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## **Notes on Recent Events and This Issue**

Since our last issue, Turkey has witnessed a coup attempt and several terrorist attacks from religiously oriented, as well as ethnic sources. Meanwhile, there has been some positive developments in Turkey's relations with Russia and also in the civil war continuing in Syria which has necessitated Turkey's adjusting its policies. Turkey-EU relations, on the other hand, have remained stagnant despite the conclusion of an agreement earlier in the year on curbing the flow of illegal immigrants and regularizing Syrian refugees and on receiving financial assistance to meet partial burden of Syrian refugees on Turkey. Curbing the flow of illegal immigrants part of the deal has been fulfilled while the financial assistance is only trickling. Moreover, the result of the Presidential elections in the US has led many to wonder what may be expected of the forthcoming policy changes to be pursued by the new administration, how much of the campaign promises could be realized during President Donald Trump's term in Office, if implemented many of which may have horrifying ramifications on the international system.

### **Coup Attempt in Turkey**

The July 15<sup>th</sup> coup attempt carries unavoidable consequences on Turkey's foreign relations as the alleged organizer, Fethullah Gülen, is a Turkish Islamic preacher holding a Green Card and residing in the United States. Some of his influential affiliates are spread out in different parts of the world and some of those who took part in the coup attempt have fled the country seeking asylum in other countries, including close allies in NATO. These developments have the potential of straining relations with the countries involved. Moreover, since a State of Emergency was declared as the coup attempt involved not only the junta members but also many others nested in all state and public institutions, the legal process will keep the judiciary busy for a long time and may also occasionally exert strains on Turkey's relations with the Council of Europe.

### **Turkish-Russian Relations**

Since the letter sent by the Turkish President Recep Tayyip Erdoğan to the Russian President Putin expressing regrets and sorrow over the downing of

the Russian war plane which had violated the Turkish airspace several times over its Syrian border, there seems to be a slow but steady improvement in the relations between the two neighboring countries over the Black Sea. The two Presidents met several times during this second half of 2016 facilitated by President Putin's show of sympathy and support after the coup attempt in Turkey. The first visit by President Erdoğan after the incident on the Turkish-Syrian border was to St. Petersburg on early August 2016 where he held talks with his Russian counterpart to further develop bilateral relations. President Putin reciprocated with a visit to Turkey to attend the 23rd World Energy Congress in Istanbul in October 2016. On the sidelines of this Congress the two leaders reviewed the progress in relations and signed an agreement for the construction of the Turkish Stream pipeline under the Black Sea to carry gas to Turkey and possibly beyond. Meanwhile, as the developments in Syria and declaration of ceasefire for the evacuation of Aleppo necessitated many phone calls between the two leaders.

## **On The Syria Front**

Continuing terrorist attacks originating from the ISIL (Islamic State of Iraq and Levant) sources based in Syria during this period have irritated Turkey for a long time and following a prolonged hesitation have led the Government to start a military operation code named "Euphrates Shield" in August 2016. The aim of this operation has been not only to drive the ISIL forces away from the Turkish-Syrian border but also to prevent the PYD (Democratic Union Party) forces, (Syrian offshoot of the PKK (Kurdish Workers Party) which is designated not only by Turkey but also a large number of countries including the US as a terrorist organization waging a terrorist fight against Turkey since 1980's), to extend the area they are controlling south of the border. Since the Barack Obama administration in the US turned down NATO ally Turkey's offer to jointly fight the ISIL and the US preferred to do this with the PYD, Turkey felt the necessity to interfere on its own with the help from some of the Syrian opposition groups, mainly the Free Syrian Army. The military operation is continuing at a slow pace and basically around the Al Bab stronghold of ISIL.

On the otherhand, not only destruction of opposition held parts of Aleppo by the Syrian Forces with support they received from Russia but also increasing human casualties and suffering led Turkey to contact Russia to search for a ceasefire agreement in order to evacuate the population still living in the city to safe zones. The agreement reached was basically hold-

ing and this led to the initiation of the talks in Astana, Kazakhstan where Iran was also included in the process to guarantee the enforcement of the ceasefire. Convinced that no military solution to the conflict was in sight and aiming at a peaceful political solution, the parties meeting in Astana reaffirmed their commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic and ensuring the establishment of a multi-ethnic, multi-religious, non-sectarian and democratic state. Turkey, Iran and Russia were to monitor the enforcement of the agreement reached. This encouraging development led to the invitation of parties to convene another round of peace talks in Geneva under the UN auspices.

### **Cyprus Peace Talks**

Readers of this journal know of our interest in the future of Cyprus where Turkish Cypriot and Greek Cypriot leaders have been negotiating under the auspices of the Good Will Mission of the UN Secretary General for a sustainable settlement as envisaged by the UN Security Council, a bi-zonal, bi-communal federal state. Talks between the leaders have been intensified recently and reached a point where the 3 Guarantor Powers, Turkey, Greece and the UK will also be invited to participate to conclude a solution providing a bi-zonal, bi-communal and politically equal status for the two constituent states. The new UN Secretary General, Antonio Guterres, must have been convinced that a solution to this years long dispute could provide him a good start for his important duty. Attempts, however, to revise the provisions of the Treaties of Guarantee and Alliance have received strong reaction from Turkey and the Turkish Cypriots. Forthcoming year could still provide a good opportunity for an agreement.

### **Assasination of the Russian Ambassador Karlov**

As the year was ending, we were saddened with the assasination of the Russian Ambassador to Turkey, Andrey Karlov, on December 19th at the inauguration of an exhibition by an off-duty Turkish police officer who is alleged to have links with terror groups, most prominent with the Fethullahist Terror Organization. While the assasine had lashed out slogans denouncing Russian military operations in Syria and particularly on Aleppo before committing his most heinous deed, many thought it was more of a provocation aimed at undermining not only the normalization of the Turkish-Russian relations but also the peace process underway in Syria.

## **Contents of This Issue**

This issue of our journal has an important essay by Mr. Seyfi Taşhan, President of the Foreign Policy Institute, on his evaluation of developments in Europe, on how the perspective of a union is gradually waning.

An article by eminent Professor Orhan Morgil, a member of the Board of Administration of the Foreign Policy Institute, delves on the changes and recent developments in the Turkish economy.

We have an article by Assoc.Prof.Dr. Ali Serdar Erdurmaz from the Hasan Kalyoncu University Department of Political Science and International Relations in Gaziantep on NATO's ballistic missile defence system and how it affects Turkey.

We had focused on the privatization of security in our last issue. This time Asst. Prof. Ahmet Keser, Asst. Prof. Bilal Çıplak and Assoc. Prof. Ali Serdar Erdurmaz also from the Hasan Kalyoncu University Department of Political Science and International Relations treat the private military companies and how historically unpopular mercenaries made a powerful resurgence in the international arena.

A matter not much discussed in Turkey but is globally crucial for the future generations is the evolution of the climate change regime. Mr. İbrahim Cem Şahinkaya, Deputy Director General of Environment and Climate Change at the Turkish Ministry of Foreign Affairs, has an article on this important and much neglected issue. Particularly after the signature of the Paris Agreement it is inevitable that the implementation of its provisions will be closely watched. We have also included the text of the Paris Agreement in our Documents Section.

## **Passing of Ambassador Arım**

While this Journal was going to press, Ambassador Reşat Arım, member of the board of administration of the Turkish Foreign Policy Institute, passed away. He was a prominent Turkish diplomat who had served in London, Amman and Washington earlier in his career and later as Turkish Ambassador in Amman, Bonn and Beijing. After retiring in 1996 he became a member of the board of administration of the Turkish Foreign Policy Institute and the director of studies. He had been a regular contributor to our journal. The Institute had published two books by him, one in English "Foreign Policy Concepts – Conjuncture, Freedom of Action, Equality" and the other one in Turkish "Kıbrıs: Bağımsızlıktan Bugüne – Belgelerle" on development of events in Cyprus. He will be missed by us all. May he rest in peace.

**Oktay Aksoy / Editor**

# Europe Revisited

**Seyfi Taşhan<sup>1</sup>**

The Second World War ended with greatest human loss and suffering history ever witnessed. This tragedy led to attempts aimed to prevent the repetition of the calamity of war through union of nations. The United Nations was to be the most influential instrument to prevent conflicts among nations of the World; and Western Europe chose to create institutions that would lead to ever growing integration among European nations. However, division of ideologies between Eastern and Western Europe divide, a fear of war, as Churchill said, an Iron Curtain fell between Eastern and Western Europe. While socialism and communism were the dominant ideologies in Eastern Europe, union through democracy and human rights was expected to serve greater union among European nations. The Council of Europe would bring all European nations together once they accepted to adopt democracy and respect for human rights as the guiding principles of nations. Through the creation of a Human Rights Court and a mechanism of arranging multinational legislation leading to cooperation among European nations in all fields of life. However, Council of Europe's role remained somewhat limited in fulfilling its aim of creating greater unity among member states.

It was soon felt that the developed democratic countries of Western Europe could create an economic community that would lead to the establishment of the European Economic Community through creation of a single market for goods, labour, services and capital among the member states and creation of common transport and agriculture policies.

Beginning with 6 European nations, it gradually increased its membership. The success of the Economic Community was impressive and led to the Maastricht Treaty transforming the Community into the more ambi-

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1 President of Foreign Policy Institute

tious "European Union", overtaking most of the functions of the Council of Europe, thus creating not a dicotomy in European legislation. As Soviet Union broke down in 1991 all Eastern European countries except Russia and Ukraine became candidates and eventually taking part as full members of the Union.

In 1995 EU Council, at its Madrid summit, decided that all European countries would eventually become member states and Russia, Turkey and North African countries would become strategic partners.

However, Turkey had signed in 1963 the Ankara Treaty with the aim of becoming European Community member according to a step by step arrangements. In 1995 Turkey had concluded all of its obligations under the Ankara Treaty and established a Customs Union with the EU. On the other hand, the European Community and Union did not fulfill its obligations towards Turkey such as creating free circulation of labour and services.

In 1999 EU changed its attitude towards Turkey by accepting it as a candidate country of the EU. However, political neccessities made Europe forget its obligations under the Ankara Treaty, candidacy for membership, once the Customs Union was established. It was only in 2004 that chapter by chapter negotiations could begin. Even then the process was open-ended and is still continuing at snail speed due to the political attitudes of some member states who unilaterally put embargos on the progress of negotiations.

Has the European Union done enough progress to achieve its role of creating a real union, establishing a union that would create a geniune subsidiarity and reduce nationalism among its members?

To answer this question we could mention the economic development of all European countries as a positive factor. Whereas impossibility of creating multinational defence and government functions in a united Europe must be considered as the greatest impediment in the creation of a United Europe. Strength of nationalism among the member countries in varying degrees prevented the creation of a real Europe and community members had to accept regional arrangements such as Monetary Union and Schengen travel arrangements became destabilizing factors in European politics instead of serving towards full Union. Furthermore, Community institutions were not of a character that would be capable od representing the entire-

ty of Community members. Parliament was given large advisory powers but limited positive acts. Parliament approved the budget, approved new members to the Union.

The most important decision making organ is the Council composed of representatives of all member states' governments with varying voting rights. This structure makes, in effect, the entire Union as an intergovernmental organization and because of the voting pattern, population factor makes votes in the Council stronger. In other words, Germany and France have more power than others.

The attempt to establish a European Constitution could not enjoy the support of all member states. After 2001 terrorist attack on the US and increasing migration gained ground. We have, at this point, the concept of security shifted from military purpose to a united fight against terrorism. This situation also led to xenophobia and particularly Islamophobia. This development also led to open war against Islamist led terrorist groups in Iraq and Syria. The exodus of people from Syria shook the foundations of the European institutions. On this issue, UK decided to leave EU because it did not want to have to participate in sharing the quota of Muslim immigrants, further reason for Brexit. The influx of refugees from Africa and Middle East will be continues and unavoidable problem for Western Europe.

The other economic problem concerned Southern countries of Europe. These, comparatively less developed Mediterranean countries of EU had spent more than their economies could support. Particularly Greece underwent great trauma for obtaining from EU institution funds that would allow only a modest way of life in contrast to supporting their luxurious spending among government institutions and peoples. Italy, Spain and Portugal also suffered. The crisis in Italy is very grave and prevents governments from daring to impose radical social and economic reforms. To a lesser degree, this situation is also valid for Spain and Portugal.

For Turkey the agreement between the EU concerning return of illegal immigrants to Turkey against lifting visa restrictions for travel of Turkish citizens in European countries become a problem. However, the increasing migration into Turkey, Turkey's inability to fulfill all of the demands of EU to make necessary revisions in the Turkish legislation, terrorism and

ensuing verbal exchanges between European and Turkish leaders led the EU Parliament to ask for suspension of negotiations with Turkey but the EU Council, where executive decisions are taken, decided for the continuation of negotiations. The current economic and political situation in Europe is such that no one could expect any further enlargement of Europe in the near future. Because of this situation there is a sharp division in the Turkish public opinion whether Turkey should join the EU. Secular part of the population which is around half of Turkish population usually support closer relations with Europe. The other half has strong ideological objections.

In spite of all that has happened, the EU countries enjoy very high standards in their life styles. Behind the minds of Europe's thinkers there is always a worry whether Europe can maintain such standards against challenges of rising economies, particularly of China and India. One of Europe's main hopes was to establish a free trade arrangement with the US, but under Donald Trump's presidency and his already expressed doubts about free trade zones, it is not likely that free trade arrangement with Europe can ever be materialized. There is the possibility that Brexit may naturally be a boon for British economy. It could establish closer ties with the US commonwealth countries while maintaining free trade with EU.

The lack of a proper European security institution is expected to be remedied by the NATO Alliance. Whatever the Washington Treaty says, in reality it makes NATO a guarantee for European countries against a possible Russian aggression. In the realization of NATO goals, it is not absolutely clear whether in case of a Russian aggression in Eastern Europe the entire Alliance will sufficiently react. In Turkey, we have from time to time observed strong doubts about the conditions of guarantee as embodied in the NATO Treaty. For example, we have observed at the time of President Kennedy the withdrawal of Jupiter missiles located in Turkey, to persuade the Soviets to withdraw their missiles from Cuba without consulting or even informing the Turkish Government. President Johnson openly threatened for not helping, Turkey in case of a Soviet attack in the event of a Turkish intervention in Cyprus. Again because of Turkey's intervention in Cyprus based on its obligations arising from an international agreement, US Congress adopted a resolution imposing military sanctions against Turkey and the US President of the time, Gerald Ford, did not veto this resolution.

American involvement in the Middle East has been the result of flimsy worries of US Presidents rather than real cases as need. Afghanistan was a reaction to the terrible terrorist attacks in the US on 9/11 in 2001 and was quite justified in the world public opinion, even though originally the US had supported Al Qaeda against Soviet occupation of Afghanistan. In Iraq Saddam thought he would get away with his invasion of Kuwait. Many Americans thought US dominance in the Gulf should not be challenged and senior President Bush's response was swift and successful. He did the right thing: after evacuating Kuwait of Saddam's forces and putting out oil field fires US withdrew its forces. One cannot reasonably understand the motives of junior Present Bush to attack and invade Iraq. British intelligence services said Saddam was building nuclear weapons. Instead of denying such attempt Saddam verbally insulted Senior Bush. Were these unconfirmed reports enough justification for the Second Iraq war? Furthermore, there was not a clear UN Resolution for military invasion of Iraq. The war was conducted on how to find and punish Saddam in the absence of any nuclear facilities. The result was a divided Iraq and a Sunni-Shiite conflict, an Islamic Constitution that would worsen the internal situation in a multi ethnic and religiously divided Iraq. Soon religious fundamentalists started the war in Syria together with other opposition forces to remove President Bashar Assad and create an Islamic State of Iraq and Levant (ISIL). Many people thought that they would sweep away Esad quickly and outside support in terms of human power, Money and weapons poured into Syria. The war that ensued has been continuing for the past 5 years. Assad instead of being deposed enjoys the support of Russia which has traditionally had a naval base in Syria. Assad now seems to dominate in Western Syria and has under its rule all major Syrian towns. Russia has established two more military bases in Syria and is now a major power behind the Assad regime. Furthermore, Iran is also involved with its military support for the Assad regime. With continued ISIL terrorism, Turkey also entered into Syria to help destroy ISIL forces and push them away from the Turkish border. In this manner Turkey is fighting a regular war in Syria against ISIL and a war against ambushes and terrorist attacks of PKK in South Eastern Turkey, as well as with its extension in Syria.



# NATO Ballistic Missile Defence Systems and Turkey

**Dr. Ali Serdar Erdurmaz<sup>1</sup>**

## Summary

In the summit declaration issued on April 4, 2009, all NATO Heads of State and Government reaffirmed the conclusions of the Bucharest Summit, that “ballistic missile proliferation poses an increasing threat to Allies forces, territory, and populations. Missile defence forms part of a broader response to counter this threat.”

The intelligence community assesses that the threat from Iran’s short- and medium-range ballistic missiles is developing more rapidly than previously projected, while the threat of potential Iranian intercontinental ballistic missile (ICBM) capabilities has been slower to develop than previously estimated. In the near term, the greatest missile threats from Iran will be to countries in the Middle East and in Europe.

On 17 September 2009, President Obama has approved a phased, adaptive approach for missile defence in Europe. The “Phased, Adaptive Approach” for Missile Defence in Europe has four phases, three layers and emphasizes three important pillars; US National Missile Defence Systems, The Active Layered Theatre Ballistic Missile Defence of NATO and the national missile defence systems of member nations. If any threat attempts to launch a missile at a NATO ally, it will face the consequences of its actions not from one country but from all NATO members. According to this program Turkey is going to undertake an important role however she has not have her own missile defence system capabilities.

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Expectations from Turkey for the U.S. and NATO's integrated missile defence system may be in the form of contributions in the first two layers. The program is primarily designed to increase protection against medium-range and intermediate-range ballistic missiles but, to intercept those missiles as soon as possible after they've been launched in boost and ascent phase. For that reason, Turkey has a vital importance due to its geographical position within the context of the potential threat.

Turkey announced that it was out of the question for it to oppose security measures the North Atlantic Treaty Organization considers necessary, apparently ruling out any move to block a missile shield the U.S. is proposing within the Alliance. Turkey laid out three principles on which as a NATO member, it would base its approach to the missile shield.

In this article, studying NATO Missile Defence System (MDS) requirements from Turkey and examining Turkey's position on this system will be put forward. And it will be bring before the resolutions to overcome the shortages of Turkish National Missile Defence requirements within NATO MDS.

**Key words:** *NATO Ballistic Missile Defence System and Turkey, Missile shield and Turkey, ballistic missile defence, boost phase, ascent phase.*

## **Introduction**

NATO's New Strategic Concept, fundamentals of which were set by 12 wise men in Lisbon in November 2010, has been approved. NATO's requirement for ballistic missile defense is

considered essential due to Iranian ballistic missile threat put forward within this concept. Although Turkey stated before approval of the Concept that it would not welcome explicit mention of threat and had it accepted, point of origin of the system architecture in NATO missile defense system, which is described as "missile shield", is considered to be evaluation of Iran as the main threat. On the other hand, Iran rejects this situation and reacts to Turkey.

The fact that Turkey would play a leading and important role in multi-level and multiple-stage structure to be put it into effect in NATO Missile Defense System, in other words "Missile Shield" project, was mentioned by USA officials and led to fierce discussions among Turkish people. In this context, it is a prevailing idea among Turkish people that Turkey has very favorable relationships with Iran and there is no threat at this stage, therefore any missile defense facility to be established under the umbrella of NATO will lead to tense relationships with Iran. On the other hand, it is stated that systems planned to be established aim at protection of Israel, and are against Iranian threat. In this regard, it is argued that the purpose is to pull Turkey into an undesired environment.

Responsibility to be assumed by Turkey, which is a NATO member, within the scope of new strategic concept constitutes a small, but important part of an integrated system. In parallel with that, it is a reasonable approach to state that it does not pose a potential threat for Iran or any other country in the region as the entire system has a defensive and passive structure. It is considered beneficial to determine the architectural structure which NATO system is built on and expectations from Turkey within the scope of this project in order to evaluate correctness of the argument that the system will support Israel.

This paper aims at examining architectural project of NATO Missile System and revealing the role planned to be assigned to Turkey. In addition, this paper analyzes national facilities and capabilities of Turkey against a possible ballistic missile threat, evaluates what kind of a part Turkey should take within NATO system, and attempts to reveal possible solutions.

## **USA's National Missile Defense System Program Works**

Launched by Ronald Reagan, one of USA Presidents, around 25 years ago, USA National Missile Defense System is tried to be sustained and developed through a new program introduced today. As is known, Missile Defense System (Missile Shield) is a passive surface-to-air defense system, which works by striking aircraft and missiles or exploding nearby them. Causing damage on the territory of enemy states by means of these missiles is against its concept of use.

The USA builds and develops national missile shield program on its own mainland, and pursues a policy of deepening and extending it through other continents across the world according to sources of ballistic missile threats. To this end, it has adopted the way of making technological cooperation agreements with various countries in order to extend and integrate missile defense system. The purpose is to destroy any launched missile on its flight path as early as possible before arriving on mainland of the USA. It is necessary to establish a global early warning and tracking radar system network in order to protect lands of the USA against intercontinental ballistic missile attacks and to use missile batteries effectively. It is planned to install these kinds of infrastructure facilities and capabilities through integration with NATO (Kibaroglu, Fall 2000).

In this context, the USA made individual agreements with Australia, the Czech Republic, Denmark, Italy, Japan and England for joint working in the matter of technology research and development on missile defense with regard to "Missile Defense Program" it prepared for National Missile Defense (NMD) budget studies in accordance with the purpose of developing its own national missile defense. In addition, countries that have missile defense programs and are concerned with this matter are as follows: The Netherlands, France, Poland, India, Russia, UAE, Israel, South Korea, Germany, Ukraine, Bahrain, Qatar, Kuwait, Saudi Arabia, and Romania. In this scope, NATO is regarded to be a country that is in progress of developing its own system architecture works. Turkey is not separately mentioned among above-mentioned countries. It is thought that Turkey has not signed the said agreement with the USA because it desires to take a part in NATO organization (The Missile Defense Program", 2009-2010 , S.22, , 2009-2010)

Apart from that, the 19th page of the Program makes mention of a 20-year tight cooperation of the USA with Israel in regard to missile defense system. It is stated that this cooperation has been improved more with Arrow systems that can work jointly with the USA missile defense systems. It is pointed out that this relationship has been combined with joint short-range David's Sling weapon system and upper-tier initiative (The Missile Defense Program", 2009-2010 , S.22, , 2009-2010)

As it can be understood from the USA's national missile defense configuration program, USA aims at forming a gradual defense network that can allow destruction of a missile launched from whichever part of the World before reaching its own mainland by pursuing the goal of both making its own national missile defense system integrated through cooperation with countries which are not NATO members and including the entire world in its coverage area through providing unity in NATO. In parallel with that, countries included in cooperation will be defended, too.

As is known, renewal of START Treaty with Russia expiring in December 2010 was brought to agenda with start of Barack Obama as new President of the USA. However, future of START treaty was endangered by Russia's objection to systems planned to be deployed in the Czech Republic and Poland within the scope of national missile defense of the USA. Thus, President Obama instructed to work on alternative solutions. At the end of efforts made in parallel with that, practice named "Phased Adaptive Approach" aimed at missile defense of the continent of Europe, which was approved by President Obama on 17 September 2009, was put into practice ([www.Whitehouse.gov](http://www.Whitehouse.gov), 2009) (O'Reilly, October 2009). According to the new document approved, this approach is regarded as a proved and cost-effective solution to contribute to providing the security against ballistic missile threat of Iran.

### **How is Missile Defense System Considered within the Framework of New NATO Concept?**

It is accepted by NATO that member countries of NATO, which is the most important tie of the USA with transatlantic Europe, should be integrated and designed in accordance with the system structure of the USA in order for these countries to be integrated into missile shield. In parallel with

that, it was needed to integrate “Phased Adaptive Approach” suggested by the USA President Obama into NATO structure in order for lands of Europe and NATO member countries to be protected. Otherwise, serious difficulties would be encountered in implementation of the four stages determined.

NATO started works on this program following Prague Summit held in November 2002. Conducted feasibility studies were approved in NATO’s Conference of National Armaments Directors (CNAD) in April 2006 (Components of Policy, Missile Defence for the protection of NATO, territory, 2009). By this means, political and military requirements of NATO regarding missile defense started to be supported technically. It is stated that NATO presidents and prime ministers approved at Bucharest Summit on 4 April 2008 that increasing ballistic missiles posed an incremental threat to allied forces, lands and people. Accordingly, it is expressed that missile defense will be a comprehensive response to threat. As part of this response, future contributions of the USA to this configuration will constitute a concrete input to efforts of NATO allies (North Atlantic Treaty Organization, Bucharest Summit Declaration, md 37, 2008). At this NATO Summit, it was determined that USA missile defense systems deployed in Europe would contribute to defense of alliance. In this regard, it was accepted for this ability to be an integrated part of future comprehensive missile defense architecture of NATO. At the same summit, issue of cooperation with Russia on this matter came to the forefront, and encouragement of Russia in this regard was discussed.

At 2009 Strasbourg/Kehl Summit, alliance members assigned various units of NATO to prepare a comprehensive report to be negotiated at Lisbon Summit to be held in 2010. In conclusion, NATO missile defense architecture suggested after a host of works and efforts was accepted together with NATO’s New Strategic Concept brought to the agenda at Lisbon Summit.

NATO is still developing its own Active Layered Theater Ballistic Missile Defense (ALTBMD) program. This program will be integrated with NATO command and control systems and the communication network that is currently in use after it is updated and relevant tests related to it are carried out. It will also have a complete coverage against tactical ballistic missiles having a range of up to 3000 km.

As much as it is understood from works performed within NATO, missile defense system architecture, which is projected to be installed within the body of NATO, will be fundamentally built upon the mechanism developed by the USA. Establishment and reinforcement of the defense will be ensured by moving Aegis anti-missiles deployed at sea, which make up fundamental of the National Missile Defense System of the USA, to seas surrounding the country subjected to threat in a time of crisis (Phased Adaptive Approach, SASC Testimony On New Missile Defense Strategy, 2009) ( Status Of Implementing The Phased Adaptive Approach To Missile Defense In Europe, 2010).

As we have tried to explain above, fundamentals of NATO's Missile Defense System consist of three elements: The national missile defense system of the USA; national missile defense systems of NATO member countries; and Active Layered Theater Ballistic Missile Defense (ALTBMD) program to be built up through contribution of NATO member countries, which would constitute an environment to integrate the said systems with one another.

It is stated that a system within this configuration will not need 10 interceptors deployed on land in Poland, and big fixed radar facilities to be established in the Czech Republic. Accordingly, this plan was given up. It was stated that USA would contribute to interceptors deployed on land in Alaska and California through systems established at the fourth phase.

It is suggested in threat evaluations that short- and medium-range ballistic missile threat of Iran progresses more rapidly than predictions while inter-continental missile threat develops more slowly than predictions. Based on these evaluations, it is thought that main threat to originate from Iran will be towards USA alliance in Europe and Middle East in particular as well as its other components there.

Architecture of systems projected to be put into practice in the 2011s is made up of incremental advanced Missile-3 (SM-3) standard ballistic missile interceptors deployed at sea and on land and sensor radar systems deployed in Europe and backward as of the closest country with a potential threat. The USA considers that while it protects its own mainland against long-range ballistic missile threat with this kind of a phased approach, it will also be able to take measures against missile threat to be posed against the continent of Europe in the near future.

According to definition made by Lieutenant General Patrick J. O'Reilly, USA Missile Defense Agency Director, in Atlantic Council Missile Defense Conference on 12 October 2010 (Parrish, 2010) and plan approved by USA President Barack Obama in 2009; it was planned to structure missile defense of Europe as three-layered and under four stages against short, medium and intermediate range missiles and intercontinental range missiles.

***The said four stages are as follows:***

The first stage will continue until 2012. It will include deployment of tried and proven missile systems and sensors, which are based on systems called Aegis (Aegis Ballistic Missile Defense) (Brad, 2005) deployed at sea that are still available in accordance with USA's National Missile Defense (NMD) Program, at seas closest to threat.

The second stage includes deployment of advanced systems deployed at sea and on land, which are still at the stage of development and test, against short and medium range missile attacks in the period from 2012 to 2015.

In the third stage, sea and shore defense system will step in against intermediate range missiles between 2015 and 2018. It is planned to structure this system in the continent of Europe.

The fourth stage from 2018 to 2020 will include early sensing and warning ability against medium and intermediate range missiles as well as protection against intercontinental ballistic missiles. Counter structuring on USA mainland is within the scope of this stage.

Lt. Gen. O'Reilly states that this configuration was basically aimed at ensuring protection against medium and intermediate range missiles with a range of 1000 – 5,500 km that fly in the outer space. A launched ballistic missile will be able to be destroyed in three layers by defense systems including sensors, radars and missiles deployed on lands, at seas and in the outer space.

It was stated that this would enable simultaneous tracking of hundreds of missiles and launch of 50 missiles at a time. According to the program, the launched missile will be blocked as early as possible at the boost and ascent phase following launch of the missile. Thus, advanced mobile systems should be deployed at appropriate times and places. If this is not possible,

the launched ballistic missile will be struck in its flight pattern by means of systems deployed in high level and low level. Radars and computers to detect, track and destroy all kinds of missiles from medium range to international range missiles will be in tandem with Aegis ballistic missile defense system deployed on surface platform in USA.

It constitutes fundamental of the USA-NATO defense system to deploy systems designed in this pattern in hundreds of units to cover all NATO countries.

The first layer is the phase in which missile is launched and ascends to reach the necessary speed (Robert L. Pfaltzgraff, 2009, ) (Boost-Phase Intercept, 2012). This phase takes nearly 3-5 minutes for long-range missiles, and 1-2 minutes for short-range missiles (Boost Phase). In this phase, missile reaches over 1000 m. per seconds from a speed of zero. Missile is biggest in size and volume in this phase. Accordingly, it is in the simplest condition to be detected and struck.

The second layer refers to the phase in which missile reaches adequate speed, goes up to outer space from atmosphere after a range of 300 km., and reaches an average speed of 1300 m. per seconds (Mid-course phase). It flies for approximately 25-30 minutes in this phase ( Midcourse Defense). In this phase, the missile will be struck via platforms deployed in the outer space or by means of various long-range missile defense systems on its flight path in the continent of Europe.

The terminal or descent phase includes 1 to 5 minute phase in which it enters into atmosphere from outer space again and performs the final approach to target ( About 33 Minutes Protecting America in the New Missile Age). In this phase, it will be necessary to destroy ballistic missile, which is on its way to target, through intervention of target country defense systems having systems like patriot. Turkey seems to have a vital importance in terms of taking necessary measures in the first phase of this four-stage three-layered system.

It is emphasized that joint actions should be taken in tandem with Russia in this stage in order for Russia not to perceive the configuration as a threat against itself (Kibaroglu, Fall 2000). In this context, Anders Fogh Rasmussen, Secretary General of NATO, visited Moscow at the beginning of November 2010, and continued his pursuit of cooperation for Lisbon

Summit (Secretary General in Moscow to prepare the Summit, 2010). As much as it is understood, Russia was ready for negotiation with NATO and the USA in regard to cooperation on this matter. This means that it would be possible to reach a positive result on this matter at the end of negotiations (Russia Seeks Further Dialogue on NATO Antimissile Plan, 2010). NATO-Russia Council has launched cooperative works on theatre missile defense, and is making comprehensive analyses regarding this cooperation (Missile defence cooperation with Russia, 2012). But it seems there are some problems that could not be solved so far because Russia would not participate in Chicago Summit on 21-22 May 2010 (Pifer, 2012) (Russia Offers Pyramid Radar for Missile Defense, 2012)

### **What Kind of an Approach Does Turkey Have Concerning Ballistic Missile Defense System?** (Champion, Nov 01, 2010)

In the 2010s, for Turkey, there was no potential ballistic missile threat to appear in the near future thanks to “zero problem” policy Turkey implemented in its immediate surroundings. However, it is considered necessary to hold oneself in readiness against a potential threat likely to arise in the future because of capability of surrounding countries and Iran in particular to manufacture ballistic missile.

