ISSLP

Original Research

Türkiye's Practice Concerning Preemptive Self-Defense under Customary International Law

Shabnam. Ghorbanpour[1], Hosein. Rostamzad[2*], Babak. Pourghahremani[3]

[1] Department of Public International Law, Mar.C., Islamic Azad University, Maragheh, Iran
[2] Department of International Law, CT.C., Islamic Azad University, Tehran, Iran
[3] Department of Criminal Law and Criminology, Mar.C., Islamic Azad University, Maragheh, Iran

*** Corresponding author email address**: Hosein.rostamzad@iau.ir

Received: 2026-07-21 **Revised:** 2026-10-20 **Accepted:** 2026-10-27 **Initial Publish:** 2026-10-30 **Final Publish:** 2027-08-01

The expansion of cross-border threats posed by non-state armed groups has intensified legal debates concerning the scope of self-defense under customary international law, particularly where a state resorts to force before an anticipated attack has fully materialized. This article examines Türkiye's reliance on preemptive self-defense in its cross-border military operations in northern Iraq and northern Syria and evaluates whether such practice is consistent with the requirements governing the use of force in international law. The study adopts a qualitative, descriptive-analytical legal approach and focuses on the distinction between self-defense in response to an armed attack, anticipatory or preemptive self-defense against an imminent attack, and preventive military action against more remote or speculative threats. Particular attention is given to the armed-attack threshold, imminence, necessity, proportionality, territorial sovereignty, self-defense against non-state armed groups, and the legal implications of the territorial state's consent, inability, or objection. Türkiye's operations against the Kurdistan Workers' Party in northern Iraq and its military actions in northern Syria, particularly Operation Olive Branch and Operation Peace Spring, are examined as separate legal situations rather than as a single continuous practice. The findings indicate that the persistent existence of a security threat, the terrorist designation of an armed organization, or concerns regarding border security cannot independently justify the use of force within another state's territory. Each operation requires an individualized assessment of the specific attack or threat, the evidence of imminence, the availability of less intrusive alternatives, and the scope and duration of the military response. The study further finds that Türkiye's practice contributes to ongoing international debate concerning self-defense against non-state actors but is insufficient, by itself, to establish a general customary rule authorizing preemptive or preventive military action. Accordingly, preemptive self-defense must remain narrowly interpreted and clearly distinguished from preventive uses of force based on uncertain future threats.

Keywords: *Türkiye; Preemptive Self-Defense; Customary International Law; Use of Force; Article 51; Non-State Armed Groups; PKK; Imminence*

How to cite this article:
Ghorbanpour, S., Rostamzad, H., & Pourghahremani, B. (2027). Türkiye's Practice Concerning Preemptive Self-Defense under Customary International Law. *Interdisciplinary Studies in Society, Law, and Politics, 6*(8), 1-18. https://doi.org/10.61838/kman.isslp.614

1. Introduction

The prohibition on the threat or use of force constitutes one of the central organizing principles of the contemporary international legal order. The legal architecture established after the Second World War was designed to restrict unilateral military action and to place the maintenance of international peace and security within an institutional framework in which force would be exceptional rather than a routine

© 2027 The authors. Published by KMAN Publication Inc. (KMANPUB). This is an open access article under the terms of the Creative Commons Attribution-NonCommercial 4.0 International (CC BY-NC 4.0) License.

instrument of foreign policy. The emergence of this framework represented a substantial transformation from earlier periods in which recourse to war was treated more readily as an attribute of state sovereignty. Historical studies of the development of the international law governing force demonstrate that the gradual restriction of war culminated in a Charter-based system that seeks to confine lawful military action to narrowly defined situations (Fazaeli & Karami, 2020). The general prohibition on force is therefore not simply a procedural limitation upon states but a foundational principle that structures relations among them. Legal analyses of the United Nations system similarly emphasize that the prohibition is closely connected with the protection of territorial integrity, political independence, and the stability of the international order (Rezaei et al., 2019). Within this framework, self-defense remains the most important unilateral exception to the prohibition. Yet the precise temporal and substantive boundaries of this exception have remained controversial, particularly when a state claims that force must be used before an anticipated attack has fully materialized.

The controversy surrounding preemptive self-defense arises from the tension between two competing legal and security considerations. On the one hand, international law seeks to prevent states from invoking speculative threats as justification for attacking other states. If a government were permitted to characterize any perceived future danger as an impending attack, the prohibition on force could be weakened substantially. On the other hand, the realities of contemporary security threats raise the question of whether a state must invariably wait until a hostile attack has already occurred before acting in defense of its population and territory. The modern debate therefore turns not only on the existence of a right of self-defense, but also on the point in time at which that right may lawfully be exercised. The transformation of the concept of self-defense following major changes in international security, particularly after the terrorist attacks of September 11, 2001, intensified this debate and encouraged broader interpretations of the circumstances in which defensive force might be used (Sharifi, 2003). The legal significance of terrorism in this field is especially important because violent attacks may be carried out by non-state organizations operating from the territory of another state, complicating the traditional interstate model of armed attack and defense (Karamzadeh, 2003).

The distinction between anticipatory or preemptive self-defense and preventive war is central to the present inquiry. Preemptive self-defense is generally associated with action directed against an attack that has not yet occurred but is claimed to be imminent, whereas preventive force is directed against a threat that may develop in the more distant future. This distinction is not merely terminological. It determines whether a military action can plausibly be connected to the immediate defensive logic underlying self-defense or whether it becomes an attempt to eliminate a potential future adversary. Legal scholarship examining preemptive and preventive doctrines has repeatedly warned against collapsing these categories because doing so would permit states to stretch defensive claims far beyond the traditional requirements governing the use of force (Armand, 2013). Earlier discussions of preventive defense likewise emphasized that the legitimacy of acting before an attack depends on the immediacy and seriousness of the danger rather than on the mere existence of hostile intentions or an unfavorable strategic environment (Behestani, 2008). The core difficulty is consequently one of legal characterization: a government may describe an operation as preemptive, while the underlying facts indicate that the threat was uncertain, remote, or part of a broader long-term security problem.

This difficulty has become especially visible in Türkiye's security policy toward armed groups operating in neighboring Iraq and Syria. For decades, Türkiye has regarded the activities of the Kurdistan Workers' Party, commonly known as the PKK, as a major national security threat. Türkiye has also treated certain armed Kurdish organizations operating in northern Syria as closely connected to the PKK and has justified several cross-border military actions by invoking border security, counterterrorism, and self-defense. Türkiye's military posture cannot be understood without acknowledging the importance traditionally assigned to security and military preparedness within Turkish strategic thinking. Earlier assessments of Türkiye's defense policy noted the significant role of military modernization and strategic depth in the country's approach to regional security (Hickok, 2000). More

recent regional developments, particularly the Syrian conflict, transformed the environment within which Türkiye perceived threats along its southern frontier. The geopolitical dimensions of the Syrian crisis intensified rivalry, insecurity, territorial fragmentation, and the involvement of multiple state and non-state actors (Dehshiar & Aminabadi, 2022). Türkiye's policies toward Syria accordingly developed within a security environment that was exceptionally complex, but the existence of such complexity cannot itself determine whether particular uses of force were lawful.

