of influence in Syria.

In overall, Ankara generally justified all of these military operations in Syrian territory by emphasizing that it aimed at eliminating the threats posed by terrorists to its national security or invoking self-defense. None of its military actions in Syria were justified by Turkish authorities by invoking a specific international treaty, a resolution of the UN

Security Council, or a bilateral agreement with Syria that would boost the legitimacy of conducting military operations in a foreign country. Although Turkey often makes references to some UNSC resolutions for its Syrian foreign policy such as the UNSC resolution 2254 (2015), Geneva Process, and Constitutional Committee, all of these being UN remarks calling for a United Nations-sponsored, Syrian-led and Syrian-owned political solution in Syria. These resolutions and processes ask for a compromise between “the representatives of the Syrian government and the opposition”, thus recognizing the Bashar al-Assad government and the opposition as legitimate actors. The above-mentioned UN resolutions are not, however, in any way permissive of a foreign military intervention. The Astana platform, on the other hand, is mainly a trilateral mechanism between Turkey, Russia and Iran outside the auspices of the UN. This platform is probably the most influential venue about Syria because it essentially represents the main foreign combatting armed forces in the battlefields of Syria, not because it generates legitimacy for military interventions in Syria.

In order to comprehend and compare how the nature and scope of Turkey’s intervention would change in presence of a UNSC resolution or a bilateral agreement with Syria, it is appropriate to look at the developments in Libya in 2019.

The Libyan Civil War

Libya’s decades long authoritarian ruler Gaddafi was overthrown following the UN Security Council resolution 1973 (2011) in an international military intervention in 2011. This resolution, which invoked the "responsibility to protect" doctrine for the Libyan population, authorized ‘all necessary measures’ to protect civilians, including a ‘no-fly zone’ over Libya. A new Tripoli-based Government of National Accord ("GNA") was founded in 2015 under a UN-led agreement. This internationally recognized government however was unable to extend its authority throughout Libya. The House of Representatives, based in Tobruk, rejected the GNA’s proposition for a government of national unity in 2016. Then a civil war between the internationally recognized Tripoli-based GNA and the Benghazi-based Libyan National Army ("LNA") broke out. In September 2016, the LNA seized oil export terminals in eastern Libya under the leadership of Khalifa Haftar. In April 2019, the Haftar forces started to march on Tripoli in order to take over the Tripoli government by force.

Haftar is supported by several states such as France, Egypt, Russia and the United Arab Emirates for various reasons. These countries have offered to the LNA advanced

military equipment, diplomatic clout and mercenaries. When it became obvious to the GNA that it would not be able to resist to the advances of the LNA by itself, it turned to Turkey and Qatar for help and the GNA officially requested military help from Turkey. To make it legal, [Turkey signed an agreement](#) on security and military cooperation with the internationally recognized GNA on November 27, 2019 in Istanbul which enabled a direct Turkish military intervention in Libya. In this regard, [President of Turkey Erdogan](#) said that: “We will go to places where we are invited to, and not go to places we are not invited to. At the moment, since there is such an invitation, we will accept this invitation... We are siding with Libya's legal government... We will give the administration in Tripoli every kind of support against the coup-plotting general who is supported by various European and Arab countries.”

In the same vein, Turkish Foreign Ministry criticized France (and other nations as well) who sided with Haftar as follows:

“France has fueled the Libyan crisis by extending its support to putschist and pirate Haftar, who attempts to create an authoritarian regime in the country by overthrowing the legitimate government... Turkey supports the internationally recognized government in Libya upon its request and pursuant to the UN resolutions. While Turkey sides with the legitimate government in Libya, France backs a putschist and a person without any legitimate status whatsoever, contrary to the UN and NATO resolutions. While Turkish actions in Libya are legitimate, [France pursues](#) its obscure policies as in Syria and acts as a foreign policy subcontractor of some countries in the region.”

