

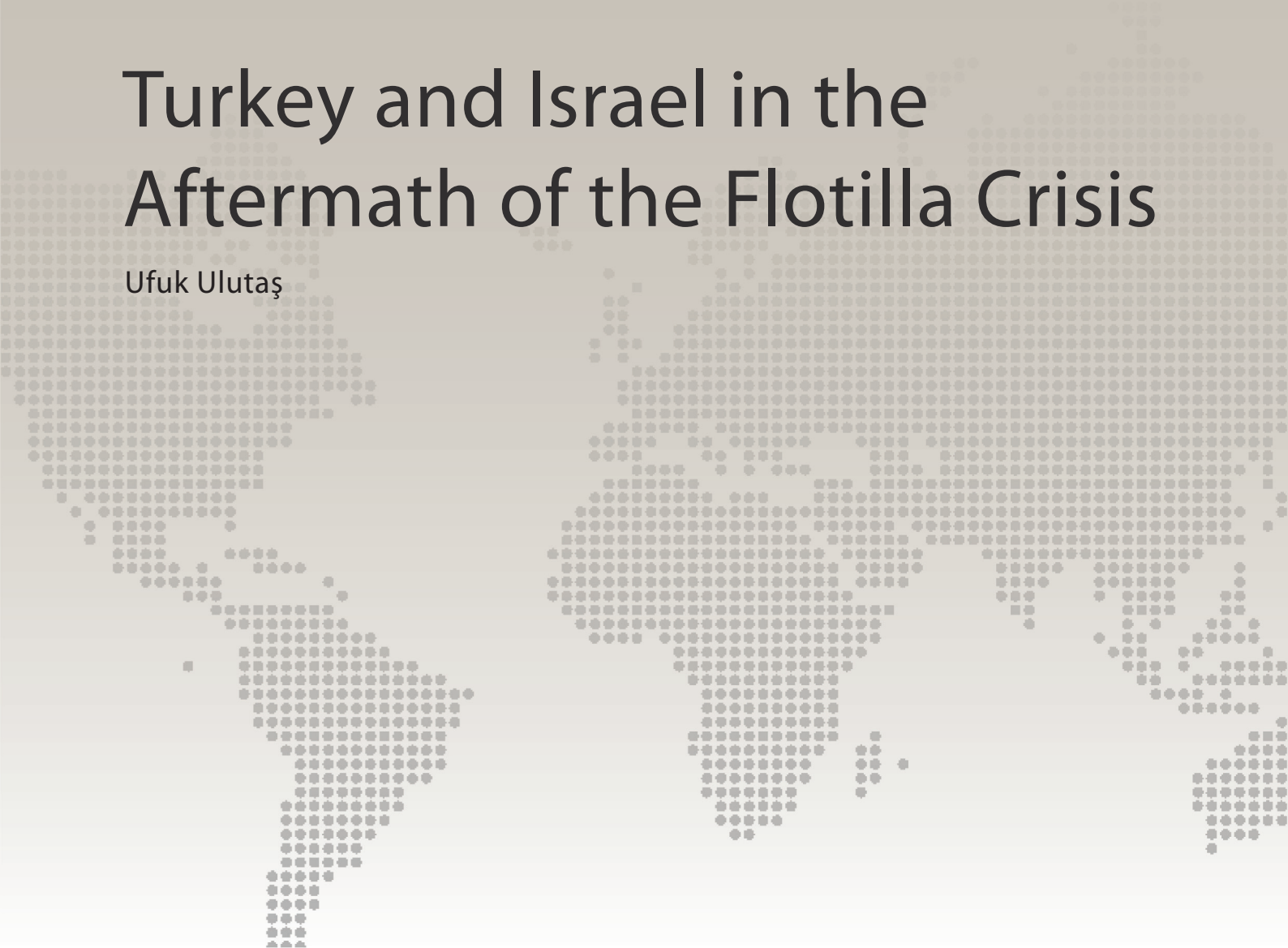
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Turkey and Israel in the Aftermath of the Flotilla Crisis

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ABSTRACT

On May 31, 2010, Israeli commandos stormed a passenger ship, the Mavi Marmara, the largest boat of a flotilla of six boats which were carrying 10000 tons of humanitarian aid to besieged Gaza, in international high waters. The operation left 9 activists dead and over 30 activists wounded.