The Syrian crisis is particularly important because the weakening of centralized territorial control created spaces in which numerous armed organizations operated while regional and international powers pursued competing objectives. Studies of regional security have associated such conditions with the emergence of power vacuums that create opportunities for non-state actors and increase uncertainty among neighboring states (Salehi & Zare, 2017). Türkiye viewed some armed Kurdish forces controlling territory near its border as an extension of, or strategically connected to, the PKK. The legal question, however, is different from the political and security question. Whether Türkiye considers such groups threatening does not by itself establish that an armed attack within the meaning of the law of self-defense has occurred or is genuinely imminent. Research examining Turkish foreign policy in the Syrian crisis demonstrates that domestic security perceptions, regional competition, ideological factors, and strategic calculations have all influenced Ankara's conduct (Mahmoudikia & Farhadi, 2019). These factors are relevant to understanding state behavior, but a legal evaluation must separate political motivation from legal justification.

The same distinction is required in relation to Türkiye's military operations in northern Iraq. The presence of PKK forces in mountainous areas of Iraq has long generated cross-border tensions. Türkiye has argued that armed activities originating from Iraqi territory endanger its national security and has undertaken military operations beyond its borders against positions associated with the organization. Yet the persistence of a security threat does not automatically satisfy the legal requirements governing self-defense. International law requires an assessment of whether the conduct attributed to the armed group reaches the threshold of an armed attack, whether cross-border military force was necessary to address that attack, whether the scale and duration of the response were proportionate, and whether the territorial rights of Iraq were properly taken into account. General legal scholarship concerning self-defense has long emphasized that the lawful use of defensive force depends upon criteria that restrict unilateral assessments by states and require a close connection between the threat and the military response (Reisman, 1985). The fact that an armed group is designated as terrorist cannot substitute for these conditions.

The contemporary debate is further complicated by the growing tendency of some states to invoke self-defense against attacks by non-state actors even when those attacks cannot readily be attributed to another state. The traditional law of self-defense developed primarily in the context of interstate conflict, but terrorism and transnational armed groups have challenged this model. The post-September 11 environment produced particularly strong arguments that international law must permit defensive action against non-state organizations capable of conducting severe attacks across national borders. The legal discussion following those attacks examined whether terrorism could trigger the right of self-defense and whether force could be directed against groups located abroad without satisfying the traditional rules of state attribution (Tohidifar, 2003). The United States became the leading advocate of a broader security conception in which states would not necessarily wait for threats to mature fully before acting. The strategic approach associated with the Bush administration explicitly promoted the possibility of anticipatory action against emerging dangers (Bush, 2006). The significance of that policy extended beyond the United States because it stimulated a broader legal debate over whether older standards of imminence remained sufficient in an era of transnational terrorism and rapidly evolving military technologies.

Nevertheless, changes in security doctrine cannot by themselves create new rules of customary international law. Customary law requires both sufficiently general state practice and an accompanying belief that such conduct is legally required or permitted. A policy announced by one government may contribute to the evidentiary record concerning customary law, but it cannot independently transform a contested doctrine

into an accepted legal rule. This distinction is essential in assessing Türkiye's practice. Statements made by Turkish officials, notifications addressed to international institutions, the conduct of Turkish armed forces, and the reactions of Iraq, Syria, and other states may all contribute to the analysis of practice and opinio juris. They must, however, be evaluated within the wider international context. Theories of international relations demonstrate that state behavior is shaped by security competition and perceptions of power as well as by legal norms (Pfaltzgraff & Dougherty, 2004). The mere repetition of conduct therefore cannot automatically be regarded as evidence of legal conviction. A state may act for strategic reasons while simultaneously advancing a contested legal justification.

The problem becomes particularly significant when the claim of preemptive self-defense is linked to a continuing or recurring threat. If a state faces repeated attacks from an armed organization, it may argue that the danger is not confined to a single incident and that defensive action must address an ongoing campaign. Yet such reasoning can also blur the distinction between responding to an armed attack and attempting to eliminate a long-term security problem through sustained military operations. Scholarship critical of preemptive war has warned that broad concepts of anticipatory action may create insecurity by allowing governments to characterize strategic competitors as future threats and to use force before objective conditions justify military action (Hasani, 2012). The concern is especially acute where military operations continue for extended periods or involve control of territory beyond the immediate neutralization of a specific attack.

Türkiye's practice offers a particularly useful case through which to analyze these questions because its military actions in Iraq and Syria combine several disputed issues within the law of force. They involve non-state armed actors, territorial operations without clearly established consent in every case, claims relating to continuing terrorist threats, references to Article 51 of the United Nations Charter, and arguments about threats described as imminent. The operations also occur in different factual and legal contexts. Northern Iraq presents a long-running pattern of conflict involving the PKK and contested questions concerning the territorial state's capacity and consent. Northern Syria involves the consequences of civil war, changing territorial control, competing armed organizations, and explicit Syrian objections to Turkish intervention. Treating these situations as legally identical would therefore obscure important differences.

The objective of this article is to evaluate whether Türkiye's reliance on preemptive self-defense in its cross-border military practice is consistent with the requirements of customary international law. The analysis concentrates on the legal framework governing self-defense, the distinction between imminent and speculative threats, the significance of attacks by non-state armed groups, the requirements of necessity and proportionality, and the relevance of territorial sovereignty. It then applies these criteria to Türkiye's conduct in northern Iraq and northern Syria, with particular attention to the legal reasoning advanced in connection with major Turkish operations. The study further considers whether Türkiye's conduct and legal claims can contribute to the formation or development of a customary rule permitting anticipatory military action. The analysis adopts a descriptive-analytical legal method and treats the legitimacy of each operation as a separate question rather than assuming that all Turkish cross-border uses of force can be justified or rejected under a single general characterization.

2. Preemptive Self-Defense under Customary International Law

The starting point for any analysis of preemptive self-defense is the general prohibition on the use of force. Contemporary international law does not grant states an unrestricted right to employ military power whenever they perceive their interests to be endangered. The evolution of the law of force reflects a progressive movement away from the broad discretionary use of war toward a legal system in which force is exceptional and regulated (Fazaeli & Karami, 2020). The United Nations framework consolidated this development by linking the prohibition of force to the preservation of international peace and the sovereign equality of states. Legal scholarship concerning the Charter system has accordingly treated the prohibition as a fundamental limitation upon unilateral military action (Rezaei et al., 2019). Self-defense operates within this restrictive structure and must therefore be interpreted in a manner

that preserves the distinction between the general rule and the exception.

The concept of self-defense nonetheless predates the United Nations Charter. Classical customary law recognized that a state could respond when confronted with an immediate and overwhelming threat, and this historical background continues to shape contemporary arguments about anticipatory self-defense. The most influential formulation is usually associated with the nineteenth-century Caroline incident, from which the traditional requirement of necessity has been understood to demand a danger that is instant, overwhelming, and leaves no meaningful choice of means or moment for deliberation. Modern legal debates differ over the precise continuing status of this formulation, but its importance lies in the attempt to connect anticipatory force to genuine immediacy rather than to strategic prediction. Scholarship supporting carefully limited anticipatory defense has emphasized that the right cannot be reduced to a mechanical requirement that the defender absorb the first blow, particularly where the evidence of an impending attack is compelling (McDougal, 1963). At the same time, this approach does not provide support for military action against vague or developing risks.

The relationship between customary self-defense and the Charter is one of the principal doctrinal disagreements in this field. A restrictive interpretation emphasizes the language conditioning self-defense upon the occurrence of an armed attack. Under this approach, anticipatory action is viewed with considerable suspicion because broadening the temporal scope of self-defense risks undermining the Charter's prohibition. A more expansive interpretation stresses the continuing importance of the inherent nature of the right and argues that the Charter did not extinguish the customary capacity of states to respond to a genuinely imminent attack. Iranian legal scholarship addressing self-defense has similarly identified the tension between the textual limitations of the Charter and broader customary conceptions that predated it (Mohammad Alipour, 2002). The controversy is therefore not simply whether self-defense exists, but whether customary law retains a narrow anticipatory dimension alongside the Charter framework.

