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PREVENTING THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION: WHAT ROLE FOR TURKEY?

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1 INTRODUCTION¹

The global security environment is changing. The focus of security strategies is shifting from territorial defense to asymmetric threats. In such a world, the risks posed by the proliferation of Weapons of Mass Destruction (WMDs) have gained prominence. The ongoing crisis surrounding Iran's nuclear program has only helped to underscore the rising role of nonproliferation in the security strategies of Western nations.

In 2003, the European Union's security strategy² had already highlighted the proliferation of WMDs as potentially the greatest threat to security. It remarked that although the international treaty regimes and export control arrangements have slowed the spread of WMDs and delivery systems, the world was entering a new and dangerous period that raises the possibility of a WMDs arms race, especially in the Middle East. The *Report on the implementation of the European Security Strategy*, published in 2008, referred to the proliferation of WMDs as the first threat under the initial heading entitled, "Global challenges and key threats." It indicated that the risk of the proliferation of WMDs

had increased in the last five years, bringing the multilateral framework under pressure. Similarly the 2006 U.S. national security strategy³ stated that "the proliferation of nuclear weapons poses the greatest threat to our national security."

Against this backdrop of increasing focus on the possible proliferation of WMDs, Turkey's own policies in the area of nonproliferation as a NATO member, as a neighbor of Iran, and as a country located in a region prone to proliferation, have started to generate interest. Indeed what role can be ascribed to nonproliferation concerns in Turkish foreign policy?

This paper is divided into four sections. The first section provides an overview of Turkey's approach to nonproliferation. The second section focuses on nuclear issues of concern to Ankara. The third section analyzes Turkey's approach to the Iranian nuclear crisis on the basis of these findings. The last section concludes by assessing the role of nonproliferation concerns in Turkish foreign policy.

¹ This discussion paper was prepared as a part of the research undertaken by the author at the Transatlantic Academy-German Marshall Fund

² "A secure Europe in a better world," European Security Strategy (2003), Brussels. <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>

³ The National Security Strategy of the United States of America, March 2006.

2 TURKISH NONPROLIFERATION POLICIES: AN OVERVIEW

Turkey takes a firm stance against proliferation of WMDs and their means of delivery, and favors global disarmament. Ankara's policy is to support all efforts in the field of arms control, nonproliferation, and disarmament.

The proliferation of WMDs and their means of delivery is a growing tangible threat in the 21st century. Easy access to these weapons through black markets and the willingness of some states to cooperate with terrorist, extremist, or organized crime groups increase the concern that such weapons might end up in illegal hands. Being close to regions posing high risks of proliferation, Turkey takes a firm stance against proliferation of WMDs and their means of delivery, and favors global disarmament. Ankara's policy is to support all efforts in the field of arms control, nonproliferation, and disarmament. An active participation in international efforts in these areas, adherence to the relevant international agreements, and observance of their full implementation are important elements of Turkey's national security policy.

Turkey is therefore party to all international nonproliferation instruments and export control regimes. Turkey became party to the Treaty on Non-Proliferation of Nuclear Weapons in 1979 and to the Comprehensive Test Ban Treaty (CTBT) in 2000. Turkey is also party to both the Chemical Weapons Convention (CWC) since 1997, and the Biological Weapons Convention (BWC) since 1974. In 1996, Turkey became the founding member of the Wassenaar Arrangement regarding export controls of conventional weapons and dual-use equipment and technologies. Turkey joined the Missile Technology Control Regime (MTCR) in 1997, the Zangger Committee in 1999, and the Nuclear Suppliers Group and the Australia Group in 2000. Turkey is also among the signatories of the politically binding International Code of Conduct (HCOG) against proliferation of ballistic missiles. The Code was endorsed by 93 countries at the international conference from November 25-26, 2002 in The Hague.

Turkey has also supported the UN Security Council Resolution 1540 aimed at combating

the proliferation of WMDs and their means of delivery on a global scale, and also welcomed Resolution 1810 that extended the mandate of the 1540 Committee. Turkish authorities maintain that Resolution 1540 helps to universalize efforts to combat the proliferation of WMDs by addressing proliferation by non-state actors.

Another international initiative for nonproliferation of WMDs is the Proliferation Security Initiative (PSI), spearheaded by the United States. PSI was launched by 11 countries on May 31, 2003. Turkey declared its support to the initiative and eventually signed a cooperation with the United States in 2005. For the United States, Turkish participation was especially important as a means of reinforcing efforts to prevent shipments of missile and nuclear technology from reaching neighboring Iran. As a PSI member state, Turkey hosted the land/air/sea interdiction exercise "Anatolian Sun," with the participation of 37 guest nations from May 24-26, 2006.

Turkey's track record in participation in the international nonproliferation regimes stands in stark contrast with the realities of the region. What actually characterizes the national actors in the Middle East is their non—or at best partial—participation in the different nonproliferation regimes. Israel is the only state in the region not to sign the Nuclear Non-Proliferation Treaty (NPT). Algeria, Israel, and the Sudan have not signed the BWC. Egypt and Syria have failed to sign the CWC. No state in the region except Turkey is a formal member of the MTCR.