The flotilla attack started a new trend for Turkish-Israeli relations. For the first time in history, Turkish citizens were directly exposed to Israeli aggression. In this sense, the attack constitutes a break in Turkish-Israeli relations. It is now not only Israel's treatment of the Palestinians that will shape the nature of Turkish-Israeli relations, more than anything else, but it is Israel's steps towards salvaging bilateral relations by reassuring the Turkish nation and state.

Since the early 2000's, Turkey's newly adopted vision for the Middle East, which targets political stability and economic integration in the region, started to openly clash with Israeli vision of the region that is characterized by isolation, fragmentation, and the sacrifice of international law for security concerns. The clashing visions for the region have put the two countries in a position where diplomatic crises are almost unavoidable. The latest flotilla attack or the previous chair crisis are merely the tip of the iceberg and are reflective of the two states' divergent regional outlook and understanding of a lasting peace.



Return of the bodies and wounded passengers

AA, Volkan Fırıncı

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TURKEY AND ISRAEL IN THE AFTERMATH OF THE FLOTILLA CRISIS

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On May 31, 2010, Israeli commandos stormed a passenger ship, the Mavi Marmara, the largest boat of a flotilla of six boats which were carrying 10000 tons of humanitarian aid to besieged Gaza, in international high waters. The operation left 9 activists dead and over 30 activists wounded. The flotilla was carrying citizens from thirty-two countries, and among the passengers on the flotilla were European legislators, a Swedish best-selling author, Henning Mankell, and Nobel peace laureate Mairead Corrigan-Maguire. The Mavi Marmara is owned by a Turkish charity, IHH (Foundation for Human Rights and Freedom and Humanitarian Relief), and was carrying around six hundred passengers most of which are Turkish citizens. Following the military operation on the Mavi Marmara, the flotilla was docked at Ashdod port, the activists on board were detained, and Israel announced that the activist would be either arrested or deported.

The Israeli military assault against the Mavi Marmara immediately ignited worldwide protests and condemnation. Turkey, whose citizens were attacked by Israeli soldiers in international high waters, took the lead in protests and condemnation, and called for emergency meetings of the UN, NATO, and the OIC. Ankara strongly condemned Israeli aggression, calling it "state terrorism"¹ and "an act which must be duly punished."² Ankara also called for an immediate release of its detained citizens, return of the dead and wounded passengers, an official apology from Israel, and an international and transparent investigation of the assault.

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1. <http://www.cnnturk.com/2010/dunya/05/31/erdogandan.sert.tepki.devlet.teroru/578393.0/index.html>

2. http://www.bbc.co.uk/turkce/haberler/2010/06/100601_turkey_gaza.shtml

The organizers announced that the ships would not violate Israeli territorial waters, and they do not need Israel's approval to reach Gaza by international waters.

Israel, however, claims that the demonstrators on the Mavi Marmara attacked the IDF Naval commandos with light weaponry, such as knives and clubs, and the Israeli commandos were forced to react in an act of self-defense.³ Immediately after the assault, the Israeli Defense Forces (IDF) started a PR campaign and posted heavily edited short video clips, showing the clashes between the activists and IDF commandos, rappelling down to the Mavi Marmara. Tel Aviv asserts that the flotilla's main sponsor, IHH, was directly supported by the current Justice and Development Party (JDP) government in Turkey. Furthermore, Israel claims IHH has close links with Hamas and even Al-Qaeda. Tel Aviv argues that the flotilla was a deliberate provocation against Israel and was not organized with the sole purpose of humanitarian relief.⁴ Tel Aviv also maintains that Israel already allows humanitarian aid into Gaza, and denies that a humanitarian crisis is taking place in Gaza,⁵ despite numerous reports and statements by international organizations.⁶

The Flotilla Attack

Debates on the nature of the flotilla and the potential for an Israeli intervention started even before the ships set sail for Gaza. The Israeli military declared at the outset that the ships would be intercepted before they could reach Gaza's coast and towed to an Israeli port. The organizers announced that the ships would not violate Israeli territorial waters, and they do not need Israel's approval to reach Gaza by international waters. Furthermore, they argue that the Israeli blockade of Gaza is illegal and in violation of human rights based on the Fourth Geneva Convention, which considers collective punishment as a war crime.⁷ Accusations from Israel and the flotilla organizers against each other made it clear that both sides were on a collision course.

