

Insights into Turkish Domestic and International Politics during February 2012

Key Points:

- *A crisis erupted between state prosecutors and the intelligence service, when members from the latter refused to turn up for questioning regarding an investigation into ties to the PKK. The intervention of prime minister and the parliament have calmed matters for now, but some experts speculate the incident is a result of a break between the AKP and the Gulenist movement.*
- *Bloodshed in Syria continues while Foreign Minister Ahmet Davutoglu travels to capitals throughout the world in an attempt to drum up support for an UN resolution to stop the violence there. Syrian refugees continue to flood into Turkey's southern provinces, where the Free Syrian Army is said to be organizing the armed resistance to the regime in Damascus.*
- *France's Constitutional Council invalidates the Armenian Genocide draft law passed in January, though both presidential candidates have vowed to push a reworded version upon entering office.*
- *The cold spell in Turkey shows the weakness in the country's position as a net importer of gas, while supply issues with Azerbaijan and Iran drastically cut imports amidst increased use in the month. Energy Minister Taner Yildiz met with NABUCCO's board of partners to discuss the link up of it and TANAP.*

Intelligence Community under Siege

In early February state prosecutors summoned the head of the Turkish National Intelligence Organization (MIT), Hakan Fidan, for questioning in connection with conducting talks with senior members of the PKK along with four other intelligence officials. Prosecutors issued arrest warrants for the former MIT head, Emre Taner, and several other agents, both active and retired. Fidan, an Erdogan appointee, refused to appear before the specially authorized prosecutors. The AKP majority in parliament swiftly passed a law on February 17 banning investigations of intelligence officers or other designated civil servants without permission of the prime minister. The opposition CHP announced it would challenge the law in the Constitutional Court, after it was pushed through with minimal opposition support and signed into law by President Abdullah Gul.

Prosecutors sought to investigate talks MIT officials had with PKK members in Oslo, Norway in 2010 – a time when Erdogan was pushing for reconciliation with Turkey's Kurdish minority – in addition to reports that MIT operatives who had infiltrated the Kurdish Communities Union (KCK) had participated in illegal acts against the state. The case was part of an overall investigation into the umbrella KCK, of which the PKK is the militant arm and the BDK a loosely affiliated political arm.

Special prosecutor, Sadrettin Sarikaya, was removed from the case before the legal amendments were ratified and signed, with superiors saying that the replacement was due to allegations that he leaked details of the case to the press and compromised its confidentiality. Commenting on his dismissal, Sarikaya said that "This is the chief prosecutor's prerogative...There is nothing that can be done. We did our duty." (Bloomberg, 20 February 2012).

As EGF Affiliated Expert, Saban Kardas, pointed out, some observers see the episode as the first public

clash of the AKP government with the Gulen Movement, said to be prevalent throughout the judiciary and police services. If this is the case, and the jurisdictional dispute was not an outlier, it is likely a forecast of incidents to come. The purposes of the courts have been largely to conduct investigations into high-profile terrorism related cases, the most notable being Ergenekon. AKP officials at the top levels of the government seemed to be fine with the prosecutorial zeal when pursuing suspects related to these and other cases, but once the handpicked Fidan was the source of focus, the executive powers under the prime minister were invoked rather quickly (Kardas, 22 February).

Looking at the case, it appears the country's leadership is dealing with a subject matter that is under constant debate in democracies around the world. Civilian oversight of intelligence gathering services and broad executive exercises of power to protect these services are signs of a thriving democratic process, but also indicative of the jurisdictional conflict at play. Swing too far in one direction, and the prime minister's office will have an unchecked ability to conduct intelligence gathering operations at a whim. But excessive zeal on part of politically minded-prosecutors can cause a serious breach of sensitive intelligence gathering operations, not to mention encroachment on domestic politics. It's a fine line to walk, and the coming year may provide more opportunities for similar clashes to occur.

Syrian Crisis

As Syria's internal protests have morphed into an all out civil war, Turkey's foreign ministry has been working both public and private channels in order to help bring an end to the violence in the country. The government denounced the Russian and Chinese vetoes at the UN Security Council on a resolution to stop the violence, and voted with the vast majority of

the General Assembly's resolution condemning the violence by the regime of Bashar al-Assad on February 17.

Foreign Minister Ahmet Davutoglu criticized Assad at the Munich Security Conference on February 2, saying "Turkey had an ethical responsibility to protect the Syrian people and that Turkey would welcome all Syrians who fled oppression." (Yeni Şafak, 3 February) Davutoglu condemned the Chinese and Russian vetoes as well, saying "They have made that decision, but Turks and Arabs are paying the price." The following day, President Abdullah Gul expressed his view on the vetoes, saying that Cold War style diplomacy would only cost more lives as Syrian army forces shelled neighborhoods in Homs on the 30th anniversary of the Hama massacre. Gul's statement echoed criticism from national capitals around the globe who see the Russian and Chinese positions as a means of keeping the United States off balance in the region.