On the other hand, the UN acting envoy for Libya Stephanie Williams said that at least 20,000 [foreign fighters and mercenaries](#) – including Russians, Syrians, Sudanese and Chadians are fighting now in Libya and “that is a shocking violation of Libyan sovereignty ... a blatant violation of the arms embargo.” Upon this remark, the Foreign Ministry of the GNA spokesman Mohammed Al-Qablawi rejected any allusion to the Turkish presence in Libya by Williams. He [affirmed](#) that Libya’s security and military cooperation with Turkey is legitimate and in accordance with international law and added that “The Libyan-Turkish agreements can't be equated with the support Haftar receives from several countries in the form of mercenaries and weapons.”

After the official legitimizing request of a formal invitation from Libya, Turkey sent several military officers and thousands of Syrians fighters to fight alongside the Tripoli based

GNA against the LNA. Moreover, Turkey provided sophisticated military equipment such as air defense systems and armed drones, as well as technical assistance and personnel that would help to operate them. With boots on the ground and a bilateral agreement to legitimize use of force in Libya, Turkey and the GNA were able to quickly reverse Haftar's territorial gains in Western Libya and pushed back the LNA to the Sirte line. While Haftar's forces were enjoying the assistance of Russian mercenaries and utilizing advanced weaponry provided by his sponsors, he could not endure the sustained attacks of the GNA supported by Turkey. The sweeping victories of the upgraded GNA army not only quashed Haftar's aspirations to unify Libya under his command, but also seriously weakened the LNA. The possibility of the total collapse of the LNA drew strong reactions from its foreign allies. For instance, Egypt declared Sirte as its red line and President of Egypt al-Sisi even threatened that if this red line was not respected, [Egypt would militarily intervene](#) in Libya by deploying troops to its neighbor. The warring sides at last signed a permanent ceasefire deal in October 2020.

Conclusion

Every major peace process in the Syrian and Libyan civil wars, including ceasefires, was preceded by heavy fighting. As every achievement is directly related to success on the battlefield, those who have a greater military supremacy also have better results in shaping the future of these countries. In Syria and Libya, the size of fighting forces does not reach hundreds of thousands of fighters but are in tens of thousands. For instance, in Libya it is [estimated](#) that the GNA has more than thirty thousand fighters, while the LNA has a force of some twenty-five thousand fighters. So if one side can increase its numbers by securing help from a foreign government, even a little effort can tilt the balance on the battlefield. The bigger presence of a combatant foreign army with a more lethal power is, inter alia, related to the fact if the international law permits it or not.

When a foreign government militarily intervenes into a domestic jurisdiction with the consent of a sitting government, it is better for this intervention to be carried out with an agreement or a treaty that provide both legitimacy and justification. The lack of an international treaty or a bilateral agreement put severe limits on Turkey's ability to install a friendly government in its neighboring Syria. On the other hand, thanks to the presence of bilateral security agreements, Turkey was also able to exert considerable influence in overseas Libya by saving the Tripoli government from an imminent defeat using its military

capabilities. This is one of the reasons why Turkey continuously [emphasizes](#) that the GNA is “the only legitimate executive body representing Libya” and that Turkey will keep on “exerting every effort for Libyan people to secure peace and stability.”

In light of the foregoing, it can be said Turkey’s woes in the Syrian civil war in terms of conducting military operations on its neighbor’s territory are, among other things, related to the fact that it is at odds with the sitting government of Syria. In the same vein, it can be claimed that Turkey’s ease at deploying troops and running overseas military operations in Libya is related to the fact that it is siding with the internationally recognized Tripoli government. These differences also become apparent in Turkey’s discourse to legitimize its military actions and their nature.

It is for sure that legitimacy cannot explain all the factors in the nature and scope of Turkey’s intervention to Syria and Libya. These countries have different geographical and demographical compositions. Besides, these are ongoing civil wars with foreign armies fighting on the scene, which makes it hard to predict what will be the outcomes. And it is for sure that legitimacy will not necessarily be the prevailing factor. Nevertheless, the path to success is much longer and costs more money if one party cannot legally strike a security deal with another nation as “its peer.”

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