From the very beginning, Turkey has never had a positive approach towards attempts to cooperate with Turkey in accordance with the above-mentioned USA missile defense system program. Turkey thinks that it is more suitable to solve this issue within the framework of NATO obligations, and expressly states that it has gained importance for missile defense systems to be compatible with NATO Defense Concept. As a matter of fact, giving an interview to *Defense News* on 29 May 2001, a Turkish diplomat stated, “we support missile defense system of Americans providing that they include NATO countries within coverage area”.

Here, the important point is that Turkey does not have its own national missile defense system and overtly prefers to stay within the scope of NATO without showing any will to be included in this system together with the USA.

In fact, at the end of threat evaluations Turkey made on surrounding countries, it has perceived ballistic missiles as a threat, and felt the necessity

for having systems against this threat. Accordingly, it has started procurement activities in order to have such systems.

For the first time in April, 2007, Turkey decided to initiate a tender for LO-RAMIDS (Long Range Air and Missile Defense System) conducted by Undersecretariat of Defense Industry through Foreign Military Sales (FMS) credit system. An offer was requested from Russia and China for procurement. However, since neither company gave an offer, Turkey extended bidding period from 1 December 2008 to 15 January 2009. The reason for presentation of no offer from either country was stated as desire of these countries for procurement to be through single source via inter-governmental negotiation instead of tender purchase. It is stated that Turkish companies such as Roketsan, Aselsan, Havelsan, Ayesas, FNSS, Gate and MilSoft showed an interest in joint production of Long Range Defense system. It is projected for Turkish companies to join the tender with a consortium to be formed. In this regard, tender contains the requirement for certain missile parts to be manufactured by domestic companies like Aselsan, Havelsan and Roketsan through technology transfer (Undersecretariat of Defense Industry)

In January 2006, Russia submitted an offer to Turkey in the matter of joint production of S-300 missiles (Demir, 23-01-2006). Upon this development, a technical committee from Turkey visited Russia and made an examination in the factory. It was stated that Russia brought new generation S-400 missile defense system to the table as an offer in addition to S-300s. Apparently, although only Russia leaned towards joint production at the beginning, the USA had to show flexibility later on as China displayed willingness on this matter, too. Therefore, while Russia was regarded as a serious rival against the USA, tender came to a blocking point as a result of intervention of China and did not reach a positive conclusion as neither Russia nor China gave an offer. It is known that China and Turkish engineers have been jointly working in the matter of missile development since 2002, and they have developed *Yıldırım* and *Jaguar* missiles.

It was learnt from news appearing on media in February 2010 that the USA government planned to sell Turkey a Patriot PAC 3 missile defense system amounting to 7.8 billion dollars. This attempt of the USA is regarded to be deriving from its effort to get ahead of Russia and China. Having a broad repercussion in the media, this news brought forward threat perceptions in the surroundings, and caused a debate among people concerning whether

it was necessary to purchase this system (Amerika'dan Türkiye'ye 7.8 milyar dolarlık Patriot bataryası satma hazırlığı (USA preparing to sell Turkey Patriot battery of 7.8 billion dollars), 13 September 2009), (Bu füzeyi almamız şart mı? (Do we really have to purchase this missile?, 15 September 2009)

During his visit to Turkey in February 2008, Robert Gates, American Secretary of Defense, argued just at the missile systems procurement stage that missiles to be purchased should be integrated with NATO, implicitly referring to the USA and, at best, Israel missiles. Turkey went into the effort of expanding its room for negotiation among choices within NATO inventory by including French-Italian joint production missiles into these choices.

As is seen, Turkey has reached a conclusion by making an evaluation on potential threats to be addressed to it in the following decades, and made a decision in the matter of establishment of a countrywide missile defense system. However, since it does not have an affordable cost, the issue of adopting an individual behavior seems to have been suspended. Another reason may be good political relations Turkey has with surrounding countries, which causes Turkey not to go into an investment of such a high cost for now. In this case, the second option seems to be to bear the reducing cost through integration into this system within the body of NATO.

## **Turkey's Approach**

Ahmet Davutoğlu, The Minister of Foreign Affairs, stated that three principles played an important role in approach of Turkey as a NATO member country to ballistic missile defense system installation within the scope of NATO's New Concept, which was negotiated and accepted in Lisbon in November 2010 (Füze Kalkanında Üç İlke (Three Principles in Missile Shield), 2010).

"The issue in question...NATO missile defense system. These kinds of systems are based on deterrence, and aimed at preventing wars, but not causing wars. That is to say, it should be regarded as a process making existence of missiles in the parties meaningless. It should not mean producing more missiles. Turkey cannot oppose to these kinds of measures. This is because; this is a security organization, which does planning concerning security risks likely to occur. This is a very natural reaction. Ballistic missiles

are a threat in the world. There is also nuclear threat and terrorist threat in the world. Certain discussions are carried out and technical preparations are made within NATO on this matter. Turkey is part of this process, and actively participates in these discussions.” Davutoğlu pointed out that geography of Turkey and the relations it promoted made Turkey a highly important actor. He defined the principles as follows:

- ✓ The first principle: Defense systems can be developed within NATO by considering security risks. It is even part of task of NATO as a security organization, and Turkey takes part in this process (Füze Kalkanında Üç İlke (Three Principles in Missile Shield), 2010)
- ✓ The second principle: This defense system of NATO should surround all countries, and be planned in accordance with needs of member countries alone.
- ✓ The third principle: Turkey does not have any perception of threat from surrounding countries. It believes in accuracy of the policies it has followed towards neighboring countries up to now. Turkey thinks plans of NATO should also follow this pattern.

To put the possibility of fulfillment of these principles of Turkey under scope, we can make the following evaluations:

Nothing contrary to main purpose of NATO is seen in our approach associated with the first principle. As a military organization based on security of member countries, NATO makes all kinds of threat evaluations within the framework of its strategic concept, and makes predictions concerning what kinds of measures should be taken against the said threats, also establishes and develops measures by operating necessary approval mechanisms. As a NATO member country, Turkey has the same rights entitled to other countries within these mechanisms. Accordingly, Turkey makes a decision in accordance with its national interests and by using its free will on this matter as on all kinds of matters brought to the agenda of NATO. As much as it is understood from above-mentioned statements of Ahmet Davutoğlu, The Minister of Foreign Affairs, it does not seem possible for Turkey to oppose to this action. However, Turkey has certain hesitations, and has tried to reveal these hesitations in the second and third principles.

Issues mentioned in the second principle have two important aspects. The first aspect is that this defense system of NATO should surround all coun-

tries. Davutoğlu described this principle as follows: “When this kind of a security structure is built up, no country should be disregarded pursuant to indivisibility of security principle of NATO. Security of all member countries should be taken into consideration and only NATO territory should be covered. What we mean is that: it is not possible to accept a defense perception in which certain regions of Turkey are excluded. And the entire country should be included. It should include the entire territory of all NATO member countries”.

Two separate points are focused on in this statement. The first sentences imply that if this system is to be installed, it should not be structured only through installment in Turkey in order to meet the threat at the furthest point as in deployment of tactical nuclear weapons during Cold War period (NATO Türkiye’deki nükleer silahları sahiplenmedi (NATO did not appropriate nuclear weapons in Turkey, 2009)<sup>2</sup>, but include establishment of necessary systems also in other NATO countries such as Bulgaria, Romania, the Czech Republic, and Poland (US confirms operation of NATO radar system in Turkey, 2012) ( BMD for the protection of NATO European territory, populations and forces , 2012). As is known, the Czech Republic, Poland and Bulgaria, which were willing for this kind of a configuration, had to give up due to pressure of Russia. Turkey does not want to become the only country that protects NATO from the far point in the face of this kind of an objection. As a matter of fact, since the fundamental of system is integration of national missile shields of countries within NATO, it is thought that the purpose in this regard can be accomplished.

Another issue stems from the fact that, as stated by Lt. Gen. O’Reilly, four-phase missile defense system to be established for protection of NATO members fundamentally aims at providing a medium and intermediate range ballistic missile defense, which closely concerns Turkey. This means that defense against short-range ballistic missiles stays in the background. In this case, certain problems may be experienced in preventing short-range ballistic missiles that may threaten Turkey, which means that not the entire territory of Turkey will be covered. All configurations of this system should be functional against ballistic missile threat of all sorts of

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2 It is known that these weapons are deployed in Turkey, Belgium, The Netherlands, Germany and Italy.

ranges, and Turkey should have a say on this matter. In other words, all kinds of systems to be deployed in Turkey and its surrounding should ensure security in the entire territory of Turkey against short and medium range ballistic missiles (Zanotti, 2011). It is thought that the demand for providing missile defense over the entire territory of Turkey can be technically met. This is because; it is thought that this weakness could be automatically eliminated through intervention at the boost phase of a launched medium and short-range missile, as it is tried to be explained above. The important thing is deployment of early warning radars and interceptors in amounts required by an operation at appropriate locations. Requirements on this matter may impose additional financial burdens on both Turkey and NATO.

At start-up phase of four-phase approach, early warning radar systems have been placed in Kürecik area of Turkey (US confirms operation of NATO radar system in Turkey, 2012). The said radar is a system with a highly advanced ability and with a range of 2300 km. With placement of this radar in Kürecik, not only Iran but also Caucasus and Russia will be kept under observation (Altaylı, 24 March 2012). Thanks to the radar in Kürecik, location capacity and route of the launched missile will be determined, and the prevention system that is closest to threat will be warned. Therefore, it is stated that Kürecik location is highly important for NATO Missile Defense System. It was emphasized that rejection of it would create as much reaction as rejection of The March 1 Memorandum (Altaylı, 24 March 2012). The system will be integrated through completion with interceptors capable of moving, which are placed on ship platform belonging to the USA (Collina, October 2011)<sup>3</sup>. The fundamental of this structure is the tendency of a crisis to arise between a threatening country and NATO or a NATO member country. In case of an uprising crisis, the said missiles will be able to be transferred via ships to locations at seas surrounding Turkey where they would meet missiles in the most effective way. Naturally, appearing at the Black Sea may come to the forefront on this matter, and conditions

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3 Tom Z. Collina, "System will be completed after assignation of USS Monterey ship at Mediterranean along with Standard Missile -3 IA anti-missiles".

of Montreux Convention<sup>4</sup> may face us as a problem. Even if the consent of Russia is obtained, results of a possible violation of the convention will have to be discussed. It will be quite complicated to clearly determine what kind of a say Turkey will have on the installed systems in such a case.

Additionally, it is considered beneficial that interceptors are located in the region closest to threat. It is fundamental that launched ballistic missiles are destroyed while they are ascending in the territory of the country that has launched them. Otherwise, it is regarded very likely that if they are destroyed late over Turkey, destroyed ballistic missile waste and warhead will fall on the mainland of Turkey, explode there and bring about serious damages.

There is a reaction period of maximum five minutes in order for a launched ballistic missile to be destroyed at boost phase. Therefore, prevention systems should be deployed at maximum 1000 km. distance to threatening ballistic missile bases. Considering that minimum speed of a launched ballistic missile is 1000 m/sec following launch of it, it will take minimum 60 km. per minute, which means that it will cover a range of 300 km. in five minutes after which it will continue its flight path by going up to outer space from the atmosphere. Therefore, geographical position of Turkey seems to be highly important considering the threat indicated. From now on, deployment in Bulgaria and Romania will come to the forefront. It is likely that this purpose will be tried to be accomplished through missile defense systems of the countries, on which they will also have a say within NATO configuration, as I have explained above.

It is thought that the expression given in the second section of the second principle, "the said systems should be planned only in accordance with needs of member countries. They can take into account some of non-NATO factors, but they can consider non-NATO factors as a security risk, and main

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4 Montreux Convention (20 July 1936) Article 20.

In time of war, Turkey being belligerent, the provisions of Articles 10 to 18 shall not be applicable; the passage of warships shall be left entirely to the discretion of the Turkish Government.

Article 21. Should Turkey consider herself to be threatened with imminent danger of war she shall have the right to apply the provisions of Article 20 of the present Convention.

focus is only the security of member countries.” has a deep meaning. Since USA’s own national missile defense system has been integrated with Israel’s national ballistic missile defense system for 20 years, as indicated in the 2009-2010 budget program, Israel’s national defense system will be automatically integrated into NATO system, which is based on the USA’s national missile defense system, indirectly (Parrish, 2010). As is known, Turkey stated its hesitation about share of information held within the scope of NATO with countries that are not NATO members. However, since transfer of this information via the USA’s own national missile defense (NMD) system is covered by a bilateral agreement, it will be tried to be left out of the scope of NATO. Accordingly, desire of Turkey on this matter will be able to be satisfied.

The point indicated in the third principle, “Turkey does not have any perception of threat from surrounding countries.” is regarded as a hesitation that should be taken into consideration in terms of incompatibility with pro-active “zero problem policy” that Turkey tries to follow in its relations with its surrounding countries and in the Middle East in particular (Davutoglu, Turkey’s Zero-Problems Foreign Policy, 2010 20 May). In fact, upon suggestion that the USA brings Iran forward for missile defense system and even the name of Iran is used in some documents, A. Davutoğlu, the Minister of Foreign Affairs, said, “What matters for us is NATO documents, and how it takes place within NATO’s defense concept”. With this statement, it was tried to be emphasized that there could be a difference between NATO’s description of threat and the USA’s threat evaluations. As a matter of fact, suggestion of Turkey was accepted, express mention of name of threat in NATO documents was given up.

### **What is Expected from Turkey within the Framework of NATO’s Missile Defense Concept?**

Expectation of the USA and NATO from Turkey concerning integrated missile defense system can be a contribution covering the below-mentioned two layers.

Firstly, although system was basically designed against medium and intermediate range missiles as stated by Lt. Gen O’Reilly above (O’Reilly,

October 2009) , it seems to be the best and most effective approach to strike a launched missile at boost and ascent phase regardless of the range of it. Upon examination of the USA's National Defense Missile Defense (NMD) System, it is seen that the system design is basically built upon destruction of ballistic missiles at midcourse, in other words, during their flight in the outer space, and if this fails, at terminal, that is descent phase (National Missile Defense, 2011) (The Ballistic Missile Defense System (BMDS), 2011). In this case, it can be thought that NMD system is in a need concerning destruction of ballistic missiles at boost and ascent phase. Although the USA was aware of this problem and made individual attempts in 2008 and 2009 in this regard, Turkey did not welcome this suggestion. Upon that, the USA started to negotiate with Bulgaria and Romania (Sonia Kanikova, 2010). However, during his visit to the USA in July, Bulgarian Minister of Defense stated, "We will fulfill the pecuniary liability on us as a NATO member country. However, our country is not available for placement of missile shield radar equipment technologically, geographically and physically." (Bulgaristan, Füze kalkanına müsait değiliz (Bulgaria: We are not available for missile shield), 2010). This statement is thought to derive from opposition of Russia (Russia Objects to U.S. Fielding Missile Defenses Close to Border, , 2010). In this case, Turkey becomes the most suitable country against potential threats both politically and geographically. Within this scope, Turkey will be able to provide an ability for USA national missile defense and NATO via configurations to be installed on it.

- This facility will also constitute a layer that provides first-stage defense for NATO member European countries that face medium-range ballistic missile threat within the concept of NATO's missile defense concept. If prevention of missiles fails at this phase, interceptors at midcourse layer deployed in various NATO countries in the continent of Europe will be able to step in.
- Additionally, will the systems to be established in our country under the roof of NATO introduce an ability that can provide defense against missiles that are possessed by enemy countries regarded as a potential threat and aim at territory of our country? Will it be possible to take territory of Turkey under security under the roof of NATO? The main issue is that.

## **At which part of NATO Missile Defense System is Turkey in?**

Technical information related to current missile defense systems should be taken into consideration in order to answer this difficult question. All examinations made by the USA include the approach of how “intercontinental ballistic missile- ICBM” attacks against its own mainland can be prevented. It is tried to configure framework of the system so as to remove all kinds of risks via an architecture aimed at destruction of the threatening ballistic threat at the furthest point at boost phase. This configuration builds up a defense system in the continent of Europe against the potential threat by including NATO countries on one hand, and enables prevention of missiles approaching to it at midcourse phase through deployment of system components in the continent of Europe.

In his description of NATO Missile Defense System, Lt. Gen. Patrick J. O’Reilly, Director of USA Missile Defense Agency stated that this configuration was basically designed aimed at protection against medium and intermediate range missiles with a range of 1000 - 5,500 that fly through the outer space. Here, no measure is mentioned to be taken against short-range ballistic missiles. It seems doubtful whether the system will be effective against missiles with a range of up to 1500 km. This means that the area from the east of Turkey to Ankara will not be included in the coverage area of this system. It is very likely that this situation constitutes the base of persistence of government during negotiations that “the system to be established should cover the entire territory of Turkey”.

According to evaluations, Turkey is charged with the mission of playing a technical role in two important topics because of closeness of Turkey to threat.

- ✓ Firstly, Turkey will constitute a base for establishment of facilities aimed at destruction of launched ICBM and medium range missiles at the boost phase,
- ✓ Secondly, Turkey will constitute the first ring of radar chain aimed at tracking the enemy missile that fails to be destroyed at boost phase along the midcourse, and transfer information about the ballistic missile to other rings of the chain as early as possible in order for this information to be evaluated and for missile to be tracked and destroyed.

Inclusion of Turkey at boost phase: The following conclusions were reached in technical examinations carried out by independent examination groups of the USA between 2004 and 2009 (David K. Barton, 5 October 2004):

- ❖ Boost phase is very short for ICBM. It is 3 minutes for solid-fuel missiles, and 4 minutes for liquid-fuel missiles. The said durations are shorter for medium range ballistic missiles. They seem to be less than one minute for short-range missiles. It takes more than 45-60 seconds for interceptors to make calculations necessary for sensing and shooting a launched missile, and to determine flight direction of the enemy missile. The process of deciding to launch interceptors should also be added to this duration. What is meant by deciding to launch is not making a decision to press the button, but issuing an automatic command to firing unit by making technical calculations based on computer software and communication network such as stand-off range of system, height and the number of points where it can strike the launched missile. Therefore, just one shoot can be addressed to enemy missile. This shoot is either via more than one interceptor in the form of salvo or through just one missile. There is no chance to repeat the operation if the launched missile is missed.
- ❖ Anti-rockets should be at a particular distance to enemy missile. This distance is 400 -1000 km. for interceptors deployed on land or at sea. A launched anti-rocket must cover a range of minimum 500 km in order to reach adequate striking velocity.
- ❖ According to evaluations, it does not seem very possible to destroy solid-fuel Sejil missiles of Iran at boost phase (David K. Barton, 5 October 2004). The probability is very low for liquid-fuel ballistic missiles.
- ❖ If a launched ballistic missile is struck at boost phase, it is not possible for it to break into pieces and fall down freely due to high speed it has. A ballistic missile consists of various rocket sections containing fuel to ensure necessary range and a warhead containing necessary nuclear, biological, chemical or classical ammunition. The section with depleted fuel breaks with missile body. A ballistic missile that is struck by an interceptor through hit to kill or explosion nearby is likely to continue to fly due to high speed it has, and starts to descend at a shorter range and/or by deviating from its path. In

this case, it is very likely that it will cause damage in the area it falls on if warhead cannot be destroyed. Since it is not possible to destroy warhead of the enemy missile with today's technologies, it cannot be predicted where and how the struck missile will cause damage. It is possible that a missile struck over the sky of Turkey hits territory of Turkey and warhead of it explodes on territory of Turkey.

- ❖ Apart from that, while boost phase defense seems to be possible against countries such as North Korea that have a narrow mainland, it cannot be effective against countries such as Iran, China and Russia.
- ❖ As a more effective alternative for boost phase defense, Air Born Interceptors (ABI) of maximum 1500 kg weight carrying 40-50 kg. explosives are suggested. In this regard, tests conducted with the 747 aircraft modified by the USA came to be successful. In case of a crisis, these aircraft are required to hang in the air on the basis of 24 hours and to wait at an average distance of 500 km to possible firing point.
- ❖ Experts think that advanced SM-3 missile systems included in the USA's national missile defense system today are not suitable for use against short-range ballistic missiles and for boost phase prevention.

According to evaluations made above, architecture of NATO Missile Defense System to be installed through current technology does not allow destruction of any ballistic missile at boost phase. Therefore, the system should be supported with interceptors loaded on aircraft and unmanned air vehicles. In addition, since ICBM, long and medium range missiles struck at this phase cannot be destroyed, it is possible that they cause damage on the territory of Turkey due to shortened range they have. This weakness seems to be valid for all kinds of missiles struck at boost phase or midcourse phase.

### **Placing radars in Turkey, and keeping interceptors on ship platforms at the back:**

According to NATO plan, firstly, early warning and tracking radars were placed at Kürecik location in Turkey in 2011. According to initial planning,

(Felgenhauer, 2010) (America's reconfigured anti-missile shield still irks Russia, 2010)<sup>5</sup> interceptors may be deployed in Bulgaria and Romania or on ship platforms at Mediterranean or Black Sea within the scope of AEGIS system. Turkey will be able to get boost phase information belonging to launched medium, long range or ICBM missiles, and provide necessary information for threatening missile to be destroyed at midcourse phase. As a radar base, Turkey will host facilities undertaking the task of providing necessary information and taking measures against missiles to be addressed to the USA and the continent of Europe. In this case, the contribution of the system to Turkey is, at best, providing defense against missiles moving at a range over 1500 km and threatening Istanbul region. In other words, it will not be effective against Shabab 3 missiles (with a range of 1200 km) including Ankara within its coverage area (The next salvo, America's reconfigured anti-missile shield still irks Russia, Feb 18th 2010)<sup>6</sup>. We already stated that it could not be effective against short-range missiles.

As much as it is understood, there is no configuration to secure Turkey in the current situation of the architecture of NATO Missile Defense System, which Turkey is forced to participate in. It is considered essential for this weakness to be removed within the scope of The Active Layered Theater Ballistic Missile Defense (ALTBMD) which is being developed by NATO.

## What Should Turkey Do?

Turkey needs to install necessary missile defense system to provide its own security against short and medium range ballistic missiles. How will Turkey do that? There are countries making necessary attempts in this regard. The best example is Israel. Then comes Saudi Arabia. This is because they have the same geographical position as Turkey. In other words, they are under the threat of short and medium range ballistic missiles, too. Israel has developed airborne interceptors against short-range ballistic

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5 The Economist, "Russia has an objection on this matter. However, it is stated that SM-3 (Standart Missile-3) interceptors planned to be deployed are effective only against medium range ballistic missiles, and they will not have any effect on international missiles of Russia".

6 The Economist, It is obviously expressed in this article of Economist that a small part of Turkey would stay out of the coverage area.

missiles. In this particular, the USA carried out necessary tests on modified Boeing 747 aircraft (Boost-Phase Intercept, 2012). Another solution is the defense via interceptors mounted to unmanned air vehicles during the crisis. Israel constituted its own national system by integrating Arrow missiles it developed with SM-3 systems included in the USA's national missile defense system through mutual agreement with the USA. Based on the example of Israel, Turkey should look for ways to realize the missile defense system to protect its own territory through cooperation with the USA within the scope of The Active Layered Theater Ballistic Missile Defense (ALTBMD) program to be established within the body of NATO. Systems similar to Terminal High Altitude Area Defense (THAAD) system of the USA should be established, additionally, missiles loaded on aircraft and unmanned air vehicles should be developed and integrated. As much as it is understood, Turkey noticed this weakness of it and started efforts for developing its own national systems against short and medium range ballistic missiles under the leadership of Aselsan and Roketsan. It can be stated that, thanks to the experience they gained in Pedestal Mounted Stinger project, Turkish defense engineers have necessary national experience on the infrastructure belonging to configurations requiring advanced technology such as command, control and computer software related to early warning and detection technology.

It can be said that it is not a reasonable approach to build up this structure outside the framework of NATO, and a separate cooperation would bring about high costs both politically and economically.

## **Conclusion and Evaluation**

During his visit to Turkey in September 2010, Michael Mullen, USA Full Admiral, stated that possible position of Turkey within the scope of planning of missile shield to be established against threats from threatening countries such as Iran towards South Europe was tried to be determined through negotiations within NATO. He said, "The membership of NATO believes that having a missile defense architecture is a very important capability that needs to be put in place and evolve over time, and there have been discussions with several members of NATO to include Turkey, Bulgaria and Romania in terms of parts of this" (US military chief urges Turkey to help deter nuclear Iran , 2010).

Turkey is a NATO country. Turkey accepted that it should act in accordance with principles and the fifth article (The North Atlantic Treaty, Article 5, 1949): "The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them". Turkey feels compelled to fulfill its part within the scope of measures to be taken against all kinds of potential threats within the framework of Collective Security indicated within New Strategic Concept. As it is tried to be explained above, Turkey has already a suspended desire for configuration. It is seen that radar deployed in Kürecik does not have any benefit to Turkey apart from early warning and tracking data for its own missile defense. It is considered essential for Turkey to establish its own national missile defense system against short and medium range ballistic missile attacks. In this context, it would be a reasonable solution for Turkey to establish its own national missile defense system and include it within NATO's system integration.

## Bibliography

### Articles

- Aliriza, B. (2011). *The Turkish-Israeli crisis and U.S-Turkish relations*. Washington: Center for Strategic and International Studies.
- Bacı, G. (2001). The limits of an alliance: Turkish-Israeli relations revisited. *Arab Studies Quarterly*, 49-63.
- Brad, H. (2005). *Aegis Ballistic Missile Defense (BMD) System*. Washington D.C.: The George C. Marshall Institute.
- Belkin, P. (2012). *NATO's Chicago Summit*. Washington: Congressional Research Service, CRS Report for Congress.
- Collina, T. Z. (October 2011). Turkey to Host NATO Missile Defense Radar. *Arms Control Today*.
- David K. Barton, R. F. (5 October 2004). *Report of the American Physical Society Study Group on Boost-Phase Intercept Systems for National Missile Defense: Scientific and Technical Issues*. [http://www.aps.org/about/pressreleases/upload/BPI\\_Executive\\_Summary\\_and\\_Findings.pdf](http://www.aps.org/about/pressreleases/upload/BPI_Executive_Summary_and_Findings.pdf): American Physical Society Study.
- Davutoglu, A. (2010 20 May). Turkey's Zero-Problems Foreign Policy. *Foreign Policy Magazine*, 1-9.
- Davutoglu, A. (December 2008). *Stratejik Derinlik (Strategic Depth)*. Istanbul: Kure Yayınları.
- Eran, O. (2010). Turkey and Israel. *INSS*, 109-117.

- Felgenhauer, P. (2010, February 25). *Moscow Finds US Non-Strategic BMD Plans Threatening, February 25, 2010*. Retrieved February 26, 2010 , from jamestown.org: [http://www.jamestown.org/single/?no\\_cache=1&tx\\_ttnews%5Btt\\_news%5D=36082](http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=36082)
- Goodman, D. G.-R. (2009, Spring Vol III No 1). The Attack on Syria's al-Kibar Nuclear Facility. *in Focus Quarterly*.
- Hale, W. (2009). Turkey and the Middle East in the 'New Era'. *Insight Turkey Vol. 11 / No. 3* , 143-159.
- Deutsch, K. W. (1988). *The Analysis of International Relations*. New Jersey: Englewood Cliffs, New Jersey: Prentice Hall International Inc.
- Elekdag, S. (1996). 2 1/2 War Strategy. *Perception Journal of International Affairs*, 33-57.
- Eligür, B. (2006, May). Turkish-American Relations Since the 2003. *Brandeis University Middle East Brief*, 1-7.
- Eligür, B. (2012, April 26). Crisis in Turkish-Israeli relations (December 2008-June 2011): From Partnership to Enmity. *Middle Eastern Studies*, pp. 428-459.
- Kaya, K. (January 2011). *Changign trends in Israel-Turkey Security and Military Relations: Their Perspectives*. Fort Leavenworth: FMSO.
- Kibaroglu, M. (Fall 2000). Amerikan Ulusal Füze Savunma Sistemi. *Avrasya Dosyası-Amerika Özel Sayısı*(Vol 6, No 3), 90-105.
- Kogan, E. (September 2005 ). Cooperation in the Israeli-Turkish Defence Industry. *Conflict Studies Research Center*, 1-24.
- Kosebalaban, H. (2012). The crisis in Turkish- Israeli relations: What is its strategic significance? *Middle East Policy Coincil*, 1-13.
- Kuloğlu, A. (2009). 60. yılında NATO ve Türkiye. *ORSAM -OJT-4* (pp. 1-22). Ankara: ORSAM.
- Meliha Benli Altunışık and Özlem Tür. (2005). *Turkey: Challenges of Continuity and Change*. NewYork: Routledge Curzon.
- Migdalovitz, C. (2010 June 23). *Israel's Blockade of Gaza, the Mavi Marmara*. Washington: Congressional Research Service.
- Murinson, A. (2006, November). The strategic depth doctrine of Turkish foreign policy. *Middle Eastern Studies*, 42(6), pp. 945-964.
- Nachmani, A. (1999). A Triangular Relationship Turkish Israeli Cooperation and its Implications for Greece. *Cahiers d'études sur la Mediterranee orientale et le monde turco-iranien*, 1-15.
- O'Reilly, L. G. (October 2009). *Missile Defense Agency Before the House Armed Services Committee*. Missile Defense Agency.
- Pifer, S. (2012, May 15). *The Missing Missile Defense Piece at the NATO Summit in Chicago*. Retrieved May 19, 2012, from <http://www.brookings.edu>: <http://www.brookings.edu/up-front/posts/2012/05/15-nato-summit-pifer>

Robert L. Pfaltzgraff, J. (2009, April 03). *Boost-Phase Missile Defense, Present Challenges, Future Prospects*. Retrieved February 06, 2011, from The Capitol Hill Club : [http://www.ifpa.org/pdf/Pfaltzgraff\\_Boost-Phase.Missile.Defense\\_Capitol.Hill-Marshall.Inst\\_3.April.09.pdf](http://www.ifpa.org/pdf/Pfaltzgraff_Boost-Phase.Missile.Defense_Capitol.Hill-Marshall.Inst_3.April.09.pdf)

Rubin, B. (2012, April 15). *Turkish-Israeli Relation in the Shadow of Arab Spring*. Retrieved May 03, 2012, from <http://www.gloria-center.org/2012/04/turkish-israeli-relations-in-the-shadow-of-the-arab-spring/>

Schleifer, Y. (2009, April 02). *Turkey: Obama Visit Sparks Hope of Reinvigorated US-Turkish Strategic Partnership*. Retrieved May 01, 2012, from Eurasia insight: <http://www.eurasian-et.org/departments/insight/articles/eav040309a.shtml>

Shapiro, A. (2009, April 07). *Obama's Visit Benefits U.S., Turkey*. Retrieved May 01, 2012, from NPR.org: <http://www.npr.org/templates/story/story.php?storyId=102821473>

Susser, B. M.-W. (2005). *Turkish-Israeli Relations in a Trans-Atlantic Context: Wider Europe and the Greater Middle East*. (p. 52). Tel Aviv: The Moshe Dayan Center for Middle Eastern and African Studies, Tel Aviv University.

Tanis, T. (2011). US reconnaissance plane supplying Turkey with intelligence. *Savunma ve Stratejik Analizler*, <http://www.hurriyetdailynews.com/n.php?n=u.s.-reconnaissance-plane-supplying-turkey-with-intelligence-about-pkk-movements-2011-05-13>.

