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**Defending the Tomb of Suleyman Shah:
Turkey's Options and Challenges**

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Introduction

Amongst the numerous challenges that Turkey has had to bear with since the beginning of the Syrian Civil War in 2011, the brutal expansion of the Islamic State of Iraq and the Levant (ISIL)¹ has gradually become the most formidable. ISIL has acquired large swaths of territory in both Syria and Iraq and in the process the terrorist organization has obtained both sophisticated arms and major sources of revenue, including multiple oil wells. Furthermore through its military success and propaganda the organization has attracted thousands of foreign fighters to join its ranks and enjoys a level of public support in some of the areas that it controls.

Furthermore, ISIL has gradually crept closer to the Tomb of Suleyman Shah – a historical Turkish exclave located near Aleppo, Syria as established by the 1921 Treaty of Ankara, situated roughly 32 kilometers away from the nearest Turkish border – and has openly threatened to strike the Tomb. Time and again Ankara has reiterated its commitment to the protection of the Tomb and has fortified its defenses with Special Forces elements and a formidable military buildup along the border areas. Although there had been no reports of clashes between ISIL forces and Turkish troops in the area at the time of writing, ISIL continued to control the surrounding areas of the Tomb.

In light of Turkey's shifting policy towards ISIL and the recent declarations of the Turkish leadership regarding taking part in the ongoing coalition effort against ISIL, the threat to the Tomb has become more palpable. In this paper, EDAM analyzes political-military aspect of the conflict, from Turkey's options on the table to the North Atlantic Alliance's collective defense commitments.

The Rising ISIL Threat and Ankara's Shifting Policy

In the preceding months of ISIL's direct threatening of the Tomb back in March 2014, the Turkish administration has been frequently criticized because of its lax border control measures and failure to counter the use of its territory for the smuggling of arms, funds and personnel to aid the Syrian Civil War, was not only because that these are arduous tasks (and

¹ Alternative designations include Islamic State of Iraq and Sham (ISIS), the Islamic State (IS), the Islamic Caliphate, and Daesh

indeed they are), but also because Ankara's priorities lay elsewhere – namely, in hastening the deposition of the Assad regime in Syria.

ISIL's ultimatum on March 2014 to the Turkish government for the evacuation of the Tomb, and an intercepted plot in the Central Anatolian city Niğde, which claimed three lives and wounded five others, had the sobering effect. Since then, there has been a noted tightening in Ankara's border and airport security measures, as well as intelligence cooperation with its Allies on known jihadists, which are exemplified by the rapidly increasing amounts of suspected jihadists that were arrested, deported or barred from entry².

During its invasion of Mosul in May, ISIL took more than 90 Turkish citizens hostage, along with 46 diplomatic personnel. The diplomatic personnel and their families had been held hostage until mid-September, paralyzing Turkish policy-making in the meantime. Let alone partaking in any coalition effort that targeted ISIL, during this very period, the Turkish leadership remained reluctant to openly call ISIL a terror organization (although the official designation had been in place since late-2013), instead criticizing the Assad and Maliki governments which it deemed were responsible for the rise of extremism in both countries due to sectarian policies followed by Damascus and Baghdad.

ISIL's growing presence at Turkey's – and by extension NATO's – doorstep has palpable ramifications for the country. These are exemplified by the scores of refugees (including 138.000 civilians³ in less than a week) that have fled to Turkey fleeing ISIL, by the occasional mortar shells that fall into Turkish border towns, by the threat of Turkish citizens joining ISIL's ranks, by reports of ISIL fund-raising and recruitment activities in suburban areas of Turkey.

Yet there has been a marked change in Ankara's stance after the release of the hostages and amidst increasing pressure from its Allies. In addition to labeling ISIL as a terror organization in his latest remarks, President Erdogan has argued that Turkey could not stay out of any international operation against ISIL and that this operation should target ISIL positions both in Iraq and Syria⁴. The President also argued that an operation limited to airstrikes would not

² For exact figures, please see the earlier EDAM Publication by Sinan Ulgen and F. Doruk Ergun titled "A Turkish Perspective on the Rise of the Islamic Caliphate"

³ The Daily Mail (2014, September 28) "Frightened, homeless and fleeing from ISIS: Kurdish refugees are met at the Turkish border by riot police determined to stop conflict spilling over from Syria" Accessed on 29 September 2014 from: <http://www.dailymail.co.uk/news/article-2772598/Turkey-refugee-crisis-deepens-Islamic-State-besieges-Syrian-border-town.html#ixzz3EjA2P7fc>

⁴ Hürriyet (2014, September 29) "Erdogan: Ey dünya PKK'ya niye sesin çıkmıyor"

be successful by itself, but should also incorporate land elements – which should be spearheaded by the Iraqi Army and Kurdish Regional Government peshmerga. The President also argued that a no-fly zone and safe enclaves should be established in Syria⁵, echoing his earlier attempts to convince the international community to conduct a military operation against the Syrian President Bashar al-Assad.