Implementing nonproliferation commitments: the role of export controls

Export control regimes aim to prevent the illicit transfer of sensitive technologies and items used in the production of WMDs without hindering

international trade. As such, export control regimes constitute the backbone of the nonproliferation regime. A critical aspect of these regimes is the “dual use items” lists which identify the goods and technologies falling within the scope of export controls. The Turkish export controls system is in line with the standards of the European Union. The applications for export are evaluated in accordance with the UN, OSCE, and EU embargo lists, as well as the control lists of the relevant nonproliferation instruments. In cases where the export of sensitive and dual-use materials are covered by international instruments and export regimes, the exporting process is controlled by virtue of a two-tier mechanism that involves a licensing by the Ministry of National Defense (MND) and a registration by the Undersecretariat for Foreign Trade (UFT). In critical cases, an inter-agency process involving the Ministry of Foreign Affairs and the intelligence services is invoked to reach a decision.

For countries that are not themselves manufacturers of proliferation sensitive items and equipments, the effectiveness of export controls depends greatly on the quality of international intelligence sharing. The intelligence provided by the producer or exporter country to the relevant authorities of the transit country should be accurate, precise, timely, and verifiable. That is all the more critical for a transit country located near potential proliferators. Turkish authorities generally complain about requests of intervention that they receive from partner states regarding transit goods, albeit with a limited degree of intelligence sharing. They are thus being called to stop the transit of certain goods, or engage in the search of a transport vehicle on the basis of insufficiently shared intelligence.

Another challenge facing Turkish authorities in the implementation of the country’s export control

commitments relates to Turkey’s membership in the Nuclear Suppliers Group (NSG), the Missile Technology Control Regime (MTCR), and NATO, which allows Turkey to benefit from more lenient import rules compared to its neighboring countries. Exports of nuclear dual-use items to Turkey from the 45 other members of the NSG do not, for instance, require export licenses. Even though export licenses are required for the export of dual use missile related exports from the other 33 MTCR member states, these licenses are far more likely to be granted than for neighboring countries⁴. As a result, illicit proliferation networks attempt to use these location advantages by first importing these sensitive and dual use materials to Turkey, and then exporting them by land route to a neighboring country.

In short, it can confidently be stated that Ankara’s policies related to the prevention of the proliferation of WMDs are very much in line with the objectives of Turkey’s Western partners. Even though problems may emerge in the implementation of the export control commitments due to an insufficient level of international intelligence sharing, Turkey has very clearly demonstrated its willingness to strengthen its prevention capacity. Given the country’s location, Turkish efforts will remain key in the success of the international nonproliferation regime in the Middle East.

The area where differences are more visible between Ankara and the rest of the West is the nuclear field. A more detailed analysis of Turkey’s approach to the nuclear issue is needed for a better understanding of the origin of these differences which also influence the attitudes adopted in relation to the Iranian crisis.

⁴ Al Marashi, I and Nilsu Goren (2009). “Turkish perceptions and nuclear proliferation,” Strategic Insights, Center for Contemporary Conflict, Naval Postgraduate School, Monterey.

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3 TURKEY'S NUCLEAR STRATEGY

As a country intent on developing an ambitious program of civilian nuclear power, Turkey's primary concern at the international level is to safeguard its rights for the development of a domestic and civilian nuclear capacity.

Turkey's approach to international nuclear diplomacy is very much shaped by the internal state of play concerning nuclear developments. This backdrop helps to explain the motivation for Turkey's current approach to international nuclear diplomacy.

Turkey's electricity demand is growing at about 6-7 percent per annum. However, the country is highly dependent on the import of fossil fuels and natural gas for its electricity production. Imported primary fuels provide 75 percent of Turkey's electricity output with the share of natural gas having reached 48 percent. Thus nuclear energy is seen as an indispensable factor for ensuring Turkey's energy security and alleviating the country's import dependence. Developing a local nuclear capacity would also lead to a more diversified electricity production structure, allowing for a decrease in the share of fossil fuels. Energy Minister Yildiz declared a goal of equal shares of 25 percent for electricity production by renewable energy, fossil fuels, natural gas, and nuclear energy by 2040. Given that the installed electricity production capacity is expected to reach 200000 Mw from its present level of 40000 Mw in 20 years, such a goal would amount to a future nuclear production capacity of 50000 Mw, putting Turkey among the most substantial markets worldwide for the construction of new nuclear power plants.

Nuclear energy is also seen as part of the solution to tackle climate change concerns. Turkey became party to the Kyoto Convention in January 2009. As such, Turkey is getting ready to take on new commitments regarding the mitigation of greenhouse gases. The switch to nuclear energy and away from fossil fuels would facilitate the fulfillment of these commitments. A growing nuclear capacity is likely to be part of the official scenarios for Turkey's adaptation to climate change.

In the past, under the leadership of Prime Minister Turgut Özal in the late 1980s, and also under the leadership of Prime Minister Bülent Ecevit in the late 1990s, Turkey initiated a program to develop nuclear power, but on both occasions internal divisions about the benefits of nuclear power, as well as uncertainties surrounding the nuclear technology to be adopted, prevented a successful completion of these programs. Under the Justice and Development Party (AKP) government, Turkey endeavored once more to become a nuclear state. The government announced in 2008 a tender for the first nuclear plant of the country. The 4000 Mw plant was to be built in Akkuyu, near Sinop on the Black Sea coast. Even though 14 companies decided to acquire the tender documents, the tender was closed with a single bid from a joint venture by the Russian state-held Atomeksport company and the local Ciner group.