Before the ships set sail to Gaza, Israeli officials asked their Turkish counterparts to stop the flotilla. Maj. Gen. Eitan Dangoth, who oversees civilian Palestinian issues in the West Bank and Gaza, met with the Turkish ambassador in Tel Aviv. But the Turkish government reportedly said since the flotilla was sailing under the auspices of a private group, they could do nothing to stop them.⁸ One of the few things the Turkish government was able to do was to explain what the stakes were to the flotilla organizers and the activists. The Turkish government warned the activists of Israel's likely interception and the physical and legal risks that the activists were taking by confronting Israel.

3. <http://www.haaretz.com/news/diplomacy-defense/israel-navy-commandos-gaza-flotilla-activists-tried-to-lynch-us-1.293089>

4. <http://www.nrg.co.il/online/1/ART2/114/049.html>

5. <http://www.mfa.gov.il/MFA/About+the+Ministry/MFA+Spokesman/2010/The-flotillas-goal-is-the-delegitimization-of-Israel-29-May-2010.htm>

6. For example, the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) Operations in Gaza describes the humanitarian crisis in Gaza as "bewilderingly difficult and a struggle to survive on a daily basis" <http://unispal.un.org/UNISPAL.nsf/47D4E277B48D9D3685256DDC00612265/A45E0386-D563C5ED8525770E0059E19F>

7. See the FAQ section at IHH's website <http://www.ihh.org.tr/guncel-sorular-ve-cevaplari/en/>

8. <http://www.nytimes.com/2010/06/05/world/europe/05reconstruct.html>

In addition to issuing warnings to the activists, the Turkish government also inspected the ships thoroughly before leaving from Turkey. Responding to Israeli allegations that activists aboard possessed weapons, Fevzi Gulcan, the head of customs at the Mediterranean port city of Antalya, stated that these allegations were baseless and added that the Mavi Marmara was thoroughly searched in Istanbul. Furthermore, its passengers were allowed on board only after being searched by security officers and x-ray scanners before setting out into the Mediterranean.⁹

Israeli military officials decided upon the method of the operation after examining several options, such as sabotaging propellers or engines, and the use of chains. However, military officials concluded that a takeover of the boats by Israeli commandos was the best option. The plan involved an assault by zodiac boats and rappelling down of the commandos to the ship. According to military officials, the Israeli plan was designed with the expectation that they would only encounter passive resistance from the activists.¹⁰

Based on the short and heavily edited videos posted by the IDF, a small number of activists were seen as fighting the commandos with sticks and clubs, apparently pulled off from the deck rails. In other words, based on the videos, Israeli expectations of passive resistance fell through because a small number of activists resisted. Therefore, Israel's response was to counter aggressively, which resulted in the death of 9 civilians on the boat.

This is the IDF's version of the story which later included the allegations that some of the activists possessed fire weapons, some are terrorists, Israeli commandos were lynched by the activists as soon as they landed on the deck, and therefore, the commandos shot live ammunition in an act of self-defense. The IDF's version of the incident raises many legitimate questions regarding the plan and intention of this Israeli commando operation. Satisfactory answers to these questions would help the international community to understand what really happened on the boat in the early morning of May 31st.

First, Israel's expectations of passive resistance and the later allegations of presence of the terrorists on board are contradictory. If the IHH is indeed a radical Islamic organization with ties to terrorist organizations, as characterized by the Israelis, then why did the Israelis only expect passive resistance? In fact, the expectation of passive resistance falls in line with the statements of Turkish customs authorities that the ship was clear of any kind of weapons. Hence, it is questionable whether a small number of otherwise peaceful activists could resort to violence against the IDF if the commandos did not board the ship in the manner they did.