In case Ankara decides to partake in the coalition effort, the Tomb of Suleyman Shah would become one of the likely targets for a potential ISIL retaliation. This is both due to the fact that the organization has a stake in capturing the area due to its location and that it already has a military presence in the area. Moreover, ISIL may calculate that it has the upper hand given the fact that Turkish military presence in the area is limited and there are logistical, political and military constraints for further commitment.

However, since March 2014, Ankara has also re-organized its defenses protecting the historical tomb and the Turkish Armed Forces has beefed up its presence along the border areas to protect its forward deployed elements in Syria. The subsequent chapter lays out these constraints and discusses Turkish options.

MILITARY OPTIONS, ASSETS AND CAPABILITIES

Air – Ground Mission & Army Aviation Assessment and Operational Experience Advantage

One of the main advantages that the Turkish Armed Forces would enjoy in a possible intervention to the Suleyman Shah Tomb is the Turkish Air Force's (TAF) operational experience in anti-personnel air-ground missions that emanates from decades-long struggle in the counterterrorism campaign against PKK. In other words, Turkish pilots are quite familiar with hunting down light infantry-equivalent elements in asymmetric conflicts, thereby; Ankara's tactical air wing is expected to perform fairly satisfactorily in eliminating ISIS elements in case of an engagement. Besides, the TAF enjoys precision-guided munitions (PGM) –albeit not the highest-end in global standards– that can strike targets such as small militant concentrations as well as dispersedly deployed vehicles and mortar positions⁶.

⁵ Hürriyet (2014, September 27) “Erdoğan: Suriye’de uçuşa yasaklı bölge ilan edilmeli”

⁶ For detailed data see: IISS, *Military Balance 2014*, Routledge, London, 2014.

The only shortfall of the TAF in such a scenario would be the lack of attack aircraft such as the American A-10 or the Russians' Su-25 that can fly slowly at low altitudes with a special focus on anti-personnel and anti-armor missions. On the other hand, the Turkish Army's rotary-winged assets and pilots could still ensure robust close air-support if needed. For a long time, Ankara has been initiating attack helicopter operations against a formidable irregular adversary, PKK. The Turkish Army Aviation enjoys attack helicopter battalions with *AH-1 Cobra* variants attached to the Army commands. In case Turkish decision-makers opt for extending the initial fixed-wing air-ground response against a possible ISIS aggression to a rapid response by special land units, which would most probably be air-lifted by utility helicopters, the Army's attack helicopters are expected to accomplish close air-support and anti-personnel missions effectively.

Another advantage of the Turkish forces is the geographical proximity and topographical suitability of the possible zone of action. Clearly, both the 8th Main Jet Base in Diyarbakir (*available 181st and 182nd F-16 squadrons with attack and multirole duties*) and the 7th Main Jet Base in Malatya Erhac (*available F-4E 2020 squadron with attack duty*) are within some 250kms range from the Suleyman Shah Tomb. Besides, the area is predominantly lowland and sub-urban, offering little natural defenses to ISIL militants in case of an air assault. Furthermore, any possible Turkish air operations to protect the tomb and the garrison would be different than the ongoing U.S.-led strikes in terms of air-refueling and related logistical burden. Given the combat radius of F-16s and F-4E 2020s in the TAF's inventory:

- ✓ no air-refueling would be required to reach the target area which means lower logistical burden
- ✓ the commissioned tactical air wing would enjoy satisfactory on-station times that would foster sustainable combat power and ensure effectiveness against pop-up targets
- ✓ Adequate number of sorties could be flown in a short time that would intensify the air-ground bombardment, foster tactical surprise, and shorten the duration of the campaign.

Artillery Support Assessment: Weapon Systems' Range and Geographical Proximity Advantage

Along with tactical air wing and attack helicopters, Ankara also enjoys artillery options, primarily the 155mm *Firtina* self-propelled artillery system with some 40kms range depending on type of the ammunition of choice. Most probably, an artillery salvo against ISIS elements around the Suleyman Shah Tomb will be carried out by the 20th Armor Brigade (with border units) under the 2nd Army Command. According to the Turkish Army's Doctrinal Order of Battle, a standard armor brigade includes two self-propelled artillery battalions in addition to two armored and two mechanized infantry battalions⁷. Turkish media sources suggest that the 20th Armor Brigade has already been reinforced by additional artillery and main battle tanks⁸. In fact, for a long time, Ankara has been consolidating its combat units along the border areas. At the time of writing, the Chief of Army, General Hulusi Akar paid inspection visits to the border units to check the level of combat-readiness⁹.

