

NOREF Policy Brief

Turkey's position on the protection of civilians in armed conflicts¹

E. Fuat Keyman

Executive summary

Turkey is firmly committed to the protection of civilians in conflict-affected areas and is a signatory to the 1949 Fourth Geneva Convention. The Turkish government has co-operated with humanitarian organisations to provide protection and assistance to people in conflict-affected areas and demonstrated its commitment by taking an active role in international peacekeeping and peacebuilding missions in some of the most conflict-prone regions of the world. It provides safe havens to refugees from conflicted-affected countries, such as Syria and Libya, and hosts UN-sponsored international conferences on nation-building in the Arab Spring countries.

Turkey's domestic track record on the protection of civilians, however, offers a stark contrast to its

commitments outside its borders. Although the country recognises the international agreements that protect the rights of civilians during armed conflicts, there are serious shortcomings in their implementation within its borders. Various organisations have reported frequent cases of international humanitarian law violations in Turkey to date. The majority occurred during the 30 years of fighting between the military and Kurdish separatists in the south-eastern provinces of Turkey. In light of the new information surfacing about these occurrences and the increased freedom to investigate the persecution of civilians, the Turkish government must take this opportunity to address its failures to protect its own citizens.

E. Fuat Keyman is the director of the Istanbul Policy Centre and a professor at Sabanci University; a leading Turkish political scientist; and an expert on civil society development, democratisation, globalisation, international relations and Turkey-EU relations. He is the author and editor of numerous publications. He received his doctorate from Carleton University, Canada and undertook post-doctoral studies at Wellesley College and Harvard University.

¹ The author would like to thank Onur Sazak and Cana Tulus for their valuable help in the writing of this policy brief.

E. Fuat Keyman Turkey's position on the protection of civilians in armed conflicts

International humanitarian law (IHL) establishes the conduct and responsibilities of the warring entities and individuals engaged in conflict in relation to each other and the civilians affected by the conflict. Thus, under IHL, parties to armed conflicts are required to protect civilians from the harmful effects of military operations. These harmful effects can be direct or indirect. The direct effects consist of the deliberate targeting of civilians by means of lethal assault, rape, kidnappings, and the destruction of property and livelihoods. The indirect effects are the diseases, starvation, poverty, infant deaths, and increases in crimes and violence that erupt when belligerents destroy vital infrastructure; destroy food and water supplies; and disrupt civilians' access to basic services such as hospitals, public safety and utilities. Although IHL criminalises any actions that directly target civilians, asymmetric warfare, the disproportionate use of force by militaries, and paramilitary tactics result in frequent violations of the Law of Armed Conflict by both state and non-state actors. Therefore, it is widely believed that obstacles to the protection of civilians have little to do with the lack of legal frameworks or related institutions, but are rather caused by non-implementation and frequent violations of these rules.

Turkey is firmly committed to the protection of civilians in conflict-affected areas. The country is a signatory to the 1949 Fourth Geneva Convention and fully recognises IHL as it pertains to warfare (the Law of Armed Conflict). Turkey is a member of a broad coalition of United Nations (UN) members and NATO partners that have deployed their resources to narrow the implementation gap between the theory and actual practice of protecting civilians under IHL. Turkey has been an indispensable part of international peacekeeping missions for over a decade, not only in its immediate vicinity, but in a diverse array of locations ranging from Somalia to Bosnia.

Under the Justice and Development Party, since 2002 Turkey has not only increased its capacity to take on some of these challenges around the world, but has also assumed leadership in minimising the fallout from some of the contentious armed conflicts as they affect civilians. With regard to Syria, for instance, in 2011 Turkish foreign minister Ahmet Davutoğlu urged the United Nations Security Council (UNSC) not to forsake the protection of civilians for the

principle of non-intervention. Shortly after this plea, Turkey demonstrated its firm commitment to the protection of Syrian civilians by opening its borders to civilians fleeing the towns and villages ravaged by Bashar Assad's brutal forces. The southern Hatay district of Turkey has been home to internally displaced Syrians since the spring of 2011. According to the Committee on Migration, Refugees and Population of the Parliamentary Assembly of the Council of Europe, between spring and autumn of 2011 approximately 20,000 Syrians found refuge in Turkish refugee camps. Nearly half of them returned to Syria shortly after, and the estimate of those who still remain in the camps hovers around 10,000. Turkey also supported the Syrian liberation process by hosting a Friends of Syria Conference in February 2012. Moreover, the Turkish government provided similar support to the Libyan opposition by allowing NATO operations to be commanded from Turkey and by transporting wounded Libyans to the country for medical care.