The debate became significantly more prominent after September 11, 2001. The magnitude of transnational terrorist violence challenged assumptions that threats would necessarily take the form of conventional attacks by states. Scholars examining post-September 11 developments observed that the concept of self-defense began to be discussed in relation to actors whose organization, territorial position, and methods differed substantially from traditional military forces (Sharifi, 2003). Terrorism raised the possibility that a state might face a severe attack planned by an organization operating from another state's territory, while the territorial government might be unable or unwilling to prevent that activity. Legal analyses of terrorism and self-defense consequently examined whether defensive force could be directed against a non-state actor and whether attribution of the armed attack to the territorial state was always necessary (Karamzadeh, 2003).

The post-September 11 environment also generated attempts to redefine imminence. The United States argued that traditional concepts of immediate threat were not always adequate in circumstances involving terrorist networks or weapons capable of producing catastrophic effects with little warning. The preventive and preemptive elements of American national security strategy became particularly influential in the international debate (Bush, 2006). Analyses of U.S. policy after September 11 described a shift toward more proactive forms of security policy in which action against developing threats became a central strategic concept (Fallahnejad, 2009). Yet the legal implications of such policy were highly contested. A strategic doctrine may express how a state wishes to respond to danger without proving that other states accept the same conduct as legally permissible.

The distinction between preemption and prevention therefore remains indispensable. Preemption is most defensible when the anticipated armed attack is sufficiently imminent that defensive action is necessary before the attack actually begins. Prevention concerns a broader effort to eliminate a potential future threat before it becomes imminent. Legal studies of preemptive and preventive war emphasize that the latter category creates substantially greater risks of abuse because it allows states to base force on predictions about future capabilities, intentions, or geopolitical developments (Armand, 2013). Critiques of preventive defense similarly argue that a long-term possibility of conflict cannot satisfy the requirements traditionally associated

with self-defense (Behestani, 2008). A state may reasonably consider another actor dangerous, but danger in a political or strategic sense is not identical to an imminent armed attack in a legal sense.

Imminence functions as a critical limiting principle precisely because anticipatory self-defense occurs before the alleged attack has materialized fully. When a state responds to an attack that has already taken place, the existence of the triggering event may be evaluated through evidence of what actually occurred. When force is used in advance, the justification depends upon an assessment of what was about to occur. This creates an obvious evidentiary difficulty. The acting state possesses incentives to characterize the threat in a manner that supports its military decision. A rigorous legal standard therefore requires concrete information about the nature of the anticipated attack, its temporal proximity, the capability and apparent intention of the hostile actor, and the absence of realistic non-forcible alternatives. The legal debate cannot be resolved merely by accepting the defending state's own characterization of events.

Necessity is closely connected to imminence but should not be treated as identical to it. A threat may be serious without making military force immediately necessary. Conversely, the rapid development of an attack may make defensive action necessary even when the precise time of the first hostile strike cannot be predicted with complete certainty. The requirement of necessity demands that force be connected to the defensive purpose and that reasonably effective alternatives be unavailable. Analyses of the lawful use of force have consistently emphasized the importance of evaluating whether military action was genuinely required rather than merely convenient or strategically advantageous (Reisman, 1985). This requirement is especially significant when a state acts within another state's territory because the decision to cross an international boundary implicates not only the relationship with the armed group but also the sovereignty of the territorial state.

Proportionality provides an additional limitation. It does not necessarily require numerical equivalence between the initial attack and the defensive response. Rather, the scale and character of the force employed must remain connected to the legitimate defensive objective. A military operation intended to repel or prevent an armed attack may therefore become legally problematic if it expands geographically, temporally, or strategically beyond what is required to remove the threat. The proportionality inquiry must be conducted within the law governing the resort to force and should not be confused with the separate proportionality rules governing the conduct of hostilities. Legal studies examining military intervention have repeatedly stressed the need to distinguish the justification for entering a conflict from the rules that govern military behavior once conflict has begun (Fazaeli, 2016). This distinction is particularly relevant when humanitarian consequences are cited as evidence that an operation was excessive. Such consequences may be relevant to several bodies of law, but proportionality under self-defense addresses whether the defensive operation as a whole was appropriately limited to its lawful purpose.

Another major issue concerns the armed-attack threshold. Not every hostile act amounts to an armed attack sufficient to justify force in self-defense. The distinction is important because international relations routinely involve hostile rhetoric, political pressure, support for armed groups, border incidents, and lower-level uses of force. If all such conduct could justify full military responses, the exception of self-defense would become dangerously broad. Scholarship on the prohibition of force has emphasized that the international legal order depends upon maintaining meaningful thresholds between unlawful conduct generally and the most serious forms of violence capable of activating self-defense (Alikhani, 2015). This threshold question becomes particularly difficult in cases involving repeated attacks by a non-state organization. States may argue that a series of relatively limited incidents should be considered cumulatively. Such arguments require careful assessment because they can either reflect the reality of an organized armed campaign or become a method of aggregating minor incidents to justify a major cross-border operation.

The treatment of non-state actors is among the most consequential developments in contemporary self-defense doctrine. The traditional approach often connected the right of self-defense to attacks attributable to states, reflecting the interstate structure of classical international law. The rise of transnational terrorism has placed pressure on this model. The September 11 attacks demonstrated that a non-state organization could inflict violence on a scale comparable to conventional military

operations. The resulting international response strengthened the argument that the identity of the attacker cannot be the sole determinant of whether self-defense is available. At the same time, allowing military action against non-state actors inside foreign territory creates serious consequences for sovereignty. The territorial state may not itself have directed the attack, yet its territory may become the object of foreign military operations.

This problem has contributed to the controversial notion that a state may use force when the territorial government is unable or unwilling to suppress an armed group operating from its territory. Although this concept has appeared in the practice and legal arguments of certain states, its status as a settled customary rule remains disputed. The difficulty lies in balancing the victim state's interest in effective defense against the territorial state's sovereign rights. A rule permitting unilateral military action whenever one state judges another government insufficiently effective could create a broad exception to territorial sovereignty. Conversely, a rule requiring absolute state attribution could leave governments unable to respond to grave cross-border attacks by organizations functioning in weakly governed spaces. The continuing disagreement illustrates why practice must be assessed together with opinio juris rather than inferred from military conduct alone.

State practice concerning preemptive self-defense is itself inconsistent. Some governments have articulated positions suggesting that they regard action against imminent threats as legally permissible. Others have resisted broader doctrines of anticipatory or preventive force. American practice is particularly relevant because of its explicit post-September 11 doctrinal development. The Bush administration's approach became a major reference point in debates over preemptive security action (Bush, 2006). Yet the existence of a strong policy commitment by a powerful state does not establish universal acceptance. Analyses of hegemonic reinterpretations of the law of force have criticized attempts to reshape legal rules through unilateral strategic preferences (Zakerian & Eskandari Zanjani, 2021). Such criticism is important because customary law requires broader evidence of acceptance than the practice of one or a small number of militarily active states.

The formation of customary law therefore requires careful separation of conduct motivated by law from conduct motivated by strategy. International relations theory highlights how states respond to threats, balances of power, security dilemmas, and perceptions of vulnerability (Pfaltzgraff & Dougherty, 2004). A state may use force because it considers the action strategically necessary while simultaneously advancing a legal justification whose acceptance remains uncertain. The analyst must consequently examine not only what states do but how they explain their conduct, how other states respond, and whether those responses indicate legal acceptance, objection, or ambiguity. This point is central to evaluating Türkiye. Repeated Turkish operations may constitute practice, but the existence of practice alone does not demonstrate a customary right to preemptive self-defense. The accompanying legal claims and international reactions must also be considered.