Using artillery against a possible ISIS aggression offers certain advantages to Ankara. First, in such a military pattern, no Turkish units will have to violate the Syrian air space. Second, *Firtina* is a reliable asset with only some 17.5m deviation thanks to the Aselsan-produced inertial navigation system, along with some 30 seconds reaction time¹⁰. Furthermore, the self-propelled artillery can reach 66km speed with a range of 480kms¹¹ which means it can be swiftly relocated in conjunction with the target set and against time-sensitive targets, besides it can protect itself by constant relocation. In addition, *Firtina* howitzer can fire 6-8 rounds per minute that would enable an intensive volley. Finally, a meaningful concentration of the artillery assets, which EDAM has been monitoring in the recent months based on open-source information, can provide high number of rounds that would exert a formidable pressure against ISIS elements in open ground. In fact, since 2012, the Turkish Army elements along the Syrian border have been conducting artillery fire by *Firtina* howitzers retaliating munitions falling into Turkish territory¹².

⁷ IHS Jane's, *World Armies: Turkey*, 2014. p.6.

⁸ <http://gundem.milliyet.com.tr/asker-operasyona-hazir/gundem/detay/1856687/default.htm>, Accessed on: 26 March 2014.

⁹ <http://www.hurriyet.com.tr/gundem/27267517.asp>, Accessed on: 27 September 2014.

¹⁰ <http://www.hurriyetdailynews.com/turkey-hit-syria-with-s-korean-designed-howitzers.aspx?pageID=238&nID=31653&NewsCatID=338>, Accessed on: 26 March 2014.

¹¹ Ibid.

¹² <http://www.sabah.com.tr/Ekonomi/2012/10/04/suriyeyi-turk-firtinasi-vurdu>, Accessed on: 27 September 2014.

Yet, employing *Firtina* artillery alone might bring about some operational drawbacks. Firstly, even though artillery rounds manage to provide precision, still, sensitive battle damage assessment would be needed. Secondly and more importantly, in the absence of visual contact through attack helicopters, and on-station strikes through fighter jets, ISIS elements could still push for the garrison which would not be able resist for long. Thus, solely artillery response does not seem operationally viable. It can be contended that in case of an intervention, artillery fire will be in support of air-ground campaign.

The Turkish Special Forces Deployed in the Possible Zone of Action

In March 2014, Turkish Defense Minister Ismet Yilmaz said that the garrison protecting the Suleyman Shah Tomb was reinforced by the Special Forces elements, the professional elite of the Turkish Armed Forces publicly known as the “maroon berets”¹³. Established in 1992 and answering directly to the Chief of Staff, Turkey’s Special Forces was re-organized at corps-level under the 2011 Turkish Supreme Military Council decisions¹⁴.

Turkish press details the number of maroon berets protecting the tomb as some 60¹⁵. Without a doubt, the exact number of operating elements in the zone of action would be classified information. However, the nature of special forces operations suggest that such unit type (*i.e. the Russian Spetsnaz or the British SAS*) are trained for operating in high-risk environments in which they are generally outnumbered.

The Turkish Special Forces have a formidable combat experience emanating from the counter-terrorism operations against PKK. During the 1990s’ cross-border military operations into Northern Iraq, the maroon berets were reported to infiltrate deep into the Iraqi territory for military intelligence and operational security tasks¹⁶. Furthermore, military-academic studies penned by Turkish officers indicate that since its establishment, the Turkish Special Forces Command has been responsible with unconventional warfare, counterterrorism, and

¹³ <http://www.aksam.com.tr/siyaset/bakan-ismet-yilmazdan-suleyman-sah-turbesi-aciklamasi/haber-295778>, Accessed on: 28 September 2014.

¹⁴ <http://www.hurriyet.com.tr/gundem/27269893.asp>, Accessed on: 28 September 2014.

¹⁵ Ibid.

¹⁶ Hasan, Kundakci. *Guneydogu’da Unutulmayanlar*, Alfa Basim Yayim Dagitim, Istanbul, 2007, 336-337.

special reconnaissance missions¹⁷ which suit well with the current problematic situation around the Suleyman Shah Tomb.

At this point, the most important parameters relate to ISIL's operational and tactical patterns, and its military strategy. An ISW report alarmingly stresses that *"ISIS is able to design and execute military campaigns at the strategic and operational levels. ISIS is able to plan, adjust, consolidate, and initiate phased campaigns. ISIS is able to designate main efforts and distribute manpower and materiel across fronts"*¹⁸. Moreover, despite military hardware captured by the extremist terrorist organization, Kenneth Pollack from the Brookings Institute indicates that *"ISIS's principal strength lies in the morale and experience of its troops, not in superior firepower"*¹⁹.

In sum, as Ankara deployed its elite forces in the garrison, within the range of the Air Force and the Army's aviation and artillery support, the chances of a surprise ISIL takeover has been fairly mitigated. However, although the maroon berets are among the top troops, still they could be overpowered by the mass buildup of ISIL elements. Therefore, instead of repelling a pressing attack to the Suleyman Shah Tomb and the garrison, Ankara may be compelled to undertake preemptive strikes and enhance its military intelligence to detect any buildups close to possible jump-off points in the vicinity of the historical tomb and its outpost.



¹⁷ Erdal, Kenar. *Assessment and Selection of Personnel for the Turkish Special Forces Command*, Master's Thesis, The U.S. Navy Naval Postgraduate School, 1998, pp.12-13.