The AKP's Foreign Policy. In *Torn Country: Turkey between Secularism and Islamism* (pp. 105-137). the Board of Trustees of the Leland Stanford Junior University.

Zaman, A. (2009, March 20). *Turkey and Obama: A Golden Age in Turkish U.S. Ties?* Retrieved May 03, 2012, from The German Marshal Fund of the U.S.: <http://www.gmfus.org/archives/turkey-and-obama-a-golden-age-in-turkish-u-s-ties>

Zanotti, J. (2011). *Turkey-U.S. Defense Cooperation: Prospects and Challenges*. Washington D.C.: CRS Report for Congress 7-5700.

Waxman, D. (1999). Turkey and Israel :A New Balance of Power in the Middle East. *The Washington Quarterly*, 25-32.

Yavuz, H. M. (Autumn 1997). Turkish-Israeli Relations Through the Lens of the Turkish Identity Debate. *Journal*, 24, Vol XXVII, No.1, Issue 105.

## Newspapers

*America's reconfigured anti-missile shield still irks Russia*. (2010, February 18). Retrieved february 27, 2010, from The Economist: <http://www.economist.com/node/15551298>,

Amerika'dan Türkiye'ye 7.8 milyar dolarlık Patriot bataryası satma hazırlığı (USA preparing to sell Turkey Patriot battery of 7.8 billion dollars). (*Hurriyet*, 13 September 2009).

Altaylı, F. (24 March 2012). Kürecik'i vazgeçilmez yapan 5 saniye (5 seconds that make Kürecik inevitable). *Haberturk*.

Birnbaum, G. J. (2011, June 10). *Gates rebukes European allies in farewell speech*. Retrieved May 18, 2012, from washingtonpost: [http://www.washingtonpost.com/world/gates-rebuked-european-allies-in-farewell-speech/2011/06/10/AG9tKeOH\\_story.html](http://www.washingtonpost.com/world/gates-rebuked-european-allies-in-farewell-speech/2011/06/10/AG9tKeOH_story.html)

*Boost Phase*. (n.d.). Retrieved May 19, 2012, from Global Security.org: <http://www.globalsecurity.org/space/systems/boost-phase.htm>

Bu füzeyi almamız şart mı? (Do we really have to purchase this missile? (*Haberform*, 15 September 2009).

*Bulgaristan, Füze kalkanına müsait değiliz (Bulgaria: We are not available for missile shield)*. (2010, July 06). Retrieved July 12, 2011, from Anatolian Agency: <http://www.haber7.com/haber/20100706/Bulgaristan-Fuze-kalkanina-musait-degiliz.php>

Champion, M. (Nov 01, 2010). Turkey Says It Won't Block NATO, But Foreign Minister Says Missile Shield Should Cover Entire Country, Avoid 'Cold War' Mentality. *Wall Street Journal*.

Demir, M. (*Sabah*, 23-01-2006). 'S-300 füzelerini ortak üretelim...(Let's produce S-300 missiles together) .

Füze Kalkanında Üç İlke (Three Principles in Missile Shield). (2010). *Anadolu Agenc*, <http://www.aa.com.tr/tr/israil-odasi-yok.html>.

Jenkins, G. (2008, February 13). Israel's Barak in Ankara to Try to boost Defense Ties. *Eurasia Daily Monitor*, p. 1.

Lesser, I. O. (2000). Turkey in a changing security environment . *Journal of International Affairs*, 185.

*NATO Türkiye'deki nükleer silahları sahiplenmedi (NATO did not appropriate nuclear weapons in Turkey)*. (CNNTürk, 2009, June 03). Retrieved February 06, 2010, <http://www.cnnturk.com/2009/dunya/07/30/nato.turkiyedeki.nukleer.silahlari.sahiplenmedi/537149.0/index.html>

Parrish, K. (2010, October 15). U.S. Missile Defense Outline. *Gouverneur Times*, pp. <http://www.gouverneurtimes.com/gt-world-national-article/19837-us-missile-defense-outline-.html> .

*Russia Objects to U.S. Fielding Missile Defenses Close to Border*, . (2010, February 18). Retrieved February 22, 2010, from Global Security Newswire: [http://www.globalsecuritynewswire.org/gsn/nw\\_20100218\\_9755.php](http://www.globalsecuritynewswire.org/gsn/nw_20100218_9755.php)

*Russia Seeks Further Dialogue on NATO Antimissile Plan*. (2010, October 21). Retrieved November 02, 2010, from , Global Security Newswire, NTI: <http://www.nti.org/gsn/article/russia-seeks-further-dialogue-on-nato-antimissile-plan/>

*Russia Offers Pyramid Radar for Missile Defense*. (2012, May 04). Retrieved May 19, 2012, from RIA Novosti): [http://en.rian.ru/mlitary\\_news/20120504/173217749.html](http://en.rian.ru/mlitary_news/20120504/173217749.html)

Sariibrahimoglu, L. ( 2009 , May 22). *Turkey's Military Procurement Dilemma with Israel*. Retrieved April 22, 2012, from Eurasia Daily Monitor Volume: 6 Issue: 99: [http://www.jamestown.org/single/?no\\_cache=1&tx\\_ttnews%5Btt\\_news%5D=35028](http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=35028)

Sariimrahimoğlu, L. (2009). Turkey's Military Procurement Dilemma with Israel. *Eurasia Daily Monitor, The Jaqmestown Foundation*, Vol 6 Issue 99.

Sonia Kanikova, C. (2010, July 05). ABD, Füze Kalkanında Türkiye'den Vazgeçiyor (The USA Gives Up Turkey in Missile Shield). *Deutsche Welle Turkish*. Deutsche Welle Turkish.

Speetjens, P. (2009, December). *New Turks with "Zero Problems"*. Retrieved May 01, 2012, from Executive issue : <http://www.executive-magazine.com/getarticle.php?article=12522>

The next salvo, America's reconfigured anti-missile shield still irks Russia . (*The Economist*, Feb 18th 2010), <http://www.economist.com/node/15551298>

*US confirms operation of NATO radar system in Turkey*. (2012, March 01). Retrieved March 02, 2012, from Strategic Culture Foundation, Online Journal,: <http://www.strategic-culture.org/news/2012/03/01/us-confirms-operation-of-nato-radar-system-in-turkey.html>

*US rules out shift in Turkey's commitment to Western alliance*. (2009, December 17). Retrieved May 04, 2012, from TODAY'S ZAMAN WITH WIRES: [http://www.todayszaman.com/newsDetail\\_getNewsById.action;jsessionid=29CAFB7521A0A19E36058570447DA06A?newSld=195735](http://www.todayszaman.com/newsDetail_getNewsById.action;jsessionid=29CAFB7521A0A19E36058570447DA06A?newSld=195735)

*US military chief urges Turkey to help deter nuclear Iran* . (2010, September 06). Retrieved May 20, 2012, from SETimes.com: [http://www.setimes.com/cocoon/setimes/xhtml/en\\_GB/features/setimes/features/2010/09/06/feature-01](http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2010/09/06/feature-01)

## **Reports and others**

*Aegis Ballistic Missile Defense*. (n.d.). Retrieved January 25, 2012 , from Missile Defense Agency: [http://www.mda.mil/system/aegis\\_bmd.html](http://www.mda.mil/system/aegis_bmd.html)

*As Delivered by Secretary of Defense Robert M. Gates, Brussels, Belgium, Friday, June 10, 2011*. (2010, June 10). Retrieved May 18, 2012, from U.S. Department of Defense: <http://www.defense.gov/speeches/speech.aspx?speechid=1581>

*IAI + Elbit Produce IMINTs For Turkey*. ( 2008, December 29). Retrieved April 22, 2012, from Satnews.com: <http://www.satnews.com/cgi-bin/story.cgi?number=1843511206>

*About 33 Minutes Protecting America in the New Missile Age*. (n.d.). Retrieved March 22, 2012, from The Heritage Foundation: <http://33-minutes.com/33-minutes/>

*BMD for the protection of NATO European territory, populations and forces* . (2012, January 30). Retrieved February 03, 2012, from NATO, Missile Defense: [http://www.nato.int/cps/en/natolive/topics\\_49635.htm](http://www.nato.int/cps/en/natolive/topics_49635.htm)

*Boost-Phase Intercept*. (2012, May 19). Retrieved May 19, 2012, from www.fas.org: <http://www.fas.org/spp/starwars/program/bpi.htm>

*Components of Policy, Missile Defence for the protection of NATO, territory*. (2009, April 09). Retrieved September 17, 2011, from NATO, Missile Defense: [http://www.nato.int/summit2009/topics\\_en/16-missile-defence](http://www.nato.int/summit2009/topics_en/16-missile-defence)

*Factsheet: Turkish-Israeli relations.* (2010). Canada : CJPME.

*IMI Delivers the last of 170 Upgraded M-60A1 to the Turkish Army.* (2010, March). Retrieved April 22, 2012, from Defense Update : [defense-update.com/newscast/0410/armornews\\_0410.html](http://defense-update.com/newscast/0410/armornews_0410.html)

*Midcourse Defense.* Federal American Scientists. (2008). *North Atlantic Treaty Organization, Bucharest Summit Declaration, md 37.* Bruxelles: North Atlantic Treaty Organization.

*Missile defence cooperation with Russia.* (2012, January 30). Retrieved February 03, 2012, from NATO, Missile Defence: [http://www.nato.int/cps/en/natolive/topics\\_49635.htm](http://www.nato.int/cps/en/natolive/topics_49635.htm)

*National Missile Defense.* (2011, July 21). Retrieved August 05, 2011, from Global Security. org: <http://www.globalsecurity.org/space/systems/nmd.htm>

*Phased Adaptive Approach, SASC Testimony On New Missile Defense Strategy.* (2009, April 24). Retrieved March 16, 2012, from [http://www.kmimediagroup.com/files/MSMF%202-5\\_Special%20Supplement.pdf](http://www.kmimediagroup.com/files/MSMF%202-5_Special%20Supplement.pdf)

Retrieved August 28, 2011, from [www.Whitehouse.gov](http://www.Whitehouse.gov): (2009, September 19). [www.whitehouse.gov/the\\_press\\_office/FACT-SHEET-US-Missile-Defense-Policy-A-Phased-Adaptive-Approach-for-Missile-Defense-in-Europe/](http://www.whitehouse.gov/the_press_office/FACT-SHEET-US-Missile-Defense-Policy-A-Phased-Adaptive-Approach-for-Missile-Defense-in-Europe/)

*Remarks by President Obama to the Turkish Parliament .* (2009, April 06). Retrieved May 01, 2012, from <http://www.whitehouse.gov>: [http://www.whitehouse.gov/the\\_press\\_office/Remarks-By-President-Obama-To-The-Turkish-Parliament](http://www.whitehouse.gov/the_press_office/Remarks-By-President-Obama-To-The-Turkish-Parliament)

Retrieved February 21, 2012, from Undersecretariat of Defense Industry: <http://www.ssm.gov.tr/anasayfa/projeler/rfm/havaSavunma/Sayfalar/UzunMenzilliB%C3%B6lge.aspx>

*Secretary General in Moscow to prepare the Summit.* (2010, November 03). Retrieved December 23, 2010r, from NATO: [http://www.nato.int/cps/en/SID-041F83F5-E08494B5/natolive/news\\_67695.htm](http://www.nato.int/cps/en/SID-041F83F5-E08494B5/natolive/news_67695.htm)

Status Of Implementing The Phased Adaptive Approach To Missile Defense In Europe. (2010, December 01). *Hearing, COMMITTEE ON ARMED SERVICES .* Washington: U.S. Government Printing Office.

*Strategic Concept.* Bruxelles: (2010), NATO.

*The Missile Defense Program”, 2009-2010 , S.22 .* (2009-2010). Retrieved June 21, 2011, from National Missile Defense Agency: [http://www.mda.mil/global/documents/pdf/The\\_Missile\\_Defense\\_Program.pdf](http://www.mda.mil/global/documents/pdf/The_Missile_Defense_Program.pdf)

*The Ballistic Missile Defense System (BMDS).* (2011, August 11). Retrieved August 11, 2011, from Missile Defense Agency: <http://www.mda.mil/system/system.html>

*The North Atlantic Treaty, Article 5.* (1949, April 04). Retrieved May 20, 2012, from NATO: [http://www.nato.int/cps/en/natolive/official\\_texts\\_17120.htm](http://www.nato.int/cps/en/natolive/official_texts_17120.htm)



# Changes And Developments In The Turkish Economy

**Prof.Dr. Orhan Morgil**

## **Introduction**

Turkey always put emphasis on becoming part of regional economic cooperation organizations to develop its foreign economic Relations and to accelerate its economic growth and to benefit globalizations. In fact, regional economic cooperation organization generally contribute to the economic prosperity and the political stability of the world.

Turkey's .... strategic position, which creates proximity to Europe, the Middle East, the Black Sea Region and Central Asia enable Turkey to engage actively in various forms of regional economic integration and cooperation organizations. Turkey is the founding member of the Black Sea Economic Cooperation Organization that covers Albania, Azerbaijan, Armenia, Bulgaria, Georgia, Greece, Moldova, Romania, The Russian Federation and Ukraine. These countries agreed to develop and implement projects of common interest in Transport and communication, energy, mining and manufacturing. For this purpose, the Black Sea Foreign Trade and Investment Bank was set up to finance joint projects.

Turkey is also the founding member of the Economic Cooperation Organization that covers Afghanistan, Azerbaijan, Iran, Kazakhstan, Kyrgyzstan, Pakistan, Turkmenistan and Uzbekistan. These countries agreed to developed joint projects and enter price in the fields of industry, agriculture, oil, natural gas and minerals and to provide mutual technical assistance. They also agreed to develop their multilateral trade relations.

The Turkish government has also participated in the activities of the South East European Cooperative Initiative (SECI) that aims to provide economic development and stability in the region.

The most important regional economic cooperation organization that Turkey aims to be economically fully integrated is the European Union. Thus economic relation between and the European Union should be analyzed.

### **Economic Relations Between the European Union and Turkey**

After the establishment of the European Economic Community on January 1, 1958, Turkey started negotiations with the Community and signed the Ankara Agreement with the European Economic Community in 1963. According to the Ankara Agreement Turkey has become an associate member of the European Economic Community with the aim of full membership when Turkey has made all necessary adjustments. The customs Union between Turkey and the European Union that was based on the Ankara Agreement come to into effect on January 1<sup>st</sup>.1996. In the Helsinki European Council meeting held on December 10-11-1999 Turkey was officially recognized as a candidate state.

From the economic point of view accession to the European Union requires the fulfillment of the Copenhagen economic criteria.

The Copenhagen economic criteria have two parts

- The existence of fully functioning market economy
- The capacity to cope with competitive pressure and market forces within the European Union.

In order to create fully functioning market economy in Turkey the following basic measures have been implemented.

- a. The foreign exchange system has been fully liberalized. Almost all restrictions on foreign exchange have been removed and a flexible exchange rate has been put into effect. Furthermore, the Turkish currency has been made convertible in both current account transaction and capital account transactions.
- b. Turkey abolished all customs duties and all other equivalent charges for the EU member countries for industrial and processed agricultural goods. Thus, the Turkish economy has been opened to the competition of the EU countries.

- c. Turkey adopted the common customs tariffs of the European Union for third countries. Thus, the Turkish economy has been largely open to the competition of third countries.
- d. Turkey adopted the common competitions policy of the European Union. The harmonization of Turkish legislation to the European Union with respect to intellectual and industrial property rights was largely completed.
- e. The constitutional amendment was enacted by the Turkish Grand National Assemble to allow international arbitration in disputes concerning foreign direct investment.
- f. Turkey adopted the European Union's common commercial policy. Turkey signed free trade agreements with the countries that have free trade agreements with the European Union such as Israel, Tunisia and Morocco.
- g. The Turkish Central Bank reform bill was enacted to provide independence to the Turkish Central Bank. Thus, the monetary policy has become more effective to combat inflation and to provide price stability in the Turkish economy.
- h. A constitutional amendment was enacted to provide privatization in the Turkish economy. Thus, the legal basis of privatization program has been prepared and has been successfully implemented.
- i. The banking reform bill enacted to restructure and to rationalize the Turkish banking system. For this aim the independent banking regulation and supervision board was established. Therefore, political intervention in the banking system has been minimized. The banking regulation and supervision board has adopted international standards for Turkish banks.
- j. The social security reform bill enacted the retirement age has been increased and an unemployment insurance system has been established.
- k. The agricultural subsidy system has been changed from price support to direct income payments to be targeted formers. Thus agricultural price distortions have been largely eliminated.
- l. Turkey has started adopting the European regulations and mechanisms that relate to standardization, quality control, testing and certification.

In order to evaluate to the Turkish economy in terms of the second Copenhagen economic criteria, that is the capacity to cope with the competitive pressure in the European Union, we need to examine the Integration of the Turkish economy with the European Union economy. With the establishment of the customs Union between Turkey and the European Union at the beginning of 1996 the Turkish economy has been opened to the competition of the European Union marked none of Industrial sectors has had any serious problems to compete in the European Union markets within the framework of the customs union. The best example for this is the automative sector. The managers of automative companies feared that they cannot compete within the European market in the framework of the customs union. They were thinking in terms of static factors. But, dynamic factors are quite different them static factors.

In fact, the increased competition with the implementation of the customs union has forced Turkish firms to increase their productivity and quality of their product. Therefore, the competitive power of the Turkish companies has increased. For this reason, in recent years, the automative sector's exports have highest proportion in the to ?? exports of Turkey, even surpassing the textile and ready government sector.

For long time Turkey has demanded to enhance the customs union to include the services sector. The European Union has hesitated to start the negotiations since services sector is labor intensive sector and Turkey has high competitive power in this sector. Negotiations just started to include the services sector into the customs union.

## **The Turkish Economic Development Policy and The Labor Market**

Turkey implemented the economic development and industrialization policy that was based an import substitution between 1930 and 1980. During this period Turkey applied very high customs tariffs and strict quantitative restriction for imports to protect domestic industry from foreign competition. At the same time Turkey implemented very strict foreign exchange system. The state made huge investments in traditional industrial sectors (textile, cement, iron and steel, sugar ect) through public economic enterprises. As is known, traditional (industrial sectors are labor intensive sectors. Thus the volume of employment increased quite rapidly and the rest of employment went down.

From the beginning of the 1980 Turkey gradually changed its import substitution economic development and industrialization policy. Turkey has implemented an economic development and industrialization policy that based an export promotion and open to foreign competition. In accordance with this policy change necessary economic, structural and institutional measures have been successfully implemented. As indicated before foreign trade was liberalized and all quantitative restrictions on imports were abolished. Another important development has been the change in the government's investment policy. The government decided not invest in manufacturing industries. Manufacturing public enterprises have been successfully privatized. All government investment funds have been allocated to building physical and social infrastructural facilities. This has made it possible for the firms to increase their efficiency and to open up to the world markets. In addition the free foreign exchange system has been put into effect that encouraged and increased the direct foreign capital investments in the Turkish economy. In fact, the total foreign direct investments was 7 billion dollars in 2002, it went up to 6.5 billion dollars in 2010 and to 11,5 billion dollars in 2015. This large increase in the total foreign direct investments has been very important for the economic growth in the Turkish economy. Because, the total volume of the national savings is not adequate in financing the total volume of investments in the Turkish economy. In fact, the ratio of total national savings to national income is around 18 per-cent in Turkey. This ratio is around 30 per-cent in Korea, China and Taiwan. This the direct foreign investment has an important role in speeding up the economic growth and increasing employment in the Turkish economy. At this point we should consider the sectorial distribution of the direct foreign investment inflow to Turkey. In this respect, we observe that 45 per-cent went to the manufacturing industry, 15 per-cent to the financial sector, 14 per-cent to the construction sector and 10 per-cent to the energy sector. The large share of the direct foreign investments has been made by the EU countries.

With the implementation of exports oriented and open to foreign competition economic development and industrialization policy the manufacturing sector was chosen as a leading sector. The promotion and incentive system was designed to encourage the private sector to invest in the manufacturing. This policy made it possible for Turkey to realize high economic growth rates and to increase exports rapidly. However, in last five

years the housing and construction sector has gradually become a leading sector in the Turkish economy. This development together with the stagnation in the world economy has caused sharp decline of economic growth rates in Turkey. At this point it would useful to show the growth rates in the Turkish economy and inflation rates.

**Table 1: Turkish Growth Rates and Inflation Rates**

Years	2010	2011	2012	2013	2014	2015	2016
Growth Rates	8,9	8,5	2,2	4,2	3,0	4,0	3,2

Source: Employer's Association: Turkey in Figures.

As it would be seen from the table, the economic growth rates have declined sharply after 2011 in Turkey. One important reasons for this decline has been the decrease of the private sector investment in the manufacturing sector. This decline can be explained as follows. The government has put pressure on the Central Bank to decrease the interest rate without taking into consideration of the financial markets. This ..... behavior creates two effects in the Turkish economy. First, the international credit rating organizations are decreasing Turkey's country rating because of the governments interference with independence of the Turkish Central Bank. Second, the exchange rate has risen. That the cost of imported raw materials and investment goods. This, in turn, leads to decline in private investment and production. The rise in the exchange rate also leads to cost inflation in the Turkish economy.

These adverse developments have caused .... Per-capita income to decline in recent years. In fact, the per-capita income was 10.822 dollars in 2013, it went down to 10395 dollars in 2014 and 9261 dollars in 2015. This indicates that the living standards of the Turkish people has been declining in recent years.

One of the most important result of the declining economic growth rates has been the increase in the unemployment rate in Turkey. The unemployment rate and the number of unemployed persons are shown in table,2.

**Table 2: The unemployment rates and the number of unemployed persons.**

Years	2013	2014	2015	2016
Unemployment Rates	9,7	9,9	10,3	10,7
Unemployed persons (000)	2747	2853	3057	3350

Source: Employer's Association: Turkey in numbers.

The number of employed persons has risen 600000 in the period of 2013-2016. As is known, increased unemployment causes serious social problems in a country. Especially the crime rate goes up. This is what happened in Turkey. In order to alleviate the situation the Turkish government has increased social assistance to the income and unemployed people.

At this point the question has to be asked is that how to accelerate the growth rate in the Turkish economy. In my opinion two conditions in respect to the industrial strategy should be realized in coming years. Turkish firms should improve their technology in the process of production, thus, produce high value added products and export them. Secondly, in the industrial strategy, importance should be given to the production of investment goods and intermediate products. The promotion system should be re-arrange in this direction. In ....., the leading sector must be the manufacturing sector, rather than the construction and housing sector.

### **Development in Foreign Economic Relations**

As Turkey implemented an economic development and industrialization policy that has been based an expert promotion and open .... Foreign competition, special emphasis has been given to the improvement of Turkey's foreign economic relations.

In order to integrate Turkish financial ; that is to say the money market, the capital market and the foreign exchange and the foreign exchange market; the liberal foreign exchange system have been put in to effect as indicated before. The Turkish currency has been made convertible and all obstacles against short term and longterm capital movement have been

removed. These changes made it possible for the Turkish companies to invest in foreign countries, in the Turkish Republics, the Russian Federation, Romania, Bulgaria, Macedonia and Ukraine. Especially, the Turkish construction firms have been very successful to obtain projects in these countries. In fact, the Turkish construction companies have obtained average 25 billion dollars construction contracts yearly in the last five years. These Turkish companies have employed thousands of Turkish workers in foreign countries.

In order to develop Turkey's foreign economic relation priority has been given to the expansion of exports. Turkey has started to implement policies to increase its exports. For this purpose sufficient Eximbank credits have been provided to exporting companies under favorable condition. Improvement of the tax rebate system have become an important instrument in the development of exports. The implementation of the flexible foreign exchange rate system enabled the exporting companies to increase their competitive power in the world markets that contributed to the expansion of Turkish exports. At this point it would be necessary to show the total exports and the share of the European Union in total exports in last five years.

**Table 3: Total Exports and The Shared of the European Union**

Years	2011	2012	2013	2014	2015
Total exports (Billion dollars)	135	153	163	169	152
The Share of the Eu (%)	46	35	41,5	43,6	44,5

Source: Employer's Association : Turkey in Figures

As it would be seen from the table, the total exports of Turkey was 135 billion dollars in 2011. It increased rapidly and reached to the level of 169 billion dollars in 2014. It shows the success of Turkey in developing its foreign economic relation with various foreign countries. The other important point is that the largest export market for Turkey is the European Union. This indicates that Turkey needs to develop its economic and political relations with the European Union.

From the Table 2 , it can be seen that there was quite sharp decline in the Turkish exports in 2015. The basic reason for this decline is that the rise in political instability and terrorism in the Middle East and Turkey. It is obvious that political and economic developments in the world, strongly affects the Turkish economy.

At this point we need to examine the quantity and structure of imports to understand the developments in the Turkish economy. The important point is that when we consider the structure of the Turkish imports we see that 75 percent is energy and intermediate goods, 15 per-cent is investment goods and 10 per-cent is consumer goods. Thus, whenever there is increase in the growth rate, in the Turkish economy, the quantity of imports rises. For this reason, the foreign trade ..... and the current account ..... go up. In order to finance the current account deficit Turkey needs to borrow from the international financial markets of course this increases external debt of Turkey that creates fragility risks in the economy. As known, high external public debt caused economic crisis in the countries of Greece, Ireland, Portugal and Spain in recent years.

At this point it would be useful to study the import quantities, foreign trade deficit and the current account deficit in the recent years.

**Table 4: The Import Quantities, Foreign Trade .... And Current Account Deficit ( Billion Dollars)**

Years	2011	2012	2013	2014	2015
Import	241	237	243	233	200
Foreign Trade Deficit	106	84	80	65	48
Current Account Deficit	77	48	65	46	32

Source : Employer's Association: Turkey in Figures

As it can be seen from the table 4 both the foreign trade deficit and the current account deficit has been declining in the recent years. There are two reasons for this positive development. The first one is the sharp decline in the prices of petroleum and natural gas in the world markets.

Turkey is the one of the countries that imports 9 per-cent of its energy. Thus, the sharp decline in the price of petroleum has contributed positive to the Turkish economy. The second reason has been the decline in the economic growth rates of Turkish imports consist of raw materials, energy and investment goods. As the economic growth rate ..... the quantities of imports decline that affects positively both the foreign trade deficit and he current account deficit. At this point, it should be indicated that the decline in growth rates rises the unemployment and adversely affects the welfare the Turkish people. In economic point of view, in order to ..... rise in the growth rate and decline in the current account deficit the amount of savings must be increase permanently. Turkey needs to put into practice wide ranging measure in this respect. Some measure has been taken recently to increase savings rate in the Turkish economy. One of them is the state contribution of 25 per-cent to the individual retirement programs.

## **Conclusions**

One important point that should be pointed out is that Turkey has always put emphasis in becoming part regional economic cooperation organizations in order to develop its foreign economic relation and to accelerate its economic growth. In fact, Turkey is the one of the countries that has realized to benefit from the globalization of the world markets. At this point it should be pointed out that regional economic cooperation organizations make it possible for the member countries to achieve economic, technological and social progress through multilateral cooperation.

There have been two fundamental changes, that have been interconnected, in the Turkish economy. First, Turkey moved gradually from the mix economic system to the free market economic system. Turkey has initiated and implemented all necessary measures and institutions successfully to establish the free market economy. It should be emphasized that in the free market economy the efficient .... Of economic resources provided by the price mechanism. To ensure that the price mechanism provide this function, two basic condition must be realized. First one is that the prices of commodities and production factors should be formed within competitive conditions. Secondly, the government intervention to the economy must be minimized. However, as indicated before the existing govern-

ment intervenes the determination of the interest rate and the independence of the Central Bank. This intervention causes the foreign exchange rate to rise. Given the 2.20 billion dollars foreign debt of the private sector, the rise foreign exchange rate increases significantly the risk and fragility in the Turkish economy. The rised risk and the government's inference to the Central Bank indepenca are the basic reasons for the international credit rating organizations to decrease Turkey's country rating. The rised risk and the declined rating have created two negative development in the Turkish economy in recent years. First, the cost of external borrowing of the Turkish private sector has increased. Second, the direct foreign investment has declined. The direct foreign capital inflow was 16,1 billion dollar in 2011, it went down to 11,5 billion dollars in 2015. Political instability and terrorist activities in the Middle East have negatively affected the Turkish economy in recent years.

However, the Turkish government has been very successful as far as the fiscal policy is concerned. The ratio of public deficit to the gross national product has been kept below 2 per-cent. This has prevented any risk of economic crises in the Turkish economy.

Secondly, with the implementation an economic development and industrialization policy that was based an export promotion and foreign competition manufacturing sector was chosen as the leading sector. High rates of economic growth were achieved in this period. However, in five years the housing sector gradually has become the leading sector. In this period, both exports and economic growth rates have started to decline. It is the fact that the increased political instability and terrorism have also contributed to this process ..... This shows that negative political development create negative effects on the economy. For this reason the matter of peace at home and peace in the world is very important for Turkey in its foreign policy implementations.

Last point should be to discuss how to accelarete the growth rate in the Turkish economy. Two basic measures should be implemented for this purpose in the Turkish economy. Turkish companies should improve their technology in the process of production, thus, produce high value added products and export them. In addition, in the industrial strategy, importance should be given to the production of investment goods and intermediate products. The promotion system should be rearranged in this direction.



# **From Mercenaries to Private Military Companies (PMCs):**

## **The Transformation of PMCs from Marginal to Mainstream Corporations**

**Ahmet Keser, Bilal ıplak and Ali Serdar Erdurmaz**

### **Abstract**

This research deals with the question "how the mercenaries despite their historical unpopularity made a powerful resurgence in the international arena in the last 3 decades". The findings of the research indicates that globalization phenomenon, governance mechanism, new public management applications including privatization, military downsizings after the Cold War, the emergence of nontraditional security threats, technological developments, the entrance of the PMCs to noncombat oriented service sector, and the capability of the US to take the PMCs under tight control are variables that explain the PMCs resurgence. The novelty of the study is its incorporation of new public management reforms to the process rather than to see it just through the perspective of privatization as did many studies. The research is developed on the basis of content analysis. Initially, the research explains the historical attitudes towards the mercenaries and then examines despite all negativities how the PMCs have been able to become a mainstream phenomenon.

**Key Words:** Private Military Companies, Mercenaries, New Public Management, Privatization of Security, Governance and Security, Security Policy.

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## Introduction and Definitions

There has been a historical dislike against mercenaries. Ordinary people, scholars, and authorities have always had doubts about them. However, interestingly despite the historical dislike and suspicions, the number of modern mercenaries, Private Military Companies (PMCs), have increased dramatically, especially in the last two decades. As indicated by Avant, “perhaps the most dramatic incursion of the private sector into public policy is in the realm of security”<sup>1</sup>. This paper tries to investigate the reasons behind this unlikely development. To reach this goal, the paper initially tries to explore the historical dislike and suspicions against mercenaries, and then it briefly summarizes their current situations. Finally, the paper focuses on the reasons behind the dramatic increase in the number of PMCs hired by governments.

The term “mercenaries” is generally defined based on two factors. “First, mercenaries are foreign, having no national association with any of the parties to the conflict in which they fight. Second, a mercenary’s dominant motive is financial gain”<sup>2</sup>. Although this definition can be accepted in a historical sense, it is no longer valid for the present time. This can be explained based on several factors; first, although historically mercenaries did not fight based on nationalistic emotions or patriotism, in the present time, there is a nationalist component in their fight. For example the war in Iraq suggests that thousands of American mercenaries are performing a wide range of tasks, such as fighting, consulting, and providing technical services in the battle field. The interviews with the veterans of the recent Iraq war are evident for their motivations, which are a mixture of financial gains and patriotism, in joining the military and fighting in Iraq.