The strongest legal case for anticipatory self-defense therefore lies within a narrow zone. The threat must involve an armed attack of sufficient gravity; the attack must be genuinely imminent rather than merely possible; defensive force must be necessary because effective non-forcible alternatives are unavailable; the response must be proportionate to the defensive objective; and the operation must remain limited to addressing the specific threat. Even this narrow conception remains contested, but it is qualitatively different from a preventive doctrine allowing force against potential future dangers. The distinction is especially important when evaluating counterterrorism operations, because the persistence of a terrorist organization can easily be characterized as a continuous threat. International law cannot automatically transform the continued existence of a hostile armed group into permanent authorization for cross-border military action.

3. Türkiye's Practice of Self-Defense against Non-State Armed Groups in Northern Iraq

Türkiye's military activities in northern Iraq provide one of the clearest examples of the difficulty of applying the law of self-defense to long-term threats posed by non-state armed groups. The PKK has maintained a sustained armed presence in areas near Türkiye's southeastern frontier, and Turkish authorities have consistently regarded the organization as a serious national security

threat. The geographical characteristics of the border region, the existence of difficult mountainous terrain, the limited ability of central authorities to exercise uniform control over all areas, and the persistence of cross-border militancy have contributed to a security problem that cannot be understood as a single isolated incident. Turkish strategic thinking has historically placed considerable emphasis on military capability and the prevention of threats before they become entrenched near the state's borders (Hickok, 2000). Nevertheless, the legal analysis of cross-border force must remain separate from the broader strategic rationale.

The principal Turkish argument is that the activities of the PKK create a continuing security threat that can activate the right of self-defense. This claim raises the preliminary question of whether attacks by a non-state actor can constitute armed attacks for purposes of self-defense. The development of international legal thinking after September 11 strengthened the position that non-state organizations are not categorically excluded from the law of self-defense. Scholarship on terrorism and defensive force recognized that a rigid state-centered conception would be difficult to reconcile with the capacity of organized armed groups to conduct severe transnational violence (Karamzadeh, 2003). The legal transformation of self-defense after September 11 has similarly been associated with a growing willingness to examine the nature and gravity of the attack rather than focusing exclusively on the formal legal identity of the attacker (Sharifi, 2003). From this perspective, the mere fact that the PKK is a non-state actor does not necessarily prevent Türkiye from invoking self-defense.

The more difficult issue is whether the specific attacks attributed to the organization reach the required threshold and whether each Turkish cross-border operation is sufficiently connected to those attacks. Türkiye cannot derive an unlimited entitlement to use force in Iraq merely from the continued existence of the PKK. The armed-attack requirement must retain substantive meaning. A terrorist organization may engage in repeated hostile activity without every episode independently satisfying the threshold necessary to justify a major military operation. In addition, historical hostility cannot serve indefinitely as the legal basis for new acts of force. Analyses of contemporary self-defense emphasize that defensive action must respond to a concrete armed attack or, under the broader interpretation, to a threat that is genuinely imminent (Alikhani, 2015). The long duration of the Türkiye-PKK conflict therefore makes the temporal relationship between attack and response particularly important.

One possible Turkish argument is that repeated PKK attacks constitute a continuing or cumulative armed campaign. Such an approach seeks to avoid treating each individual attack as legally isolated. Where an armed group conducts a structured series of attacks over time, the victim state may contend that the pattern as a whole should be assessed when determining whether the armed-attack threshold has been crossed. This position has some practical plausibility because organized armed violence often unfolds through repeated operations rather than through one decisive assault. Yet it also presents legal dangers. If historical incidents can be aggregated without meaningful temporal limitation, the requirement of immediacy may disappear. The state could then rely on years of hostile activity to justify military operations whenever it chooses. The law of self-defense must therefore distinguish between an ongoing armed attack and a generalized hostile relationship.

The requirement of necessity becomes crucial in this context. Türkiye must demonstrate not simply that the PKK poses a security threat, but that cross-border force in the particular circumstances was necessary to address that threat. This requires attention to the capacity and actions of Iraqi authorities, the feasibility of cooperation with Iraq, the possibility of arrest or suppression through other means, and the immediacy of the danger to Türkiye. The legal regulation of self-defense has traditionally treated necessity as a constraint on military choice rather than as a subjective judgment entirely within the discretion of the acting state (Reisman, 1985). In other words, a government cannot establish necessity merely by asserting that military action was the most effective instrument. The relevant question is whether force was reasonably required to remove the armed threat in circumstances where less intrusive alternatives could not provide effective protection.

This inquiry is inseparable from Iraqi sovereignty. Cross-border operations are not directed only against the PKK as an armed organization; they are conducted within the internationally recognized territory of Iraq. Even when the territorial state has not itself carried out the attack, military entry into its territory engages the prohibition on force and the principle of territorial integrity. The

existence of transnational terrorism therefore creates a triangular legal relationship involving the victim state, the non-state attacker, and the state on whose territory the armed group is located. The victim state's security interests cannot simply extinguish the territorial state's rights. Legal arguments based on the inability or unwillingness of the territorial state to suppress an armed group have developed precisely in response to this tension, but the status and content of that doctrine remain contested.

Türkiye has at times suggested that the inability of Iraq to eliminate PKK threats supports Turkish defensive action. Such reasoning resembles the "unable or unwilling" approach advanced by some states in contemporary counterterrorism practice. The basic logic is that a territorial government should not be able to prevent a victim state from defending itself when that government cannot or will not remove a grave armed threat originating from its territory. Yet the doctrine raises significant concerns. If the acting state alone determines whether the territorial government is sufficiently capable or willing, the rule could become highly subjective. A powerful state might characterize another government as ineffective and use that assessment to justify unilateral military intervention. The customary status of the doctrine must therefore be approached cautiously rather than assumed.

The question of consent provides an alternative possible legal basis in some situations. If Iraq validly consents to Turkish military activity within specified areas and limits, the legal analysis differs fundamentally from a case of unilateral force. Consent can affect the application of the prohibition on force because the territorial state has authorized the presence or activity. However, consent must be specific, valid, and attributable to the competent authorities. Historical security cooperation, political coordination, or earlier agreements cannot automatically be interpreted as permanent authorization for any future operation. The existence of security relationships between neighboring governments may explain cooperation but does not remove the need to determine the scope of actual consent.

This point is particularly important because relations between Türkiye and Iraq concerning PKK operations have included both cooperation and disagreement. The presence of shared concerns about armed groups does not mean that Iraq accepts every Turkish military operation. Where Iraqi authorities object to military incursions or describe them as violations of sovereignty, those objections are relevant to the legal assessment and to the evaluation of customary practice. A unilateral Turkish claim of self-defense and an Iraqi protest cannot be treated as evidence of an uncontested rule. Instead, the conflicting positions demonstrate continued disagreement regarding the permissible scope of extraterritorial self-defense against non-state actors.

Proportionality is equally central. Turkish operations in northern Iraq must be evaluated in relation to their stated defensive objective. A limited strike against a location directly connected to a serious armed attack presents a different proportionality question from a prolonged campaign involving extensive territorial penetration, repeated strikes, or a continuing military presence. The longer and broader the operation, the more important it becomes to demonstrate an ongoing connection between the force employed and the removal of the defensive threat. Military effectiveness is not itself the test. A strategically advantageous operation may exceed the lawful purpose of self-defense if it seeks to establish broader territorial control or permanently restructure the security environment.