The IDF's version of the incident raises many legitimate questions regarding the plan and intention of this Israeli commando operation.

9. <http://www.aa.com.tr/tr/israil-gemilere-mudahale-etti-2-olu.html>

10. An Israeli military spokesman said they were expecting a sit-down or a linking of arms. <http://www.nytimes.com/2010/06/05/world/europe/05reconstruct.html>



The United Nation's principles on the use of force by state actors give the right of self-defense or defense of others where it may be necessary and proportional to an imminent threat to life, however, it restricts use of force to the minimum extent necessary.

Second, what turned peaceful activists into violent protesters leads us to also question the Israeli version of the story. Several eyewitnesses, including an Arab member of the Knesset Haneen Zoubi and journalists confirm that live rounds and rubber bullets were fired from the helicopter and from the sea, killing at least one passenger before any Israeli commandos landed on the Mavi Marmara.¹¹ Although not mentioning “live round,” a New York Times article points to the use of sound grenades and rubber bullets from Israeli helicopters, and notes that the intention was to disperse the activists, but instead those shots triggered a reaction, setting in motion the following violent confrontation.¹²

Third, the Israeli version of the raid, which justifies the killings through self-defense, falls short of explaining, among others, the death of Furkan Dogan, a 19 year old Turkish-American high school student, who was shot at close range, with four bullets in his head and one in his chest. It also fails to justify the death of Ibrahim Bilgen, a 60-year-old man who was shot four times in the temple, chest, hip and back. One should also take into consideration the fact that nine Turkish citizens on board the Mavi Marmara were shot a total of 30 times, and five were killed by gunshot wounds to the head.

The United Nation's principles on the use of force by state actors give the right of self-defense or defense of others where it may be necessary and proportional to an imminent threat to life, however, it restricts use of force to the minimum extent necessary. It also requires that law enforcement agents have a duty to use alternative non-violent and non-lethal methods of restraint and conflict resolution.¹³ Forensic evidence, and even the heavily edited videos of the IDF, clearly indicate that Israel violated the principle of proportionality and restraint. If a single bullet to the head could incapacitate an activist, then why would an activist such as Dogan be shot four times in the head and once in the chest? This indicates that the Israeli commandos were not merely responding based on their right of self-defense.

Fourth point is the fact that Israel cut off all communications, including live streaming from the ship, during the raid and confiscated some of the most important material for a future investigation, such as videos and photos taken by journalists and passengers on board. In an effort to censor the chronology and nature of the Israeli raid, Israel has kept and refuses to release all video and audio recordings of the raid. The Foreign Press Association, which represents journalists in Israel and the Palestinian territories, says in an official statement that the Israeli military is using those “captured” material “to bolster its claims that commandos opened fire only after being attacked. The association

11. See <http://www.aawsat.com/details.asp?section=4&issueno=11509&article=572178&search=%CD%E4%ED%E4&state=true> and Al-Jazeera's Jamal ElShayyal's account of the raid http://www.huffingtonpost.com/2010/06/04/al-jazeera-reporter-israel_n_600720.html and for some other eyewitness accounts <http://213.243.28.155/Radikal.aspx?aType=RadikalHaberDetay&Date=&ArticleID=1000385&CategoryID=97>

12. <http://www.nytimes.com/2010/06/05/world/europe/05reconstruct.html?ref=world>

13. See Basic Principles on the Use of Force and Firearms by Law Enforcement Officials by the UN. <http://www2.ohchr.org/english/law/pdf/firearms.pdf>

also condemns Israeli military's "use of photos and video material shot by foreign journalists, now being put out by the [Israeli] spokesman's office as 'captured material.'"¹⁴

Fifth, besides the civilian fatalities and casualties on the boat, there is also a valid discussion on the legality of the Israeli attack in international high waters, seventy-two miles off the coast of Israel, on ships, flying under foreign flags. The ships were carrying civilians from thirty-two countries. The Convention on the High Seas and the UN Convention on the Law of the Sea protect freedom of navigation, and all states are bound with these conventions. This principle stipulates that all states have the freedom to sail ships flying their flags on the high seas. Since sovereignty over a ship is exclusive to the state whose flag the ship is flying, any attempt to board the ship of another flag-state is therefore considered a breach of that state's sovereignty.