Understanding Turkey's priorities in the nuclear field

As a country intent on developing an ambitious program of civilian nuclear power, Turkey's primary concern at the international level is to safeguard its rights for the development of a domestic and civilian nuclear capacity. In other words, Ankara has become much more sensitive than in years past to possible changes regarding the rights and obligations related to the civilian use of nuclear energy. Turkish diplomacy is focused on preventing the emergence of new constraints that may hinder the country's transition to nuclear power. While continuing to be in full compliance with its nonproliferation commitments, Ankara wants to fully enjoy the rights embedded in the NPT regarding the civilian use of nuclear power, including the right of uranium enrichment.

It is generally claimed that the threshold for the economic viability of a national infrastructure

What went wrong?

Unlike prevailing models in the rest of the world, the Turkish government wanted to transfer all the risks and costs of building and operating a nuclear power plant to the private investor. In addition, and despite repeated attempts by interested bidders, no government guarantee was offered for the construction of the plant, meaning that a change in the government could potentially put the whole project at risk. Finally, the electricity purchase commitment was limited to 15 years, whereas the technological life of a nuclear power plant is around 60-70 years. As a result, the unit electricity price offered by the single bidder turned out to be around 20 cents/kWh compared to the prevailing market price of 12 cents/kWh. Direct negotiations with the consortium partners and intergovernmental talks at the highest level between Prime Minister Recep Erdogan and then-Russian premier Vladimir Putin led to the lowering of the price to 15 cents/kWh. Eventually the administrative court canceled the tender on a technicality and saved the government from having to make a difficult decision. Following the cancellation of the tender, the Turkish government decided to adopt a different model for building the country's first nuclear power plant, and decided to engage in intergovernmental negotiations with Russia on the modalities of the construction and operation of this nuclear facility. In addition, negotiations with South Korea were

also initiated for the construction of the second nuclear facility near Mersin on the Mediterranean coast. The Minister of Energy Taner Yildiz reiterated the government's willingness to talk to other potential nuclear power operators.

Governance and regulatory questions

The transition to nuclear power is also undermined by the lack of an appropriate regulatory framework and, in particular, the absence of an independent regulatory authority for nuclear safety and security. At present, the Turkish Atomic Energy Institution (TAEK) is operating as a regulatory body while at the same time is responsible for the operation of the country's single atomic research facility in Kucukcekmece, near Istanbul. The regulatory and operational role of TAEK should be separated, and a new and independent nuclear regulatory agency should be setup. The independence of this institution from the government is all the more important given that the state-held electricity company will be part of the nuclear electricity generating consortium. The new agency should be in a position to dictate its rules to all future players including the state-held ones. A draft law for the establishment of this new agency is under discussion at the governmental level. Following the adoption of this nuclear framework law, secondary legislation regarding safety and security in the nuclear field are to be adopted in line with the relevant IAEA guidelines.

for uranium enrichment is around 15000 Mw of nuclear production capacity. Thus the protection of uranium enrichment rights is not a short-term goal but rather a long-term objective for Turkish diplomacy given that the country's nuclear capacity is still nonexistent. However, Turkish policymakers are closely following the developments at the

international level and within such platforms as the International Atomic Energy Agency (IAEA) and the NSG that may have a bearing on the country's ability to implement this ambitious switch to nuclear power. At present, there are fundamentally three areas where Turkey's concerns are becoming more pressing.

Turkey wants to protect its sovereign right for uranium enrichment for civilian purposes. The protection of this right is deemed to be crucial for preventing any future supply bottlenecks.

Uranium enrichment from a Turkish perspective

Turkish policymakers are aware that the challenges brought about by the nuclear crisis provoked by Iran are pushing the West and the owners of nuclear technology to adopt stricter rules regarding states' ability to engage in uranium enrichment. They fear that these rules may, in due time, impinge upon the countries sovereign right to engage in uranium enrichment.

One of the fundamental pillars of the NPT rests on a commitment by non nuclear weapon states to respect the rules of nonproliferation. This includes accepting the IAEA monitoring for the nuclear activities in return for a right to develop the civilian use of nuclear power, including uranium enrichment at the national level. However, due to rising concerns about the possibility of countries such as Iran abusing the national right for enrichment, the international community has focused on this critical activity. Proposals for setting up international fuel banks that provide fuel supply security to compliant NPT states under a multilateral arrangement have resurfaced. In October 2009, one such proposal entitled "Russian Initiative to Establish a Low Enriched Uranium (LEU) for the Supply of LEU to IAEA for its Member States," has been adopted by the Board of Governors of the IAEA. According to this resolution, Russia will provide a supply of LEU to IAEA member states from the International⁵ Uranium Enrichment Facility located in the Russian province of Angarsk. The adoption of this resolution by the IAEA Board of Governors may actually be seen as a welcome step from the standpoint of nonproliferation concerns. Indeed,

⁵ The international status of this facility stems from the 10 percent ownership of Kazakhstan. It is however known that Ukraine and Armenia have also shown interest for participation in the ownership structure of this facility.

these facilities are thought to provide a disincentive to nuclear power states from carrying out uranium enrichment within their borders by ensuring a guaranteed flow of fissile materials. In short, the more widespread these multilateral facilities become, the less proliferation inducing uranium enrichment activities may occur.