The concept of proportionality must also be distinguished from humanitarian-law rules. An operation can be disproportionate in the law governing the resort to force even if individual attacks comply with the rules governing the conduct of hostilities. Conversely, serious violations during combat do not necessarily answer the separate question of whether the initial resort to force was justified. Scholarship on international military intervention has repeatedly drawn attention to the importance of keeping these legal frameworks conceptually separate (Fazaeli, 2016). In the Turkish context, this distinction helps prevent the legality of cross-border operations from being reduced either to broad political claims about terrorism or to isolated questions concerning battlefield conduct.

The characterization of PKK activity as terrorism also requires careful treatment. Terrorism is undoubtedly relevant to Türkiye's security assessment, but the legal label does not automatically establish the right to use military force abroad. International law does not contain a general exception to the prohibition on force whenever a government declares an organization terrorist. The

underlying conduct must still satisfy the conditions of self-defense. Post-September 11 legal debates demonstrate that terrorism may constitute an armed attack when violence reaches the required scale and effects, but the analysis remains fact-specific (Tohidifar, 2003). Counterterrorism and self-defense therefore overlap in some circumstances but are not legally identical.

The broader security environment also helps explain why Türkiye has adopted an assertive approach. Regional instability, weak state authority in some border areas, and competition among numerous armed actors have created persistent insecurity. Theoretical work on power vacuums in the Middle East illustrates how reductions in effective state control may intensify competition and generate opportunities for non-state organizations (Salehi & Zare, 2017). Türkiye's conduct can accordingly be understood in part as an attempt to prevent hostile groups from exploiting such spaces. Yet the explanatory power of this regional context cannot substitute for legal justification. International law requires a more specific connection between the alleged attack and the defensive response.

From the perspective of customary international law, Türkiye's Iraqi practice has ambiguous significance. Repeated operations demonstrate state practice in the factual sense, but the existence of conduct is only one element in the formation of custom. The legal explanations accompanying those operations are more important. Where Türkiye expressly relies on self-defense, it contributes to the record of opinio juris supporting the proposition that states may act against severe attacks by non-state groups located abroad. However, the value of this evidence is reduced where Iraq contests the legality of the operations. Customary law develops through the interaction of claims, conduct, acceptance, and objection. A repeated practice that generates persistent protest cannot easily be described as evidence of a settled and generally accepted legal rule. The same problem applies to preemption. Türkiye's Iraqi operations cannot establish a customary right of anticipatory self-defense merely because Turkish authorities view the PKK as a continuing threat. If the operations are justified in response to past or ongoing attacks, they concern ordinary self-defense against an armed attack. If they are justified against attacks that have not yet occurred, Türkiye must identify evidence of genuine imminence. A long-term terrorist danger is not equivalent to an imminent armed attack. This distinction is necessary to prevent the concept of preemption from becoming a general security doctrine permitting force whenever a hostile group retains the capability and intention to conduct future attacks.

Consequently, the strongest legal basis for Turkish action in northern Iraq would arise where there is reliable evidence of an armed attack or genuinely imminent attack attributable to PKK forces, where Iraqi authorities cannot provide effective protection, where cross-border force is necessary to halt or prevent that attack, and where the scale and duration of the Turkish response remain proportionate. The legal case becomes weaker as the connection between specific attacks and Turkish operations becomes more remote, as the operation acquires long-term strategic or territorial objectives, or as claims of imminent danger rely primarily on the continued presence of the PKK rather than on concrete evidence of impending violence. Türkiye's practice therefore illustrates both the practical pressure placed upon traditional self-defense doctrine by transnational armed groups and the reasons why customary law requires strict limitations on unilateral military action.

4. Türkiye's Military Operations in Syria and Their Significance for Customary International Law

Türkiye's military operations in northern Syria present an even more complex test of preemptive self-defense because they developed within the extraordinary conditions created by the Syrian conflict. The weakening of Syrian governmental control over substantial parts of the country allowed numerous armed groups to acquire territorial influence, while neighboring and external states pursued competing military and political objectives. The Syrian crisis accordingly became a major geopolitical confrontation rather than a purely internal conflict. Research on the crisis has emphasized the role of geopolitical competition in intensifying and prolonging instability (Dehshiar & Aminabadi, 2022). Türkiye's policies were shaped by this environment, particularly by concerns regarding armed Kurdish groups operating near its border and Ankara's perception that some of those organizations were institutionally connected to the PKK.

The legal analysis must nevertheless begin with Syrian sovereignty rather than with the complexity of the

conflict. The breakdown of effective control over parts of a state does not automatically eliminate that state's territorial rights. Nor does civil war create a general entitlement for neighboring governments to intervene militarily whenever they perceive security risks. This point is important because regional crises frequently generate arguments based on security necessity that are broader than the legal exceptions recognized under the law of force. Studies examining foreign involvement in Syria have demonstrated that the legal basis of external military presence has varied considerably among intervening states, with some relying on consent, others on collective self-defense, and others on unilateral security claims (Ghanbari & Farhadi Babadi, 2021). The Syrian situation must therefore be analyzed actor by actor and operation by operation.

Türkiye's security concerns centered particularly on armed Kurdish formations controlling territory close to its southern border. Ankara has regarded some of these groups as connected to the PKK and has argued that their presence creates a direct threat to Turkish security. Such claims became central to the legal justification for major military operations. The political and strategic foundations of Turkish policy toward Syria have been examined through various theoretical frameworks, including constructivist approaches emphasizing identity, threat perception, regional rivalry, and changing strategic objectives (Mahmoudikia & Farhadi, 2019). Yet these explanatory factors cannot answer the legal question. A group's perceived ideological or organizational relationship with the PKK may be relevant to identifying a threat, but the right of self-defense depends upon conduct meeting the armed-attack threshold or, under the broader anticipatory interpretation, evidence of an imminent armed attack.

Operation Olive Branch, launched in the Afrin region in 2018, provides a major case for assessing this issue. Türkiye invoked security threats associated with armed groups operating close to the border and presented its action within the framework of self-defense. The operation was not undertaken in circumstances of Syrian consent to Turkish military intervention. The legal justification therefore depended heavily upon the proposition that Türkiye could use force against a non-state actor situated in Syrian territory. Such reliance reflects the broader post-September 11 transformation in the law of self-defense, under which states have increasingly argued that severe attacks by non-state organizations may trigger defensive rights (Sharifi, 2003). However, the availability of self-defense against a non-state actor does not resolve whether the specific factual circumstances of Operation Olive Branch satisfied the requirements of that doctrine.

The first issue is the existence and gravity of the attacks invoked by Türkiye. Rocket fire, cross-border attacks, and other forms of armed violence may contribute to an armed-attack assessment, but the scale, frequency, effects, and organization of the conduct matter. The identification of a hostile organization as terrorist does not make every hostile incident an armed attack. The legal transformation of self-defense has never eliminated the need for a gravity threshold. Earlier scholarship addressing terrorism and international law recognized the possibility that terrorist violence could activate self-defense while simultaneously emphasizing that legal characterization depends upon the seriousness and nature of the attack (Karamzadeh, 2003). In relation to Afrin, therefore, the legal question is whether the violence attributed to the targeted forces was sufficient to justify the scale of military force employed.

Necessity raises additional difficulties. If Turkish territory was exposed to ongoing or imminent armed attack from positions in Afrin, defensive measures could in principle be necessary. Yet necessity must be demonstrated rather than presumed. The relevant inquiry includes whether the threat could be mitigated through border protection, diplomatic arrangements, coordination with other actors, or more limited operations. Military force is not legally necessary simply because it is capable of producing a more decisive strategic result. The requirement is designed precisely to distinguish essential defensive action from military action undertaken to secure broader political or territorial objectives. Criteria for lawful force emphasize this limiting function of necessity (Reisman, 1985).