Syrian refugees continue to seek shelter in Turkey, and gun battles between members of the motley Free Syrian Army (FSA) and Assad's forces can be heard in the Hatay Province on some days. Leaders of the FSA are rumored to be in Turkey recruiting in the burgeoning refugee camps for fighters willing to return to Syria. Leaders in Ankara have welcomed refugees, though Turkey denies that it is hosting or aiding elements of the FSA despite reports that the FSA and other anti-Assad groups are operating along both sides of the border with the acquiescence of Turkish authorities (EGF Turkey File, October 2011).

The public reaction is increasingly turning against the regime in Damascus as more reports filter out of rebel contested cities like Homs, where pro-Assad military and security units target civilians and rebel fighters alike.

Davutoglu has travelled to Moscow and Tehran to privately plead for those regimes to use their leverage

with Damascus to end the killing, though this too has been a failure.

Turkey is in a no win situation while the killing continues, explicitly stating that an armed intervention is out of the question without a mandate from the UN. In all likelihood, once Russia concludes its presidential election on March 4, the Kremlin will push Assad to halt the bloodshed. If this should take place, Turkey will be faced with undertaking a massive humanitarian operation to provide for those who refuse to return to Syria for fear of reprisals.

Genocide Bill in France

Following months of deteriorating relations between the NATO allies, the French Constitutional Council struck down the law on the Armenian genocide.

French President Nicolas Sarkozy, who is seen by many observers as pushing the bill in an election year effort to gain the support of the 500,000 French-Armenian votes up for grabs in this year's election, has said he will resubmit the bill with new language, though declined to give a timeline. Socialist presidential candidate Francois Hollande has vowed to push ahead with a similar bill if he wins the presidency, and stated that the current Turkish government shouldn't feel it is being targeted by such legislation due to the acts of soldiers from the now non-existent Ottoman Empire.

President Abdullah Gul reacted to the council's decision saying that its decision had saved the prestige of France, and Turkish leaders said they would begin reviewing economic sanctions and the unfreezing of military ties over the coming weeks.

The genocide claims are already recognized in France, having been codified into law in 2001. However this latest draft law would have imposed a fine of over \$50,000 and allowed for prison sentences of over a year in jail for those who denied the genocide. The

council's ruling that the punishments violated French statutes on freedom of speech were greeted with approval in Turkey, and as the French presidential elections enter their final phases, it is unlikely a reworded draft law will appear in the coming months.

Pipeline Geopolitics

Like most of Europe, Turkey was caught full on with the bitter cold spell which hovered over much of the continent for the first three weeks of February. Fears of another gas shut off from Russia, busy supplying its own stretched domestic market, were palpable in Brussels as the season's first episode of winter weather increased demands throughout the European energy market. EU countries fared well in comparison to previous years, apparently having learned the lessons of 2006 and 2009 and diversified their energy needs away from an overreliance on Russian energy.

Turkey is coming to the point when its growing economy and lack of domestic energy resources are combining to become a problem. Consumption in Turkey has increased dramatically over the last decade under the booming economy stewarded by the AKP, and while the country is a vital keystone in any energy market due to its geographic location, it has few resources of its own to rely on when its suppliers fail to deliver. When the cold snap hit in mid-February, energy usage soared while supplies from Iran and Azerbaijan were substantially reduced

due to technical failures at pumping stations in both countries (Kardas, 15 February). The reliance on Iran is especially troubling given the potential for future problems over a number of issues that could come to a head in the coming year; like the planned installation of NATO's early warning radar system in Turkey's southeast, Tehran's continued support of the Assad regime, and the ever present Kurdish issue. On top of this, Turkey has recently announced that it will take Iran to the International Court of Arbitration over Iranian short-supplying the past two years.

Turkish Energy Minister Taner Yildiz recently announced that he would push NABUCCO partners to adapt their own plans to consider the implications of the new link between Turkey and Azerbaijan for gas transit through the former. (Reuters, 28 February). The recently finalized agreement for the TANAP pipeline, worth \$5 billion, raised doubts over the long-term viability of NABUCCO as its projected costs soar past the \$12 billion mark.

Following the meeting, Yildiz spoke to reporters on his growing concern over the rise in oil prices, which also affects costs in natural gas, the energy used to power Turkey's electricity grid. The energy minister said the country is now in talks with Libya and Saudi Arabia for the possible purchase of crude in order to diversify the country away from its reliance on resources from Iran as issues with the regime in Tehran continue to be somewhat contentious.

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