¹⁸ Jessica, D. Lewis. *The Islamic State: A Counter-Strategy for a Counter-State*, ISW, Washington D.C., 2014, p.17.

¹⁹ Kenneth, M. Pollack, "Iraq: Understanding the ISIS Offensive against the Kurds", Brookings, 11 August 2014, <http://www.brookings.edu/blogs/iran-at-saban/posts/2014/08/11-pollack-isis-offensive-against-iraq-kurds>, Accessed on: 28 September 2014.

OPERATIONAL DRAWBACKS

Unknown MANPADS Capabilities of the Adversary

Starting from the outset of the civil war, the Syrian battleground has been witnessing a complicated Man Portable Air Defense Systems (MANPADS) landscape. The Syrian inventory, which possesses *Strela* and more advanced *Igla* Russian MANPADS series, has already offered attractive opportunities for several opposition groups through seized arms caches. In this regard, especially advanced *Igla* series could be menacing due to all-round engagement aspect (*Strela series generally engages only from the behind and lack anti-flare filters*), flare countermeasures, longer ranges (*some 5kms*), higher altitudes (*about 11,500 feet*), and effective engagement speeds (*some 2.1 Mach*)²⁰. Moreover, the MANPADS on the Syrian battleground cannot be limited with the Baathist Forces' arsenal. In fact, there are over 500,000 MANPADS around the world and several thousand remain out of effective government control²¹. In this regard, Syria is not an exception. YouTube coverage of the civil war suggests that systems like the Chinese manufactured FN-6, which is not included in the Syrian Arab Army's inventory, has been used by the opposition²².

In the light of the aforementioned issues, a potential Turkish attack and utility helicopters can be under a considerable risk of MANPADS once they enter the Syrian territory, especially during missions at lower altitudes. Therefore, employing attack helicopters without getting a good grip on the adversary's MANPADS capabilities could turn an operation into a bitter high-value casualty experience. In this regard, military intelligence and Special Forces operations are expected to play critical roles in case of a limited Turkish intervention.

The Risk of Engaging Syrian Air Defenses and Fighter Aircraft

From a military standpoint, flying fixed and rotary-wing assets over the Syrian air space brings about the risk of engagement with Syrian air defenses. An August 2013 EDAM paper analyzed Syrian air defense capabilities in detail²³. In brief, Syria possesses a combination of legacy Soviet systems, and shorter range relatively modern air defense systems that constitute

²⁰ Australian Government Department of Foreign Affairs and Trade, *MANPADS: Countering the Terrorist Threat*, 2008, Appendix.

²¹ John, R, Bartak. *Mitigating the MANPADS Threat: International Agency, U.S., and Russian Efforts*, Naval Postgraduate School, California, 2005, p.V.

²² <https://www.youtube.com/watch?v=r3IIc1I6f74>, Accessed on: 26 March 2014.

²³ Can, Kasapoglu. *The Syrian Civil War: Assessing the No-Fly Zone Option*, EDAM, Istanbul, 2013.

a dense, multi-layered air defense network. Bulk of the Syrian Air Defense Command includes static but long range SA-5, along with SA-3 and SA-2 medium range systems in addition to self propelled highly mobile SA-6 systems. By the 2000s, the Syrians have also received more effective systems, yet in short ranges, such as SA-17 (*45km range with max. 25km altitude*) and Panstir S-1 (*or SA-22 with 12 – 20 km range depending on the missile of choice*)²⁴.

Furthermore, although the Syrian tactical air wing's air-to-air capabilities cannot be compared with those of the TAF, still, the Baathist Regime's Mig-29 squadrons²⁵ should be taken seriously. Besides, Jane's Defence suggests that some of the Syrian Air Force's Mig-25 *Foxbats* could recently be operational again after Damascus retired its Mig-25s in 2011²⁶. If the mentioned intelligence is precise, then this highly-maneuverable and very fast interceptor aircraft could be another operational risk for the Turkish Air Force.

In case the regime takes part in a conflict situation, such a development would drastically alter the sensitive military balance on the battleground. For one, should the Syrian air defenses are included into the overall picture, Ankara might find itself in a Suppression of Enemy Air Defenses (SEAD) mission in a limited area that could push Turkish defense planners to commission the 151st Squadron based in Merzifon with SEAD duty, and armed with AGM-88 anti-radiation missiles²⁷. However, a SEAD mission over the Syrian skies would not be the same with downing a Syrian Mi-17 helicopter or Mig-23 fighter jet due to the violation of Turkish air space. On the contrary, such a move can well escalate to an inter-state retaliation which would be problematic given Turkey's already sensitive security environment from the Black Sea basin to the Middle East.