The scope of Operation Olive Branch also places proportionality at the center of the analysis. An operation involving significant territorial penetration and the alteration of control over an area raises a different legal question from an immediate defensive strike. The longer military forces remain and the broader their objectives become, the more difficult it is to connect the entire operation to the immediate purpose of repelling or preventing an armed attack. This does not

mean that self-defense is limited to a single strike or that defensive operations can never continue over time. It does mean that duration, geographical scope, operational objectives, and the relationship between the military campaign and the original threat must remain under continuous scrutiny.

The operation also illustrates the importance of separating military strategy from the law of self-defense. Türkiye may have had understandable concerns about the emergence of an armed organization controlling territory along its border, particularly if Ankara regarded that organization as connected to an actor engaged in long-running violence inside Türkiye. From a strategic perspective, allowing such territorial consolidation might have appeared dangerous. From a legal perspective, however, preventing an unfavorable future security environment is not identical to preventing an imminent armed attack. This is where the distinction between preemptive and preventive action becomes decisive. A military operation intended to avert an attack that is genuinely about to occur may fall within the contested but arguable category of anticipatory self-defense. An operation designed to prevent an armed group from becoming stronger in the future resembles preventive force, for which the legal basis is substantially weaker.

Operation Peace Spring in 2019 sharpened this distinction because Türkiye expressly emphasized the existence of an imminent security threat and invoked self-defense. The operation targeted areas of northeastern Syria under the control of Kurdish-led forces that Türkiye associated with the PKK. The legal significance of the operation rests on whether the alleged threat was sufficiently imminent to justify force before a qualifying armed attack materialized. The use of imminence language is important because it reveals that Türkiye did not rely solely on historical attacks. It sought to place the operation within a prospective defensive framework.

The concept of imminence, however, cannot be established through terminology alone. A state cannot transform preventive action into preemptive self-defense simply by describing a danger as imminent. International law requires an objective assessment of the circumstances. The evidence should identify the anticipated attack, explain why it was approaching realization, and demonstrate why delaying military action would materially reduce the defender's ability to protect itself. This evidentiary burden is critical because anticipatory self-defense otherwise becomes self-validating. Any government could claim that a hostile organization might attack in the future and use that possibility as justification for immediate military intervention.

The post-September 11 debate demonstrates the danger of overly flexible definitions of imminence. The United States developed a security strategy in which the traditional temporal understanding of threat was broadened in response to terrorism and weapons of mass destruction (Bush, 2006). Subsequent analysis of U.S. policy described the tendency toward earlier action against threats perceived as developing rather than immediately manifest (Fallahnejad, 2009). Legal scholarship has criticized attempts to convert these strategic doctrines into general legal rules because the expansion of anticipatory self-defense could erode the prohibition on force (Zakerian & Eskandari Zanjani, 2021). Türkiye's Peace Spring claim therefore must be analyzed within this broader controversy rather than treated as evidence that a permissive doctrine of imminence has already become customary law.

Türkiye's position is strengthened to some extent by the recognition that modern threats may not always conform to traditional models of mobilization. Non-state organizations can plan attacks covertly, and waiting until the precise moment immediately preceding an attack may in some circumstances make effective defense impossible. The concept of preemption exists partly to address this problem. Yet flexibility cannot eliminate the requirement of specificity. A state must distinguish between a group that generally possesses hostile intentions and a particular situation in which an armed attack is approaching. Otherwise, the existence of an enduring enemy becomes a permanent legal authorization for military action.

The Syrian government's opposition to Turkish operations is significant both for the legality of the specific interventions and for their value as evidence of custom. Syria has characterized Turkish military presence and operations as violations of sovereignty. Such opposition undermines any suggestion that the operations were conducted with territorial consent. It also weakens claims that Türkiye's practice demonstrates an accepted rule permitting cross-border

force against non-state actors. Customary international law is formed through general practice accompanied by legal acceptance, and the protest of the state whose territory is affected is particularly important evidence. Turkish claims and Syrian objections therefore constitute conflicting elements of state practice and opinio juris rather than a unified customary trend.

The reaction of other states is also relevant. International responses to Turkish operations have included security concerns, political criticism, humanitarian objections, and disagreement about the legitimacy of military action. These reactions are not always expressed in precise legal terms, which complicates their evidentiary significance. Silence may reflect diplomatic caution rather than legal acceptance, while political criticism may not necessarily amount to a legal objection. The customary-law analysis must therefore distinguish statements concerning policy, humanitarian consequences, territorial sovereignty, and the law of self-defense. The existence of substantial disagreement is nevertheless important because it makes it difficult to characterize Türkiye's legal position as representative of a generally accepted rule.

The Syrian operations also intersect with the controversial unable-or-unwilling doctrine. Türkiye might contend that Syrian authorities could not or would not eliminate the armed organizations that Ankara considered threatening. The fragmentation of Syrian territorial control makes the factual dimension of this argument more substantial than in a fully functioning state. Yet factual inability does not automatically establish the legal doctrine. The question is whether international law recognizes a general right to use force against a non-state actor in another state whenever that state lacks effective capacity to suppress the group. The absence of uniform state acceptance means that the doctrine remains disputed.

Moreover, inability and unwillingness should not be treated as independent substitutes for the requirements of armed attack, necessity, and proportionality. Even if the territorial state cannot address the armed group, the victim state must still establish that it faces a qualifying attack and that the force employed is necessary and proportionate. Otherwise, the doctrine would become a broad interventionary principle authorizing military operations inside weak states whenever foreign governments identify security threats there. Such a result would be difficult to reconcile with the restrictive structure of the law of force.

Türkiye's Syrian practice is also significant because it illustrates the interaction between security policy and regional power politics. The Syrian war created a strategic environment in which states pursued multiple objectives simultaneously. Security concerns about armed groups could coexist with broader interests involving territorial influence, bargaining power, refugee policy, relations with other regional actors, and the future political structure of Syria. International relations scholarship emphasizes that states rarely act for a single motive (Pfaltzgraff & Dougherty, 2004). The existence of multiple motives does not automatically invalidate a self-defense claim, but it increases the importance of examining whether the military operation remained objectively connected to a lawful defensive purpose.

Research concerning regional intervention in Syria has demonstrated how diverse legal and strategic arguments accompanied the conduct of different states (Dehnavi et al., 2021). This broader context reinforces the importance of distinguishing legal justification from geopolitical explanation. Türkiye's desire to prevent the consolidation of a hostile-controlled corridor along its border may be strategically intelligible, but the law asks whether military force was necessary to respond to an armed attack or an imminent attack, not whether the operation improved Türkiye's regional security position.

The comparison between Operation Olive Branch and Operation Peace Spring is therefore revealing. The first was justified substantially through reference to threats and attacks associated with armed groups operating in Afrin, while the second placed greater explicit emphasis on imminence and border security. These variations matter because they show that Türkiye itself has not relied on a single uniform legal formulation. This limits attempts to derive a coherent customary doctrine directly from Turkish practice. The legal basis must be reconstructed from the statements and circumstances surrounding each operation rather than inferred from a general pattern of cross-border military action.