However, the fear for states like Turkey is that once established and operational, these facilities may provide an excuse for the owners of sensitive nuclear technologies to fundamentally alter the present day modus operandi and strive to constrain the ability of states to engage in uranium enrichment. Based on the prevailing mood in Vienna among the emerging club of nuclear countries, it can be claimed that the traditional nuclear powers have not been able to fully allay the fears of the non nuclear states. In other words, the reassurance that the multilateral nature of uranium enrichment activity will not lead to a fundamental change in the current nuclear regime regarding the rights and obligations of NPT states has been insufficient. Critics make reference to the urgency under which the aforementioned Russian proposal has been adopted by the IAEA Board. Apparently very limited time was given to member states represented on the IAEA Board to discuss, and possibly negotiate, this resolution. As a result, a sense of a "fait accompli" has emerged, creating doubts about the final objective of such initiatives. Turkish officials claim that the issue of multilateral fuel arrangements needs more time to mature as a system acceptable for all. They also maintain that developing implementation procedures, criteria, and model agreements to further elaborate the framework for supply assurance are areas where intensive work is yet to be done.

Turkey wants to protect its sovereign right for uranium enrichment for civilian purposes. As a country that has an ambitious goal regarding the

development of nuclear energy, the protection of this right is deemed to be crucial for preventing any future supply bottlenecks. According to Turkish authorities, these bottlenecks may emerge for a host of reasons. On the political dimension, the U.S. arms embargo in 1975 against Turkey, following the country's intervention in Cyprus, is given as a historical precedent. This embargo has left deep scars in the consciousness of the Turkish security establishment. Accordingly, when national interests collide, even an Alliance relationship may be unreliable for the purpose of ensuring the secure supply of sensitive goods. That was the case for arms yesterday, and may remain to be the case for enriched uranium in the future. On the economic side, it is claimed that the impairment of the national ability for fuel enrichment would lead to the emergence of an oligopoly of supplier states much like OPEC. The expected worldwide growth in nuclear power may also curtail the export capacities of current commercial fuel enrichment centers, which may increasingly be asked to satisfy a growing home country demand.

In short, Ankara's approach to the Iranian question has partially been shaped by this national objective of maintaining the status quo of the NPT set of rights. At a time when the Bush administration claimed that Iran had no right for uranium enrichment as a result of its clandestine activities, Turkey maintained that every NPT state had this right, provided that its compliance with the NPT rules were assured. Turkey's relations with the United States and other rule-making states of the nuclear chessboard have also been affected by the perception of Turkish authorities that, despite Ankara's very clear record in nonproliferation, Turkey is sometimes seen and portrayed as a potential proliferator.

Turkey as a potential proliferator?

Turkish authorities believe that the country is unjustly treated as a potential nuclear proliferator. A source of great unease in Ankara is the growing number of academic and policy related articles that discuss the ramifications of a nuclear armed Iran, and include Turkey in the first set of countries in the Middle East, along with Saudi Arabia and Egypt, that may start a clandestine nuclear weapons program. Turkish policymakers are undoubtedly aware that such statements are essentially made to highlight the catastrophic consequences of a nuclear Iran. As simplistic as these references may be, they demonstrate that Turkey's embedding in the Western Alliance is not viewed by many analysts as an insurmountable obstacle for Turkey to develop nuclear weapons.

From Ankara's perspective, another troublesome development is the growing focus within the NSG toward achieving a consensus among the group members regarding the "turnkey" and "black box" transfer of sensitive nuclear technologies. The NSG, established in 1975 at the initiative of the United States and following India's first nuclear explosion, is comprised of 46 nuclear supplier states, including China and Russia. Turkey is also a member of the NSG as a supplier of dual use technologies. The NSG aims to prevent nuclear exports intended for commercial and peaceful purposes from being used to make nuclear weapons. NSG member states have thus voluntarily agreed to coordinate their export controls governing transfers of civilian nuclear material and nuclear-related equipment and technology to non-nuclear-weapon states. NSG members are expected to forgo nuclear trade with governments that do not subject themselves to international measures and inspections designed to provide confidence that their nuclear imports are not used to develop nuclear arms. The NSG has

Turkish authorities believe that the country is unjustly treated as a potential nuclear proliferator. Many analysts do not view Turkey's embedding in the Western alliance as an insurmountable obstacle for the country to develop nuclear weapons.

Turkey wants the NPT conference to retain a balanced approach between the NPT's three pillars of disarmament, nonproliferation, and civilian use of nuclear energy. As such, the NPT review conference should not be used just to try to strengthen nonproliferation rules, but it should also address the concerns of countries interested in switching to nuclear power.

two sets of guidelines listing the specific nuclear materials, equipment, and technologies that are subject to export controls.

The NSG guidelines require importing states to provide assurances to NSG members that proposed deals will not contribute to the creation of nuclear weapons. Potential recipients are also expected to have physical security measures in place to prevent theft or unauthorized use of their imports and to promise that nuclear materials and information will not be transferred to a third party without the explicit permission of the original exporter. In addition, final destinations for any transfer must have International Atomic Energy Agency (IAEA) safeguards in place. The IAEA is charged with verifying that non-nuclear-weapon states are not illicitly pursuing nuclear weapons.