The Risk of “Downed Pilot” Situation over the Hostile Territory

The most important risk of engaging Syrian air defenses, fighter aircraft, or ISIL's MANPADS (for the rotary-wing assets, which are fragile against MANPADS, if Ankara opts for using them) could be the sudden emergence of a “downed pilot” and a subsequent “search & rescue mission”. As seen in the 2011 Operation Odyssey Dawn in Libya during which an

²⁴ IHS Jane's, *Jane's Sentinel Security Assessment-Eastern Mediterranean Air Force:Syria*, 2012,p.2.

²⁵ Ibid. pp.1-7.

²⁶ http://www.janes.com/article/36260/syria-s-mig-25s-fly-again#.Uz7GJr_UhHV.twitter, Accessed on: 28 September 2014.

²⁷ IHS Jane's, *World Air Forces:Turkey*, 2012,pp.6-11.

F-15E crashed but fortunately the pilot managed to eject, even technical problems over hostile environment can lead to such a situation²⁸. Losing a pilot over the Syrian skies could become a serious liability for Ankara and could mean picking up where the Turkish administration recently left off in “ISIL-held refugee” crisis.

The Turkish Armed Forces’ *combat search and rescue (CSAR)* teams are subordinate to the Special Forces Command. We estimate that as the risks of an ISIL attack to Suleyman Shah Tomb escalate, Ankara may have ended up deploying the Special Forces’ CSAR teams close to the possible zone of action. Yet, in CSAR missions reaching the personnel before the hostile elements and returning the team safely back to home are of critical importance. Should such a risk materializes, Ankara could face its own “Black Hawk down” at its immediate borders.



Satellite imagery from the Tiyas Airbase on 1 January 2014, retrieved from HIS Jane’s 360 http://www.janes.com/article/36260/syria-s-mig-25s-fly-again#.Uz7GJr_UhHV.twitter

Scope of the Operation: Keeping it Limited, Decisive, and Swift

A possible Turkish intervention could be conducted as a joint effort by fixed and rotary winged assets, artillery, and Special Forces elements. Given the relatively advanced assets in the Turkish arsenal, such a combination of force would be sufficient to repel an ISIS attack on

²⁸ <http://edition.cnn.com/2011/US/04/27/f15.crew.libya.rescue/>, Accessed on: 28 September 2014.

the Suleyman Shah Tomb garrison. Yet, the most important point would be keeping the operational scope and escalation limited. Otherwise, certain factors, such as swiftly growing number of red forces' elements in the zone of action and / or involvement of the Baathist forces into the conflict, can easily draw Turkey into a more complicated military endeavor that would necessitate a limited ground incursion by armor and mechanized units, along with their close air-support. In this respect, MANPADS and IEDs at the hands of different opposition groups²⁹, of which some of them keep a hostile stance towards Ankara, would pose a formidable threat to any Turkish military units on the ground. The latter scenario brings about significant risks including interstate war and even broader conflict if the situation mounts out of control.

Still, it should be emphasized that geography is on Turkey's side. The target area and the garrison are within the range of the Turkish Army's artillery, and combat radius of the TAF's air wing. On the other hand, the threat landscape is definitely complicated and can escalate with an unpredictable speed. First, actual and potential belligerents show a menacing diversity ranging from ISIS' allies to PKK affiliates, as well as the Baathist Regime's forces. Second, friction factor in terms of ISIS' arms and capabilities could cause problematic outcomes, such as air defense threats towards Turkish attack helicopters. Third, once initiated, scope of the operation could go out of Ankara's control and initial objectives. Along with the geographical factors, another advantage of Turkey is the effective response time. Clearly, commissioning self-propelled artillery deployed along the border as well as fixed and rotary-wing air assets would minimize the Turkish Armed Forces' response time in minutes. Such a time advantage would counter ISIS' chances of heavily outnumbering the small but elite garrison protecting the Suleyman Shah Tomb.

The Legality of Turkey's Possible Military Operation and the NATO Aspect

As a member of the North Atlantic Alliance, Turkey's threat perceptions emanating from the Syrian Civil War has already put pressure on NATO, which in result has deployed Patriot air and missile defense batteries on Turkish soil.

As a NATO member, any attack on Turkish soil and assets inevitably invokes the question of whether the attack constitutes an attack on the Alliance. In the case of the Suleyman Shah

²⁹ IISS, *Military Balance 2014: Middle East and North Africa*, Routledge, London, 2014. p.344.

Tomb, legally speaking, the short answer would be in conjunction with this principle. The area has been a Turkish territory since the 1921 Treaty of Ankara. While the Article V of the North Atlantic Treaty states that “an armed attack on one or more of them [Parties] in Europe or North America shall be considered an attack against them all”, a Protocol to the Treaty which was made in 1951, prior to the accession of Turkey and Greece into the Alliance, has included Turkish territory into the framework of Article V as well. The second article of the protocol states that:

“For the purpose of Article 5, an armed attack on one or more of the Parties is deemed to include an armed attack:

on the territory of any of the Parties in Europe or North America, on the Algerian Departments of France, *on the territory of Turkey* [emphasis added] or on the islands under the jurisdiction of any of the Parties in the North Atlantic area north of the Tropic of Cancer;

on the forces, vessels, or aircraft of any of the Parties, when in or over these territories or any other area in Europe in which occupation forces of any of the Parties were stationed on the date when the Treaty entered into force or the Mediterranean Sea or the North Atlantic area north of the Tropic of Cancer.”