In response to Israel's justification of the flotilla attack by its right to blockade Gaza, Lynda Brayer, an Israeli human rights lawyer who specializes in the laws of war, notes that because the attack was carried out in international waters, "the status of the relationship between Hamas and the state of Israel is of no relevance whatsoever. Likewise, neither the blockade of Gaza nor Israel's claims and legal interpretations regarding it has any bearing on its acts of aggression in international water." Noting that the attack was not an act of piracy since piracy is carried out by individuals, not state actors, Brayer asserts that Israel engaged in acts of war in international waters, and therefore, committed both crimes against peace and crimes against humanity. She concludes that "Israel was first of all not allowed to attack these vessels militarily, and then not to board these vessels by force, capture these vessels, attack the passengers, imprison them on the vessels, forcibly remove them from the vessels, and steal their private property in the form of cameras, computers, clothes, etc."¹⁵

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Gaza

Part of the problem of how the Israelis handled the humanitarian aid flotilla lie in Israel's claim that there is no humanitarian crisis in Gaza; therefore, the purported *raison d'être* of the flotilla is nonexistent. This assertion definitely conflicts with reports and observations of international organizations in Gaza. Although it is true that Israel allows basic necessities into Gaza, they also restrict the type and quantity of that aid. For example, in January 2007, Gaza received more than 10,000 truckloads of goods each month; by January 2009 the number decreased to roughly 3,000.¹⁶ Despite Israel's claims, The UN's Food and Agriculture Organization reports that 61% of the territory's residents are "food insecure,"¹⁷ while the UN relief agency for Palestinian refugees United Nations

14. <http://www.fpa.org.il/?categoryId=406>

15. <http://www.taylormarsh.com/2010/06/03/israeli-lawyer-why-israels-flotilla-attack-was-illegal/>

16. <http://english.aljazeera.net/focus/2010/05/20105319333613851.html>

17. http://www.ochaopt.org/documents/gaza_agriculture_25_05_2010_fact_sheet_english.pdf

The UNSC emergency meeting ended with a presidential statement in which the UNSC condemned those acts which had killed at least 10 civilians and wounded many more in international waters.

Relief and Works Agency (UNRWA) notes that 80% of households rely on food aid.¹⁸ UNRWA also says the “number of people in Gaza it helps who are unable to buy basic items such as soap, stationery and safe drinking water has tripled since 2007.”¹⁹ Furthermore, The World Health Organization reports assert that dozens of basic medicines are unavailable in Gaza because of the blockade.²⁰

International Reaction, Turkish Demands & Israeli Defiance

Immediately after the Israeli attack, Turkey called emergency meetings in international bodies to urge for international condemnation and action against the Israeli attack. As a non-permanent member of the United Nations Security Council (UNSC), Turkey defined the attack as a “grave breach of international law and murder conducted by a State.” The UNSC emergency meeting ended with a presidential statement in which the UNSC condemned those acts which had killed at least 10 civilians and wounded many more in international waters. The UN Secretary-General Ban-ki-moon called for a prompt, impartial, credible and transparent investigation conforming to international standards. Even more important was the note by a UN political official that the bloodshed could have been avoided if Israel had lifted the unacceptable and counterproductive blockade of Gaza.²¹

Along similar lines with the UNSC, the Secretary General of NATO, Anders Fogh Rasmussen, condemned the acts which led to the loss of lives and other casualties, and he seconded the calls by the UN and European Union for a prompt, impartial, credible and transparent investigation into the incident, and more importantly requested the immediate release of the detained civilians and ships held by Israel.²² In addition to various calls by international organizations, the Organization of the Islamic Conference (OIC) also called for the setting up of a group of legal experts to bring to justice the Israeli officials who planned the attack.²³

The United States was late to express any reaction to the attack, partly because the attack coincided with the Memorial Day holiday. Since the attack, the US position has been ambiguous, as the US has been trying to accommodate both Turkey and Israel at the same time. While both White House and the Department of State expressed their regret for the loss of lives, none of them directly condemned the Israeli attack. While the White House seems to be open to the idea of an international investigation, the Department of State is inclined to accept a purely Israeli investigation of the incident.