Another notion which lacks validity is that all hired soldiers fight solely for financial gain in the present time. This is only a component of the motivation of the present day mercenaries. Another important component is the patriotism. Some soldiers join the army just to serve their countries in battle field. Some other soldiers join the army for financial reasons; however, later they adapt more nationalist feelings in the course of

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1 Deborah Avant, “The Privatization of Security and Change in the Control of Force”, *International Studies Perspectives*, Vol.. 5, pp.153-157, 2004, p:153.

2 S. Percy, *Mercenaries*. Oxford University Press, 2007, Oxford, Great Brittan.

fighting. Still some other soldiers fight only for monetary reasons. Although there are some other various motivating factors, such as adventure, they can be ignored due to the small quantities of the cases. Therefore, it would not be right to generalize solely the financial gains as a motivating factor for joining the military to fight overseas.

Another point which can be wrong if accounted as a cornerstone for the definition of mercenaries is that mercenaries are foreign soldiers fighting for a power with which they do not share any national ties<sup>3</sup>. This point is also directly related to aforementioned explanations. We will illuminate this proposition with two examples; one of them is historical, while the other one is modern. The Iraq war is evident that hundred thousands of hired soldiers with American citizenship fight for their own countries, despite the presence of soldiers from various nationalities ranging from European to African. Also, history suggests that Napoleon of France used to rely on French mercenaries for the supply of national France army's non-combat needs. The aforementioned two cases are evident that mercenaries who are performing their duties in the battle field can be the citizens of the fighting power or can be from other nationalities.

Both the Napoleon and the American cases open a new window to understand the mercenaries from a wider perspective. As mentioned above, Napoleon used to rely on mercenaries for the supply of French army's needs, which means that mercenaries do not only fight, but also perform service related duties. In the present time, mercenaries function in a wide range of fields including, but not restricted to, military consulting, intelligence, cooking, transportation, cleaning, guarding, training and tasks related to homeland security. Therefore, this last component must be added to the definition of modern day mercenaries.

This paper defines mercenaries based on four factors. First, mercenaries are the hired soldiers. Second, they are dominantly motivated by financial gain, but their motivation could also be oriented with patriotic feelings. Third, they could fight for the countries of which they are citizens or for the states they do not share any national association. Fourth, they can perform either combat or noncombat (consulting, supply, training or intelligence)

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3 S. Percy, *ibid.*

tasks. As asserted by Avant and Sigelman the PMCs “those providing security services (guarding people, buildings, and convoys) perform tasks most similar to those seen as fundamental to the military”<sup>4</sup>. Finally, modern day mercenary forces are organized as Private Military Companies (PMCs). Within the frame of the explanations so far it is possible to roughly divide these companies into three categories according to their primary functions: (1) Logistical support companies; (2) Private security companies; and (3) Private military companies<sup>5</sup>.

However, it is important to note that all civilians working for the military of a state cannot be mentioned as mercenaries. For example, the US military contains thousands of civilian professionals<sup>6</sup>. They perform in various fields including policy analysis, budgeting, statistics, and planning. Historically, these professionals have been the actors behind the development and advancement of the US military both technologically and practically<sup>7</sup>. Therefore, the US military has always been working with the civilians<sup>8</sup>. As mentioned earlier, these people are not included in the scope of mercenaries.

## **Mercenaries in a Historical Context**

The history of mercenaries goes back to the beginning of the emergence of the first conflicts. Ancient Greeks and Egyptians were the first ones that utilized mercenaries in their fights. Mercenaries were seen in France and England as early as 12<sup>th</sup> to 14<sup>th</sup> centuries with a particular focus on “routers” (freelance mercenary) and “ecorceurs” (skinner which points out violent nature of mercenaries); they were widespread in Switzerland and Italy during 13<sup>th</sup> and 16<sup>th</sup> centuries. Interestingly enough, the center of

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4 Deborah Avant and Lee Sigelman, “Private Security and Democracy: Lessons from the US in Iraq”, *Security Studies*, Vol.19, pp.230 –265, 2010, p.234.

5 Mark Calaguas, “Military Privatization: Efficiency or Anarchy?”, *Chi-Kent J. Int’l & Comp. L.*, pp.:58-81. 2006, p.59.

6 P.W. Singer, *Corporate Warriors: The rise of the Privatized Military Industry*. Cornell University Press, 2003, New York, the United States.

7 P.W. Singer, *ibid*.

8 P.W. Singer, *ibid*.

Catholicism, Vatican, is still being guarded by hired Swedish units. Mercenaries were largely been used in Europe by Princes, especially before the Westphalia Treaty in 1648.<sup>9</sup> Machiavelli, who lived in the late 14<sup>th</sup> and early 15<sup>th</sup> centuries in Italy, often mentioned mercenaries in his works<sup>10</sup>, however, in a negative way.

“A Prince must build on sound foundations; otherwise he is bound to come to grief. The main foundations of every state... are good laws and good arms... If a Prince bases the defense of his state on mercenaries, he will never achieve stability or security. For mercenaries are disunited, thirsty for power and disloyal...”<sup>11</sup>

Although mercenaries were often employed in Europe, they generally had a very negative image for being considered as disloyal, thirsty for power, and unethical. Their fight was believed to be for financial goals, not for high aims, such as the cause of Christianity. Moreover, mercenaries did not fit well into the religious oriented life style of medieval people. Because of this point of view, people as well as the state officials approached the mercenaries with suspicions<sup>12</sup>.

Zwingli, a religious reformer, voiced his concerns about mercenaries in Switzerland in the 14<sup>th</sup> century by pointing out that mercenaries' inappropriate motivation made them inefficient. What he meant by inappropriate motivation was mercenaries' financially guided motivations. Additionally, he suggested that “Switzerland would be corrupted by the sale of its young men for a cause that was not Swiss”<sup>13</sup>. The same objections were voiced by Italian scholars as well during the same periods of time.

Although mercenaries were a common phenomenon in the following centuries, the use of mercenaries was being reduced to minimum levels when

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9 M.R.D. Wallwork, *Operational Implications of Private Military Companies in the Global War on Terror*. School of Advanced Military Studies the United States Army Command and General Staff College, , 2004, Fort Leavenworth, Kansas, the United States.

10 S. Percy, *Mercenaries*, *ibid.*.

11 P.B. Rich, *Warlords*. St. Martin's Press, 1999, London, England, p.52.

12 S. Percy, *Mercenaries*, *ibid.*.

13 S. Percy, *Mercenaries*, *ibid.*.

the notion of national-army emerged. The Westphalia treaty (1648) was a turning point for mercenaries. By this agreement, the monopoly of use of violence was given to nation states to be used through national-armies (populous armies)<sup>14</sup>. Citizens' loyalties were to be given to their nation states. Therefore, loyal citizens for whom national pride was more important than financial gains were seen as more trustworthy and efficient in the battle field by the authorities<sup>15</sup>. Consequently, nation-armies replaced mercenaries in the battle field. As a result, their numbers declined to very low levels by the late 17<sup>th</sup> century.

Despite the formation of national armies, mercenaries were not been totally excluded from the battle-fields. The history suggests that mercenaries were employed by Napoleon of France to meet the national army's needs during wars. Even France, the founding father of nation-state and national-army systems, relied on mercenaries for the supply of its army's needs<sup>16</sup>. Nevertheless, similar to the previous centuries, mercenaries were still being approached with hatred and suspicions. For example, Napoleon indicated his dislike towards mercenaries by declaring that mercenaries lived in luxury while his loyal soldiers were in need of a piece of bread and shoe<sup>17</sup>. It is also possible to say that a similar perception related to recent private military companies is still on the agenda. For example Salzman asserts how "the pervasive use of private military force by democratic governments threatens the democratic nation-state" as the following: it "(1) undermines the state's monopoly on the use of force; (2) increases the executive's power to wage war without democratic accountability; and (3) prioritizes the private good over the public good"<sup>18</sup>. To put these explanations in the right context, until Westphalia treaty, the daily lives of people were highly been influenced by the religion; however, after the treaty, Europeans increasingly defined themselves on the

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14 M.R.D. Wallwork, *Operational Implications*, *ibid*.

15 R. Mandel, *Armies without States*. Lynne Rienner Publishers Inc., 2002, London England.

16 Christopher Kinsey, *Private Contractors and the Reconstruction of Iraq: Transforming Military Logistics*, 2009, Routledge' Contemporary Security Studies.

17 Christopher Kinsey, *Private Contractors*, *ibid*.

18 Zoe Salzman, "Private Military Contractors and the Taint of a Mercenary Reputation", *International Law and Politics*, Vol:40, pp.:853-892, 2008, p.860.

basis of national-identity. There was a change also in to whom the loyalty was directed. After 1648, Europeans' started to dedicate their loyalties to their nation-states rather than Christianity. However, this did not change the outlook towards the hired soldiers. Before 1648, mercenaries were accused of not being good Christians. After 1648, they were accused of not being loyal to their nations.

The big wars, such as World War I and World War II, were the wars of nations and, therefore, national-armies. In both wars, nations exhibited an existential effort in the battle field to destroy the enemy. National armies perceived the enemy to be the hostile nation as a whole without making a distinction between their civilians and soldiers. From this perspective, the goal of the national-armies was the total destruction of the enemy so that it would never dare again to go war against the victor nation<sup>19</sup>.

In such an atmosphere, mercenaries who had origins in other nations were not seen as trustworthy. Therefore, they were been excluded from the battle fields for a while. However, when they were being contracted out, they mostly functioned in the supply related fields to meet the needs of fighting national-armies. This situation continued until World War II. Beginning from the late 1940s, the world provided the mercenaries with new opportunities as a result of the rapidly transforming security environment. In Europe, mercenaries transformed into big private military companies (PMCs).

The mercenary tradition of the United States represents a continuation of the European tradition<sup>20</sup>. After the Westphalia treaty (1648), European states embraced the nation state notion and adopted the institutions of nation-state. Therefore, they excluded mercenaries from battle fields, especially in the combat related areas. The only space left for the mercenaries was supply related areas. Therefore, they organized themselves based on the new conditions in the international arena and started to provide European militaries with the necessary equipment and products. Similar to Europe, in the United States, the mercenaries functioned in supply related areas as well.

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19 Carl Von Clausewitz, *On War*, London, N. Trubner, & Co. Ludgate Hill, 1873.

20 M.R.D. Wallwork, *Operational Implications*, *ibid*.

In the atmosphere of the post-World War II, in Africa and Asia, weak states failed in their nation building processes. As a result, they faced civil wars and insurgencies. Their armies did not have adequate training and equipment to respond these internal crises. Therefore, they needed external support to fight these existential problems. On the other hand, after World War II, European states experienced a massive military downsizing which was partly caused by the integration of the European nations towards the European Union<sup>21</sup> as well as the formation of NATO as a common security umbrella. This situation created an environment in which thousands of well-trained and experienced military officers and soldiers were resigned from their positions. What happened was that these experienced soldiers saw the security problems of Asian and African weak states and they organized themselves in the form of PMCs<sup>22</sup>.

The PMCs were highly welcomed by the weak states of Africa and Asia, which were unable to solve their internal conflicts through their own resources. Weak states were also hesitant to demand financial or military aid from the developed West. Whenever they asked for such a support, the Western states asked them to initiate democratic transition, neo-liberal economic policies, or structural change in those countries. Such demands were highly time-consuming for the weak states who were about to collapse. The troubled states needed an immediate response to the internal crisis. In this atmosphere, the PMCs which did not have any political demands seemed very attractive to these states.

It was in the early 1950s when the unofficial PMCs intervened in conflicts in Africa. However, the African states did not get what they expected. Although these companies did not have any political demands, they strived for financial gains. The end of a conflict meant the termination of monetary benefits and gains for the PMCs. It was highly believed that the PMCs created an environment of chaos in conflicting states after their contracts were terminated. Therefore, in a short period of time, they built a negative reputation as "dogs of war"<sup>23</sup>. This reputation was a result of their unlawful practices which included, but not restricted to, using violence

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21 S. Percy, *Mercenaries*, *ibid.*

22 S. Percy, *ibid.*

23 S. Percy, *Mercenaries*, *ibid.*

for personal gains, repressing the local people, and other types of human right abuses where they operated<sup>24</sup>. Working with the PMCs worsened the situation further in many conflicting areas in Africa and Asia, the tension between contracting states and the local people intensified.

In the late 1980s most of the PMCs organized under official names. They continued to function in different regions and states in the world where the failed states were not able to deal with their internal conflicts or external wars. The best two examples of such PMCs were Executive Outcomes and Sand-line. Both of these PMCs were believed to be owned by the same company, but established under different names. These companies had different audiences. If a company is accused of illegal activities or human right abuses, this would not affect the image of the other company. Although there was supportive evidence that indicated the existence of structural ties between the two PMCs, officially this relation was not proved. For a more comprehensive understanding, in the following section, I will examine the case of Executive Outcomes.

### **Securitization of PMCs by the UN and International Implications**

In order to understand the securitization of the PMCs by the UN, it is crucial to look at the cases that led to this outcome. Executive Outcomes (EO) provides us with an interesting insight on how the PMC securitization came about. The EO, one of the important British PMCs, was established officially in 1990. Its first mission was to end the internal conflict in Angola and it successfully completed its task. In its second mission, the EO had an agreement with Sierra Leona to end the civil war and to contribute to the formation of a stable and more peaceful environment in the country. In a short period of time, the EO successfully ended the war and created a more stable political environment in the country. Therefore, the state's authorities believed the EO completed its mission. The contract with the EO was terminated in 1997. This decision was followed by the emergence of critical political crises in the country<sup>25</sup>. After the EO left the country, the

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24 S. Percy, *ibid.*

25 See R. Mandel, *Armies without States*, *ibid*; S. Percy, *Mercenaries*, *ibid*; G. Arnold, *Mercenaries*, Macmillan Press LTD, 1999, London, England; P.B. Rich, *Warlords*, *ibid*.

official government of Sierra Leone was overthrown by the opposition forces.

This experience created substantial doubts about the trustworthiness and usefulness of the PMCs. Besides, this led to a general belief that PMCs were not capable of providing a long term security solution and stability to their clients. Furthermore, the EO was harshly criticized for the strategies they used during conflicts in the country. It was believed that the EO abused human rights through excessive killings, insulting, and other similar practices<sup>26</sup>. These accusations were confirmed by the claims of local people as well who expressed their anger for the EO by pointing out that when the EO left the conflict area, people stopped killing each other.

While this was the case with the EO, some other PMCs were conducting some other human right abuses and illegal activities in other parts of the world. Their so-called goal was to stop the conflicts; however, they used a violent strategy to perform the duty. According to many scholars and observers, the hidden goal of the EO was to extend the duration of the conflict in Sierra Leone so that they could maximize their financial gains. Whatever the goal was, the EO and other similar PMCs, through such negative examples, caused the PMCs to have a highly negative image. The wrong doings of the PMCs were brought to the attention of the UN as a result. The United Nations was gathered to discuss the positive and negative aspects of the PMCs in detail in 1989. To prevent future harms that originated from their illegal activities, the UN brought some restrictions to the PMCs. While the PMCs were highly encouraged to work for governments in non-combat duties, they were discouraged to work for nongovernmental groups and to perform combat missions in conflict areas. However, the UN encouraged the PMCs to perform peace keeping activities and protect the groups that delivered humanitarian assistance to people in conflict-torn areas where no state would be willing to send its security forces to protect such groups<sup>27</sup>.

Although at the beginning, only 19 states, mostly African, signed the convention, this decision created an international norm that persisted PMCs'

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26 S. Percy, *Mercenaries*, *ibid*.

27 D. Lilly, *The Privatization of Security and Peace Building*, International Alert Policy and Advocacy Department, 2000; and ; S. Percy, *Mercenaries*, *ibid*.

“dogs of war” image. According to Percy<sup>28</sup>, the UN member states have developed a highly negative bias against PMCs. The international norm about PMCs suggests that PMCs strived for power, and to reach their goals, they do and they have performed unlawful actions, such as human right abuses, killings, and creating artificial conflicts. Taking into consideration massive human right abuses, the case of Blackwater (It changed its name to Xe later) PMC in Iraq after the 2003 American occupation demonstrated that the UN was not so wrong about the securitization of the PMCs after all. To give further details, during the September 2007 “Nisour Square incident,” which Blackwater was involved, seventeen civilians lost their lives, and two dozen civilians were wounded. This massacre was one of the “most violent and widely reported incidents”<sup>29</sup>. The behaviors of Blackwater personnel created a great security risk to people around them. Their misconducts could have had destructive effect on the long term US goals.<sup>30</sup> Nevertheless, Blackwater defended its personnel’s behavior during this incident. The Blackwater experience also indicates that the deadly capacity of the PMCs made it difficult to separate them from the military units.<sup>31</sup>

However, despite PMCs’ historically consistent negative image, there has been a dramatic increase in the number of PMCs since 1990s. “When the United States defeated the Iraqi Army in 2003, more than one out of every ten personnel deployed to the theater were civilians employed by PMSCs performing functions formerly handled by soldiers.”<sup>32</sup> Lindemann<sup>33</sup> suggests that in the first Gulf War, there were around 9,200 contractors. However, in February 2007, the number of contractors increased to around 120,000 in Iraq based on Associated Press Reports (subcontractors were not included in this number). According to the Congressional Budget Office Report of 2008, the US employed at least 190 thousand contractors to fight

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28 S. Percy, *Mercenaries*, *ibid*.

29 Scott Fitzsimmons, “Wheeled Warriors: Explaining Variations in the Use of Violence by Private Security Companies in Iraq”, *Security Studies*, 22:707–739, 2013, p. 708.

30 Deborah Avant and Lee Sigelman, “Private Security and Democracy: Lessons from the US in Iraq”, *Security Studies*, Vol.19, pp.230–265, 2010, p.234.

31 Scott Fitzsimmons, “Wheeled Warriors: Explaining Variations in the Use of Violence by Private Security Companies in Iraq”, *Security Studies*, 22:707–739, 2013, p. 708.

32 Scott Fitzsimmons, *Wheeled Warriors*, *ibid*, p.232.

33 M. Lindemann, “Civilian Contractors under Military Law”, *Parameters*, 2007.

the war in Iraq in 2007. This figure indicates that the ratio of employed contractors to the US military personnel increased from 10% in 2003 to 250% in 2007.<sup>34</sup>

On one hand, the corruption and illegal actions of PMCs are debated in the highest forums in the world since the late 1980s, which strengthened their “dogs of war” images; on the other hand, their numbers preceded 120,000 in places’ such as Iraq. The question then becomes, despite their negative recognition or unpopularity in international arena, how were they able to make such a powerful resurgence? Although there were many factors that played a role in this, globalization, governance mechanism and new public management (including privatization) trends, military downsizings after the Cold War, the emergence of nontraditional threats, technological developments, the development of PMCs in noncombat oriented duties, and the capability of the US in taking the PMCs under tight control are the most significant dependent variables that explains the powerful resurgence of mercenaries in the latest decades. In the following sections, the aforementioned factors and reasons behind the emergence and diffusion of PMCs will be discussed.

## **Reasons behind the Paradoxical Development of PMCs**

In the following sub-headings, the answers are produced for our research question “what reasons caused the emergence of PMCs and the global diffusion of them in the combat areas?” according to our investigation.

### **The Impacts of Privatization as part of New Public Management**

Privatization trend began in 1950s and hit the highest point internationally in the last three decades. The acceleration in the privatization applications came with a new approach named as New Public Management, within the frame of public sector reforms especially together with the New Right policies after 1980s.

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34 Congressional Budget Office (CBO), “Contractor Support of U.S. Operations in Iraq,” (Washington, DC: August 2008), available at <http://www.cbo.gov/ftpdocs/96xx/doc9688/08--12-IraqContractors.pdf>.

Within this frame, “economy, efficiency, effectiveness” concepts, formulated as 3E, have triggered the emergence of “New Public Management (NPM)” and “Entrepreneurial State” reforms<sup>35</sup>. NPM, which has a New-Right background, scholarly pioneered by the names as Osborne-Gaebler and Albert Gore has been developed on the basis of the approaches such as Public Choice Theory, Transaction Cost Theory, Managerialism, New Managerialism. These approaches has brought novel cocepts such as less bureaucracy, less state-more market, cost awareness, customer orientation, flexible structure and globalization.

If the route followed by NPM from the very beginning is investigated, it is seen that it was only evaluated as “Managerialism” and “New Institutional Economics” at the first stages<sup>36</sup>. At this stage Managerialism refers to adapting the applications of private sector to public sector. The focus of the theory was concentrated on the participative hands-on professional management, clearly defined performance standards and appraisals, results oriented management, fiscal value and finally proximity to the customer. On the other hand the New Institutional Economics is the approach incorporating incentive factors such as market competition to public services. The emphasis of this theory is on the fragmentation of the bureaucracies, semi-market sectors and purchasing contracted services or in another word, satisfying the public services by subcontracting companies. With such applications more competition and better satisfaction of consumer choices are paid more attention.

A lot of scholars evaluating these developments as a paradigm shift have named the reform process with various terms. For example Terry uses the term as “Neo-Managerialism”<sup>37</sup>, Lan and Rosenbloom as “Market-based Public Administration”<sup>38</sup>, Barzelay as “Post-bureaucratic Paradigm”<sup>39</sup>, Os-

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35 R.A.W. Rhodes, “The New Governance: Governing without Government”, *Political Studies*, Vol.:XLIV, s.652-667, 1996, p.652.

36 Christopher Hood, “A Public Management for All Seazons?”, *Public Administration*, Vol.3(19), 1991, p.69; Pollitt, C., *Managerialism and the Public Services*, Blackwell 2nd ed., 1993, Oxford.

37 L.D. Terry, “Administrative Leadership, Neo-managerialism and the Public Management Movement”, *Public Administration Review*, Vol.58(3), 194-200, 1998.

38 Z. Lan and D.H. Rosenbloom, “Editorial”, *Public Administration Review*, Vol.52(6), 1992.

39 Michael Barzelay, *Breaking through Bureaucracy: A New Vision for Managing in Government*. Berkeley and Los Angeles: University of California Press, 1992.

borne and Gaebler<sup>40</sup> as “Entrepreneurial Government”, and finally Hood as “New Public Management”<sup>41</sup>. So Hood was the first scholar using the term “New Public Management” for this phenomenon. In his article titled as “A Public Management for All Seasons”, he has grouped the value and idea shifts practiced at the public sector administration and declared the birth of “New Public Management”, which means a transformation from the traditional public administration to new managerial paradigm.

Actually the first practical applications of NPM model have been effective in the development of the approach and to become a global phenomenon. When these first implementations were investigated, it is possible to see that NPM, as a public reform serial, was born in the UK and the USA, and then spread to New Zealand and Australia, and finally become effective almost all over the world. The traveling of these reforms to many countries within this path and prolonging academic discussions of course caused the integration of various theories to the agenda of NPM concept. Within this frame Pollitt<sup>42</sup> brings a strong emphasis on the role of neo-liberal policies and New-right ideology. Of course many concepts and ideas emerging after 1980s and reaching to a peak in 1990s related to the structure of nation-states, public administrations, and functions of international and/or supranational organizations were developed in close relation with the neo-liberal policies. Similarly, NPM has also shared the basic principles of these policies such as “less/smaller state, more competition; free market economy; privatization; preventing the intervention of the state to the free market”<sup>43</sup> and gone into its orbit through these principles. Within this frame, all propositions of NPM have served to frame smaller but more efficient public administration. The general characteristics of NPM, which is emerged by the triggering of a series of reform policies emerged within the frame of Neoliberal

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40 D. Osborne and T. Gaebler, *Reinventing Government*. Addison-Wesley Publishing Company, New York, the United States, 1992.

41 Hood, *A Public Management for All Seasons*, *ibid*.

42 C. Pollitt, *Managerialism and the Public Services*, *ibid*.

43 Ümit Sönmez, “Independent Regulatory Agencies: The World Experience and the Turkish Case”, METU Social Sciences Institute, *Master’s Degree Thesis*, 2004, Ankara.

policies, are indicated by Bemelmans et.al<sup>44</sup>. Among them the ones directly related to the main subject of this study are as follows: (1) Transformation of public sector to private sector, (2) Fragmentation of the public sector (A multi-polar public management close to the field of service delivery), (3) Flexibility (Organization of the public management units, which are able to produce cost-effective policies and which have the ability to find rapid and flexible solutions for the problems), (4) Privatization of public sector and using sub-contractors for a better performing free market and public sector and institution of the competition, and (5) Lower cost states (The elimination of over-employment numbers at the public sector, employing contracted personnel for temporary tasks, using flexible employment alternatives, better budget and accounting methods, preventing corruption).

When above mentioned characteristics are closely investigated it is possible to evaluate that the emergence of the security companies has occurred both timely and principally within the frame of NPM mechanisms as an extension of neoliberal developments after 1980s and diffused almost worldwide mostly in 1990s. Firstly, with the constitution of these companies one of the basic services of public services has started to be handed over to private sector. This can be evaluated as part of the transformation of public sector to private sector. Secondly, the administration, organization and regulation of the security service as part of public sector has started to be fragmented. This trend has of course developed as part of the *decentralization* efforts, which is investigated at the following paragraphs more detailed, at the public sector. The previous unique cartels of the field, the Military and Security forces have started to share their privileges with the newborn private elements. Thirdly, this new trend pushed previous gigantic public institutions to reorganize themselves as flexible and cost-effective units to be able to handle with the rapid changing challenges of the new era. Fourthly, especially for temporary tasks, the governments have started to seek new solutions and started to use sub-contractors. Finally, this phenomenon helped them to prevent over-employment and to get rid of the costs just after the satisfaction of any temporary service need.

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44 Videc Bemelmans; N.J.M. Nelissen, A.J.A. Godfroij and P.J.M. De Goede, "Renewing Government: A Tale for All Times" in *Renewing Government: Innovative and Inspiring Visions*, (eds.) N. Nelissen, M.L. Bemelmans-Videc, A. Godfroij and P. De Goede, Utrecht: International Books, s. 13-33, 1999.

The tendency has started to be used even by the national armies in their recruitment systems. As a consequence they have started to employ temporary contracted officers in addition to privates. This has even changed the statue of commanding officers from being militarily long-term trained and almost lifelong employed commissioned officers to civilian educated, short-term employed contracted ones.

All the aforementioned developments prove evidence that there is a close relation between the new public management stream and the diffusion of security companies. As part of all these efforts a special importance has to be given to fragmentation and decentralization of public administration. Within this frame, Hope, who had investigated the NPM reforms executed at the countries in Sub-Saharan Africa, assessed that decentralization was realized as a sub-dimension of NPM reforms in four various forms: (1) Deconcentration (of the responsibility), (2) Delegation (of institutional authority), (3) Devolution (of hierarchical authority), and (4) Privatization<sup>45</sup>.

The first sub-dimension of decentralization, *deconcentration* is briefly defined as the fragmentation of the holistic bureaucratic structures of the public sector within the frame of NPM; second dimension, *delegation* is explained as handing over the special authorities related to policy and/or decision making in some sectors or fields to some other organizations constituted outside the bureaucratic organization of central administration; third dimension, *devolution* is defined as handing over the powers and authorities of decision making to hierarchically subordinate levels, and finally *privatization* is explained as handing over the operational control and responsibilities related to government services and functions to the private sector organizations<sup>46</sup>. These explanations also show the close relationship between at least three of the sub-dimensions (deconcentration, delegation, and privatization) of decentralization, which is a dimension of NPM efforts and evolution of the security companies as well. As a result of deconcentration efforts, one of the previous holistic structures of public sector, security and military services were fragmented between the public and private organizations. Delegation pave the wave to hand over at least

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45 K. Ronald, Hope, "The New Public Management: Context and Practice in Africa", *International Public Management Journal*, Vol. 4, s. 119-134, 2001, p.122-126.

46 Hope, *ibid.* p.122-126.

some of the special authorities of military and security forces on using force to private companies in some cases. Privatization brought a new trend, as in the case of many other sectors as well, which has boomed the number of private military and security companies, which are in competition with each other to qualify the government contracts, for having cost affectivity. As can be understood from these explanations, privatization approach has a significant role among others, which needs to be investigated deeply with its role in the diffusion of neoliberal policies.

So as part of the above mentioned New Public Management applications, the term Privatization has generally been debated in relation with measures of efficiency (better outputs with less cost) and effectiveness. It is assumed that the competitive environment in private sector requires firms to produce products and services with higher quality, lower cost, and to perform better in satisfying their customers. For private firms, understanding rules of the game and acting accordingly in the market is essential in their success<sup>47</sup>. Besides, privatization is not a western phenomenon anymore. States in Asia, Africa, and Latin America have also grasped the idea of privatization<sup>48</sup>.

One reason why privatization has gained such an important level of support internationally is the failure of governmental bureaucracy in providing high quality services to its citizens world-wide. According to many scholars, the reason behind the governmental inefficiency was lack of a competitive environment in governmental sector that would push bureaucracy to perform better as in the private sector. Furthermore, increasing the funds to the governmental agencies despite their failures in producing high quality services caused further criticisms towards the ability of the governmental agencies in producing efficient and effective outcomes<sup>49</sup>. For example, there are many cases in the US where despite the low performance levels of public schools, they get further funding for the next education year with the hope that these schools will perform better with further help.

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47 D. Osborne and T. Gaebler, *Reinventing Government*. Ibid.

48 M.R.D. Wallwork, *Operational Implications*, *ibid*; Mandel, R. *Armies without States*, *ibid*.; D.C. Kidwell, *Public War, Private Fight? The United States and Private Military Companies*. Combat Studies Institute Press, Fort Leavenworth, Kansas, the United States, 2005.

49 C. T. Goodsell, *The Case for Bureaucracy: a Public Administration Polemic*. CQ Press, Washington DC, the United States, 2004.

In private sector, the poorly performing institutions cannot stay in the market for a long time, which forces them either to enhance its standards to perform better or to close down the business. From this perspective, the financial support for the poorly performing institutions by the government creates substantial doubts about the utility of such a supportive governmental policy towards failing governmental institutions. Instead, people increasingly prefer private institutions to perform the functions, traditionally performed by governments.

The security sector also got its share from the trend of privatization and from new public management reforms. For example, the use of security cameras, the employment of guards from private security companies, the formation and the rapid development of private military companies, private intelligence firms, and so on are tightly related to the changing conceptions towards the effective and efficient production of goods and services by private sector. As a result, states, particularly in the West, started to downsize their governments, and contract-out many governmental services to the private agencies. The end result was smaller governments contracting with thousands of firms. The most strategic services of the government, such as, construction of highways, telecommunication, provision of electricity and water, security, and even central bank services have increasingly been privatized<sup>50</sup>. Of course the diffusion of this trend cannot be separated from the spread of governance mechanism and globalization phenomenon. Governance mechanism brought new applications to the structure of conventional administration and government mechanisms. All the stakeholders being affected by any decision have started to take part in the decision and/or policy making process of the administration system. So the classical administration layers and bureaucrats in addition to politicians have started to share their power with all these partners to legitimize their decisions. Tangör and Yalçinkaya<sup>51</sup> indicates this relation as "from a governance perspective, sovereign states used to hold the authority of performing certain functions for the sake of 'public interest' but recently governments have begun to share this authority with non-state actors". So a similar trend has been experienced related to the security services as well, which can be named after as the security governance.

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50 Mandel, R. *Armies without States*, ibid.

51 Burak Tangör and Haldun Yalçinkaya, "Güvenlik Yönetişimi Çerçevesinde Özel Askeri Şirketler", *Uluslararası İlişkiler*, Vol.: 7 (25), pp.: 127-154, 2010, p.127.