In sum, since Turkey has sovereignty over the Tomb, Ankara can make the case that the area falls under the protective umbrella of the Alliance. With the invocation of Article V for the first time in its history after the terror attacks on the United States in 2001 and with numerous initiatives it has undertaken in countering terrorism since then, including the establishment of the Emerging Security Challenges Division in 2010, the Alliance has also shown that its security guarantees do not only cover violent acts by state actors, but asymmetric threats as well.

There are two ways in which Turkey can invoke the NATO Charter. Article IV, which calls for a consultation between the Allies if “in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened” and Article V, which calls for mutual defense as outlined previously. In order for the mutual defense clause to apply, the Ally at hand would have to respond out of self-defense, so preemptive and preventive strikes are not covered.

Ankara has already invoked Article IV twice during the Syrian Civil War in response to the downing of a Turkish F-4 jet and the shelling of Turkish soil in 2012. In response to Turkey’s outreach, the Allies have stationed six Patriot missile batteries in order to augment Turkish air and missile defense capabilities in 2013.

If Turkey decides to invoke Article IV, it could ask the Allies for political support and increased intelligence sharing both for the risks posed to the Turkish exclave and for potential

ISIL terror attacks inside Turkish borders. One could argue that an unprovoked attack on the Tomb of Suleyman Shah could provide the Allies with the justification to bypass the United Nations Security Council and widen the scope of the coalition effort in Syria. In such a scenario, Turkey, and the Alliance would primarily be subject to Article 51 of the United Nations Charter, which states that:

“Nothing in the present Charter shall impair the inherent right of individual or **collective self-defence** [emphasis added] if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.”

Furthermore, customary international law puts three additional criteria, imminence, military necessity and proportionality, on the legitimate use of force. To put simply³⁰ in order to be “just”, the use of retaliatory force should be aimed at and limited to diminishing the immediate threat – hence reprisals are not allowed. While narrow readings of international law suggest that Article 51, and hence the right to self-defense, can only be invoked in response to an actual attack, there are cases in which preventative self-defense has been justified in customary international law, most notably in the Caroline incident of 1837³¹. After the incident it was established that if the “necessity of self-defense was instant, overwhelming, leaving no choice of means, and no moment of deliberation” a state could resort to preventative strikes, in which “the act, justified by the necessity of self-defense, must be limited by that necessity, and kept clearly within it”³². Furthermore, it is argued that in order to justify conducting a strike, the state at hand must have reasonable and objective evidence of an imminent or incipient (or actual) attack, based on all reliable existing information³³. Yet it should be noted that the definitions and legality of preemptive,

³⁰ The proportionality principle suggests that an act of violence may be met with sufficient force to diminish the immediate threat, but should not go beyond that, in other words, if your neighbor breaks your window, and threatens to do so again, you can destroy his pile of rocks but you may not kill him. The military necessity principle suggests that one shall resort to the use of force if other non-violent alternatives (diplomatic, economic etc.) are exhausted or are not sufficient/applicable in the given scenario. The imminence criteria suggests that the defender should either respond immediately or after a required preparatory time to diminish the existing threat, but should not make a delayed response in the form of a reprisal.

³¹ In this incident, the British colonial government set ablaze a naval vessel belonging to the United States of America which was carrying men and supplies destined to aid the Upper Canadian rebels.

³² Letter of Daniel Webster to Lord Ashburton, 24 April 1841. Accessed on 29 September 2014 from Yale Law School Lillian Goldman Law Library “British-American Diplomacy: The Caroline Case” at: http://avalon.law.yale.edu/19th_century/br-1842d.asp

³³ Bethlehem, D. (2012) “PRINCIPLES RELEVANT TO THE SCOPE OF A STATE’S RIGHT OF SELF-DEFENSE AGAINST AN IMMINENT OR ACTUAL ARMED ATTACK BY NONSTATE ACTORS” The

preventative and anticipatory self-defense are very murky and highly contested. Thus according to some readings of international law, if Ankara has reasonable and credible evidence of an imminent or incipient attack to the Tomb or its assets and personnel in the area, it may take preventative measures for their protection, whereas some states might question this logic. There is no precedent of the use of NATO Article V for preventative or preemptive war, and as mentioned above, there is no explicit reference to such use in the NATO Charter, which would make its utilization controversial. Furthermore considering that some of the Allies, including Germany and the United Kingdom are refraining from joining the coalition airstrikes in Syria at the current crisis, it can be expected that even if Ankara attempts to invoke Article V for a preventative strike against ISIL positions near the Tomb of Suleyman Shah, it would be met with strong resistance in the Alliance.