Turkey's efforts to protect the civilians in conflict-affected areas abroad go well beyond the provision of safe havens within its borders. As a long-time NATO partner, Turkey has been an integral part of many peacekeeping and peacebuilding missions since the early 1990s. Mostly conducted in harmony with the Turkish Foreign Ministry and the Turkish Armed Forces, these important missions helped to ensure the safety of civilians, rebuilt vital infrastructure and undertook large-scale construction projects such as airports, hospitals, schools, and government offices, from Bosnia, to Kosovo, to Somalia. Since 2002 Turkey has been an integral part of the International Security Assistance Force in Afghanistan. The Turkish units on the ground stand out among their peers for they have only engaged in non-combatant, capacity-building activities. Turkish provincial reconstruction teams have immensely aided the Afghan population by executing development and reconstruction projects; building Afghan provincial government capacity; monitoring the political, economic, governance and security situation and related developments; and reporting major incidents. Chief among the notable projects that Turkish reconstruction teams have delivered in the country are the Shibirghan ring road project, food aid during Ramadan, flood mitigation around the Amu Derya River, stationery donation to the

Shibirghan Prison, and financial and intellectual support to the Departments of Women's Affairs in Jawzjan and Sar-i Pul. More importantly, Turkish reconstruction crews have committed significant human resources and \$25 million to various projects in Jawzjan province: two high schools for girls, two health centres, a technical vocational institute, the procurement of medical equipment, two orphanages, 75 wells, rapid deployment centres for emergency aid, an institute of education and teacher training.

The Turkish government has reinforced its impressive track record in peacebuilding and peacekeeping missions by also criticising the use of disproportionate force in various conflicts around the world. Prime Minister Erdoğan has been a vocal critique of the Israeli air raid in 2008 and the subsequent targeting of civilians with phosphorous bombs in the aftermath of Operation Cast Lead. The Turkish government has also issued numerous strong condemnations of the Assad regime's targeting of civilians. Since the escalation of violence in Syria in early 2012 and the Huma massacre, the Foreign Ministry has engaged more closely with UNSC members to establish a humanitarian assistance corridor into Syria.

However, the impressive performance of Turkey in protecting the lives and welfare of civilians in conflict-ridden areas abroad is overshadowed by its failure to protect its own civilians. This is in part due to the ongoing struggle between government forces and the Kurdistan Workers' Party (PKK) terrorist organisation since the early 1980s. Spilling over into the 1990s, the frequent clashes between the Turkish army and the PKK resulted in hundreds of thousands of overwhelmingly Kurdish civilians becoming internally displaced persons (IDPs). Among the causes of this catastrophe were the increased use of civilians as combatants and asymmetric warfare by the PKK, and the disproportionate use of force by the government (raids and air strikes on villages, illegal detentions, questioning under torture) to incapacitate the terrorist organisation.

Research, including the author's own, shows that many of the victims who were forced to leave their villages as a result of raids by both Turkish security forces and the PKK resettled in cities in the west,

predominantly around Izmir and Istanbul. The Internal Displacement Monitoring Centre reported as many as 1.2 million of these IDPs, the majority of whom have faced severe discrimination and limited opportunities. The recent EU Commission progress reports have demonstrated that while serious security threats are still presented by the presence of village guard militias, landmines, and the lack of basic social services and economic opportunities in the affected region, a little over one-tenth of this population have returned to their homes. Furthermore, the EU Commission also emphasises that the government has made significant progress on compensating affected people for losses due to terrorism and the fight against it since 2008.

In spite of the government's well-intentioned efforts, the citizens who live especially in Turkey's southern provinces still risk getting caught in the crossfire. One of the most tragic incidents in this context took place in 2011, a few days before New Year's Eve, when a group of civilians who smuggled commercial goods across the Syrian border were killed by a military jet near the town of Uludere. The air strike was intended to kill members of the PKK, but instead hit 34 civilians. The government compensated the families of the deceased; however, it has yet to disclose the official findings of the investigation into the incident, nor has it issued an official apology and taken responsibility for the incident.

In conclusion, while maintaining its proactive stance in terms of international peacekeeping and peacebuilding missions, Turkey must address its shortcomings in the protection of its own citizens. The Kurdish issue, which has involved a very violent armed conflict between the Turkish military and the PKK that has caused the deaths of almost 40,000 people, on the one hand, and growing domestic violence against women, including honour killings, on the other, constitute two areas where Turkey has to work more effectively on the protection of civilians. The government must bring the belligerents who have deliberately targeted civilians or those who have intentionally violated IHL to justice. Every step that Turkey takes in this direction will strengthen its capacity and credibility in the protection of civilians all around the world.