According to Tangör and Yalçinkaya, "security governance defines the network which constitutes co-operation between the states on the one hand and military service providers as non-state actors on the other"<sup>52</sup>. While governance mechanism has forced the governments to share their powers with these stakeholders, the globalization phenomenon has constituted the accelerative basement of the policy diffusion related to security governance as many other public sector transformations. Its changing the world into a global village scale has created a suitable environment for the governments, organizations and administrators to learn from each other and transfer the public policies implemented successfully elsewhere. So the Private Military Companies have found a window of opportunity "to fill the growing global demand for temporary, highly-specialized military services as a blessing to their client countries in that they offer many economic, military, and political benefits not ordinarily found in standing armies"<sup>53</sup> and this policy has diffused rapidly to many countries.

Therefore, discussing PMCs within the framework of privatization as part of new public management reforms, imposed by governance mechanism and accelerated by globalization, which obviously had a highly positive image internationally, made the traditionally negative image of PMCs less apparent. Furthermore, PMCs have highly specialized in areas, such as military consultation, intelligence, technical support, logistical support, and combat missions<sup>54</sup>. Comparing to governmental sector, private military companies perform these tasks equally good, if not more professionally. Therefore, states, such as the US, fighting several wars since 1990, have heavily relied on PMCs.

## **Military Downsizing in the Post-Cold War Environment**

The collapse of the Soviet Union changed the dynamics of the international security. Suddenly, a giant enemy that led a major league of states disappeared. The US emerged as the sole power in the international

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52 Tangör and Yalçinkaya, *Güvenlik Yönetişimi*, ibid, p.127.

53 Nathaniel Stinnett, "Regulating the Privatization of War: How to Stop Private Military Firms from Committing Human Rights Abuses", *Boston College International and Comparative Law Review*, Vol.:28(1), pp.:211-223, 2005, p.211.

54 R. Mandel, *Armies without States*, ibid; P.W. Singer, "The Private Military Industry and Iraq: What Have We Learned and Where to Next?", *Geneva Centre for Democratic Control of Armed Forces Pol.Paper*, 2004.

relations. In this new security atmosphere, the Western states that heavily invested in their sizable militaries went to a military downsizing. Instead, the Western states started to reallocate the economic resources to the areas, such as health, education, and technology. Russia also reduced the number of its military personnel. While in 1969 the United States had 1.5 million men in its army, this number was less than 750.000 in 1991.<sup>55</sup> The dramatic change at the men power of US Military from 3.302.104 in 1954 to 1.354.054 personnel in 2014 can be seen according to years at the Figure-1 below. When the graphic at Figure-1 is investigated carefully, it can be seen that the curve of Army's manpower is the most parallel one to the total figure. The number of Marine personnel is almost protected throughout the whole period. Navy and Air Force personnel numbers are also decreased but not as strong as the Army figures.

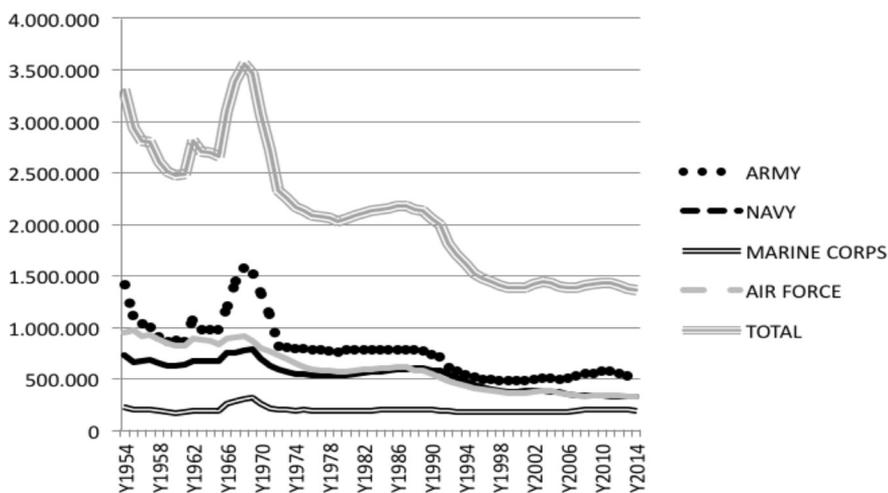


Figure-1 the Number of US Military Personnel According to Years by Forces<sup>56</sup>

55 Wallwork, *Operational Implications*, *ibid*; R.Mandel, "The Privatization of Security", *International Student Association 41th Annual Convention*, Los Angeles, the United States, 2000.

56 The Graphic is prepared by the Authors according to the data sourced from the Defense Manpower Data Center, Office of the Secretary of Defense, U.S. Department of Defense. Office of the Secretary of Defense, U.S. Department of Defense. Figures through 1976 are for the count at June 30 of that year. Figures for 1977 through 2013 are for September 30 of that year. Figures for 2014 are through March 31.

These numbers prove evidence that, the number of special operation units and more technology dependent forces as the Navy and Air Force have been affected less than the Army. Another finding is that the number of the military personnel is increasing from the mid-1960s to 1970s due to the harsh effects of cold war era. Starting from the 1980s there is a downsizing due to the effects of neoliberal policies and new public management approaches, which has reached its peaks in 1990s with the collapse of Soviet Union and the Eastern Block at the beginning of post-Cold War era.

However a paradoxical situation emerged. The bipolar system had created an interesting balance of power and stability in international relations. Nevertheless, the post-Cold War security environment destroyed this stability. A window of opportunity was opened to the states that were looking for regional leadership<sup>57</sup>. Furthermore, weak states found themselves unprotected, lacking a well-trained army to maintain the security and stability in their countries. Within weak states, different groups started to compete for power as well<sup>58</sup>. Regionally, states looking for leadership role, such as Iraq under Saddam Huseyin, tried to expand its territory<sup>59</sup> by conquering Kuwait. As a result, the weak states, particularly in Africa and Asia needed the Western support to enforce or maintain peace and stability in their countries. Industrialized Western powers abstained from intervening in these conflicts, mostly due to the high costs associated with such interventions. Besides, the western democracies stipulated democratic reforms to these weak states in need of Western military assistance. Furthermore, the World Bank asked for a reduction in military expenditures, and International Monetary Fund (IMF) demanded the implementation of neo-liberal free market regulations from the states in need<sup>60</sup>. For example, the decrease of the exact numbers of US Military personnel from 1954 to 2014 can be seen at the Table-1 below:

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57 Wallwork, *Operational Implications*, *ibid*; R.Mandel, "The Privatization of Security", *International Student Association 41th Annual Convention*, Los Angles, the United States, 2000.

58 Mandel, *The Privatization of Security*, *ibid*.

59 Hood, *A Public Management for All Seasons*, *ibid*.

60 Mandel, *The Privatization of Security*, *ibid*.; Mandel, *Armies without States*, *ibid*.

**Table-1 the Number of Personnel Employed by the US Military from 1954 to 2014**

YEAR	ARMY	NAVY	MARINE CORPS	AIR FORCE	TOTAL
1954	1.404.598	725.720	223.868	947.918	3.302.104
1955	1.109.296	660.695	205.170	959.946	2.935.107
1956	1.025.778	669.925	200.780	909.958	2.806.441
1957	997.994	677.108	200.861	919.835	2.795.798
1958	898.925	641.005	189.495	871.156	2.600.581
1959	861.964	626.340	175.571	840.435	2.504.310
1960	873.078	617.984	170.621	814.752	2.476.435
1961	858.622	627.089	176.909	821.151	2.483.771
1962	1.066.404	666.428	190.962	884.025	2.807.819
1963	975.916	664.647	189.683	869.431	2.699.677
1964	973.238	667.596	189.777	856.798	2.687.409
1965	969.066	671.448	190.213	824.662	2.655.389
1966	1.199.784	745.205	261.716	887.353	3.094.058
1967	1.442.498	751.619	285.269	897.494	3.376.880
1968	1.570.343	765.457	307.252	904.850	3.547.902
1969	1.512.169	775.869	309.771	862.353	3.460.162
1970	1.322.548	692.660	259.737	791.349	3.066.294
1971	1.123.810	623.248	212.369	755.300	2.714.727
1972	810.960	588.043	198.238	725.838	2.323.079
1973	800.973	564.534	196.098	691.182	2.252.787
1974	783.330	545.903	188.802	643.970	2.162.005
1975	784.333	535.085	195.951	612.751	2.128.120
1976	779.417	524.678	192.399	585.416	2.081.910
1977	782.246	529.895	191.707	570.695	2.074.543
1978	771.624	530.253	190.815	569.712	2.062.404
1979	758.852	523.937	185.250	559.455	2.027.494
1980	777.036	527.153	188.469	557.969	2.050.627
1981	781.419	540.219	190.620	570.302	2.082.560
1982	780.391	552.996	192.380	582.845	2.108.612
1983	779.643	557.573	194.089	592.044	2.123.349
1984	780.180	564.638	196.214	597.125	2.138.157

*From Mercenaries to Private Military Companies (PMCs):  
The Transformation of PMCs from Marginal to Mainstream Corporations*

1985	780.787	570.705	198.025	601.515	2.151.032
1986	780.980	581.119	198.814	608.199	2.169.112
1987	780.815	586.842	199.525	607.035	2.174.217
1988	771.847	592.570	197.350	576.446	2.138.213
1989	769.741	592.652	196.956	570.880	2.130.229
1990	732.403	579.417	196.652	535.233	2.043.705
1991	710.821	570.262	194.040	510.432	1.985.555
1992	610.450	541.883	184.529	470.315	1.807.177
1993	572.423	509.950	178.379	444.351	1.704.103
1994	541.343	468.662	174.158	426.327	1.610.490
1995	508.559	434.617	174.639	400.409	1.518.224
1996	491.103	416.735	174.883	389.001	1.471.722
1997	491.707	395.564	173.906	377.385	1.438.562
1998	483.880	382.338	173.142	367.470	1.406.830
1999	479.426	373.046	172.641	360.590	1.385.703
2000	482.170	373.193	173.321	355.654	1.384.338
2001	480.801	377.810	172.934	353.571	1.385.116
2002	486.542	383.108	173.733	368.251	1.411.634
2003	499.301	382.235	177.779	375.062	1.434.377
2004	499.543	373.197	177.480	376.616	1.426.836
2005	492.728	362.941	180.029	353.696	1.389.394
2006	505.402	350.197	180.416	348.953	1.384.968
2007	522.017	337.547	186.492	333.495	1.379.551
2008	543.645	332.228	198.505	327.379	1.401.757
2009	553.044	329.304	202.786	333.408	1.418.542
2010	566.045	328.303	202.441	334.196	1.430.985
2011	565.463	325.123	201.157	333.370	1.425.113
2012	550.064	318.406	198.193	332.959	1.399.622
2013	528.070	319.838	195.848	326.573	1.370.329
2014	515.888	319.120	192.787	326.259	1.354.054

Source: Defense Manpower Data Center, *ibid.*

As in the case of US military forces, which can be seen from the table, while the numbers of public employees at the military services decrease by the years, the urgency of the emerging problems compelled the states into contracts with PMCs. As discussed previously, Western armies excluded many soldiers from their armies. These soldiers soon saw the windows of opportunity, the demand for PMCs internationally. As a result, many experienced military officials united their powers and established PMCs with specialization combat missions, military consulting, intelligence, logistics, and technical assistance. PMCs emerged as saviors for these weak states, and Executive Outcomes was only one of these companies. PMCs did not stipulate any political condition to the weak states, like the Western states did. Therefore, weak states found working with PMCs more rational and practical than begging help from major European powers and international institutions<sup>61</sup>.

Nevertheless, it is also believed that PMCs play an important role in advancing the interests of the state of their origins. State institutions are bounded by international law for their operations outside their countries. However, states are not responsible for the acts of the PMCs or the private entities as they have the freedom for involving in beneficial economic deals. While PMCs would have financial gains, they would also serve the interests of their states by operating in conflict-ridden areas where their states did not want to be present officially. As a result, their state of origin would stay away from the headache caused by the international law, while supporting groups that it finds more beneficial to cooperate with internationally. At the same time, the Western PMCs would contribute to the economic well-being of their states of origins by paying higher amount of taxes. All these factors created a positive environment where troubled African and Asian states increasingly worked with PMCs.

## **The Emergence of Nontraditional Threats**

Terrorism and insurgencies are not the type of threats that world was familiar with until the last century, at least with the outcomes of their operations at a global scale. Traditional armies have failed in dealing with

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61 Mandel, *Armies without States*, *ibid.*; Rich, *Warlords*, *ibid.*; K. Sellars, "Old Dogs of War Learn New Tricks", *New Statesman*, 25 April 1997.

terrorism particularly because the traditional armies are not trained to fight terrorists whose operation techniques are highly different than those of the conventional national-armies. Furthermore, those fighting against terrorist organizations should be able to make strong predictions about the places of these organizations, the likely time for their attacks, the source of their support, etc. Within this context, information, communication, and intelligence become crucial for military success. "Private firms and other nongovernmental organizations are increasingly involved in the sort of intelligence activities—as both participants and targets—that were once mainly the purview of state security agencies".<sup>62</sup> The PMCs developed crucial expertise in the aforementioned fields, as a result of the privatization of security that has been going on almost for four decades. Consequently, PMCs started to fill this gap for the governmental militaries<sup>63</sup>.

Another factor that pushes the states to cooperate with PMCs is the leading governments' concern for reelection. Terrorist groups or insurgents generally operate in difficult geographical areas covered by numbers of high mountains. For example, in Afghanistan, American military faced substantial difficulties in dealing with rigid (mountainous) geographical conditions while fighting against Taliban. According to Wallwork<sup>64</sup>, generally governments are not willing to send their troops to such difficult and foreign regions where they are disadvantaged in comparison with the local forces of that area. Furthermore, in democracies, the death of each soldier lowers the chance of a government to be reelected. "More specifically, it should curtail or eliminate its overseas military presence, eliminate or dramatically reduce its global security commitments, and minimize or eschew its efforts to foster and lead the liberal institutional order"<sup>65</sup>. Moreover,

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62 Jon R Lindsay, "The Impact of China on Cyber security Fiction and Friction", *International Security*, Vol. 39, No. 3 (Winter 2014/15), pp. 7-47, 2014, p.29.

63 Singer, *Corporate Warriors*, *ibid*.

64 Wallwork, *Operational Implications*, *ibid*.

65 Stephen G. Brooks; G. John Ikenberry, and William C. Wohlforth, "Don't Come Home, America: The Case against Retrenchment", *International Security*, Vol. 37, No. 3 (Winter 2012/13), pp. 7-51;, 2012, p.7.

Also See Barry R. Posen, "The Case for Restraint," *American Interest*, Vol. 3, No. 1 (November/December 2007), pp. 7-17; Barry R. Posen, "A Grand Strategy of Restraint," in Michèle A. Flournoy and Shawn Brimley, eds., *Finding Our Way: Debating American Grand Strategy* (Washington, D.C.: Center for a New American Security, 2008), pp. 81-102; Barry R. Posen, "Stability and Change in U.S".

“retaining allies, who can provide U.S. leaders with a second opinion on the merits of potential interventions; political cover when U.S. leaders decide not to intervene; and troops, supplies, intelligence, and money when the United States does intervene”<sup>66</sup>. On the other hand, governments could not be kept accountable for the death of PMC workers that fight for financial gains. As far as mercenaries are well-paid, they would operate in highly dangerous areas where governments abstain from sending the official soldiers to. Therefore, governments end up hiring PMCs to fight wars for them in such instances.

One important factor affecting this phenomenon is the changing nature of the conflicts. This phenomenon has led “some tasks less central to the core of modern militaries (such as policing and technical support) to be more and more at the front and center of maintaining security, and private security companies”<sup>67</sup> have started to provide these ready-pack services. Within this framework, also the nature of security has transformed along with the changing dynamics of the conflicts. The mass use of high-tech devices and methods resulting from complicated and rich information systems and digitalization required the recruitment of civilian technicians by the military sector. Furthermore “... what historical experience seems to suggest: unlike previous technological transformations, the cyber revolution is influencing the tendencies of anarchic international politics, rather than merely altering the strategic dealings of states; that is, the cyber domain exhibits both fundamental and instrumental forms of instability”<sup>68</sup>. Such transformations blurred the line between the civilian and the military services enlarging the functional area of actors providing security. As a result, PMCs which have capacity to provide a wide range of such services resurged in the area of security stronger than ever despite all negative attitudes towards the use of them.

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66 Michael Beckley, “The Myth of Entangling Alliances: Reassessing the Security Risks of U.S. Defense Pacts”, *International Security*, Vol. 39, No. 4, pp. 7–48, (Spring 2015), p.12.

67 Avant, *The Privatization of Security*, *ibid.*, p.154.

68 Lucas Kello, “The Meaning of the Cyber Revolution Perils to Theory and Statecraft”, *International Security*, 38(2) 7–40, 2013, p.39.

## **Technological Developments**

Throughout history military and nonmilitary technological advances have been crucial in warfare. Therefore, militaries try to adopt tools that are the products of last technological advancements. However, traditional militaries also need skilled workers who are able to use these technical devices. Furthermore, governmental militaries need civilian researchers or experts to produce high-tech tools to modernize their available assets<sup>69</sup>. One of the important resorts for governmental militaries to acquire technology and skilled workers is PMCs, since, in terms of both owning high quality skilled workers and production of high-tech instruments, PMCs are in a better position than governmental militaries. As a result, the governmental militaries have ended up hiring civilian contractors<sup>70</sup>.

Although in the past the militaries trained their own soldiers to perform this kind of duties, technological advancements made it impossible for military personnel to learn, use, and maintain the new technological tools. Also, hiring or buying such services or goods from PMCs would be more efficient and effective<sup>71</sup>. As a result, governmental militaries hired thousands of contractors to perform duties traditionally performed by the governmental militaries. For example, the number of contractors working for the US exceeded 120,000 in Iraq war according to 2007 statistics<sup>72</sup>.

## **The Entrance of the Pmcs to Non-Combat Areas**

PMCs that emerged in the last half century contributed to “dogs of war” image by their illegal actions that included practices, such as human right abuses, radicalization of civilians where they operated, creating artificial conflicts (as British East Indian Company did in India), and increasing the level of armament in weak states. These critics were made due to militaristic (combat oriented) nature of PMCs. They intervened in actual conflicts,

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69 Singer, *Corporate Warriors*, *ibid.*

70 Singer, *Corporate Warriors*, *ibid.*

71 Singer, *Corporate Warriors*, *ibid.*; G.I. Susman, *The Defense Industry in the Post Cold War Era: Corporate Strategies and Public Policy Perspectives*, Elsevier Science Ltd, 1998, London, England.

72 Lindemann, *Civilian Contractors*, *ibid.*

physically fought in battle field, and also trained soldiers of the states by which they were hired. However, Percy<sup>73</sup> declares that PMCs brought a short-time fake stability. When the states terminated the agreements of the PMCs, the security situation in their countries became worse than before contracting the PMCs. This created a strong doubt that PMCs intentionally do not want to create long terms solutions as the end of problems would be the end of their contracts.

The 1989 UN convention had a substantial impact on transformation of the PMCs from combat to non-combat oriented forces. During the convention, the PMCs' combat practices were being severely criticized. The convention, which was approved by only 17 member states in 1989, found acceptance from almost all states in the UN by 2000. PMCs incrementally distanced themselves from combat oriented practices towards noncombat missions. Intelligence, military consultation, production of military goods, the supply of noncombat services (cook, truck driver, cleaner, etc.), and technical services emerged as the areas of specialization for the PMCs. As a result, states that needed assistance in the aforementioned fields started to cooperate with the PMCs, increasing their numbers in the battle field again.

## **The US Particularism**

There are a couple of points that have to be mentioned in this section. The first point is that the United States is overwhelmingly powerful. This power enables it to take PMCs under tight control very easily, and this is something that the weak states in Africa and Asia were not able to accomplish. Considering that over 120,000 contractors worked for the US in Iraq after the intervention in 2004, the capabilities of the US in taking such firms under control can better be comprehended. Nevertheless, an overwhelming power, such as the US, also employs PMCs mostly in noncombat areas to perform services as cooking, driving, policing, guarding high-rank officers, supplying, and working in logistics. This situation is also in accordance with the UN's suggestions about the use of PMCs.

The other point is that although the contractors functioning in Iraq are from various nations, most of them are from the US. For this reason, contractors

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73 Percy, *Mercenaries*, ibid.

in Iraq do not solely fight for financial gain. Research indicates that the hired soldiers from the US fought in Iraq for reasons combined of financial gains and patriotism. Furthermore, it was also found that while hired soldiers started their careers for financial benefits, in the harsh conditions of the battle field in Iraq, they incrementally became more patriotic as well. Therefore, contractors who are the US origin are more likely to display loyal behaviors for the cause of their country. This point makes the US case more particular, compared to the case of the failed states of Africa and Asia. As a result, the US' control over the PMCs with American origins becomes much easier.

On the other hand, the US as well had difficulties fully controlling PMCs in places, such as Iraq. The case of Blackwater (An American PMC) hit international news for their mistreatment and torture of war prisoners in Iraq. Initially, the international media depicted the human right abuses against Iraqi prisoners in association with the US government. However, the US declared that a PMC's, called Blackwater, workers were behind this scandal, and those involved in human right abuses would be punished by the US courts. The case indicated that working with PMCs could be troubling for nations, but it could also rescue them from troubling situations as in the case of Blackwater. The US easily escaped from the human right abuses, for some war crimes, in Abu-Ghrayb Prison in Baghdad, putting all the blame on Blackwater. Later on, Blackwater would change its name and continue to provide security related services in different parts of the world.

## **Conclusion**

In conclusion, historical records suggest that mercenaries historically had a negative reputation. However, the 1989 UN Convention persisted their negative image as "dogs of wars" and created an international norm which found a wide international acceptance by the year 2000, against the combat missions of PMCs. Interestingly, the number of PMCs hired by governments in the last two decades hit the highest point internationally despite the PMC's negative images. This research's findings through content analysis indicate that there were six reasons behind this paradoxical development: (1) the privatization trend within the frame of new public management approach, (2) the impact of post-Cold War politics paving the way for military downsizings, (3) the emergence of nontraditional threats and the changing nature of conflicts in asymmetric warfare in anti-terror

operations, (4) the capabilities achieved by technological developments, (5) the emergence of motivating factors for the PMCs in noncombat areas, and (6) the US experience proving evidence and best learning practices on the ability of the PMC control.

Among the above mentioned five reasons, New Public Management (NPM) and privatization as a sub-dimension of NPM have a specific role in the diffusion of PMCs. Within the frame of neoliberal policies, the Private Military Companies have emerged as an extension of NPM approach since 1980s. With these applications, one of the basic services of public administration has started to be handed over to private sector, which can be evaluated as part of the transformation of public sector to private sector. This phenomenon caused the fragmentation of security services and military tasks as means of administration, organization and regulation within the concept of decentralization trend. As a result, the previous force using cartels of the nation-states as the Military and Security forces have started to share their privileges with the newborn PMCs. Especially for temporary tasks; the governments have started seeking new solutions and started to use private companies as sub-contractors to prevent over-employment and to get rid of the high costs.

Consequently, the radical increase at the number of PMCs since 1980s has created many potential problems that states have to overcome. The first problem is about the waning sovereignty of nation-states' which has halloed out the legitimate use of power and force. PMCs were provided by extraordinary authority taking over the post-Westphalia State monopoly over the use force. As a result the State itself created a potential Leviathan that could challenge its own authority without a social contract.

Second threat is directly related to the first threat, which is concerned with the survival and the security of the failing states that hires the PMCs. Particularly weak states hire PMCs to resolve the security challenges that they are unable to overcome. Nevertheless, this solution potentially includes a direct threat to the sovereignty of the hiring state itself as in the EO case. The contracting states often lack a solid national army, and this could subordinate the national authority of the contracting states to the PMCs. As a result, if conflict arises between the contracting, but a weak state and the contracted, but a strong PMC, the state in such case might not have the ability to defend its authority. For example, the East India Company in India slowly but surely took India under its control. The control

of India changed hand only after independence movements under the leadership of Ghandi. Therefore, even if the PMCs do not apparently control the contractor state, by using their military and financial powers, the PMCs could install a puppet or matryoshka government inside the state, or it could leave a parallel authority behind that would always challenge the authority of the legitimate state.

The third problem is about the legal status of the PMCs. In the case of State power, as the army units, rules of engagement define the limits of the right to use force against others. Concerning this issue, regulation of the private security industry becomes important. Because as a fundamental dimension of NPM approach, privatization "in the security realm has moved beyond understandings of the proper breakdown of public and private functions concerning the use of force"<sup>74</sup>.

On the other hand, the international law is very weak regarding the cases where a non-state actor uses force against another state, groups of people or another non-state actor. Taking into consideration the ambiguity about the organizations called terrorists by some and freedom-fighters by others, and the inability of international law in dealing with such conceptualizations, the issue could better be comprehended. In the case of PMCs, there are many questions to be answered. Who will be kept responsible for their actions when PMCs violate human rights or commit a war crime in a battle field? Will the members of the PMCs be judged as military staff or as civilian in such cases and in which courts (civilian, military, and international, so on.)? As an example, when Blackwater violated human rights in Abu-Grayb, the US cleared itself by declaring that the abuses were being conducted by contracted Blackwater personnel. As a result, the US government did not accept the direct responsibility of the misconducts of Blackwater PMC. This approach may trigger other states to display similar behaviors.

To sum up if the states continue to employ PMCs to resolve their security related problems; the aforementioned shortcomings related to State's sovereignty, State's authority in dealing with PMCs and the indecuate conceptualization of PMCs in international law need to be addressed.

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74 Renée de Nevers, (2009), "(Self) Regulating War?: Voluntary Regulation and the Private Security Industry", *Security Studies*, Vol.:18(3), pp.479-516, p, 479.

## References

1. Avant, D., 2004, 'The Privatization of Security and Change in the Control of Force', *International Studies Perspectives*, Vol.. 5, pp.153-157.
2. Avant, D. and Sigelman, L., 2010, 'Private Security and Democracy: Lessons from the US in Iraq', *Security Studies*, Vol.19, pp.230 -265.
3. Barzelay, M., *Breaking through Bureaucracy: A New Vision for Managing in Government.*, Berkeley and Los Angeles: University of California Press, 1992.
4. Beckley, M., 2015, 'The Myth of Entangling Alliances: Reassessing the Security Risks of U.S. Defense Pacts', *International Security*, Vol. 39, No. 4, pp. 7-48.
5. Bemelmans, V., Nelissen, N.J.M., Godfroij, A.J.A., and De Goede, P.J.M., "Renewing Government: A Tale for All Times" in *Renewing Government: Innovative and Inspiring Visions*, (eds.) N. Nelissen, M.L. Bemelmans-Videc, A. Godfroij and P. De Goede, Utrecht: International Books, s. 13-33, 1999.
6. Brooks, S.G., Ikenberry, G.J., and Wohlforth, W. C., 2012, 'Don't Come Home, America: The Case against Retrenchment', *International Security*, Vol. 37, No. 3 (Winter 2012/13), pp. 7-51.
7. Calaguas, M., 2006, 'Military Privatization: Efficiency or Anarchy?', *Chi-Kent J. Int'l & Comp. L.*, pp.:58-81.
8. Congressional Budget Office (CBO), "Contractor Support of U.S. Operations in Iraq," (Washington, DC: August 2008), available at <http://www.cbo.gov/ftpdocs/96xx/doc9688/08--12-IraqContractors.pdf>.
9. de Nevers, R., 2009, '(Self) Regulating War?: Voluntary Regulation and the Private Security Industry', *Security Studies*, Vol.:18(3), pp.479-516.
10. Fitzsimmons, S., 2013, 'Wheeled Warriors: Explaining Variations in the Use of Violence by Private Security Companies in Iraq', *Security Studies*, 22, pp.707-739.
11. Hood, C., 1991, 'A Public Management for All Seasons?', *Public Administration*, Vol.3(19), 1991, p.69.
12. Hope, K.R., 2001, 'The New Public Management: Context and Practice in Africa', *International Public Management Journal*, Vol. 4, pp. 119-134.
13. Kidwell, D.C., *Public War, Private Fight? The United States and Private Military Companies*. Combat Studies Institute Press, Forth Leavenworth, Kansas, the United States, 2005.
14. Kinsey, C., *Private Contractors and the Reconstruction of Iraq: Transforming Military Logistics*, Routledge - Contemporary Security Studies, 2009.
15. Lan, Z. and Rosenbloom, D.H., 1992, 'Editorial', *Public Administration Review*, Vol.52(6).
16. Lilly, D., *The Privatization of Security and Peace Building*, International Alert Policy and Advocacy Department, 2000.
17. Lindemann, M., 'Civilian Contractors under Military Law', *Parameters*, 2007.

18. Lindsay, J. R., 2014, 'The Impact of China on Cyber security Fiction and Friction', *International Security*, Vol. 39, No. 3 (Winter 2014/15), pp. 7-47.
19. Mandel, R., 'The Privatization of Security', *International Student Association 41th Annual Convention*, Los Angeles, the United States, 2000.
20. Mandel, R., *Armies Without States*. Lynne Rienner Publishers Inc., London, England, 2002.
21. Osborne, D. and Gaebler, T., *Reinventing Government*, Addison-Wesley Publishing Company, New York, the United States, 1992.
22. Percy, S. *Mercenaries*, ibid; G. Arnold, *Mercenaries*, Macmillan Press LTD, London, England, 1999.
23. Percy, S., *Mercenaries*. Oxford University Press, Oxford, Great Brittan, 2007.
24. Pollitt, C., *Managerialism and the Public Services*, Blackwell 2nd ed., Oxford, 1993.
25. Posen, B.R., 2007, 'The Case for Restraint', *American Interest*, Vol. 3, No. 1 (November/December 2007), pp. 7-17.
26. Rhodes, R.A.W., 1996, 'The New Governance: Governing without Government', *Political Studies*, Vol.:XLIV, s.652-667.
27. Rich, P.B., *Warlords*. St. Martin's Press, London, England, 1999.
28. Salzman, Z., 2008, 'Private Military Contractors and the Taint of a Mercenary Reputation', *International Law and Politics*, Vol:40, pp.:853-892.
29. Singer, P.W., *Corporate Warriors: The rise of the Privatized Military Industry*. Cornell University Press, New York, the United States, 2003.
30. Singer, P.W., 'The Private Military Industry and Iraq: What Have We Learned and Where to Next?', *Geneva Centre for Democratic Control of Armed Forces Policy Paper*, 2004.
31. Sönmez, Ü., "Independent Regulatory Agencies: The World Experience and the Turkish Case", METU Social Sciences Institute, *Master's Degree Thesis*, Ankara, 2004.
32. Stinnett, N., 2005, 'Regulating the Privatization of War: How to Stop Private Military Firms from Committing Human Rights Abuses', *Boston College International and Comparative Law Review*, Vol.:28(1), pp.:211-223.
33. Susman, G.I. *The Defense Industry in the Post Cold War Era: Corporate Strategies and Public Policy Perspectives*, Elsevier Science Ltd, London, England, 1998.
34. Tangör, B. and Yalçınkaya, H., 2010, 'Güvenlik Yönetişimi Çerçevesinde Özel Askeri Şirketler', *Uluslararası İlişkiler*, Vol.: 7 (25), pp.: 127-154.
35. Terry, L.D., 1998, 'Administrative Leadership, Neo-managerialism and the Public Management Movement', *Public Administration Review*, Vol.58(3), pp.194-200.
36. Wallwork, M.R.D., *Operational Implications of Private Military Companies in the Global War on Terror*. School of Advanced Military Studies the United States Army Command and General Staff College, Fort Leavenworth, Kansas, the United States, 2004.