Comparison with Türkiye's operations in northern Iraq produces the same conclusion. In Iraq, the principal security concern is the long-term presence and activity of the PKK, accompanied by questions concerning Iraqi capacity, sovereignty, and possible cooperation. In Syria, the legal environment is shaped by civil war, fragmented

territorial control, disputed organizational relationships among Kurdish armed groups, and explicit claims concerning imminent threats. These differences mean that the legality of one operation cannot automatically determine the legality of another. A state's historical conflict with an armed organization does not create a transferable entitlement to use force wherever it believes related groups operate.

The customary-law significance of Türkiye's practice must therefore be approached cautiously. Türkiye unquestionably contributes to state practice concerning self-defense against non-state actors. Its repeated reliance on Article 51-type reasoning also contributes evidence of opinio juris regarding the claimed legality of such operations. However, customary law requires more than the position of the acting state. The reactions of Iraq, Syria, and the wider international community must be considered. Where territorial states protest, where other governments refrain from endorsing the doctrine, and where legal scholarship remains divided, the evidence does not demonstrate a stable general rule permitting broad preemptive action.

The available practice more plausibly supports a narrower proposition: contemporary states increasingly accept that severe attacks by non-state armed groups may in some circumstances trigger self-defense, but the precise conditions governing force in the territory of another state remain contested. The legality of anticipatory action is even more uncertain. Some states support the proposition that a victim state need not wait for the first strike when an armed attack is genuinely imminent. Yet this should not be confused with a general right of preventive war. Legal criticism of broad preventive doctrines has emphasized their destabilizing potential and their incompatibility with the exceptional nature of self-defense (Hasani, 2012). Türkiye's practice does not eliminate this distinction.

The most defensible interpretation of customary law therefore requires a strict operation-specific analysis. In relation to each Turkish intervention, the inquiry should determine whether an armed attack occurred or was genuinely imminent, whether the threat was sufficiently grave, whether the targeted organization was responsible for the attack, whether the territorial state consented or was capable of addressing the threat, whether Turkish military force was necessary, and whether the scope of the operation remained proportionate. Only after these questions are answered can the legal status of the operation be evaluated. The same method should then be used to assess the significance of Türkiye's practice for customary law.

Türkiye's conduct thus has evidentiary value but not constitutive authority. It demonstrates how a state confronted with persistent non-state threats interprets self-defense in an expansive security environment. It also illustrates the pressure that contemporary terrorism and fragmented territorial control place upon traditional legal rules. At the same time, it reveals why those rules remain essential. If persistent insecurity, organizational affiliation, and potential future danger were sufficient to justify cross-border military action, the legal prohibition on force would become contingent upon unilateral threat perceptions. The central function of customary limitations on self-defense is precisely to prevent this result.

5. Conclusion

Türkiye's cross-border military practice demonstrates the profound difficulty of applying the traditional law of self-defense to contemporary threats posed by non-state armed groups operating from neighboring territories. The conditions confronting Türkiye differ substantially from the conventional interstate conflicts around which many classical rules of the use of force developed. The PKK has engaged in a long-running armed confrontation with Türkiye, while the fragmentation of political authority in Iraq and particularly Syria has enabled armed groups to operate in border regions where territorial governments have sometimes possessed limited practical control. These conditions create genuine security concerns. They do not, however, remove the legal restrictions governing military force.

The analysis of customary international law indicates that a fundamental distinction must be maintained between ordinary self-defense against an armed attack, anticipatory or preemptive self-defense against an attack that is genuinely imminent, and preventive military action against a threat that may materialize at some future point. The first category is firmly recognized within the international legal system. The second remains controversial but can be defended under a restrictive interpretation where the evidence demonstrates an imminent armed attack, compelling necessity, and a response strictly limited by

proportionality. The third is substantially more difficult to reconcile with the prohibition on force because it allows military action on the basis of predictions about future danger rather than a concrete and immediate defensive necessity.

This distinction is decisive for the evaluation of Türkiye. The existence of the PKK, its history of armed activity, and the continuing perception of a terrorist threat cannot create a permanent right to employ military force in neighboring states. Such factors establish a security context, not a complete legal justification. Each operation must be assessed independently. The relevant questions concern the existence and gravity of the armed attack, the immediacy of any anticipated attack, the evidence connecting the targeted group to the threat, the necessity of crossing an international border, the availability of less intrusive alternatives, and the relationship between the scale of the Turkish military response and the defensive objective invoked.

Türkiye's operations in northern Iraq illustrate the difficulty of applying these standards to a prolonged conflict with a non-state actor. The persistence of PKK bases and activities may support Türkiye's contention that it faces a continuing security problem, but that problem cannot automatically be equated with a continuous armed attack. The legal basis for Turkish force is strongest where a specific operation responds to a sufficiently grave attack or to a demonstrably imminent attack and where military action is necessary to halt that threat. The justification becomes progressively weaker where operations are based on the generalized presence of PKK forces, long-term hostile intent, or a broader objective of permanently reshaping the security environment in northern Iraq.

Iraqi sovereignty remains an independent legal consideration. The fact that an armed organization operates from the territory of another state does not render that territory legally available for unilateral military action. Valid territorial consent may provide a separate basis for certain activities, but such consent must be established in relation to the particular operation and cannot be inferred indefinitely from earlier cooperation or security arrangements. Where Iraq objects to Turkish military activity, those objections must be taken seriously in both the assessment of the specific operation and the broader evaluation of customary law.

The Syrian situation presents even more pronounced difficulties. The civil war and fragmentation of territorial control created a highly unstable environment in which multiple armed groups acquired military capability near Türkiye's border. Türkiye's concern about the emergence of armed Kurdish forces linked in its view to the PKK is therefore understandable as a matter of national security. International law, however, does not permit security concerns to replace the legal requirements of self-defense. A military operation designed to eliminate an organization because it may become more dangerous in the future is conceptually different from action required to prevent an armed attack that is genuinely about to occur.

Operation Olive Branch and Operation Peace Spring must consequently be assessed separately. The circumstances surrounding each operation, the attacks or threats identified by Türkiye, the temporal relationship between those threats and the military response, the territorial scope of the intervention, and the duration of Turkish action are all relevant. The use of self-defense terminology or the characterization of a threat as imminent cannot determine legality by itself. The evidentiary basis for imminence must be capable of objective legal evaluation. Without that requirement, preemptive self-defense would cease to be a narrow response to exceptional danger and would become a general doctrine of discretionary security intervention.

The Syrian government's opposition to Turkish operations further demonstrates that Türkiye's military practice cannot be treated as an uncontested application of an established legal rule. The disagreement between the acting state and the territorial state is legally significant. It reveals that the boundaries of self-defense against non-state actors remain disputed, particularly where attacks cannot readily be attributed to the territorial government. The same is true of arguments based on the inability or unwillingness of a state to suppress armed groups operating from its territory. Although this concept has acquired practical importance in contemporary counterterrorism discourse, it cannot yet be treated as an unlimited or universally accepted exception to territorial sovereignty.

The requirement of necessity should therefore perform a central restrictive function. Before resorting to cross-border force, a state claiming self-defense must be able to explain why military action within another state's

territory was required to address the specific threat. This assessment should consider the seriousness and immediacy of the attack, the capacity of the territorial government, the availability of cooperation, the effectiveness of non-forcible measures, and the likely consequences of delay. Necessity must not be transformed into a test of strategic preference. The fact that unilateral military action may be faster or more effective than diplomatic or cooperative alternatives does not automatically make it legally necessary.

Proportionality must operate in the same manner. The scale, territorial reach, intensity, and duration of a defensive operation must remain connected to the purpose of stopping or preventing the relevant armed attack. A military campaign that develops broader objectives may no longer be defensible merely because its initial justification was framed in terms of self-defense. This is particularly important for operations involving extended military presence, control of territory, or efforts to create long-term security arrangements. Such measures require separate legal scrutiny rather than being treated as automatic consequences of an initial defensive entitlement.