The political realities at the time also make an Alliance-wide cooperation on the issue unlikely. The Alliance consists of 28 member states which have different understandings of national security, different levels of commitment to the Alliance and different political agendas. In the past, there have been numerous instances in which the Alliance has been reluctant and/or slow to assist Turkey in alleviating its worries, causing Ankara to question the integrity and the reliability of the Alliance. Since the threat that ISIL poses to the Tomb of Suleyman Shah is not necessarily a national security priority for the rest of the Allies, it is unlikely that Ankara will find partners in Brussels for a joint-operation. Moreover once invoked, Article V does not force the Allies to make military commitments: “With the invocation of Article 5, Allies can provide any form of assistance they deem necessary to respond to a situation. This assistance is taken forward in concert with other Allies. It is not necessarily military and depends on the material resources of each country. It is therefore left to the judgment of each individual member country to determine how it will contribute.”³⁴

Therefore it is likely that initially Ankara would only invoke Article IV and ask member states to assist in intelligence gathering and potentially operation planning.

In sum, if the Tomb or Turkish assets in the area are subject to aggression by ISIL or any other force in the area, Ankara may invoke its individual right to self-defense or try to convince its Allies to intervene collectively. Yet in either case, the military measure in question can be justified internationally only if it is limited to diminishing the immediate threat to the Tomb and its surroundings. The more the military operation in question surpasses

American Journal of International Law Vol. 106:0002012. Accessed on 29 September 2014 from: <http://www.un.org/law/counsel/Bethlehem%20-%20Self-Defense%20Article.pdf>

³⁴ North Atlantic Treaty Organization web page: Collective Defense (2014, June 2). Accessed on 29 September 2014 from: [http://www.nato.int/cps/ar/natohq/topics_110496.htm?](http://www.nato.int/cps/ar/natohq/topics_110496.htm?_i=1)

this limitation in terms of its geographic scope, the means it employs, and its targets, the more controversial its legality will become. To put it simply, speaking in terms of international law, an ISIL attack on the Tomb, whether actual or imminent, would neither give NATO the justification to pursue a wider land operation in Syria, nor give Ankara the justification to engage in a wider campaign that involves targeting the forces of President Bashar al-Assad³⁵.

Any extraterritorial strike would also require the sanctioning of the Turkish Parliament, officially titled the Grand National Assembly of Turkey (TBMM). According to Article 92/1 of the Constitution TBMM alone has the authority to send Turkish troops abroad or allow the stationing of foreign troops in Turkish territory³⁶. As put forth by Article 130 of the internal regulations of the Parliament, decisions regarding sending Turkish troops abroad and providing territorial access to foreign troops for a predetermined period of time shall be made on the demand of the Cabinet, by the Parliament, and carried out by the President³⁷.

The decision is made on the basis of simple majority, which the ruling Justice and Development Party (AKP) retains by holding 312 out of 536 seats. Although the AKP government failed to secure a simple majority on March 1st 2003, which resulted in a no-vote on Turkey's participation to the Second Gulf War, that is unlikely to be the case in the current political environment. For one, political decision-making appears to be much more centralized and consolidated in the current AKP government, which means that the likelihood of absentees and naysayers in the current vote remains quite low. Furthermore, depending on the wording and contents of the bill, both MHP, popular among Turkish nationalist, and HDP/BDP, popular among Kurdish nationalists and supporters of the Kurdish political movement, MPs may support the proposition for different reasons. CHP – the main opposition party – on the other hand, has widely criticized AKP's involvement in the Syrian Civil War, and has reportedly declared that “it would most likely vote against the bill”³⁸.

³⁵ Speaking generally there are also a myriad of other justifications that Turkey may resort to with dubious or established legality, including the responsibility to protect (R2P). This paper will not go into further into the details of international law because an elongated discussion on the legality of Turkish and Allied actions in Syria and Iraq falls beyond the scope of this article.

³⁶ The article also states that; if in case of an attack on the country the TBMM is on a break or suspended, and the decision to respond militarily is unavoidable and shall be made immediately, the President may also decide on the use of Turkish Armed Forces.

³⁷ A similar clause was instated for the declaration of war in Article 129 of the internal regulations, though in this case there is no explicit mentioning of a predetermined time frame.

³⁸ Hürriyet (2014, September 30) “CHP'den tezkereye ilk tepki”

CHP has consequently voted against previous bills for the authorization of the use of extraterritorial force in Syria.