Since the middle of this decade, the United States has lobbied NSG member states in order to amend the NSG Guidelines dealing with the transfer of sensitive technologies, and to introduce a prohibition to transfer these technologies to non-nuclear states. According to the United States, this severe limitation would address the core concerns regarding the proliferation of sensitive technologies, including uranium enrichment. Many NSG member states, including Turkey, have criticized this approach. Turkey has specifically argued that Middle Eastern states would suffer under any sort of regulations that imposed an export ban on items for uranium enrichment and spent fuel reprocessing to countries without such capabilities, even under a criteria-based rule. Turkey contended that places like the Middle East would be considered a danger for nuclear proliferation and all states would be denied access to enrichment

technology⁶. Although the United States decided to accept a different wording, allowing the conditional and criteria based transfer of these technologies, it continues to insist on a 'black box' approach for these transfers, meaning that the recipient country will only be able to use the technology without the ability to modify it. At the technical level, Turkey views this set of conditions as a serious hindrance to its eventual aspirations to develop domestic know how in the nuclear field. In addition, Turkish authorities contend that such a limitation would forever perpetuate the dependence of non nuclear states on states having already acquired the nuclear technology. At the political level however, the Turkish authorities argue that this conditionality amounts to considering even NSG member states as potential proliferators.

The background of the Turkey-U.S. Agreement for Cooperation Concerning Peaceful Uses of Nuclear Energy is also given as another example of this overly cautious attitude toward Turkey. The Agreement was necessary to allow the transfer of technology, material, reactors, and components for nuclear research and nuclear power production between the two countries. Although negotiated in 2002, the Agreement was adopted by the U.S. Congress only in 2008. The rationale for this delayed ratification was the participation of some Turkish companies, as well as companies based in Turkey, in the smuggling network operated by the Pakistani nuclear scientist AQ Khan. Turkish officials state that these illegal activities were in no way state sponsored and cannot be taken as a sign that Turkey intends to turn a blind eye to proliferation activities on its territory.

⁶ For more information about the NSG meetings please refer to "Inventory of international nonproliferation organizations and regimes", Nuclear Threat Initiative. http://www.nti.org/e_research/official_docs/inventory/pdfs/nsg.pdf

Dissatisfaction with the NPT and the 2010 NPT Review Conference

Turkey's diplomatic rhetoric toward Iran is also affected by the perceived inconsistencies of the NPT regime. For instance, when questioned about the Iranian program, Turkish Prime Minister Erdogan consistently draws attention to the nuclear weapons of Israel. Although Israel is not party to the NPT, the Turkish Prime Minister sees this as allowing a free rider state in the region. Thus Turkey, with the support of Egypt, has started to publicly raise this issue and invited Tel Aviv to become a party to the NPT. A similar concern was also raised by Turkish policymakers when the United States induced the NSG to vote in 2008 on the U.S.-India nuclear deal. The deal allows the transfer of sensitive nuclear technologies to India, a non NPT state. The endorsement of this agreement by the NSG blurs the distinction between NPT parties and the rest. At the end of the day, states voluntarily become party to the NPT and agree to follow nonproliferation rules in return for the right to get assistance in the nuclear field. The U.S.-India deal provides an exception to these ground rules in so far as it hitherto allows a non NPT party state to receive the same type of technological assistance as NPT states. The deal has therefore been criticized as undermining the NPT regime by violating the exclusivity of technological assistance embedded in the NPT. It can be claimed that the deal has lowered the incentives for the few remaining states to join the NPT, or more disconcertingly that it has lowered the negative consequences of leaving the NPT.

Given the high visibility and priority attached to nuclear disarmament and nonproliferation by the current U.S. administration, the success of the ongoing NPT review conference will be important in order to move forward with this ambitious agenda. An unsuccessful outcome defined by a

failure to reach a consensus on the needed changes in the regime would be severely detrimental regarding the sustainability of a strong and global practice of nonproliferation rules, especially since the last review conference in 2005 had also ended in disagreement.

Turkey has a number of priorities regarding the NPT review conference. Ankara wants the conference to succeed in bringing about a consensus for the strengthening of the nonproliferation regime. The feeling among Turkish policymakers is that the global community can ill afford another failure at a time when there is renewed interest in nuclear power.

However, Turkey wants the conference to retain a balanced approach between the NPT's three pillars of disarmament, nonproliferation, and civilian use of nuclear energy. As such, the NPT review conference should not be used just to try to strengthen nonproliferation rules, but it should also address the concerns of countries interested in switching to nuclear power. The signature of the new START treaty between the United States and Russia has thus been welcomed in Ankara as a signal that the disarmament agenda has not been left behind despite the failure of the United States to ratify the Complete Test Ban Treaty.

Beyond the technical discussions about the strengthening of the nonproliferation regime, the NPT review conference may be dominated by the highly charged political agenda item of a nuclear free Middle East. It is a known fact that many Arab countries shall insist on raising this issue during the conference. Although Israel is not party to the NPT, Egypt and likeminded Arab states would seek to obtain a resolution for a "nuclear-free Middle East" so as to increase public pressure for Israel's denuclearization. Given the increasingly

strident rhetoric adopted by Prime Minister Erdogan against Israel and the worsening of ties between the two countries, Ankara may well find itself increasingly aligned with the Arab group of countries calling for a nuclear free Middle East. It should also be recalled that the Turkish President Abdullah Gul made a reference to this objective in an official visit to the Gulf region in April 2010. The NPT review conference will provide an indication about the Turkish government's foreign policy inclinations. Indeed as a NATO country and a member of the Western alliance, Turkey will be expected to collaborate with its partners and

work toward achieving a consensus to enable a successful outcome for the Conference. Depending on the degree of polarization that may come about, Ankara may be asked to choose between its place among the ardent supporter of a nuclear free Middle East campaign and the members of the Western alliance.

Therefore, in many ways, Ankara's priorities in the nuclear field affect Turkish policymakers thinking about the appropriate strategy to be adopted for dealing with the Iranian nuclear program.