# The Evolution of the Climate Change Regime and the Paris Agreement\*\*

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## The phenomenon of climate change

The atmosphere naturally includes some amount of greenhouse gases, like carbon dioxide (CO<sub>2</sub>), methane and ozone, which have the function of trapping part of the radiation of the sun that has been reflected by the earth. This process, called the greenhouse effect, in its natural state, has the function of regulating earth's temperature. The problem arises from the increase in the concentration of greenhouse gases due to human activity that disrupts the natural balance of the climate system, causing rapid and excessive warming of the atmosphere. The quantity of CO<sub>2</sub> in the atmosphere increased by 65% (2011) and the average world temperature increased by 0.85°C (2012) since 1880<sup>1</sup>. Concentration of greenhouse gases increased at an especially rapid pace from 1950's onwards<sup>2</sup>. According to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change, there is more than 95% probability that human activities over the past 50 years have warmed our planet.

The significance of climate change phenomenon is that it has the potential to disrupt the natural balances of our planet in many different ways. The impacts of climate change include, changing weather patterns, increase in frequency and severity of extreme weather events such as typhoons and floods, drought and heatwaves, melting of polar ice caps and retreat of glaciers around the world causing rising sea levels.

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\* The interpretations and views expressed in the article belong entirely to its author. They should not be perceived as reflecting official views of the Ministry of Foreign Affairs of the Republic of Turkey.

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1 IPCC Fifth Assessment Report

2 [www.climate.nasa.gov](http://www.climate.nasa.gov)

Such serious effects of climate change directly impacts human life. Rising sea levels threatens the existence of low-lying island states and coastal communities. The increase in the occurrence of extreme weather events disrupts the life of many communities across the World. Global temperature increase has the effect of decreasing agricultural output, notably of major crops like maize and wheat, jeopardizing food production. Developing countries are particularly vulnerable. Through its negative impact on water resources and food production, climate change has the potential to increase security related risks, including the potential of causing increased displacement of populations.

The magnitude of the issues related climate change and the severity of its consequences, has made this phenomenon, not only the most important environmental challenge, but a fundamental challenge facing humanity. Although the effects of climate change are today felt unevenly across the globe, its long term consequences indiscriminately will affect the entire planet.

Since the 1980s, the world community has been concerned by climate change and has worked to devise an international framework to address it. Consequently, an international climate change regime emerged and evolved. The 1992 UN Framework Convention on Climate Change has constituted the basis of the regime. On that basis, the 1997 Kyoto Protocol set concrete targets and mechanisms for combatting climate change. The Protocol had been devised to cover the period until the end of 2020. But shortcomings in realizing the aims of the Protocol made it necessary the adoption of a new approach. The regime entered a new phase with the Paris Agreement, which adopted on 12 December 2015, came into force on 4 November 2016. The Paris Agreement will guide international efforts for tackling climate change from 2021 onwards.

This article will try to explain the path taken by the international climate change regime that paved the way to the Paris Agreement. The article will also briefly examine the Paris Agreement.

## **The precursors of the climate regime**

The 1972 “UN Conference on the Human Environment” held in Stockholm and the “UN Environment Programme” (UNEP) established by the conference, have provided the institutional framework for the development of

the climate change regime. UNEP, together with the World Meteorological Organization (WMO) established the “Intergovernmental Panel on Climate Change” (IPCC), which in turn provided the scientific basis for the climate change regime.

Before climate change, it is the depletion of the ozone layer that became the subject of a multilateral environmental agreement. Thus, the legal framework constituted by the 1985 “Vienna Convention for the Protection of the Ozone Layer” and its mechanisms for implementation laid down in the 1987 “Montreal Protocol on Substances that Deplete the Ozone Layer”, both universally ratified, provided a precedent and a useful format for the legal framework of the climate change regime. The Vienna Convention and the Montreal Protocol, have both been adopted without complete and decisive scientific proof on the human impact on the depletion of the ozone layer. Accordingly, both agreements have been based on the “pre-cautionary approach”, which stipulates that, “where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation”<sup>3</sup>. As with the legal framework for the protection of the ozone layer, this principle would enable the elaboration of a climate change regime in the 1990s without conclusive evidence on the human effects on climate change. The Montreal Protocol includes an adjustment provision that enables the Parties to the Protocol to respond to new scientific information, so as to accelerate the reductions required on chemicals already covered by the Protocol. Since its adoption, the Protocol has been adjusted 6 times based on this mechanism. The 28<sup>th</sup> Meeting of the Parties to the Montreal Protocol (MOP 28) held in Kigali on October 2016, the Protocol was amended to include the greenhouse gases “hydrofluorocarbons” (HFCs) to the list of substances controlled under the Protocol to be phased down.

In the 1980s, scientists began to formulate the phenomenon of global warming and try to explain its causes. In 1988, the UN General Assembly declared that climate change is a common concern of mankind which required urgent action by all states, and political negotiations were initiated for the drafting of an international convention to address the issue. The 1992 “UN Conference on Environment and Development”

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3 1992 Rio Declaration Principle 15

(Earth Summit) held in Rio de Janeiro, with the aim of building upon the outcomes of the 1972 Stockholm Conference, provided the opportunity for the signing the “UN Framework Convention on Climate Change” (UNFCCC) that constituted the legal framework for the climate change regime. The UNFCCC, together with its so-called “sister agreements”, the “UN Convention for Combatting Desertification” (UNCCD) and the “Convention on Biological Diversity” (CBD), also called the “Rio Agreements”, constitute the three main multilateral agreements of the international legal framework for environmental protection.

## **The UNFCCC**

The UNFCCC, took effect in 1994 and is now universally ratified. It is the basis of the current climate change regime. The 1990 First Assessment Report of the IPCC constitutes its scientific basis. The report was describing climate change as merely a “likely threat”, thus the Convention, adopts the principle of the “precautionary approach”. The main idea of the convention is expressed by the concept of “dangerous anthropogenic (caused by humans) interference with the climate system”, pointing at the human activity for the first time in a legal text as a cause of climate change. Accordingly, the main goal of the convention is to “stabilize greenhouse gas concentrations at a level that would prevent dangerous anthropogenic interference with the climate system” meaning to limit human caused greenhouse emissions at a level that would not destabilize the climate system. The initial concrete target set up by the Convention is to limit emissions at 1990 levels.

The main tools envisaged by the Convention can be summarised as “mitigation” by which countries are expected take measures to limit or even reduce the emissions of greenhouse gases; “adaptation” which encompasses measures to alleviate the impact of climate change, especially on developing countries vulnerable to adverse impacts. The Convention also requires systematic reporting by the countries of their emissions and climate policies and establishes mechanism for finance and technology transfer.

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4 UN Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa

Recognizing the historical responsibility of the developed countries in the context of climate change, the convention adopts the principle of “common but differentiated responsibilities and respective capabilities” (CBDR-RC). This principle is assigning the task of mitigation mainly on the developed parties included the Annex I of the convention. At the time of the adoption of the Convention, these were the members of the OECD<sup>5</sup>, those countries whose economies are in transition (Belarus, Bulgaria, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Russia and Ukraine) and the European Economic Community (EEC). Eight additional countries<sup>6</sup> were added to Annex I in later stages (Annex I now includes 43 parties to the UNFCCC). As for the rest of the countries (Non-Annex Countries), their responsibilities under the Convention is mainly limited to integrating into their policies measures to address climate change and its consequences.

The CBDR-RC principle is also applied to the financing of the policies required by the Convention. Accordingly, Annex II countries, initially comprising all the OECD countries, have the responsibility of financing the additional costs to be incurred by the developing countries in fulfilling their obligations under the Convention. The Annex II countries are also required to finance the costs for technology transfer and capacity building. The first mechanism for assistance became the “Global Environment Facility” (GEF), established in 1992. In 2001, “Special Climate Change Fund”, “Least Developed Countries Fund”, “Adaptation Fund”, and in 2010, “Green Climate Fund” were also introduced to supplement the finance mechanism. The UNDP, World Bank, EBDR and European Commission also provide climate funding.

The 7<sup>th</sup> Conference of Parties to the UNFCCC (COP 7) which convened in 2001 in Marrakesh, decided to remove Turkey from Annex II<sup>7</sup> and invited the Parties to the Convention the special circumstances of Turkey. On the basis of this decision, COP 16 held in Cancun (2010), recognized that

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5 Australia, Austria, Belgium, Canada, Denmark, Germany, Greece, Finland, France, Holland, Iceland, Ireland, Italy, Japan, Luxemburg, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, USA, UK..

6 Croatia, Czech Republic, Greek Cypriot Administration of South Cyprus, Liechtenstein, Malta, Monaco, Slovakia, Slovenia.

7 Decision 26/CP.7

Turkey is in a situation different from that of other Parties included in Annex I to the Convention. Decisions at COP 17 in Durban and COP 18 in Doha, invited the parties to establish the modalities of Turkey's access to finance and technology transfer. Finally, during COP 20 held in Lima in 2014, urged the Parties to provide financial, technological and capacity-building support to Turkey<sup>8</sup>.

## **The Kyoto Protocol**

The process of multilateral negotiations on the detailed rules and mechanisms through which the UNFCCC would be implemented resulted in the adoption, during the 1997 COP 3 in Kyoto, of the "Kyoto Protocol". The Protocol entered into force in 2005. 191 countries and the EU are now parties to the Protocol. Turkey ratified the Protocol in 2009.

The main focus of the Protocol is the quantification of mitigation commitments of the Annex I countries of the UNFCCC. Accordingly, a table listing the quantified emission limitation and reduction commitments of the relevant countries constitutes the "Annex B" of the Protocol. Out of the 43 Annex I parties to the UNFCCC, 38 countries and the EEC have pledged reduction or limitation of greenhouse gases, measured as the percentage change in carbon dioxide equivalent (CO<sub>2</sub>e) taking 1990 as a base year. The global target of mitigation of the Protocol is set to at least 5% reduction from the 1990 levels of CO<sub>2</sub>e.

The first commitment period of the Protocol is the 2008-2012 period of 5 years. The second commitment period of 2013-2020 was launched during COP 18 held in Doha in 2012. The "Doha Amendments" to the Kyoto Protocol, which officially introduces the second commitment period has yet to come into effect, since the required minimum number of ratification by 143 parties has still not been reached. Furthermore, Canada, Japan and Russia, together with the US, although having made mitigation commitments for the first period, refrained for the second period from making any commitments. The US, despite having signed it, did not ratify the Protocol. Canada, in 2011 notified its decision to withdraw from the Protocol. The withdrawal took effect as of December 2012.

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8 Decisions 1/CP.16, 2/CP.17, 1/CP.18, 21/CP.20

The Protocol, also provides alternatives to quantified reduction of emissions for the fulfilment of commitments. Such mechanisms which include emissions trading, are designed to allow countries to earn a kind of “carbon credit” to be accounted for in the fulfilment of their emission reduction or limitation commitments. With these mechanism, a country is able to achieve part of its target, by buying some amount from another country’s emission quota (called “Assigned Amount Unit” – AAU) or earning some additional units of emission rights (called “Emission Reduction Units” – ERU and “Certified Emission Reductions” – CER) through performing specific joint projects with other countries. All such transaction are recorded by a unified international system called “International Transaction Log” (ITL). One example of application of such alternative mechanisms is the EU Emission Trading System, which constitutes the carbon market of the EU. China also is working on the establishment of carbon markets<sup>9</sup>.

In summary, the Kyoto Protocol, by setting clear targets and introducing elaborate rules, provided a clear road map and concrete set of tools for the climate regime. But, its main philosophy based on allocating countries emission targets proved not to be successful in practice for addressing the challenges of climate change in the global context. First, the reluctance of the US, as a main emitter of greenhouse gases, to become part of the system and the subsequent opting out of Japan, Canada and Russia form Annex B, made the Protocol practically ineffective. Secondly, the differentiation of countries based on the international system prevailing in the 1990, become obsolete with the emergency of new important emitters in the developing world, especially by the rapid economic development of China and India. Additionally, the alternative mechanisms such as carbon trading envisaged in the Protocol did not expand as hoped for. Lastly, the considerable delay in ratification of the Protocol (8 years) and the fact that “Doha Amendments” still did not come into effect, considerably impaired the potential of the Protocol in tackling climate change. Consequently, a gap has emerged in the implementation of the current climate regime for the period 2013-2020.

The fact that the Kyoto Protocol became practically obsolete and the need to extend the climate regime to the period after 2020, the year officially

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9 Foreign Affairs. [China’s Carbon Markets](#). 18 August 2016.

ending the second period of the Protocol, made necessary the elaboration of a new regime. The new scientific conclusions of the IPCC and especially its Fourth Assessment Report (2007), which set 2°C average increase in temperature since the post-industrial period as the threshold not to be exceeded in order to preserve the balance of the climate system, provided the scientific basis for a new agreement.

## **The Paris Agreement**

The Paris Agreement adopted during the COP 21 held in Paris in 2015, constitutes the new framework of the climate change regime (COP 21 Decision “1/CP.21” on the adoption of the Paris Agreement and the text of the Agreement is annexed to this article) . It introduces a new approach to tackling global climate change. As of 18 January 2017, it has been ratified by 124 countries and the EU. It came into force on 4 November 2016. Turkey signed the Agreement during the official signing ceremony held in the UN Headquarters in New York on 22 April 2016. Turkey, in its national statement during the signing ceremony, declared that it is signing the Agreement as a “developing country”.

The global target of the Agreement, in line with the scientific conclusions of the Fourth and Fifth reports of the IPCC, is to limit the global average temperature rise this century to “well below” above pre-industrial levels, and to pursue efforts towards limiting the rise in average temperature to even 1.5°C. The Agreement also aims to achieving a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases by 2050. In other words, the Agreement aims at a state of zero emissions by the middle of this century.

Whereas the UNFCCC is based on the precautionary principle, due to the lack of decisive scientific conclusion at the time of its adoption, the Paris Agreement, is based on conclusive data of the Fourth and Fifth Assessment Reports of the IPCC, which confidently point at human activity as a source of global warning. The Fifth Assessment Report states that “human influence on the climate system is clear, and recent anthropogenic emissions of greenhouse gases are the highest in history”.

The Agreement, though it maintains the CBDR-RC principle and distinguishes between “developed” and “developing” countries, embraces a new

approach in distributing responsibilities under the Agreement. Instead of limiting the responsibility of mitigation to a list of countries, like in the case of the Annex I to the UNFCCC, it introduces a system which engages all the Parties to the Agreement to accomplish an amount of mitigation that will be nationally determined. The overall target being to limit temperature rise to well below 2°C. The lessons learned from the shortcomings of the Kyoto Protocol, led this time to a new approach that would engage all parties, regardless of the level of their historic responsibility in the accumulation of greenhouse gasses. Thus, unlike the Kyoto Protocol which sets country specific and binding target of mitigation for a limited number of countries, the Agreement, through the mechanism of “Nationally Determined Contributions” (NDCs) by which countries determine their own targets of mitigation, introduces a voluntary and non-binding system of mitigation that includes all parties.

The INDCs (Intended Nationally Determined Contributions) communicated by each party are published on the website of the UNFCCC. According to these communications, the US, is aiming at a reduction of emissions of at least 26-28% from 2005 levels until 2025. This target look less ambitious compared the INDC of the EU, which foresees a 40% reduction from the 1990 levels. China, adopts an approach based on decrease per unit GDP, aiming at reducing emissions by 60-65% per unit of GDP until 2030 from the 2005 levels. China also aims to achieve peaking of emissions around 2030 and to increase the share of non-fossil fuels in primary energy consumption to around 20%. Similarly, India adopts an approach that takes into account the economic growth trend of the country. Accordingly, India’s INDC aims at reducing emissions by 33-35% per GDP until 2030, taking also 2005 as a base year. India also aims at achieving about 40% cumulative electric power installed capacity from non-fossil fuel based energy resources by 2030. Russia’s INDC indicates the aim of limiting greenhouse gases to a level which corresponds to 70-75% of 1990 levels by 2030. South Korea’s INDC aims at 37% reduction, from business as usual (BAU) level, by 2030. As of Turkey’s INDC, it is targeting a decrease in emissions, from BAU, of up to 21% by 2030. Turkey’s INDC communication also includes energy sector targets such as, increasing capacity of production of electricity from solar power to 10 GW; as well as from wind power to 16 GW until 2030.

The main weakness of the Agreement is the apparent gap between the aggregate amount of reduction in emissions to be achieved collectively by the NDCs and the amount of overall reduction which is necessary to achieve the goal of limiting average temperature rise to well below 2°C. According to UNEP's report<sup>10</sup>, the emissions gap for 2030 is 12 to 14 gigatonnes of CO<sub>2</sub>e, compared with the 2°C. The report underlines that, even if fully implemented, the unconditional INDCs are only consistent with staying below an increase in temperature of 3.2°C by 2100. Being aware of this potential gap, the Agreement has devised a system by which the NDCs will become more ambitious over time. Accordingly, the Agreement stipulates that NDCs will be revised each 5 years, and that each successive NDC will represent a progression beyond the previous one and reflect the highest possible ambition.

The Agreement, also gives emphasis to the needs of the developing countries most vulnerable (LDCs and SIDS) to the already significantly felt effects of climate change. Financing of adaption to climate change is enhanced, to be provided mainly by the developed countries. In line with the relevant provisions, a yearly total financial assistance of 100 billion dollars until 2025 has been pledged. Technology transfer is also enhanced by the Agreement which introduces a separate mechanism to ensure the transfer of technology to the developing countries, not only for mitigation but also for adaptation purposes. Additionally, the Agreement includes a provision relating to providing capacity building especially for countries most vulnerable to the effects of climate change. Furthermore, the concept of "climate resilience" is also incorporated into the Agreement, and constitutes a new area which encompasses the socio-economic effects of climate change. Under this heading, the Agreement aims at sustainable use of natural resources, sustainability of ecosystems and sustainable economic development that would minimize the negative effects of climate change.

As the result of the negotiation process in Paris, with the aim at forging a global consensus, any clear definition for the terms of "developed" and "developing" countries was consciously omitted in the Agreement. The aim here again seems to distribute on a wider scale the responsibilities. Thus, this way, the Agreement allows a degree of flexibility as to which countries will be providing assistance and which ones will be receiving the assistance. An argument used in favour of this approach, is that economic

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10 UNEP. The Emissions Gap Report 2016. Nairobi: UNEP, 2016

development processes are dynamic so that a classification of developmental levels of the countries today might not be suitable for the future.

## **Conclusion**

The fundamental principles of the climate change regime have been constituted in the 1980's when the scientific arguments for taking action on climate change were much weaker than today. In this perspective, the drafting and adoption of the UNFCCC can be viewed as a courageous and ambitious first step. The UNFCCC, though a framework agreement, includes all the fundamental principles of the current climate change regime. These principles, like the famous CBRD-RC principle are still relevant and valid today. The main mechanisms of the UNFCCC, like climate finance and technology transfer are still the basis of the current regime.

The Kyoto Protocol has been elaborated to provide concrete ground of implementation to the UNFCCC. But, like the UNFCCC, the Kyoto Protocol, having also been drafted in a period when the impact of climate change was not yet seriously felt across the world, failed to achieve its intended impact, due mainly to the economic considerations of the main polluter countries. The limited scope of implementation of the Kyoto Protocol meant that the necessary policies to curb global warming were not implemented in a sufficiently wide and decisive way. As a consequence, we are globally feeling the serious consequences of climate change.

The world community now in great part conscious of the real impact of climate change, strived in Paris during COP 21 to produce a consensus that would in a sense save the climate regime by making it relevant again. Although the Agreement concerns the post-2020 period, through the NDCs, the countries are expected to start to take measures now so that by 2020, the effects can be felt, since measures of climate change produce results only years later.

The importance of the Paris Agreement lies in the fact that it has been able to build a universal consensus on the need of collectively tackle climate change. The Agreement, brought together big emitters like the US, EU, China, Russia and India in formulating a road map for reducing emissions with the perspective of the end of the current century. The Agreement also succeeded in addressing the pressing needs of adaptation of countries most affected by the adverse effects of climate change.

Since the Paris Agreement is based on the voluntary contribution of the countries, its success will be directly linked to the willingness of the individual countries to implement the provisions and targets of the Agreement. The elaboration of the rules and procedures for the functioning of the mechanisms of the Agreement is under way. During COP 22 held in Marrakesh on November 2016, the First Session of the First Conference of the Parties to the Paris Agreement (CMA 1) has convened and decided to finalize the work on the rules and procedures of the Paris Agreement until Third Session of CMA 1 to be held in 2018.

The new climate regime introduced by Paris Agreement will require the transformation of the economic production and consumption processes across the world. Especially, the energy sector will be the focus of this transformation process. Industrialized countries in varying degrees are pursuing policies towards carbon neutral economies. Although Norway is an oil exporter, the country relies on renewable energy sources for its domestic use. France has adopted legislation for decarbonisation of its energy sector. India plans nearly %60 of electricity capacity from non-fossil fuels by 2027<sup>11</sup>. China has announced on January 2017 that it will invest 360 billion dollars in renewable energy through the end of the decade<sup>12</sup>. The car industry is bracing itself for the electrical revolution. Other fossil fuel intensive industries are also preparing themselves for a new era of low-carbon and eventually carbon-free economy. Apparently the global trends give some hope for reaching the ambitions of the Paris Agreement.

That does not mean that there are no obstacles in the way. A reversal by the new US administration of the current US policy to support the Agreement can considerably weaken the prospects of the Agreement. But for the present, all the actors involved, including the private sector and the financial markets are in various degrees conscious of the need for a path to low-carbon economy envisaged by the new climate regime. It is to be seen if this historic consensus on climate change will be able to deliver its promises.

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11 The Guardian. [India Plans Nearly 60% of Electricity Capacity from Non-fossil Fuels by 2027](#). 22 December 2016.

12 The New York Times. [China Aims to Spend at Least \\$360 Billion on Renewable energy by 2020](#). 5 January 2017.

## References

Arıkan, Yunus, ed. BMİDÇS ve Kyoto Protokolü, Metinler ve Temel Bilgiler. Ankara: REC Türkiye, 2006.

Dorsey, Kurk, Environmental Diplomacy. Encyclopedia of the American Foreign Relations.

European Commission. Factsheet Climate Change 2015.

European Commission. Ratification of the Second Commitment Period of the Kyoto Protocol to the UNFCCC, Proposal for a Council Decision on the Conclusion of the Doha Amendment to the Kyoto Protocol to the UNFCCC and the Joint Fulfilment of Commitments Thereunder (COM(2013)768 final). Brussels: European Commission, 2013.

Gündoğan, Arif Cem, Dursun Baş, Rifat Ünal Sayman. A'dan Z'ye İklim Değişikliği, Başucu Rehberi. Ankara: REC Türkiye, 2015.

Karsenty, Alain, Cécile Blanco, Thomas Dufour. Forest and Climate Change, Instruments Related to the UNFCCC and their Potential for Sustainable Forest Management in Africa. Rome: FAO, 2003.

Talberg, Anita. The Kyoto Protocol Accounting Rules. Canberra: Parliament of Australia, 2009.

UNEP. The Emissions Gap Report 2016. Nairobi: UNEP, 2016

UNEP. Training Manual on International Environmental Law.

UNFCCC. Report of the Conference of the Parties at its Sixteenth Session, held in Cancun from 29 November to 10 December 2010 (FCCC/CP/2010/7Add.1). Bonn: UNFCCC, 2011.

UNFCCC. Kyoto Protocol Reference Manual on Accounting of Emissions and Assigned Amount. Bonn: UNFCCC, 2008.

UNFCCC. Conference of the Parties, Twenty-first Session, Paris, 30 November to 11 December 2015, Adoption of the Paris Agreement (FCCC/CP/20/2015/L.9/Rev.1). Bonn: UNFCCC, 2015.

UNFCCC. Conference of the Parties, Twenty-first Session, Paris, 30 November to 11 December 2015, Synthesis Report on the Aggregate Effect of the INDC. Bonn: UNFCCC, 2015.

[www.climate.nasa.gov](http://www.climate.nasa.gov)

[www.ozone.unep.org](http://www.ozone.unep.org)

[www.UNFCCC.int](http://www.UNFCCC.int)



# Documents

## Paris Agreement

### **The Conference of the Parties,**

*Recalling* decision 1/CP.17 on the establishment of the Ad Hoc Working Group on the Durban Platform for Enhanced Action,

*Also recalling* Articles 2, 3 and 4 of the Convention,

*Further recalling* relevant decisions of the Conference of the Parties, including decisions 1/CP.16, 2/CP.18, 1/CP.19 and 1/CP.20,

*Welcoming* the adoption of United Nations General Assembly resolution A/RES/70/1, "Transforming our world: the 2030 Agenda for Sustainable Development", in particular its goal 13, and the adoption of the Addis Ababa Action Agenda of the third International Conference on Financing for Development and the adoption of the Sendai Framework for Disaster Risk Reduction,

*Recognizing* that climate change represents an urgent and potentially irreversible threat to human societies and the planet and thus requires the widest possible cooperation by all countries, and their participation in an effective and appropriate international response, with a view to accelerating the reduction of global greenhouse gas emissions,

*Also recognizing* that deep reductions in global emissions will be required in order to achieve the ultimate objective of the Convention and *emphasizing* the need for urgency in addressing climate change,

*Acknowledging* that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity,

*Also acknowledging* the specific needs and concerns of developing country Parties arising from the impact of the implementation of response measures and, in this regard, decisions 5/CP.7, 1/CP.10, 1/CP.16 and 8/CP.17,

*Emphasizing* with serious concern the urgent need to address the significant gap between the aggregate effect of Parties' mitigation pledges in terms of global annual emissions of greenhouse gases by 2020 and aggregate emission pathways consistent with holding the increase in the global average temperature to well below 2 °C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5 °C above pre-industrial levels,

*Also emphasizing* that enhanced pre-2020 ambition can lay a solid foundation for enhanced post-2020 ambition,

*Stressing* the urgency of accelerating the implementation of the Convention and its Kyoto Protocol in order to enhance pre-2020 ambition,

*Recognizing* the urgent need to enhance the provision of finance, technology and capacity-building support by developed country Parties, in a predictable manner, to enable enhanced pre-2020 action by developing country Parties,

*Emphasizing* the enduring benefits of ambitious and early action, including major reductions in the cost of future mitigation and adaptation efforts,

*Acknowledging* the need to promote universal access to sustainable energy in developing countries, in particular in Africa, through the enhanced deployment of renewable energy,

*Agreeing* to uphold and promote regional and international cooperation in order to mobilize stronger and more ambitious climate action by all Parties and non-Party stakeholders, including civil society, the private sector, financial institutions, cities and other subnational authorities, local communities and indigenous peoples,

## **I. Adoption**

1. *Decides* to adopt the Paris Agreement under the United Nations Framework Convention on Climate Change (hereinafter referred to as "the Agreement") as contained in the annex;
2. *Requests* the Secretary-General of the United Nations to be the Depositary of the Agreement and to have it open for signature in New York, United States of America, from 22 April 2016 to 21 April 2017;

3. *Invites* the Secretary-General to convene a high-level signature ceremony for the Agreement on 22 April 2016;
4. *Also invites* all Parties to the Convention to sign the Agreement at the ceremony to be convened by the Secretary-General, or at their earliest opportunity, and to deposit their respective instruments of ratification, acceptance, approval or accession, where appropriate, as soon as possible;
5. *Recognizes* that Parties to the Convention may provisionally apply all of the provisions of the Agreement pending its entry into force, and *requests* Parties to provide notification of any such provisional application to the Depositary;
6. *Notes* that the work of the Ad Hoc Working Group on the Durban Platform for Enhanced Action, in accordance with decision 1/CP.17, paragraph 4, has been completed;
7. *Decides* to establish the Ad Hoc Working Group on the Paris Agreement under the same arrangement, *mutatis mutandis*, as those concerning the election of officers to the Bureau of the Ad Hoc Working Group on the Durban Platform for Enhanced Action;<sup>1</sup>
8. *Also decides* that the Ad Hoc Working Group on the Paris Agreement shall prepare for the entry into force of the Agreement and for the convening of the first session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement;
9. *Further decides* to oversee the implementation of the work programme resulting from the relevant requests contained in this decision;
10. *Requests* the Ad Hoc Working Group on the Paris Agreement to report regularly to the Conference of the Parties on the progress of its work and to complete its work by the first session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement;
11. *Decides* that the Ad Hoc Working Group on the Paris Agreement shall hold its sessions starting in 2016 in conjunction with the sessions of the Convention subsidiary bodies and shall prepare draft decisions to be recommended through the Conference of the Parties to the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement for consideration and adoption at its first session;

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1 Endorsed by decision 2/CP.18, paragraph 2.