18. <http://www.unrwa.org/etemplate.php?id=659>

19. http://news.bbc.co.uk/2/hi/middle_east/7545636.stm

20. http://www.emro.who.int/palestine/reports/advocacy_HR/advocacy/WHO%20Press%20statement-June2010.pdf

21. <http://www.un.org/News/Press/docs/2010/sc9940.doc.htm>

22. http://www.nato.int/cps/en/SID-C69D9EDC-0E346F8E/natolive/news_63983.htm?mode=pressrelease

23. http://www.oic-oci.org/topic_detail.asp?t_id=3868

Turkish Foreign Minister Ahmed Davutoglu's meeting with the US Secretary of State Hillary Clinton and Turkish Prime Minister Recep Tayyip Erdogan's phone conversation with US President Barack Obama helped the US to understand Turkey's position better. However, the US political structure, approaching congressional elections, and US efforts to initiate direct talks between Israel and the Palestinians have restricted the United States' diplomatic maneuverability vis-à-vis Israel. The only substantial result coming out of the Turkey-US conversation was the release of detained passengers by Israel. In addition to the demands of international organizations, American pressure proved to be influential in persuading Israel to change its position on the detained foreign citizens. The ambulance planes sent by Turkey to Israel to retrieve the injured also played a role in changing Israel's decision, since some Israeli cabinet ministers said "making the planes return to Ankara empty would only exacerbate the situation."²⁴

At the moment, Turkey has three substantial demands from Israel as outlined by Turkey's ambassador to the US, Namik Tan, in a Washington Post op-ed piece: an official apology to the Turkish nation; an end to Israel's blockade on Gaza and its inappropriate and disproportionate police actions toward the Palestinian civilians in Gaza; and a prompt, independent, impartial, credible, and transparent international investigation into the incident.²⁵ Tel Aviv has still not reached a final decision on whether to accept an international commission to probe the flotilla attack, though several Israeli officials, including Israel's ambassador to Washington, Michael Oren, stated that his country would reject an international inquiry into the attack.²⁶ While Israeli foreign ministry officials stated very clearly that Israel will not apologize to Turkey, Israel signaled that they may ease the Gaza blockade. Israel may take steps toward easing the naval blockade as a part of an "exit strategy"²⁷ and because of increasing international pressure, especially from Washington.

Future of Turkish-Israeli Relations: What Is Next?

The Israeli attack on Gaza was certainly a turning point in Turkish-Israeli relations. Turkish reaction to the Gaza attack while Turkey was sponsoring Syrian-Israeli talks including the famous Davos incident, clearly demarcated and publicized Turkey's and Israel's divergent views on regional peace and the future of the Middle East. The honeymoon years of Turkish-Israeli relations during the late 1990's came to an end as of the early 2000's with Turkey's adoption of a multidimensional foreign policy and its zero problems with neighbors policy. Regional hostilities and shared threat perception, which brought the two countries together under the term "strategic alliance," were rendered meaningless by Turkey's regional peace initiatives. The aftermath of the Gaza attack in

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24. <http://www.ynetnews.com/articles/0,7340,L-3897735,00.html>

25. <http://www.washingtonpost.com/wp-dyn/content/article/2010/06/04/AR2010060404016.html>

26. <http://www.nytimes.com/2010/06/07/world/middleeast/07mideast.html>

27. <http://www.haaretz.com/news/diplomacy-defense/under-u-s-pressure-netanyahu-may-ease-gaza-blockade-1.294038>

Since the early 2000's, Turkey's newly adopted vision for the Middle East, which targets political stability and economic integration in the region, started to openly clash with Israeli vision of the region that is characterized by isolation, fragmentation, and the sacrifice of international law for security concerns.

2007, in a way, brought Turkish-Israeli relations back to the pre-1990's during which the relations often fluctuated due to regional crises.