4 TURKEY AND THE IRANIAN NUCLEAR CRISIS

Turkey's policy on Iran is shaped by a number of contradictory elements. First, the relations between the two countries located in one of the most turbulent regions of the world have been peaceful for almost four centuries. The Turkish-Iranian border set out by the Qasr-i Shereen Treaty of 1639 remains unchanged since that time, which is no small accomplishment in a region like the Middle East. In recent times, relations between Ankara and Tehran have deteriorated following the Islamic revolution, when the Iranian regime showed an interest in exporting its religious zeal to Turkey. Tehran was also viewed as giving support to Kurdish terrorism. Eventually Turkey and Iran struck an agreement for security cooperation, incidentally after the Free Life Party of Kurdistan (PJAK)—the Iranian branch off of the Kurdistan Workers' Party (PKK) terrorist organization—became a real threat for Iran.

Turkish-Iranian economic ties have also developed in line with the political rapprochement. Between 1991 and 2008, Turkey's exports to Iran increased from \$87 million to \$2 billion, whereas imports increased from \$91 million to \$ 8.2 billion on account of Turkey's gas purchase agreement with Iran. Thus the trade volume between the two neighbors reached the \$10 billion mark in 2008, albeit with a trade deficit of \$6 billion for Turkey. In addition to improved trade relations, Tehran has shown a guarded willingness to open the Iranian market for Turkish investors. Thus the construction and management company TAV was awarded the bid to build Tehran airport. However, it was eventually prevented from operating the airport. Similarly, the cellular operator Turkcell came close to acquiring the second GSM license in Iran. The deal fell through when the Iranian government insisted on keeping a majority share. A number of energy cooperation agreements signed between the energy ministries may allow the Turkish

petroleum company in the near future to acquire concessions in the South Pars gas fields. Tourism is another area where Turkey profits from the economic development of its Southern neighbor. Turkey welcomes more than 1 million visitors from Iran every year. Iran is also an important route for Turkey's road transportation toward Central Asia. In 2007, 92,000 Turkish trucks traveled through common borders to Iran and beyond.

According to the Turkish Foreign Ministry, today relations between Turkey and Iran are based on the fundamental principles of non-interference in internal affairs, good-neighborliness, and economic and security cooperation. As a result, Iran is not viewed as a direct threat by the Turkish establishment or in Turkish public opinion.

That being said, Iran's nuclear ambitions are viewed with concern in Ankara. Turkish officials are quite clear that they do not want to see an Iran with nuclear weapons capability. In this respect, Ankara's chief concerns are threefold. A nuclear armed Iran would present a direct challenge to regional stability. Although the possibility of a nuclear arms race cannot be totally discounted, a nuclear armed Iran could become a more aggressive state in the pursuit of its foreign policy objectives. A nuclear armed Iran would pose a challenge to the influential role that Turkey wants to develop, particularly in the Middle East. Such a development would also deal a severe blow to the global proliferation regime. Finally, a showdown between Israel and Iran could also have very destabilizing consequences for the whole region.

In short, Turkey shares much of the same concerns about a nuclear Iran as its partners in the West. The difference stems from the envisaged strategy for addressing this conundrum. Turkish policymakers want a diplomatic solution, and continue to believe

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Ankara remains against the imposition of new sanctions on Iran. These differences may now lead Turkey to abstain from voting for, or even voting against, such a UN Security Council Resolution. But Turkish leaders, and in particular Prime Minister Erdogan, have in fact not been adept at explaining the rationale for Turkey's opposition to a new set of sanctions against Iran.

that it is achievable. That is also why Turkey took the lead, along with Brazil, to reach an agreement with Iran on the nuclear fuel exchange. Ankara remains against the imposition of new sanctions on Iran. These differences may now lead Turkey to abstain from voting for, or even voting against, such a UN Security Council Resolution. However, U.S. policymakers have made it clear to their Turkish counterparts that even an abstention will be viewed in Washington as a failure by Turkey to support the sanctions. Turkey will be singled out as the sole alliance member that has failed to support the sanctions. It should also be underlined that unlike China and Brazil—countries that may eventually decide to abstain—Turkey benefits from the NATO nuclear umbrella and thus is expected to support the emerging consensus among NATO members about the need for renewed sanctions against Iran.

Turkish leaders, and in particular Prime Minister Erdogan, have not been adept at explaining the rationale for Turkey's opposition to a new set of sanctions against Iran. In an interview with *The Guardian* newspaper, Erdogan dismissed accusations that Tehran wants to develop nuclear weapons as "rumors." He qualifies Iranian President Mahmoud Ahmadinejad as a good friend. Every time this issue is raised, Erdogan is quick to point his finger to Israel and its nuclear weapons and denounce the apparent double standard of the international community. As a result, Turkey's preference for a different strategy for dealing with Iran comes across more as an ideological choice than a calculated and rational foreign policy decision, fueling once more the debate of whether Turkey is moving away from the West.

It would have been a different matter if the Turkish leadership had been able to express some of the very legitimate arguments that Ankara can actually make regarding the prevailing Iranian strategy.