## II. Intended nationally determined contributions

12. *Welcomes* the intended nationally determined contributions that have been communicated by Parties in accordance with decision 1/CP.19, paragraph 2 (b);
13. *Reiterates* its invitation to all Parties that have not yet done so to communicate to the secretariat their intended nationally determined contributions towards achieving the objective of the Convention as set out in its Article 2 as soon as possible and well in advance of the twenty-second session of the Conference of the Parties (November 2016) and in a manner that facilitates the clarity, transparency and understanding of the intended nationally determined contributions;
14. *Requests* the secretariat to continue to publish the intended nationally determined contributions communicated by Parties on the UNFCCC website;
15. *Reiterates* its call to developed country Parties, the operating entities of the Financial Mechanism and any other organizations in a position to do so to provide support for the preparation and communication of the intended nationally determined contributions of Parties that may need such support;
16. *Takes note* of the synthesis report on the aggregate effect of intended nationally determined contributions communicated by Parties by 1 October 2015, contained in document FCCC/CP/2015/7;
17. *Notes with concern* that the estimated aggregate greenhouse gas emission levels in 2025 and 2030 resulting from the intended nationally determined contributions do not fall within least-cost 2 °C scenarios but rather lead to a projected level of 55 gigatonnes in 2030, and *also notes* that much greater emission reduction efforts will be required than those associated with the intended nationally determined contributions in order to hold the increase in the global average temperature to below 2 °C above pre-industrial levels by reducing emissions to 40 gigatonnes or to 1.5 °C above pre-industrial levels by reducing to a level to be identified in the special report referred to in paragraph 21 below;
18. *Further notes*, in this context, the adaptation needs expressed by many developing country Parties in their intended nationally determined contributions;

19. *Requests* the secretariat to update the synthesis report referred to in paragraph 16 above so as to cover all the information in the intended nationally determined contributions communicated by Parties pursuant to decision 1/CP.20 by 4 April 2016 and to make it available by 2 May 2016;
20. *Decides* to convene a facilitative dialogue among Parties in 2018 to take stock of the collective efforts of Parties in relation to progress towards the long-term goal referred to in Article 4, paragraph 1, of the Agreement and to inform the preparation of nationally determined contributions pursuant to Article 4, paragraph 8, of the Agreement;
21. *Invites* the Intergovernmental Panel on Climate Change to provide a special report in 2018 on the impacts of global warming of 1.5 °C above pre-industrial levels and related global greenhouse gas emission pathways;

### **III. Decisions to give effect to the Agreement**

#### **Mitigation**

22. *Also invites* Parties to communicate their first nationally determined contribution no later than when the Party submits its respective instrument of ratification, acceptance, approval or accession of the Paris Agreement; if a Party has communicated an intended nationally determined contribution prior to joining the Agreement, that Party shall be considered to have satisfied this provision unless that Party decides otherwise;
23. *Requests* those Parties whose intended nationally determined contribution pursuant to decision 1/CP.20 contains a time frame up to 2025 to communicate by 2020 a new nationally determined contribution and to do so every five years thereafter pursuant to Article 4, paragraph 9, of the Agreement;
24. *Also requests* those Parties whose intended nationally determined contribution pursuant to decision 1/CP.20 contains a time frame up to 2030 to communicate or update by 2020 these contributions and to do so every five years thereafter pursuant to Article 4, paragraph 9, of the Agreement;

25. *Decides* that Parties shall submit to the secretariat their nationally determined contributions referred to in Article 4 of the Agreement at least 9 to 12 months in advance of the relevant session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement with a view to facilitating the clarity, transparency and understanding of these contributions, including through a synthesis report prepared by the secretariat;
26. *Requests* the Ad Hoc Working Group on the Paris Agreement to develop further guidance on features of the nationally determined contributions for consideration and adoption by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement at its first session;
27. *Agrees* that the information to be provided by Parties communicating their nationally determined contributions, in order to facilitate clarity, transparency and understanding, may include, as appropriate, inter alia, quantifiable information on the reference point (including, as appropriate, a base year), time frames and/or periods for implementation, scope and coverage, planning processes, assumptions and methodological approaches including those for estimating and accounting for anthropogenic greenhouse gas emissions and, as appropriate, removals, and how the Party considers that its nationally determined contribution is fair and ambitious, in the light of its national circumstances, and how it contributes towards achieving the objective of the Convention as set out in its Article 2;
28. *Requests* the Ad Hoc Working Group on the Paris Agreement to develop further guidance for the information to be provided by Parties in order to facilitate clarity, transparency and understanding of nationally determined contributions for consideration and adoption by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement at its first session;
29. *Also requests* the Subsidiary Body for Implementation to develop modalities and procedures for the operation and use of the public registry referred to in Article 4, paragraph 12, of the Agreement, for consideration and adoption by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement at its first session;

30. *Further requests* the secretariat to make available an interim public registry in the first half of 2016 for the recording of nationally determined contributions submitted in accordance with Article 4 of the Agreement, pending the adoption by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement of the modalities and procedures referred to in paragraph 29 above;
31. *Requests* the Ad Hoc Working Group on the Paris Agreement to elaborate, drawing from approaches established under the Convention and its related legal instruments as appropriate, guidance for accounting for Parties' nationally determined contributions, as referred to in Article 4, paragraph 13, of the Agreement, for consideration and adoption by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement at its first session, which ensures that:
  - (a) Parties account for anthropogenic emissions and removals in accordance with methodologies and common metrics assessed by the Intergovernmental Panel on Climate Change and adopted by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement;
  - (b) Parties ensure methodological consistency, including on baselines, between the communication and implementation of nationally determined contributions;
  - (c) Parties strive to include all categories of anthropogenic emissions or removals in their nationally determined contributions and, once a source, sink or activity is included, continue to include it;
  - (d) Parties shall provide an explanation of why any categories of anthropogenic emissions or removals are excluded;
32. *Decides* that Parties shall apply the guidance referred to in paragraph 31 above to the second and subsequent nationally determined contributions and that Parties may elect to apply such guidance to their first nationally determined contribution;
33. *Also decides* that the forum on the impact of the implementation of response measures, under the subsidiary bodies, shall continue, and shall serve the Agreement;

34. *Further decides* that the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation shall recommend, for consideration and adoption by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement at its first session, the modalities, work programme and functions of the forum on the impact of the implementation of response measures to address the effects of the implementation of response measures under the Agreement by enhancing cooperation amongst Parties on understanding the impacts of mitigation actions under the Agreement and the exchange of information, experiences, and best practices amongst Parties to raise their resilience to these impacts;
35. *Invites* Parties to communicate, by 2020, to the secretariat mid-century, long-term low greenhouse gas emission development strategies in accordance with Article 4, paragraph 19, of the Agreement, and *requests* the secretariat to publish on the UNFCCC website Parties' low greenhouse gas emission development strategies as communicated;
36. *Requests* the Subsidiary Body for Scientific and Technological Advice to develop and recommend the guidance referred to under Article 6, paragraph 2, of the Agreement for consideration and adoption by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement at its first session, including guidance to ensure that double counting is avoided on the basis of a corresponding adjustment by Parties for both anthropogenic emissions by sources and removals by sinks covered by their nationally determined contributions under the Agreement;
37. *Recommends* that the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement adopt rules, modalities and procedures for the mechanism established by Article 6, paragraph 4, of the Agreement on the basis of:
  - (a) Voluntary participation authorized by each Party involved;
  - (b) Real, measurable, and long-term benefits related to the mitigation of climate change;
  - (c) Specific scopes of activities;
  - (d) Reductions in emissions that are additional to any that would otherwise occur;

- (e) Verification and certification of emission reductions resulting from mitigation activities by designated operation entities;
  - (f) Experience gained with and lessons learned from existing mechanisms and approaches adopted under the Convention and its related legal instruments;
38. *Requests* the Subsidiary Body for Scientific and Technological Advice to develop and recommend rules, modalities and procedures for the mechanism referred to in paragraph 37 above for consideration and adoption by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement at its first session;
39. *Also requests* the Subsidiary Body for Scientific and Technological Advice to undertake a work programme under the framework for non-market approaches to sustainable development referred to in Article 6, paragraph 8, of the Agreement, with the objective of considering how to enhance linkages and create synergy between, inter alia, mitigation, adaptation, finance, technology transfer and capacity-building, and how to facilitate the implementation and coordination of non-market approaches;
40. *Further requests* the Subsidiary Body for Scientific and Technological Advice to recommend a draft decision on the work programme referred to in paragraph 39 above, taking into account the views of Parties, for consideration and adoption by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement at its first session;

### **Adaptation**

41. *Requests* the Adaptation Committee and the Least Developed Countries Expert Group to jointly develop modalities to recognize the adaptation efforts of developing country Parties, as referred to in Article 7, paragraph 3, of the Agreement, and make recommendations for consideration and adoption by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement at its first session;
42. *Also requests* the Adaptation Committee, taking into account its mandate and its second three-year workplan, and with a view to preparing recommendations for consideration and adoption by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement at its first session:

- (a) To review, in 2017, the work of adaptation-related institutional arrangements under the Convention, with a view to identifying ways to enhance the coherence of their work, as appropriate, in order to respond adequately to the needs of Parties;
  - (b) To consider methodologies for assessing adaptation needs with a view to assisting developing country Parties, without placing an undue burden on them;
43. *Invites* all relevant United Nations agencies and international, regional and national financial institutions to provide information to Parties through the secretariat on how their development assistance and climate finance programmes incorporate climate-proofing and climate resilience measures;
44. *Requests* Parties to strengthen regional cooperation on adaptation where appropriate and, where necessary, establish regional centres and networks, in particular in developing countries, taking into account decision 1/CP.16, paragraph 30;
45. *Also requests* the Adaptation Committee and the Least Developed Countries Expert Group, in collaboration with the Standing Committee on Finance and other relevant institutions, to develop methodologies, and make recommendations for consideration and adoption by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement at its first session on:
- (a) Taking the necessary steps to facilitate the mobilization of support for adaptation in developing countries in the context of the limit to global average temperature increase referred to in Article 2 of the Agreement;
  - (b) Reviewing the adequacy and effectiveness of adaptation and support referred to in Article 7, paragraph 14(c), of the Agreement;
46. *Further requests* the Green Climate Fund to expedite support for the least developed countries and other developing country Parties for the formulation of national adaptation plans, consistent with decisions 1/CP.16 and 5/CP.17, and for the subsequent implementation of policies, projects and programmes identified by them;

## **Loss and damage**

47. *Decides* on the continuation of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts, following the review in 2016;
48. *Requests* the Executive Committee of the Warsaw International Mechanism to establish a clearing house for risk transfer that serves as a repository for information on insurance and risk transfer, in order to facilitate the efforts of Parties to develop and implement comprehensive risk management strategies;
49. *Also requests* the Executive Committee of the Warsaw International Mechanism to establish, according to its procedures and mandate, a task force to complement, draw upon the work of and involve, as appropriate, existing bodies and expert groups under the Convention including the Adaptation Committee and the Least Developed Countries Expert Group, as well as relevant organizations and expert bodies outside the Convention, to develop recommendations for integrated approaches to avert, minimize and address displacement related to the adverse impacts of climate change;
50. *Further requests* the Executive Committee of the Warsaw International Mechanism to initiate its work, at its next meeting, to operationalize the provisions referred to in paragraphs 48 and 49 above, and to report on progress thereon in its annual report;
51. *Agrees* that Article 8 of the Agreement does not involve or provide a basis for any liability or compensation;

## **Finance**

52. *Decides* that, in the implementation of the Agreement, financial resources provided to developing country Parties should enhance the implementation of their policies, strategies, regulations and action plans and their climate change actions with respect to both mitigation and adaptation to contribute to the achievement of the purpose of the Agreement as defined in its Article 2;
53. *Also decides* that, in accordance with Article 9, paragraph 3, of the Agreement, developed countries intend to continue their existing col-

lective mobilization goal through 2025 in the context of meaningful mitigation actions and transparency on implementation; prior to 2025 the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement shall set a new collective quantified goal from a floor of USD 100 billion per year, taking into account the needs and priorities of developing countries;

54. *Recognizes* the importance of adequate and predictable financial resources, including for results-based payments, as appropriate, for the implementation of policy approaches and positive incentives for reducing emissions from deforestation and forest degradation, and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks; as well as alternative policy approaches, such as joint mitigation and adaptation approaches for the integral and sustainable management of forests; while reaffirming the importance of non-carbon benefits associated with such approaches; encouraging the coordination of support from, inter alia, public and private, bilateral and multilateral sources, such as the Green Climate Fund, and alternative sources in accordance with relevant decisions by the Conference of the Parties;
55. *Decides* to initiate, at its twenty-second session, a process to identify the information to be provided by Parties, in accordance with Article 9, paragraph 5, of the Agreement with a view to providing a recommendation for consideration and adoption by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement at its first session;
56. *Also decides* to ensure that the provision of information in accordance with Article 9, paragraph 7, of the Agreement shall be undertaken in accordance with the modalities, procedures and guidelines referred to in paragraph 91 below;
57. *Requests* the Subsidiary Body for Scientific and Technological Advice to develop modalities for the accounting of financial resources provided and mobilized through public interventions in accordance with Article 9, paragraph 7, of the Agreement for consideration by the Conference of the Parties at its twenty-fourth session (November 2018), with a view to making a recommendation for consideration and adoption by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement at its first session;

58. *Decides* that the Green Climate Fund and the Global Environment Facility, the entities entrusted with the operation of the Financial Mechanism of the Convention, as well as the Least Developed Countries Fund and the Special Climate Change Fund, administered by the Global Environment Facility, shall serve the Agreement;
59. *Recognizes* that the Adaptation Fund may serve the Agreement, subject to relevant decisions by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol and the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement;
60. *Invites* the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol to consider the issue referred to in paragraph 59 above and make a recommendation to the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement at its first session;
61. *Recommends* that the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement shall provide guidance to the entities entrusted with the operation of the Financial Mechanism of the Convention on the policies, programme priorities and eligibility criteria related to the Agreement for transmission by the Conference of the Parties;
62. *Decides* that the guidance to the entities entrusted with the operations of the Financial Mechanism of the Convention in relevant decisions of the Conference of the Parties, including those agreed before adoption of the Agreement, shall apply *mutatis mutandis* to the Agreement;
63. *Also decides* that the Standing Committee on Finance shall serve the Agreement in line with its functions and responsibilities established under the Conference of the Parties;
64. *Urges* the institutions serving the Agreement to enhance the coordination and delivery of resources to support country-driven strategies through simplified and efficient application and approval procedures, and through continued readiness support to developing country Parties, including the least developed countries and small island developing States, as appropriate;

## **Technology development and transfer**

65. *Takes note* of the interim report of the Technology Executive Committee on guidance on enhanced implementation of the results of technology needs assessments as contained in document FCCC/SB/2015/INF.3;
66. *Decides* to strengthen the Technology Mechanism and *requests* the Technology Executive Committee and the Climate Technology Centre and Network, in supporting the implementation of the Agreement, to undertake further work relating to, inter alia:
  - (a) Technology research, development and demonstration;
  - (b) The development and enhancement of endogenous capacities and technologies;
67. *Requests* the Subsidiary Body for Scientific and Technological Advice to initiate, at its forty-fourth session (May 2016), the elaboration of the technology framework established under Article 10, paragraph 4, of the Agreement and to report on its findings to the Conference of the Parties, with a view to the Conference of the Parties making a recommendation on the framework to the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement for consideration and adoption at its first session, taking into consideration that the framework should facilitate, inter alia:
  - (a) The undertaking and updating of technology needs assessments, as well as the enhanced implementation of their results, particularly technology action plans and project ideas, through the preparation of bankable projects;
  - (b) The provision of enhanced financial and technical support for the implementation of the results of the technology need assessments;
  - (c) The assessment of technologies that are ready for transfer;
  - (d) The enhancement of enabling environments for and the addressing of barriers to the development and transfer of socially and environmentally sound technologies;
68. *Decides* that the Technology Executive Committee and the Climate Technology Centre and Network shall report to the Conference of the

Parties serving as the meeting of the Parties to the Paris Agreement, through the subsidiary bodies, on their activities to support the implementation of the Agreement;

69. *Also decides* to undertake a periodic assessment of the effectiveness and adequacy of the support provided to the Technology Mechanism in supporting the implementation of the Agreement on matters relating to technology development and transfer;
70. *Requests* the Subsidiary Body for Implementation to initiate, at its forty-fourth session, the elaboration of the scope of and modalities for the periodic assessment referred to in paragraph 69 above, taking into account the review of the Climate Technology Centre and Network as referred to in decision 2/CP.17, annex VII, paragraph 20, and the modalities for the global stocktake referred to in Article 14 of the Agreement, for consideration and adoption by the Conference of the Parties at its twenty-fifth session (November 2019);

### **Capacity-building**

71. *Decides* to establish the Paris Committee on Capacity-building whose aim will be to address gaps and needs, both current and emerging, in implementing capacity-building in developing country Parties and further enhancing capacity-building efforts, including with regard to coherence and coordination in capacity-building activities under the Convention;
72. *Also decides* that the Paris Committee on Capacity-building will manage and oversee the workplan referred to in paragraph 73 below;
73. *Further decides* to launch a workplan for the period 2016–2020 with the following activities:
  - (a) Assessing how to increase synergies through cooperation and avoid duplication among existing bodies established under the Convention that implement capacity-building activities, including through collaborating with institutions under and outside the Convention;
  - (b) Identifying capacity gaps and needs and recommending ways to address them;

- (c) Promoting the development and dissemination of tools and methodologies for the implementation of capacity-building;
  - (d) Fostering global, regional, national and subnational cooperation;
  - (e) Identifying and collecting good practices, challenges, experiences and lessons learned from work on capacity-building by bodies established under the Convention;
  - (f) Exploring how developing country Parties can take ownership of building and maintaining capacity over time and space;
  - (g) Identifying opportunities to strengthen capacity at the national, regional and subnational level;
  - (h) Fostering dialogue, coordination, collaboration and coherence among relevant processes and initiatives under the Convention, including through exchanging information on capacity-building activities and strategies of bodies established under the Convention;
  - (i) Providing guidance to the secretariat on the maintenance and further development of the web-based capacity-building portal;
74. *Decides* that the Paris Committee on Capacity-building will annually focus on an area or theme related to enhanced technical exchange on capacity-building, with the purpose of maintaining up-to-date knowledge on the successes and challenges in building capacity effectively in a particular area;
75. *Requests* the Subsidiary Body for Implementation to organize annual in-session meetings of the Paris Committee on Capacity-building;
76. *Also requests* the Subsidiary Body for Implementation to develop the terms of reference for the Paris Committee on Capacity-building, in the context of the third comprehensive review of the implementation of the capacity-building framework, also taking into account paragraphs 71–75 above and paragraphs 79 and 80 below, with a view to recommending a draft decision on this matter for consideration and adoption by the Conference of the Parties at its twenty-second session;
77. *Invites* Parties to submit their views on the membership of the Paris Committee on Capacity-building by 9 March 2016;<sup>2</sup>

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<sup>2</sup> Parties should submit their views via the submissions portal at <<http://www.unfccc.int/5900>>.

78. *Requests* the secretariat to compile the submissions referred to in paragraph 77 above into a miscellaneous document for consideration by the Subsidiary Body for Implementation at its forty-fourth session;
79. *Decides* that the inputs to the Paris Committee on Capacity-building will include, inter alia, submissions, the outcome of the third comprehensive review of the implementation of the capacity-building framework, the secretariat's annual synthesis report on the implementation of the framework for capacity-building in developing countries, the secretariat's compilation and synthesis report on capacity-building work of bodies established under the Convention and its Kyoto Protocol, and reports on the Durban Forum and the capacity-building portal;
80. *Requests* the Paris Committee on Capacity-building to prepare annual technical progress reports on its work, and to make these reports available at the sessions of the Subsidiary Body for Implementation coinciding with the sessions of the Conference of the Parties;
81. *Decides*, at its twenty-fifth session, to review the progress, need for extension, the effectiveness and enhancement of the Paris Committee on Capacity-building and to take any action it considers appropriate, with a view to making recommendations to the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement at its first session on enhancing institutional arrangements for capacity-building consistent with Article 11, paragraph 5, of the Agreement;
82. *Calls upon* all Parties to ensure that education, training and public awareness, as reflected in Article 6 of the Convention and in Article 12 of the Agreement, are adequately considered in their contribution to capacity-building;
83. *Invites* the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement, at its first session, to explore ways of enhancing the implementation of training, public awareness, public participation and public access to information so as to enhance actions under the Agreement;

#### **Transparency of action and support**

84. *Decides* to establish a Capacity-building Initiative for Transparency in order to build institutional and technical capacity, both pre- and post-

- 2020; this initiative will support developing country Parties, upon request, in meeting enhanced transparency requirements as defined in Article 13 of the Agreement in a timely manner;
85. *Also decides* that the Capacity-building Initiative for Transparency will aim:
    - (a) To strengthen national institutions for transparency-related activities in line with national priorities;
    - (b) To provide relevant tools, training and assistance for meeting the provisions stipulated in Article 13 of the Agreement;
    - (c) To assist in the improvement of transparency overtime;
  86. *Urges and requests* the Global Environment Facility to make arrangements to support the establishment and operation of the Capacity-building Initiative for Transparency as a priority reporting-related need, including through voluntary contributions to support developing country Parties in the sixth replenishment of the Global Environment Facility and future replenishment cycles, to complement existing support under the Global Environment Facility;
  87. *Decides* to assess the implementation of the Capacity-building Initiative for Transparency in the context of the seventh review of the Financial Mechanism;
  88. *Requests* that the Global Environment Facility, as an operating entity of the Financial Mechanism, include in its annual report to the Conference of the Parties the progress of work in the design, development and implementation of the Capacity-building Initiative for Transparency referred to in paragraph 84 above starting in 2016;
  89. *Decides* that, in accordance with Article 13, paragraph 2, of the Agreement, developing country Parties shall be provided flexibility in the implementation of the provisions of that Article, including in the scope, frequency and level of detail of reporting, and in the scope of review, and that the scope of review could provide for in-country reviews to be optional, while such flexibilities shall be reflected in the development of modalities, procedures and guidelines referred to in paragraph 91 below;

90. *Also decides* that all Parties, except for the least developed country Parties and small island developing States, shall submit the information referred to in Article 13, paragraphs 7, 8, 9 and 10, of the Agreement, as appropriate, no less frequently than on a biennial basis, and that the least developed country Parties and small island developing States may submit this information at their discretion;
91. *Requests* the Ad Hoc Working Group on the Paris Agreement to develop recommendations for modalities, procedures and guidelines in accordance with Article 13, paragraph 13, of the Agreement, and to define the year of their first and subsequent review and update, as appropriate, at regular intervals, for consideration by the Conference of the Parties, at its twenty-fourth session, with a view to forwarding them to the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement for consideration and adoption at its first session;
92. *Also requests* the Ad Hoc Working Group on the Paris Agreement, in developing the recommendations for the modalities, procedures and guidelines referred to in paragraph 91 above, to take into account, inter alia:
  - (a) The importance of facilitating improved reporting and transparency over time;
  - (b) The need to provide flexibility to those developing country Parties that need it in the light of their capacities;
  - (c) The need to promote transparency, accuracy, completeness, consistency and comparability;
  - (d) The need to avoid duplication as well as undue burden on Parties and the secretariat;
  - (e) The need to ensure that Parties maintain at least the frequency and quality of reporting in accordance with their respective obligations under the Convention;
  - (f) The need to ensure that double counting is avoided;
  - (g) The need to ensure environmental integrity;
93. *Further requests* the Ad Hoc Working Group on the Paris Agreement, in developing the modalities, procedures and guidelines referred to in paragraph 91 above, to draw on the experiences from and take into account other ongoing relevant processes under the Convention;

94. *Requests* the Ad Hoc Working Group on the Paris Agreement, in developing the modalities, procedures and guidelines referred to in paragraph 91 above, to consider, inter alia:
- (a) The types of flexibility available to those developing country Parties that need it on the basis of their capacities;
  - (b) The consistency between the methodology communicated in the nationally determined contribution and the methodology for reporting on progress made towards achieving individual Parties' respective nationally determined contribution;
  - (c) That Parties report information on adaptation action and planning including, if appropriate, their national adaptation plans, with a view to collectively exchanging information and sharing lessons learned;
  - (d) Support provided, enhancing delivery of support for both adaptation and mitigation through, inter alia, the common tabular formats for reporting support, and taking into account issues considered by the Subsidiary Body for Scientific and Technological Advice on methodologies for reporting on financial information, and enhancing the reporting by developing country Parties on support received, including the use, impact and estimated results thereof;
  - (e) Information in the biennial assessments and other reports of the Standing Committee on Finance and other relevant bodies under the Convention;
  - (f) Information on the social and economic impact of response measures;
95. *Also requests* the Ad Hoc Working Group on the Paris Agreement, in developing recommendations for the modalities, procedures and guidelines referred to in paragraph 91 above, to enhance the transparency of support provided in accordance with Article 9 of the Agreement;
96. *Further requests* the Ad Hoc Working Group on the Paris Agreement to report on the progress of work on the modalities, procedures and guidelines referred to in paragraph 91 above to future sessions of the Conference of the Parties, and that this work be concluded no later than 2018;

97. *Decides* that the modalities, procedures and guidelines developed under paragraph 91 above shall be applied upon the entry into force of the Paris Agreement;
98. *Also decides* that the modalities, procedures and guidelines of this transparency framework shall build upon and eventually supersede the measurement, reporting and verification system established by decision 1/CP.16, paragraphs 40–47 and 60–64, and decision 2/CP.17, paragraphs 12–62, immediately following the submission of the final biennial reports and biennial update reports;

### **Global stocktake**

99. *Requests* the Ad Hoc Working Group on the Paris Agreement to identify the sources of input for the global stocktake referred to in Article 14 of the Agreement and to report to the Conference of the Parties, with a view to the Conference of the Parties making a recommendation to the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement for consideration and adoption at its first session, including, but not limited to:
  - (a) Information on:
    - (i) The overall effect of the nationally determined contributions communicated by Parties;
    - (ii) The state of adaptation efforts, support, experiences and priorities from the communications referred to in Article 7, paragraphs 10 and 11, of the Agreement, and reports referred to in Article 13, paragraph 8, of the Agreement;
    - (iii) The mobilization and provision of support;
  - (b) The latest reports of the Intergovernmental Panel on Climate Change;
  - (c) Reports of the subsidiary bodies;
100. *Also requests* the Subsidiary Body for Scientific and Technological Advice to provide advice on how the assessments of the Intergovernmental Panel on Climate Change can inform the global stocktake of the implementation of the Agreement pursuant to its Article 14 and to report on this matter to the Ad Hoc Working Group on the Paris Agreement at its second session;

101. *Further requests* the Ad Hoc Working Group on the Paris Agreement to develop modalities for the global stocktake referred to in Article 14 of the Agreement and to report to the Conference of the Parties, with a view to the Conference of the Parties making a recommendation to the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement for consideration and adoption at its first session;

### **Facilitating implementation and compliance**

102. *Decides* that the committee referred to in Article 15, paragraph 2, of the Agreement shall consist of 12 members with recognized competence in relevant scientific, technical, socioeconomic or legal fields, to be elected by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement on the basis of equitable geographical representation, with two members each from the five regional groups of the United Nations and one member each from the small island developing States and the least developed countries, while taking into account the goal of gender balance;

103. *Requests* the Ad Hoc Working Group on the Paris Agreement to develop the modalities and procedures for the effective operation of the committee referred to in Article 15, paragraph 2, of the Agreement, with a view to the Ad Hoc Working Group on the Paris Agreement completing its work on such modalities and procedures for consideration and adoption by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement at its first session;

### **Final clauses**

104. *Also requests* the secretariat, solely for the purposes of Article 21 of the Agreement, to make available on its website on the date of adoption of the Agreement as well as in the report of the Conference of the Parties on its twenty-first session, information on the most up-to-date total and per cent of greenhouse gas emissions communicated by Parties to the Convention in their national communications, greenhouse gas inventory reports, biennial reports or biennial update reports;

#### IV. Enhanced action prior to 2020

105. *Resolves* to ensure the highest possible mitigation efforts in the pre-2020 period, including by:
  - (a) Urging all Parties to the Kyoto Protocol that have not already done so to ratify and implement the Doha Amendment to the Kyoto Protocol;
  - (b) Urging all Parties that have not already done so to make and implement a mitigation pledge under the Cancun Agreements;
  - (c) Reiterating its resolve, as set out in decision 1/CP.19, paragraphs 3 and 4, to accelerate the full implementation of the decisions constituting the agreed outcome pursuant to decision 1/CP.13 and enhance ambition in the pre-2020 period in order to ensure the highest possible mitigation efforts under the Convention by all Parties;
  - (d) Inviting developing country Parties that have not submitted their first biennial update reports to do so as soon as possible;
  - (e) Urging all Parties to participate in the existing measurement, reporting and verification processes under the Cancun Agreements, in a timely manner, with a view to demonstrating progress made in the implementation of their mitigation pledges;
106. *Encourages* Parties to promote the voluntary cancellation by Party and non-Party stakeholders, without double counting, of units issued under the Kyoto Protocol, including certified emission reductions that are valid for the second commitment period;
107. *Urges* host and purchasing Parties to report transparently on internationally transferred mitigation outcomes, including outcomes used to meet international pledges, and emission units issued under the Kyoto Protocol with a view to promoting environmental integrity and avoiding double counting;
108. *Recognizes* the social, economic and environmental value of voluntary mitigation actions and their co-benefits for adaptation, health and sustainable development;
109. *Resolves* to strengthen, in the period 2016–2020, the existing technical examination process on mitigation as defined in decision 1/CP.19,

paragraph 5(a), and decision 1/CP.20, paragraph 19, taking into account the latest scientific knowledge, including by:

- (a) Encouraging Parties, Convention bodies and international organizations to engage in this process, including, as appropriate, in cooperation with relevant non-Party stakeholders, to share their experiences and suggestions, including from regional events, and to cooperate in facilitating the implementation of policies, practices and actions identified during this process in accordance with national sustainable development priorities;
  - (b) Striving to improve, in consultation with Parties, access to and participation in this process by developing country Party and non-Party experts;
  - (c) Requesting the Technology Executive Committee and the Climate Technology Centre and Network in accordance with their respective mandates:
    - (i) To engage in the technical expert meetings and enhance their efforts to facilitate and support Parties in scaling up the implementation of policies, practices and actions identified during this process;
    - (ii) To provide regular updates during the technical expert meetings on the progress made in facilitating the implementation of policies, practices and actions previously identified during this process;
    - (iii) To include information on their activities under this process in their joint annual report to the Conference of the Parties;
  - (d) Encouraging Parties to make effective use of the Climate Technology Centre and Network to obtain assistance to develop economically, environmentally and socially viable project proposals in the high mitigation potential areas identified in this process;
110. *Encourages* the operating entities of the Financial Mechanism of the Convention to engage in the technical expert meetings and to inform participants of their contribution to facilitating progress in the implementation of policies, practices and actions identified during the technical examination process;

111. *Requests* the secretariat to organize the process referred to in paragraph 109 above and disseminate its results, including by:
- (a) Organizing, in consultation with the Technology Executive Committee and relevant expert organizations, regular technical expert meetings focusing on specific policies, practices and actions representing best practices and with the potential to be scalable and replicable;
  - (b) Updating, on an annual basis, following the meetings referred to in paragraph 111(a) above and in time to serve as input to the summary for policymakers referred to in paragraph 111(c) below, a technical paper on the mitigation benefits and co-benefits of policies, practices and actions for enhancing mitigation ambition, as well as on options for supporting their implementation, information on which should be made available in a user-friendly online format;
  - (c) Preparing, in consultation with the champions referred to in paragraph 121 below, a summary for policymakers, with information on specific policies, practices and actions representing best practices and with the potential to be scalable and replicable, and on options to support their implementation, as well as on relevant collaborative initiatives, and publishing the summary at least two months in advance of each session of the Conference of the Parties as input for the high-level event referred to in paragraph 120 below;
112. *Decides* that the process referred to in paragraph 109 above should be organized jointly by the Subsidiary Body for Implementation and the Subsidiary Body for Scientific and Technological Advice and should take place on an ongoing basis until 2020;
113. *Also decides* to conduct in 2017 an assessment of the process referred to in paragraph 109 above so as to improve its effectiveness;
114. *Resolves* to enhance the provision of urgent and adequate finance, technology and capacity-building support by developed country Parties in order to enhance the level of ambition of pre-2020 action by Parties, and in this regard *strongly urges* developed country Parties to scale up their level of financial support, with a concrete road map to achieve the goal of jointly providing USD 100 billion annually by 2020

for mitigation and adaptation while significantly increasing adaptation finance from current levels and to further provide appropriate technology and capacity-building support;

115. *Decides* to conduct a facilitative dialogue in conjunction with the twenty-second session of the Conference of the Parties to assess the progress in implementing decision 1/CP.19, paragraphs 3 and 4, and identify relevant opportunities to enhance the provision of financial resources, including for technology development and transfer, and capacity-building support, with a view to identifying ways to enhance the ambition of mitigation efforts by all Parties, including identifying relevant opportunities to enhance the provision and mobilization of support and enabling environments;
116. *Acknowledges* with appreciation the results of the Lima-Paris Action Agenda, which build on the climate summit convened on 23 September 2014 by the Secretary-General of the United Nations;
117. *Welcomes* the efforts of non-Party stakeholders to scale up their climate actions, and *encourages* the registration of those actions in the Non-State Actor Zone for Climate Action platform;<sup>3</sup>
118. *Encourages* Parties to work closely with non-Party stakeholders to catalyse efforts to strengthen mitigation and adaptation action;
119. *Also encourages* non-Party stakeholders to increase their engagement in the processes referred to in paragraph 109 above and paragraph 124 below;
120. *Agrees* to convene, pursuant to decision 1/CP.20, paragraph 21, building on the Lima-Paris Action Agenda and in conjunction with each session of the Conference of the Parties during the period 2016–2020, a high-level event that:
  - (a) Further strengthens high-level engagement on the implementation of policy options and actions arising from the processes referred to in paragraph 109 above and paragraph 124 below, drawing on the summary for policymakers referred to in paragraph 111 (c) above;
  - (b) Provides an opportunity for announcing new or strengthened voluntary efforts, initiatives and coalitions, including the implementation of policies, practices and actions arising from the pro-

cesses referred to in paragraph 109 above and paragraph 124 below and presented in the summary for policymakers referred to in paragraph 111 (c) above;

- (c) Takes stock of related progress and recognizes new or strengthened voluntary efforts, initiatives and coalitions;
  - (d) Provides meaningful and regular opportunities for the effective high-level engagement of dignitaries of Parties, international organizations, international cooperative initiatives and non-Party stakeholders;
121. *Decides* that two high-level champions shall be appointed to act on behalf of the President of the Conference of the Parties to facilitate through strengthened high-level engagement in the period 2016–2020 the successful execution of existing efforts and the scaling-up and introduction of new or strengthened voluntary efforts, initiatives and coalitions, including by:
- (a) Working with the Executive Secretary and the current and incoming Presidents of the Conference of the Parties to coordinate the annual high-level event referred to in paragraph 120 above;
  - (b) Engaging with interested Parties and non-Party stakeholders, including to further the voluntary initiatives of the Lima-Paris Action Agenda;
  - (c) Providing guidance to the secretariat on the organization of technical expert meetings referred to in paragraph 111(a) above and paragraph 129(a) below;
122. *Also decides* that the high-level champions referred to in paragraph 121 above should normally serve for a term of two years, with their terms overlapping for a full year to ensure continuity, such that:
- (a) The President of the twenty-first session of the Conference of the Parties should appoint one champion, who should serve for one year from the date of the appointment until the last day of the twenty-second session of the Conference of the Parties;
  - (b) The President of the twenty-second session of the Conference of the Parties should appoint one champion who should serve

for two years from the date of the appointment until the last day of the twenty-third session of the Conference of the Parties (November 2017);

- (c) Thereafter, each subsequent President of the Conference of the Parties should appoint one champion who should serve for two years and succeed the previously appointed champion whose term has ended;
123. *Invites* all interested Parties and relevant organizations to provide support for the work of the champions referred to in paragraph 121 above;
  124. *Decides* to launch, in the period 2016-2020, a technical examination process on adaptation;
  125. *Also decides* that the process referred to in paragraph 124 above will endeavour to identify concrete opportunities for strengthening resilience, reducing vulnerabilities and increasing the understanding and implementation of adaptation actions;
  126. *Further decides* that the process referred to in paragraph 124 above should be organized jointly by the Subsidiary Body for Implementation and the Subsidiary Body for Scientific and Technological Advice, and conducted by the Adaptation Committee;
  127. *Decides* that the process referred to in paragraph 124 above will be pursued by:
    - (a) Facilitating the sharing of good practices, experiences and lessons learned;
    - (b) Identifying actions that could significantly enhance the implementation of adaptation actions, including actions that could enhance economic diversification and have mitigation co-benefits;
    - (c) Promoting cooperative action on adaptation;
    - (d) Identifying opportunities to strengthen enabling environments and enhance the provision of support for adaptation in the context of specific policies, practices and actions;
  128. *Also decides* that the technical examination process on adaptation referred to in paragraph 124 above will take into account the process,

modalities, outputs, outcomes and lessons learned from the technical examination process on mitigation referred to in paragraph 109 above;

129. *Requests* the secretariat to support the process referred to in paragraph 124 above by:
  - (a) Organizing regular technical expert meetings focusing on specific policies, strategies and actions;
  - (b) Preparing annually, on the basis of the meetings referred to in paragraph 129(a) above and in time to serve as an input to the summary for policymakers referred to in paragraph 111(c) above, a technical paper on opportunities to enhance adaptation action, as well as options to support their implementation, information on which should be made available in a user-friendly online format;
130. *Decides* that in conducting the process referred to in paragraph 124 above, the Adaptation Committee will engage with and explore ways to take into account, synergize with and build on the existing arrangements for adaptation-related work programmes, bodies and institutions under the Convention so as to ensure coherence and maximum value;
131. *Also decides* to conduct, in conjunction with the assessment referred to in paragraph 113 above, an assessment of the process referred to in paragraph 124 above, so as to improve its effectiveness;
132. *Invites* Parties and observer organizations to submit information on the opportunities referred to in paragraph 125 above by 3 February 2016;

## **V. Non-Partystakeholders**

133. *Welcomes* the efforts of all non-Party stakeholders to address and respond to climate change, including those of civil society, the private sector, financial institutions, cities and other subnational authorities;
134. *Invites* the non-Party stakeholders referred to in paragraph 133 above to scale up their efforts and support actions to reduce emissions and/or to build resilience and decrease vulnerability to the adverse effects

of climate change and demonstrate these efforts via the Non-State Actor Zone for Climate Action platform<sup>4</sup> referred to in paragraph 117 above;

135. *Recognizes* the need to strengthen knowledge, technologies, practices and efforts of local communities and indigenous peoples related to addressing and responding to climate change, and *establishes* a platform for the exchange of experiences and sharing of best practices on mitigation and adaptation in a holistic and integrated manner;
136. *Also recognizes* the important role of providing incentives for emission reduction activities, including tools such as domestic policies and carbon pricing;

## **VI. Administrative and budgetary matters**

137. *Takes note* of the estimated budgetary implications of the activities to be undertaken by the secretariat referred to in this decision and *requests* that the actions of the secretariat called for in this decision be undertaken subject to the availability of financial resources;
138. *Emphasizes* the urgency of making additional resources available for the implementation of the relevant actions, including actions referred to in this decision, and the implementation of the work programme referred to in paragraph 9 above;
139. *Urges* Parties to make voluntary contributions for the timely implementation of this decision.