Türkiye's practice also does not establish a general customary right of preemptive or preventive self-defense. State practice alone is insufficient for the formation of custom. The accompanying legal conviction of states and the reactions of other members of the international community must also be examined. Türkiye's repeated reliance on self-defense undoubtedly contributes to the international record concerning the interpretation of defensive rights against non-state actors. It does not, however, demonstrate that the broader international community accepts military action against remote, speculative, or long-term threats as lawful. Objections by territorial states, divergent positions among governments, and continuing doctrinal disagreement prevent such a conclusion.

A more limited development can be identified. Contemporary international practice increasingly reflects the view that the identity of an attacker as a non-state actor does not necessarily exclude self-defense where the violence reaches the scale and gravity of an armed attack. There is also a serious legal argument that a state need not invariably wait for the physical commencement of an attack when the evidence demonstrates that the attack is genuinely imminent and that delay would deprive the state of an effective opportunity to defend itself. Neither development, however, supports a doctrine under which the continuing existence of a hostile armed group automatically authorizes military operations in another state.

The distinction between preemption and prevention must therefore remain the principal conceptual boundary. Preemptive self-defense, if accepted, is an exceptional extension of defensive action to the final stage before an armed attack becomes unavoidable. Preventive war is fundamentally different because it seeks to eliminate a danger before that danger becomes immediate. The latter approach would permit states to act on assessments of capability, hostility, and future risk. Such assessments are inherently uncertain and vulnerable to strategic manipulation. If incorporated broadly into customary law, preventive force would substantially weaken the prohibition on unilateral military action.

Türkiye's practice should accordingly be interpreted as part of an ongoing international debate rather than as evidence that the debate has already been resolved. Its conduct reveals the operational pressures that states face when armed groups exploit cross-border spaces, weak territorial control, and protracted regional conflicts. It also demonstrates the increasing difficulty of applying legal concepts developed in an interstate environment to transnational organizations. These challenges may influence the future evolution of customary law, but legal adaptation must occur without destroying the restrictive function of the existing framework.

The overall assessment is therefore that Türkiye's invocation of preemptive self-defense cannot be accepted or rejected categorically across all of its operations. The legality of each military action depends upon the particular facts. Where Türkiye can demonstrate a qualifying armed attack or an objectively imminent attack, a direct connection between that threat and the forces targeted, the absence of effective alternatives, and a military response limited by necessity and proportionality, the self-defense claim becomes legally stronger. Where these elements are absent, where the threat is generalized or speculative, or where the operation pursues broader and long-term security

objectives, the justification increasingly resembles preventive rather than preemptive force.

For customary international law, the principal conclusion is equally restrained. Türkiye's practice contributes to the continuing development of international legal argument concerning self-defense against non-state actors, but it does not by itself create a general customary entitlement to use force preemptively in foreign territory. The evidentiary burden remains on the state invoking self-defense, and the exceptional character of the doctrine must be preserved. The future development of the law will depend not merely on how frequently states employ force, but on the legal reasons they articulate, the reactions of other states, the consistency of those reactions, and the extent to which international practice converges around identifiable limitations. Until such convergence occurs, preemptive self-defense must remain narrowly construed, fact-dependent, and clearly distinguished from preventive war.

Authors' Contributions

Authors contributed equally to this article.

Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

Acknowledgments

We would like to express our gratitude to all individuals helped us to do the project.

Declaration of Interest

The authors report no conflict of interest.

Funding

According to the authors, this article has no financial support.

Ethical Considerations

In this research, ethical standards including obtaining informed consent, ensuring privacy and confidentiality were observed.

References

Alikhani, M. (2015). The Prohibition on the Use of Force and Self-Defense under Foreseeable Conditions. *International Studies Quarterly*, *11*(4).

Armand, M. H. (2013). *Self-Defense in Contemporary International Criminal Law with Emphasis on the Doctrines of 'Pre-emptive War' and 'Preventive War'*

Behestani, M. (2008). Preventive Defense in Modern International Law. *Gavah Legal Journal*(12).

Bush, G. W. (2006). *The National Security Strategy of the United States of America 2006*. https://georgewbush-whitehouse.archives.gov/nsc/nss/2006

Dehnavi, V., Taghizadeh Ansari, M., & Rahimi, F. (2021). Analysis of the Legal-Security Dimensions of the Islamic Republic of Iran's Performance in the Syrian Crisis. *Afaq-e Amniat Scientific Journal*, *14*(52), 157-180.

Dehshiar, H., & Aminabadi, S. M. (2022). The Role of Geopolitics in Intensifying International Crises: The Case of the Syrian Crisis. *Geopolitics Quarterly*, *18*(1), 187-215.

Fallahnejad, A. (2009). U.S. Foreign Policy after September 11.

Fazaeli, M. (2016). Military Intervention in Yemen from the Perspective of International Law. *Public Law Studies Quarterly*, *46*(1), 41-70.

Fazaeli, M., & Karami, M. (2020). Historical Transformation of the International Law on the Use of Force up to the Formation of the United Nations System: Fears and Hopes. *Scientific Quarterly of Sacred Defense Studies*, *6*(1), 31-60.

Ghanbari, P., & Farhadi Babadi, H. (2021). Examining the Legal Dimensions of Iran's Presence in Syria from the Perspective of International Law. *Scientific Journal of Legal Research*, *20*(46).

Hasani, S. (2012). Pre-emptive War and the Insecuritization of the World. *Payam-e Hozeh Magazine*(319).

Hickok, M. R. (2000). Military Modernization and Turkey's Strategy for the Future. *Defense Policy Journal*(32-33).

Karamzadeh, S. (2003). Terrorism and Self-Defense in International Law. *Modarres Humanities - Comparative Law Research*(28).

Mahmoudikia, M., & Farhadi, A. (2019). A Comparative Study of Iranian and Turkish Foreign Policy Actions toward the Syrian Crisis Based on Constructivist Theory. *International Relations Studies Quarterly*, *12*(74), 151-178.

McDougal, M. S. (1963). The Soviet-Cuban Quarantine and Self-Defence. *American Journal of International Law*, *57*.

Mohammad Alipour, F. (2002). Self-Defense. *Majles and Research Quarterly*, *9*(35).

Pfaltzgraff, R., & Dougherty, J. (2004). *Contending Theories of International Relations* (3rd ed.). Qomes.

Reisman, M. (1985). Criteria for the Lawful Use of Force in International Law. *Yale Journal of International Law*, *10*.

Rezaei, H. M., Mir Abbasi, S. B., & Kamali, A. (2019). The Legal Foundations of the Use of Force and Its Prohibition in International Law with Emphasis on the Charter of the United Nations. *Iranian and International Comparative Legal Research Quarterly*, *12*(45), 119-141.

Salehi, M., & Zare, R. (2017). Power Vacuum and Its Impact on Middle East Regional Security. *International Relations Studies Quarterly*, *10*(40), 93-114.

Sharifi, M. (2003). The Transformation of the Concept of Self-Defense in International Law with Emphasis on Developments after September 11, 2001. *Foreign Policy Quarterly*, *17*(1).

Tohidifar, M. (2003). The September 11, 2001 Incident from the Perspective of International Criminal Law. *Modarres Humanities*, *7*(4).

Zakerian, M., & Eskandari Zanjani, M. (2021). The United States' Reinterpretation of the Use of Force within the Framework of Hegemonic International Law. *Journal of the Faculty of Law and Political Science*, *51*(2), 487-512.