These arguments can be summarized as follows:

- Iran seeks nuclear weapons as a matter of national pride and prestige, and as such, aggravated sanctions are unlikely to lead to a change in the regime's objectives. In reality, Iranian opposition's view on the nuclear program is not different than Iran's current leaders.
- The second reason for Iran's nuclear quest is Iran's own security threat perception. That is also why a diplomatic engagement is indispensable for giving assurances to Iran. New sanctions can only accentuate Iran's negative perceptions.
- Trade and investment sanctions, as experienced in relation to Iraq, have the potential to hurt Turkey and the Turkish economy. The impact will be greater in Turkish provinces near Iran, which are among the poorest in Turkey. As a neighbor of Iran, Turkey is in a different position compared to the other members of the UN Security Council.
- The Iranian crisis should not lead to a change in the NPT regime that could hinder individual countries transition to civilian nuclear energy.
- A stronger nonproliferation regime requires a more legitimate nonproliferation regime, which in turn implies the elimination of prevailing double standards. In this respect, the United States did a disservice to the NPT regime by concluding the nuclear deal with India.
- In the same vein, the case of Israel merits more attention. It is clear that Israel will continue to hold on to its nuclear arsenal as long as there is no peace in the Middle East. But the West should not turn a blind eye to the Israeli exception and should defend the prospect of a total denuclearization of the Middle East.

5 CONCEPTUALIZING NONPROLIFERATION STRATEGIES AND TURKISH FOREIGN AND SECURITY POLICY

In the post war order, Turkey made a sustainable effort to become part of the Western community of nations. Turkey's membership to transatlantic institutions such as NATO, European institutions such as the Council of Europe, and its early association with the EU, should be viewed in that perspective. Accordingly, Turkey set out to adopt the norms of the transatlantic community, but the record has been mixed. The adoption of these norms in areas such as human rights, democratic standards, liberal market policies, economic and social rights, and even environmental policies, proved to be problematic due to Turkey's own internal difficulties. It was only in this decade that Turkey's alignment with many of these norms became possible.

The area of nonproliferation provides an exception to this narrative. From early on, Turkey was able to become signatory to all the relevant international treaties on nonproliferation and to incorporate these commitments in its domestic legal order. Therefore, from a foreign policy perspective, nonproliferation policies were an area which Turkey could easily highlight as a sound example of its alignment with the West. However, unlike the U.S. or EU security strategy where proliferation of WMDs are identified as among the chief security risks, nonproliferation concerns have not acquired any similar visibility in Turkish foreign and security policy. This is beginning to change with the nuclear crisis with Iran.

Turkey's approach and conceptualization of nonproliferation issues seems to be different for the two main categories of WMDs proliferation. In relation to non nuclear WMDs, Turkey's policy is well aligned with those of its NATO partners. Turkey has a strong record in fighting WMDs nonproliferation underpinned by a well developed domestic legislation and a good functioning

institutional setup. Turkey has a sound and effective export control regime and implements its international commitments rigorously even if these give rise to frictions with some of its neighbors. Thus Turkish authorities do not shy away from declining to issue permits for the export of dual use items to neighboring countries or to intercept the transfer of these sensitive goods across the Turkish territory. Turkey has also been willing to assist the efforts of the international community and in particular the United States, in helping with the outreach activities associated with nonproliferation programs. Thus Turkey took an active role in the outreach strategies of the Proliferation Security Initiative toward the countries of the Middle East. Turkey's strong track record on nonproliferation issues was in a sense rewarded when Turkish ambassador Ahmet Uzumcu was elected last year as the new secretary general of the Organization for the Prohibition of Chemical Weapons. Turkey's commitment to a domestically effective implementation of nonproliferation rules will also improve with the recent appointment of Hakan Fidan as chairman of the national intelligence services. He currently serves as Turkey's governor at the IAEA Board and thus is a person well versed in nonproliferation issues.

Turkey's international activity in the non nuclear proliferation issues contrasts with the almost total lack of involvement in nuclear related proliferation issues before the emergence of the Iranian crisis. For a long time, Turkish foreign policy did not feel the need to conceptualize and prioritize the nuclear proliferation challenge as an item of Turkish foreign policy. The only aspect of the nuclear weapons debate that occasionally required the attention of Turkish policymakers was the question of NATO's nuclear weapons, an issue that lay dormant for many years. The emergence of the nuclear crisis with Iran posed a challenge

Unlike the U.S. or EU security strategy where proliferation of WMDs are identified as among the chief security risks, nonproliferation concerns have not acquired any similar visibility in Turkish foreign and security policy. Turkish foreign policy did not feel the need to conceptualize and prioritize the nuclear proliferation challenge as an item of Turkish foreign policy.

The lack of an agreed conceptual framework regarding the proliferation of nuclear weapons led Turkish leaders to assess the rising crisis from a more pragmatist and populist perspective. The Iranian nuclear issue has been framed by the body politic firstly as an issue of neighborly relations, and secondly as an issue of regional stability. These are several barriers impeding the emergence of a constituency, in particular among foreign and security policy experts, that could have helped to frame the Iran debate from the nonproliferation angle.

for Turkish policymakers. The lack of an agreed conceptual framework regarding the proliferation of nuclear weapons led Turkish leaders, and in particular the Prime Minister Erdogan, to assess the rising crisis from a more pragmatist and populist perspective. In other words, due to the lack of a proper conceptual framework dealing with nonproliferation and its role in Turkish foreign policy and security strategy, the Iranian nuclear issue has been framed by the body politic firstly as an issue of neighborly relations, and secondly as an issue of regional stability.