The bill is expected to be discussed at the Parliamentary sessions on October 1st 2014. Reportedly instead of presenting two separate bills for the authorization of the use of force in Syria (previously sanctioned to counter threats emanating from the country, and in particular, from the Assad regime's forces) and in Iraq (previously sanctioned against the PKK's presence in the country), there will be one bill to cover both countries. According media reports as of September 30 2014, the request to allow for the deployment of the Turkish Armed Forces in both countries is based on the premises that armed PKK militants continue to be present in northern parts of Iraq and that there is a visible increase in the threats emanating from the presence of terror organizations in both Iraq and Syria³⁹⁴⁰⁴¹. Furthermore the bill reportedly includes statements that "all necessary measures" shall be used in order to "aid the formulation of a rapid and dynamic policy" against potential attacks that "all terrorist organizations in Syria and Iraq may conduct against Turkey" and against "potential risks such as mass migrations". Turkish media reports at the time of writing, maintain that the proposed bill also includes clauses for allowing the stationing of foreign troops on Turkish soil, which, if realized, would likely mean that Ankara would allow the use of Incirlik Air Base for strikes against ISIL positions in Syria and Iraq. The bill also makes a specific reference to the increasing threat environment around the Tomb of Suleyman Shah.

In terms of international law, the bill refers to United Nations Security Council Resolutions 1373 (enacted after 9/11), and the more recent resolutions 2170 (which reaffirms the territorial integrity of Syria and Iraq, and condemns both ISIL and the al-Nusra Front) and 2178 (on taking measures against the flow of foreign fighters).

At the time of writing (30 September 2014) the bill had yet to be discussed in the Parliament, amended, and voted on. Yet a preliminary analysis of this seemingly vague document, suggests that the Turkish leadership is interested in keeping all military options on the table in responding to the existing and future security challenges in both Iraq and Syria. A vague and open-ended wording would give Ankara the domestic authority to pursue any policy, ranging from the establishment of safe-havens in Syria, to allowing the use of its territory by coalition forces, perhaps to even targeting forces and defenses of the Assad regime⁴². While this may

³⁹ Akşam (2014, September 30) "İşte tezkerenin gerekçeleri"

⁴⁰ Hürriyet (2014, September 30) "Irak ve Suriye tezkeresinin ayrıntıları belli oldu"

⁴¹ TRTTürk (2014, September 30) "Irak ve Suriye için tek tezkere"

⁴² In fact, reportedly the bill makes a specific reference to the Syrian regime stating "these terrorist organizations have found suitable conditions to conduct their operations in Syria through the aid and cooperation of the Assad regime" "...hence the scope of threats emanating from the Syrian regime have expanded with the threat of terror

prove effective in formulating flexible and tangible responses to the rapidly evolving ISIL threat in both Syria and Iraq, it might also present the risk of drawing Turkey deeper into the calamity in its neighborhood.

It should be noted that there is nothing in both international and domestic law to prevent unit-level self-defense. In other words, if the Turkish exclave and Turkey's garrison in the area come under ISIL attack before the Turkish government votes on the bill to authorize sending military force abroad, Turkish forces on the ground would still have the right to defend themselves and the Turkish Armed Forces may take further action – such as sending in reinforcements or conducting airstrikes – out of immediate military necessity to protect its personnel and territory. Furthermore, the aforementioned bill authorizing the use of force in Syria does not expire until 4 October 2014, and the exclave is formally recognized as Turkish territory – hence Turkey has the right to exercise its sovereign rights, including defense, over the area.

Conclusion

In sum, although the overall situation is problematic for Ankara, with good planning a potential ISIL strike would not be unstoppable. Yet, no military operation perfectly goes as planned, and the military caveats stressed by this report could drag the intervention into a different context, such as a risky search & rescue mission or a downed helicopter with unforeseen casualties.

A possible ISIL attack to the tomb and the protecting garrison should not be a matter of strategic surprise following the terrorist organization's open threats and Ankara's vocal intentions to support a coalition effort. Yet, the most important point relates to prevent operational and tactical surprises in case of an ISIL aggression.

The Turkish administration has been concentrating its artillery and armor assets along the border areas, deployed elite Special Forces to protect the garrison, and has been keeping its air wing and army aviation in alert status for a possible intervention. All these measures show that on the military angle, Ankara did well to prepare for a possible aggression. On the other

and was transformed into a threat to regional and international security, peace and stability". A Haber (2014, 1 October) "Suriye-Irak tezkeresi Meclis'te" Accessed on 1 October 2014 from: <http://www.ahaber.com.tr/webtv/videoizle/suriyeirak-tezkeresi-mecliste>

hand, as indicated by this report, at all stages Ankara should shape the escalation pattern in order to prevent any unforeseen casualties and should not let the events go out of control.

Since the area is internationally recognized as sovereign Turkish territory, any attack on the Tomb or Turkish military forces in the area would allow Ankara to use its inalienable right to individual or collective self-defense. If Turkey has verifiable evidence of an incipient ISIL attack, it may also act out of necessity to conduct preemptive strikes against ISIL positions in the area, as precedent would provide justification for such action. Yet from a legal standpoint, the right to self-defense would only go as far as allowing Turkey to diminish the ISIL threat to the Tomb, and would not in itself create justification to an elongated campaign against ISIL in Syria, especially if it also includes striking targets of the Syrian regime. Furthermore, it is far from certain that members of the NATO Alliance would back Turkey in such a scenario. Hence Ankara should be cautious in drafting and carrying out its potential military responses, as it may quickly be drawn further into the calamity at its doorstep.