The flotilla attack, however, started a new trend for Turkish-Israeli relations. For the first time in history, Turkish citizens were directly exposed to Israeli aggression. In this sense, the attack constitutes a break in Turkish-Israeli relations. It is now not only Israel's treatment of the Palestinians that will shape the nature of Turkish-Israeli relations, more than anything else, but it is Israel's steps towards salvaging bilateral relations by reassuring the Turkish nation and state.

The crises that have shaped the course of Turkish-Israeli relations since their official formation in 1949, indicate more a structural problem than a temporary one instigated by individuals or governments. Since the official formation of relations, Turkey has often voiced its disapproval, even anger at times, of Israeli military operations and treatment of the Palestinians. Even under military tutelage, Turkey downgraded diplomatic relations with Israel to a "second secretary" level due to Israel's continued unconciliatory policy on Middle East problems. More recently in 2002, for example, the Prime Minister of the time, Bulent Ecevit, accused Israel of committing genocide against the Palestinians.

Structural problems between the two states started receive publicity starting from early 2000's, and the last two years made it clear that these problems will shape bilateral relations in the foreseeable future. Since the early 2000's, Turkey's newly adopted vision for the Middle East, which targets political stability and economic integration in the region, started to openly clash with Israeli vision of the region that is characterized by isolation, fragmentation, and the sacrifice of international law for security concerns. In other words, clashing visions for the region have put the two countries in a position where diplomatic crises are almost unavoidable. The latest flotilla attack or the chair crisis are merely the tip of the iceberg and are reflective of the two states' divergent regional outlook and understanding of a lasting peace.

Structural problems due to increasingly divergent visions for the region were only exacerbated by the formation of a right-wing government in Israel. The AK Party government in Turkey found opportunities of working for peace and maintaining good relations with the previous Israeli governments, such as the Sharon government during the Israeli withdrawal from Gaza in 2005, and the Olmert government during the Turkish sponsored Syrian-Israeli indirect peace talks until the Israeli attack on Gaza. However, the Netanyahu government, which includes elements of the extreme right, made it quite difficult for Israel to take the necessary steps for regional peace, despite Israel's increasing international isolation, even at the expense of the US President Barack Obama's Middle East policies. Therefore, considering the current negative public opinion against Turkey in Israel and vice versa, it would be quite difficult for Ankara and Tel Aviv to come to terms with each other unless Tel Aviv takes positive steps towards peace in the region, starting with an official apology to Turkey for the killings of Turkish citizens in the aid flotilla.

Recommendations

- 1- Israel's attack on the humanitarian aid flotilla is a deliberate violation of international law. Tel Aviv, therefore, should follow an exit strategy by toning down its rhetoric and agreeing to an international probe to determine which institutions and individuals are responsible for the attack. The exit strategy should also include lifting the blockade on Gaza.
- 2- The illegality of the flotilla attack should be publicized. In addition to the investigation that will possibly be led by the UN, Ankara should form a team of international law experts to support the UN investigation. Several reports should be published in Turkish and foreign languages.
- 3- The Israeli government has launched an extensive PR campaign to salvage Israel's image in the world. In addition to posting heavily edited videos and potentially fabricated audio clips, Israel also aims to divert the discussion from the IDF's killing of civilians in international high waters to Turkey's newly emerging regional alliances and allegations of rising anti-Semitism in Turkey. The Turkish government should ensure that protests against Israel are kept within the limits of moderation. Turkey should also intensify its efforts in explaining Turkey's diplomatic work in its surrounding regions to the international community.
- 4- Ankara and Tel Aviv have diverging views on the future of the Middle East, which has long-lasting and complex problems. A sustainable relation between the two countries will require progress in at least some of these problem areas. To this end, the lift of the Gaza blockade and the relaunching of the Syrian-Israeli talks could potentially have a positive impact on the nature of relations between the two countries.
- 5- The flotilla crisis has put enormous pressure on Egypt, as a result of which it opened the Rafah border crossing indefinitely. The international community should make sure that the Rafah border crossing stays open. Without the Egyptian blockade of Gaza, Israeli blockade would be seriously challenged.

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