The linkage established with the Israeli nuclear arsenal is very telling from that perspective. For a long number of years, Turkish leaders made no reference to the Israeli arsenal; there was no policy on this issue. It is only with the growing pressure on Iran that such a linkage was established, almost as an afterthought. Similarly, it is only very recently that Turkey started to earnestly talk about a nuclear

free Middle East. This objective has now become part of the official discourse of Turkish leaders including President Gul—despite the existence of NATO owned tactical nuclear warheads on Turkish territory. These haphazard remarks underscore the need for Turkish policymakers to devote more attention to the question of conceptualizing and prioritizing the issue of nuclear proliferation as an element of Turkish foreign policy.

A fundamental issue in this respect is the restrictive security culture. Unlike the EU and the United States, Turkey's national security strategy is not being made available to the public. Under these conditions there cannot be a fully informed debate about the different aspects of Turkish security policy. A related impediment is the lack of civilian expertise in security matters. These barriers impede the emergence of a constituency, among foreign and security policy experts, that could have helped to frame the Iran debate from the nonproliferation angle.

6 APPENDIX: TURKEY'S NONPROLIFERATION LEGISLATION

The Turkish Criminal Code No: 5237 was amended by the Turkish Grand National Assembly on September 26, 2004 and gained full force of law on October 12, 2004. It constitutes the backbone of Turkey's counter-proliferation posture in the internal law. Articles 6, 172, 173, and 174 of the said code are relevant to weapons of mass destruction.

The definition of weapons in **Article 6** is inclusive of nuclear, radioactive, biological, and chemical materials, which can burn, abrade, perforate, injure, suffocate, poison, and cause permanent illness and disease.

Article 172 covers the act of "Diffusing of Radiation." According to this article, "whoever subjects another person to radiation, with the intention to give damage to his/her health, shall be sentenced to imprisonment from three to fifteen years." The second paragraph of the article states further that if the criminal act defined in the first clause is committed against an indefinite number of persons, no less than five years imprisonment shall be adjudicated. The act of taking part in diffusing radiation and in the disintegration process of atomic nuclei is also considered a punishable offence in paragraph 3 which states, "whoever diffuses radiation or takes part in the disintegration process of atomic nuclei in a manner to give damage to an another person's life, health or property to an important degree, shall be sentenced to imprisonment from two to five years." Finally, the fourth paragraph states, "whoever, in disregard of his/her obligations to be careful and diligent, causes radioactive diffusion or disintegration of atomic nuclei during operations of a laboratory or a plant, shall be sentenced to imprisonment from six months to three years."

Article 173 covers the act of "Causing Explosion with Atomic Energy." This article defines the

act of causing an explosion as: releasing atomic energy which disturbs the ecological balance for many years, in a manner endangering another's life, health, or property to a significant degree, a punishable offence which shall be sentenced to imprisonment no less than five years. In cases where the act is committed with negligence, two to five years imprisonment sentence shall be adjudicated.

Under **Article 174** which bears the heading "Possessing and Exchanging Dangerous Materials without Permission," the act of causing proliferation of weapons of mass destruction and the materials used in their production is made a crime to be punished with severe penalties.

The first paragraph stipulates that the acts of producing, importing or exporting, transporting from one place to another in the country, keeping, selling, buying or processing radioactive, chemical, or biological materials which are explosive, burning, abrasive, injuring, suffocating, poisonous, and/or causing permanent illness in nature, without the permission of competent authorities, constitute a punishable criminal offence and shall be sentenced to imprisonment from three to eight years and to fines for up to 5000 Turkish Liras. It further stresses that the act of exporting the substances and equipment needed in the production, operation, or utilization of the materials which are in the scope of this article, without the permission of the competent authorities, also constitutes a punishable crime and shall be sentenced to the same penalty. This is inclusive of unlicensed exportation of dual-use items.

The second paragraph focuses on the organized nature of the crime and states that if these acts are committed in the context of an organized crime by an organization which has been formed for performing criminal acts, the penalty to be imposed shall be increased by half.

A subsidiary legislation in the field of counter proliferation is the “**Law on Control of the Private Industrial Enterprises Producing War Weapons, Equipment, Vehicles, Ammunition and Explosives**” (Law No: 5201). Adopted by the Parliament on July 4, 2004, in replacement of the former Law No: 6136, this law renews the mandate of the Ministry of National Defence (MND) as the licensing body for the export of almost all weapons and ammunition. The MND issues a list every year of all weapons, ammunition, explosive materials, and their parts, which are subject to licensing. Nuclear, chemical, and biological weapons, their parts and means of delivery, are also considered within the framework of this law. Article 8 of this legislation clearly defines the act of establishing and managing enterprises producing weapons, ammunition, and explosives without the permission of the MND, as a punishable crime for which two months to one year imprisonment sentence shall be adjudicated with a heavy fine. The same article further stipulates that functioning licensed enterprises which fail to comply with

their obligation to notify the MND regarding their stocks, related firm details, and information on the orders they receive shall be sentenced to imprisonment from a one month to six months period with a heavy fine. The said article also states that a one to five years imprisonment sentence shall be adjudicated for those who illegally export materials and parts for which licence is required from the MND. In addition, the MND reserves the right to apply to the Court of Justice with request for closure of enterprises that are deemed to be unfit for functioning in this sector.

Punitive sanctions were set in the new Turkish Penal Code for illicit production, possession, and transfer of WMDs or sensitive items and technologies used in production of WMDs.

In addition, the Law on the Interdiction of Development, Production, Stockpiling and Use of Chemical Weapons entered into force on December 21, 2006.

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