## **Annex**

### **Paris Agreement**

#### *The Parties to this Agreement,*

*Being* Parties to the United Nations Framework Convention on Climate Change, hereinafter referred to as “the Convention”,

*Pursuant* to the Durban Platform for Enhanced Action established by decision 1/CP.17 of the Conference of the Parties to the Convention at its seventeenth session,

*In pursuit* of the objective of the Convention, and being guided by its principles, including the principle of equity and common but differentiated responsibilities and respective capabilities, in the light of different national circumstances,

*Recognizing* the need for an effective and progressive response to the urgent threat of climate change on the basis of the best available scientific knowledge,

*Also recognizing* the specific needs and special circumstances of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change, as provided for in the Convention,

*Taking full account* of the specific needs and special situations of the least developed countries with regard to funding and transfer of technology,

*Recognizing* that Parties may be affected not only by climate change, but also by the impacts of the measures taken in response to it,

*Emphasizing* the intrinsic relationship that climate change actions, responses and impacts have with equitable access to sustainable development and eradication of poverty,

*Recognizing* the fundamental priority of safeguarding food security and ending hunger, and the particular vulnerabilities of food production systems to the adverse impacts of climate change,

*Taking into account* the imperatives of a just transition of the workforce and the creation of decent work and quality jobs in accordance with nationally defined development priorities,

*Acknowledging* that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity,

*Recognizing* the importance of the conservation and enhancement, as appropriate, of sinks and reservoirs of the greenhouse gases referred to in the Convention,

*Noting* the importance of ensuring the integrity of all ecosystems, including oceans, and the protection of biodiversity, recognized by some cultures as Mother Earth, and noting the importance for some of the concept of “climate justice”, when taking action to address climate change,

*Affirming* the importance of education, training, public awareness, public participation, public access to information and cooperation at all levels on the matters addressed in this Agreement,

*Recognizing* the importance of the engagements of all levels of government and various actors, in accordance with respective national legislations of Parties, in addressing climate change,

*Also recognizing* that sustainable lifestyles and sustainable patterns of consumption and production, with developed country Parties taking the lead, play an important role in addressing climate change,

Have agreed as follows:

## **Article 1**

For the purpose of this Agreement, the definitions contained in Article 1 of the Convention shall apply. In addition:

- (a) “Convention” means the United Nations Framework Convention on Climate Change, adopted in New York on 9 May 1992;
- (b) “Conference of the Parties” means the Conference of the Parties to the Convention;
- (c) “Party” means a Party to this Agreement.

## **Article 2**

1. This Agreement, in enhancing the implementation of the Convention, including its objective, aims to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty, including by:
  - (a) Holding the increase in the global average temperature to well below 2 °C above pre-industrial levels and pursuing efforts to limit the tem-

- perature increase to 1.5 °C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change;
- (b) Increasing the ability to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions development, in a manner that does not threaten food production; and
  - (c) Making finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development.
2. This Agreement will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances.

### **Article 3**

As nationally determined contributions to the global response to climate change, all Parties are to undertake and communicate ambitious efforts as defined in Articles 4, 7, 9, 10, 11 and 13 with the view to achieving the purpose of this Agreement as set out in Article 2. The efforts of all Parties will represent a progression over time, while recognizing the need to support developing country Parties for the effective implementation of this Agreement.

### **Article 4**

1. In order to achieve the long-term temperature goal set out in Article 2, Parties aim to reach global peaking of greenhouse gas emissions as soon as possible, recognizing that peaking will take longer for developing country Parties, and to undertake rapid reductions thereafter in accordance with best available science, so as to achieve a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of this century, on the basis of equity, and in the context of sustainable development and efforts to eradicate poverty.
2. Each Party shall prepare, communicate and maintain successive nationally determined contributions that it intends to achieve. Parties

- shall pursue domestic mitigation measures, with the aim of achieving the objectives of such contributions.
3. Each Party's successive nationally determined contribution will represent a progression beyond the Party's then current nationally determined contribution and reflect its highest possible ambition, reflecting its common but differentiated responsibilities and respective capabilities, in the light of different national circumstances.
  4. Developed country Parties should continue taking the lead by undertaking economy-wide absolute emission reduction targets. Developing country Parties should continue enhancing their mitigation efforts, and are encouraged to move over time towards economy-wide emission reduction or limitation targets in the light of different national circumstances.
  5. Support shall be provided to developing country Parties for the implementation of this Article, in accordance with Articles 9, 10 and 11, recognizing that enhanced support for developing country Parties will allow for higher ambition in their actions.
  6. The least developed countries and small island developing States may prepare and communicate strategies, plans and actions for low greenhouse gas emissions development reflecting their special circumstances.
  7. Mitigation co-benefits resulting from Parties' adaptation actions and/or economic diversification plans can contribute to mitigation outcomes under this Article.
  8. In communicating their nationally determined contributions, all Parties shall provide the information necessary for clarity, transparency and understanding in accordance with decision 1/CP.21 and any relevant decisions of the Conference of the Parties serving as the meeting of the Parties to this Agreement.
  9. Each Party shall communicate a nationally determined contribution every five years in accordance with decision 1/CP.21 and any relevant decisions of the Conference of the Parties serving as the meeting of the Parties to this Agreement and be informed by the outcomes of the global stocktake referred to in Article 14.

10. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall consider common time frames for nationally determined contributions at its first session.
11. A Party may at any time adjust its existing nationally determined contribution with a view to enhancing its level of ambition, in accordance with guidance adopted by the Conference of the Parties serving as the meeting of the Parties to this Agreement.
12. Nationally determined contributions communicated by Parties shall be recorded in a public registry maintained by the secretariat.
13. Parties shall account for their nationally determined contributions. In accounting for anthropogenic emissions and removals corresponding to their nationally determined contributions, Parties shall promote environmental integrity, transparency, accuracy, completeness, comparability and consistency, and ensure the avoidance of double counting, in accordance with guidance adopted by the Conference of the Parties serving as the meeting of the Parties to this Agreement.
14. In the context of their nationally determined contributions, when recognizing and implementing mitigation actions with respect to anthropogenic emissions and removals, Parties should take into account, as appropriate, existing methods and guidance under the Convention, in the light of the provisions of paragraph 13 of this Article.
15. Parties shall take into consideration in the implementation of this Agreement the concerns of Parties with economies most affected by the impacts of response measures, particularly developing country Parties.
16. Parties, including regional economic integration organizations and their member States, that have reached an agreement to act jointly under paragraph 2 of this Article shall notify the secretariat of the terms of that agreement, including the emission level allocated to each Party within the relevant time period, when they communicate their nationally determined contributions. The secretariat shall in turn inform the Parties and signatories to the Convention of the terms of that agreement.
17. Each party to such an agreement shall be responsible for its emission level as set out in the agreement referred to in paragraph 16 of this Article in accordance with paragraphs 13 and 14 of this Article and Articles 13 and 15.

18. If Parties acting jointly do so in the framework of, and together with, a regional economic integration organization which is itself a Party to this Agreement, each member State of that regional economic integration organization individually, and together with the regional economic integration organization, shall be responsible for its emission level as set out in the agreement communicated under paragraph 16 of this Article in accordance with paragraphs 13 and 14 of this Article and Articles 13 and 15.
19. All Parties should strive to formulate and communicate long-term low greenhouse gas emission development strategies, mindful of Article 2 taking into account their common but differentiated responsibilities and respective capabilities, in the light of different national circumstances.

## **Article 5**

1. Parties should take action to conserve and enhance, as appropriate, sinks and reservoirs of greenhouse gases as referred to in Article 4, paragraph 1(d), of the Convention, including forests.
2. Parties are encouraged to take action to implement and support, including through results-based payments, the existing framework as set out in related guidance and decisions already agreed under the Convention for: policy approaches and positive incentives for activities relating to reducing emissions from deforestation and forest degradation, and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries; and alternative policy approaches, such as joint mitigation and adaptation approaches for the integral and sustainable management of forests, while reaffirming the importance of incentivizing, as appropriate, non-carbon benefits associated with such approaches.

## **Article 6**

1. Parties recognize that some Parties choose to pursue voluntary cooperation in the implementation of their nationally determined contributions to allow for higher ambition in their mitigation and adaptation actions and to promote sustainable development and environmental integrity.

2. Parties shall, where engaging on a voluntary basis in cooperative approaches that involve the use of internationally transferred mitigation outcomes towards nationally determined contributions, promote sustainable development and ensure environmental integrity and transparency, including in governance, and shall apply robust accounting to ensure, inter alia, the avoidance of double counting, consistent with guidance adopted by the Conference of the Parties serving as the meeting of the Parties to this Agreement.
3. The use of internationally transferred mitigation outcomes to achieve nationally determined contributions under this Agreement shall be voluntary and authorized by participating Parties.
4. A mechanism to contribute to the mitigation of greenhouse gas emissions and support sustainable development is hereby established under the authority and guidance of the Conference of the Parties serving as the meeting of the Parties to this Agreement for use by Parties on a voluntary basis. It shall be supervised by a body designated by the Conference of the Parties serving as the meeting of the Parties to this Agreement, and shall aim:
  - (a) To promote the mitigation of greenhouse gas emissions while fostering sustainable development;
  - (b) To incentivize and facilitate participation in the mitigation of greenhouse gas emissions by public and private entities authorized by a Party;
  - (c) To contribute to the reduction of emission levels in the host Party, which will benefit from mitigation activities resulting in emission reductions that can also be used by another Party to fulfil its nationally determined contribution; and
  - (d) To deliver an overall mitigation in global missions.
5. Emission reductions resulting from the mechanism referred to in paragraph 4 of this Article shall not be used to demonstrate achievement of the host Party's nationally determined contribution if used by another Party to demonstrate achievement of its nationally determined contribution.
6. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall ensure that a share of the proceeds from activi-

ties under the mechanism referred to in paragraph 4 of this Article is used to cover administrative expenses as well as to assist developing country Parties that are particularly vulnerable to the adverse effects of climate change to meet the costs of adaptation.

7. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall adopt rules, modalities and procedures for the mechanism referred to in paragraph 4 of this Article at its first session.
8. Parties recognize the importance of integrated, holistic and balanced non-market approaches being available to Parties to assist in the implementation of their nationally determined contributions, in the context of sustainable development and poverty eradication, in a coordinated and effective manner, including through, inter alia, mitigation, adaptation, finance, technology transfer and capacity-building, as appropriate. These approaches shall aim to:
  - (a) Promote mitigation and adaptation ambition;
  - (b) Enhance public and private sector participation in the implementation of nationally determined contributions; and
  - (c) Enable opportunities for coordination across instruments and relevant institutional arrangements.
9. A framework for non-market approaches to sustainable development is hereby defined to promote the non-market approaches referred to in paragraph 8 of this Article.

## **Article 7**

1. Parties hereby establish the global goal on adaptation of enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change, with a view to contributing to sustainable development and ensuring an adequate adaptation response in the context of the temperature goal referred to in Article 2.
2. Parties recognize that adaptation is a global challenge faced by all with local, subnational, national, regional and international dimensions, and that it is a key component of and makes a contribution to the long-term global response to climate change to protect people,

livelihoods and ecosystems, taking into account the urgent and immediate needs of those developing country Parties that are particularly vulnerable to the adverse effects of climate change.

3. The adaptation efforts of developing country Parties shall be recognized, in accordance with the modalities to be adopted by the Conference of the Parties serving as the meeting of the Parties to this Agreement at its first session.
4. Parties recognize that the current need for adaptation is significant and that greater levels of mitigation can reduce the need for additional adaptation efforts, and that greater adaptation needs can involve greater adaptation costs.
5. Parties acknowledge that adaptation action should follow a country-driven, gender-responsive, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems, and should be based on and guided by the best available science and, as appropriate, traditional knowledge, knowledge of indigenous peoples and local knowledge systems, with a view to integrating adaptation into relevant socioeconomic and environmental policies and actions, where appropriate.
6. Parties recognize the importance of support for and international cooperation on adaptation efforts and the importance of taking into account the needs of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change.
7. Parties should strengthen their cooperation on enhancing action on adaptation, taking into account the Cancun Adaptation Framework, including with regard to:
  - (a) Sharing information, good practices, experiences and lessons learned, including, as appropriate, as these relate to science, planning, policies and implementation in relation to adaptation actions;
  - (b) Strengthening institutional arrangements, including those under the Convention that serve this Agreement, to support the synthesis of relevant information and knowledge, and the provision of technical support and guidance to Parties;

- (c) Strengthening scientific knowledge on climate, including research, systematic observation of the climate system and early warning systems, in a manner that informs climate services and supports decision-making;
  - (d) Assisting developing country Parties in identifying effective adaptation practices, adaptation needs, priorities, support provided and received for adaptation actions and efforts, and challenges and gaps, in a manner consistent with encouraging good practices; and
  - (e) Improving the effectiveness and durability of adaptation actions.
8. United Nations specialized organizations and agencies are encouraged to support the efforts of Parties to implement the actions referred to in paragraph 7 of this Article, taking into account the provisions of paragraph 5 of this Article.
9. Each Party shall, as appropriate, engage in adaptation planning processes and the implementation of actions, including the development or enhancement of relevant plans, policies and/or contributions, which may include:
- (a) The implementation of adaptation actions, undertakings and/or efforts;
  - (b) The process to formulate and implement national adaptation plans;
  - (c) The assessment of climate change impacts and vulnerability, with a view to formulating nationally determined prioritized actions, taking into account vulnerable people, places and ecosystems;
  - (d) Monitoring and evaluating and learning from adaptation plans, policies, programmes and actions; and
  - (e) Building the resilience of socioeconomic and ecological systems, including through economic diversification and sustainable management of natural resources.
10. Each Party should, as appropriate, submit and update periodically an adaptation communication, which may include its priorities, implementation and support needs, plans and actions, without creating any additional burden for developing country Parties.

11. The adaptation communication referred to in paragraph 10 of this Article shall be, as appropriate, submitted and updated periodically, as a component of or in conjunction with other communications or documents, including a national adaptation plan, a nationally determined contribution as referred to in Article 4, paragraph 2, and/or a national communication.
12. The adaptation communications referred to in paragraph 10 of this Article shall be recorded in a public registry maintained by the secretariat.
13. Continuous and enhanced international support shall be provided to developing country Parties for the implementation of paragraphs 7, 9, 10 and 11 of this Article, in accordance with the provisions of Articles 9, 10 and 11.
14. The global stocktake referred to in Article 14 shall, inter alia:
  - (a) Recognize adaptation efforts of developing country Parties;
  - (b) Enhance the implementation of adaptation action taking into account the adaptation communication referred to in paragraph 10 of this Article;
  - (c) Review the adequacy and effectiveness of adaptation and support provided for adaptation; and
  - (d) Review the overall progress made in achieving the global goal on adaptation referred to in paragraph 1 of this Article.

## **Article 8**

1. Parties recognize the importance of averting, minimizing and addressing loss and damage associated with the adverse effects of climate change, including extreme weather events and slow onset events, and the role of sustainable development in reducing the risk of loss and damage.
2. The Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts shall be subject to the authority and guidance of the Conference of the Parties serving as the meeting

of the Parties to this Agreement and may be enhanced and strengthened, as determined by the Conference of the Parties serving as the meeting of the Parties to this Agreement.

3. Parties should enhance understanding, action and support, including through the Warsaw International Mechanism, as appropriate, on a cooperative and facilitative basis with respect to loss and damage associated with the adverse effects of climate change. Accordingly, areas of cooperation and facilitation to enhance understanding, action and support may include:
  - (a) Early warning systems;
  - (b) Emergency preparedness;
  - (c) Slow onset events;
  - (d) Events that may involve irreversible and permanent loss and damage;
  - (e) Comprehensive risk assessment and management;
  - (f) Risk insurance facilities, climate risk pooling and other insurance solutions;
  - (g) Non-economic losses; and
  - (h) Resilience of communities, livelihoods and ecosystems.
4. The Warsaw International Mechanism shall collaborate with existing bodies and expert groups under the Agreement, as well as relevant organizations and expert bodies outside the Agreement.

## **Article 9**

1. Developed country Parties shall provide financial resources to assist developing country Parties with respect to both mitigation and adaptation in continuation of their existing obligations under the Convention.
2. Other Parties are encouraged to provide or continue to provide such support voluntarily.
3. As part of a global effort, developed country Parties should continue to take the lead in mobilizing climate finance from a wide variety of

sources, instruments and channels, noting the significant role of public funds, through a variety of actions, including supporting country-driven strategies, and taking into account the needs and priorities of developing country Parties. Such mobilization of climate finance should represent a progression beyond previous efforts.

4. The provision of scaled-up financial resources should aim to achieve a balance between adaptation and mitigation, taking into account country-driven strategies, and the priorities and needs of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change and have significant capacity constraints, such as the least developed countries and small island developing States, considering the need for public and grant-based resources for adaptation.
5. Developed country Parties shall biennially communicate indicative quantitative and qualitative information related to paragraphs 1 and 3 of this Article, as applicable, including, as available, projected levels of public financial resources to be provided to developing country Parties. Other Parties providing resources are encouraged to communicate biennially such information on a voluntary basis.
6. The global stocktake referred to in Article 14 shall take into account the relevant information provided by developed country Parties and/or Agreement bodies on efforts related to climate finance.
7. Developed country Parties shall provide transparent and consistent information on support for developing country Parties provided and mobilized through public interventions biennially in accordance with the modalities, procedures and guidelines to be adopted by the Conference of the Parties serving as the meeting of the Parties to this Agreement, at its first session, as stipulated in Article 13, paragraph 13. Other Parties are encouraged to do so.
8. The Financial Mechanism of the Convention, including its operating entities, shall serve as the financial mechanism of this Agreement.
9. The institutions serving this Agreement, including the operating entities of the Financial Mechanism of the Convention, shall aim to ensure efficient access to financial resources through simplified approval procedures and enhanced readiness support for developing country Parties, in particular for the least developed countries and small island

developing States, in the context of their national climate strategies and plans.

## **Article 10**

1. Parties share a long-term vision on the importance of fully realizing technology development and transfer in order to improve resilience to climate change and to reduce greenhouse gas emissions.
2. Parties, noting the importance of technology for the implementation of mitigation and adaptation actions under this Agreement and recognizing existing technology deployment and dissemination efforts, shall strengthen cooperative action on technology development and transfer.
3. The Technology Mechanism established under the Convention shall serve this Agreement.
4. A technology framework is hereby established to provide overarching guidance to the work of the Technology Mechanism in promoting and facilitating enhanced action on technology development and transfer in order to support the implementation of this Agreement, in pursuit of the long-term vision referred to in paragraph 1 of this Article.
5. Accelerating, encouraging and enabling innovation is critical for an effective, long-term global response to climate change and promoting economic growth and sustainable development. Such effort shall be, as appropriate, supported, including by the Technology Mechanism and, through financial means, by the Financial Mechanism of the Convention, for collaborative approaches to research and development, and facilitating access to technology, in particular for early stages of the technology cycle, to developing country Parties.
6. Support, including financial support, shall be provided to developing country Parties for the implementation of this Article, including for strengthening cooperative action on technology development and transfer at different stages of the technology cycle, with a view to achieving a balance between support for mitigation and adaptation. The global stocktake referred to in Article 14 shall take into account available information on efforts related to support on technology development and transfer for developing country Parties.

## Article 11

1. Capacity-building under this Agreement should enhance the capacity and ability of developing country Parties, in particular countries with the least capacity, such as the least developed countries, and those that are particularly vulnerable to the adverse effects of climate change, such as small island developing States, to take effective climate change action, including, inter alia, to implement adaptation and mitigation actions, and should facilitate technology development, dissemination and deployment, access to climate finance, relevant aspects of education, training and public awareness, and the transparent, timely and accurate communication of information.
2. Capacity-building should be country-driven, based on and responsive to national needs, and foster country ownership of Parties, in particular, for developing country Parties, including at the national, subnational and local levels. Capacity-building should be guided by lessons learned, including those from capacity-building activities under the Convention, and should be an effective, iterative process that is participatory, cross-cutting and gender-responsive.
3. All Parties should cooperate to enhance the capacity of developing country Parties to implement this Agreement. Developed country Parties should enhance support for capacity-building actions in developing country Parties.
4. All Parties enhancing the capacity of developing country Parties to implement this Agreement, including through regional, bilateral and multilateral approaches, shall regularly communicate on these actions or measures on capacity-building. Developing country Parties should regularly communicate progress made on implementing capacity-building plans, policies, actions or measures to implement this Agreement.
5. Capacity-building activities shall be enhanced through appropriate institutional arrangements to support the implementation of this Agreement, including the appropriate institutional arrangements established under the Convention that serve this Agreement. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall, at its first session, consider and adopt a decision on the initial institutional arrangements for capacity-building.

## **Article 12**

Parties shall cooperate in taking measures, as appropriate, to enhance climate change education, training, public awareness, public participation and public access to information, recognizing the importance of these steps with respect to enhancing actions under this Agreement.

## **Article 13**

1. In order to build mutual trust and confidence and to promote effective implementation, an enhanced transparency framework for action and support, with built-in flexibility which takes into account Parties' different capacities and builds upon collective experience is hereby established.
2. The transparency framework shall provide flexibility in the implementation of the provisions of this Article to those developing country Parties that need it in the light of their capacities. The modalities, procedures and guidelines referred to in paragraph 13 of this Article shall reflect such flexibility.
3. The transparency framework shall build on and enhance the transparency arrangements under the Convention, recognizing the special circumstances of the least developed countries and small island developing States, and be implemented in a facilitative, non-intrusive, non-punitive manner, respectful of national sovereignty, and avoid placing undue burden on Parties.
4. The transparency arrangements under the Convention, including national communications, biennial reports and biennial update reports, international assessment and review and international consultation and analysis, shall form part of the experience drawn upon for the development of the modalities, procedures and guidelines under paragraph 13 of this Article.
5. The purpose of the framework for transparency of action is to provide a clear understanding of climate change action in the light of the objective of the Convention as set out in its Article 2, including clarity and tracking of progress towards achieving Parties' individual nationally determined contributions under Article 4, and Parties' adaptation ac-

- tions under Article 7, including good practices, priorities, needs and gaps, to inform the global stocktake under Article 14.
6. The purpose of the framework for transparency of support is to provide clarity on support provided and received by relevant individual Parties in the context of climate change actions under Articles 4, 7, 9, 10 and 11, and, to the extent possible, to provide a full overview of aggregate financial support provided, to inform the global stocktake under Article 14.
  7. Each Party shall regularly provide the following information:
    - (a) A national inventory report of anthropogenic emissions by sources and removals by sinks of greenhouse gases, prepared using good practice methodologies accepted by the Intergovernmental Panel on Climate Change and agreed upon by the Conference of the Parties serving as the meeting of the Parties to this Agreement; and
    - (b) Information necessary to track progress made in implementing and achieving its nationally determined contribution under Article 4.
  8. Each Party should also provide information related to climate change impacts and adaptation under Article 7, as appropriate.
  9. Developed country Parties shall, and other Parties that provide support should, provide information on financial, technology transfer and capacity-building support provided to developing country Parties under Articles 9, 10 and 11.
  10. Developing country Parties should provide information on financial, technology transfer and capacity-building support needed and received under Articles 9, 10 and 11.
  11. Information submitted by each Party under paragraphs 7 and 9 of this Article shall undergo a technical expert review, in accordance with decision 1/CP.21. For those developing country Parties that need it in the light of their capacities, the review process shall include assistance in identifying capacity-building needs. In addition, each Party shall participate in a facilitative, multilateral consideration of progress with respect to efforts under Article 9, and its respective implementation and achievement of its nationally determined contribution.

12. The technical expert review under this paragraph shall consist of a consideration of the Party's support provided, as relevant, and its implementation and achievement of its nationally determined contribution. The review shall also identify areas of improvement for the Party, and include a review of the consistency of the information with the modalities, procedures and guidelines referred to in paragraph 13 of this Article, taking into account the flexibility accorded to the Party under paragraph 2 of this Article. The review shall pay particular attention to the respective national capabilities and circumstances of developing country Parties.
13. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall, at its first session, building on experience from the arrangements related to transparency under the Convention, and elaborating on the provisions in this Article, adopt common modalities, procedures and guidelines, as appropriate, for the transparency of action and support.
14. Support shall be provided to developing countries for the implementation of this Article.
15. Support shall also be provided for the building of transparency-related capacity of developing country Parties on a continuous basis.

## **Article 14**

1. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall periodically take stock of the implementation of this Agreement to assess the collective progress towards achieving the purpose of this Agreement and its long-term goals (referred to as the "global stocktake"). It shall do so in a comprehensive and facilitative manner, considering mitigation, adaptation and the means of implementation and support, and in the light of equity and the best available science.
2. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall undertake its first global stocktake in 2023 and every five years thereafter unless otherwise decided by the Conference of the Parties serving as the meeting of the Parties to this Agreement.

3. The outcome of the global stocktake shall inform Parties in updating and enhancing, in a nationally determined manner, their actions and support in accordance with the relevant provisions of this Agreement, as well as in enhancing international cooperation for climate action.

## **Article 15**

1. A mechanism to facilitate implementation of and promote compliance with the provisions of this Agreement is hereby established.
2. The mechanism referred to in paragraph 1 of this Article shall consist of a committee that shall be expert-based and facilitative in nature and function in a manner that is transparent, non-adversarial and non-punitive. The committee shall pay particular attention to the respective national capabilities and circumstances of Parties.
3. The committee shall operate under the modalities and procedures adopted by the Conference of the Parties serving as the meeting of the Parties to this Agreement at its first session and report annually to the Conference of the Parties serving as the meeting of the Parties to this Agreement.

## **Article 16**

1. The Conference of the Parties, the supreme body of the Convention, shall serve as the meeting of the Parties to this Agreement.
2. Parties to the Convention that are not Parties to this Agreement may participate as observers in the proceedings of any session of the Conference of the Parties serving as the meeting of the Parties to this Agreement. When the Conference of the Parties serves as the meeting of the Parties to this Agreement, decisions under this Agreement shall be taken only by those that are Parties to this Agreement.
3. When the Conference of the Parties serves as the meeting of the Parties to this Agreement, any member of the Bureau of the Conference of the Parties representing a Party to the Convention but, at that time, not a Party to this Agreement, shall be replaced by an additional member to be elected by and from amongst the Parties to this Agreement.

4. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall keep under regular review the implementation of this Agreement and shall make, within its mandate, the decisions necessary to promote its effective implementation. It shall perform the functions assigned to it by this Agreement and shall:
  - (a) Establish such subsidiary bodies as deemed necessary for the implementation of this Agreement; and
  - (b) Exercise such other functions as may be required for the implementation of this Agreement.
5. The rules of procedure of the Conference of the Parties and the financial procedures applied under the Convention shall be applied *mutatis mutandis* under this Agreement, except as may be otherwise decided by consensus by the Conference of the Parties serving as the meeting of the Parties to this Agreement.
6. The first session of the Conference of the Parties serving as the meeting of the Parties to this Agreement shall be convened by the secretariat in conjunction with the first session of the Conference of the Parties that is scheduled after the date of entry into force of this Agreement. Subsequent ordinary sessions of the Conference of the Parties serving as the meeting of the Parties to this Agreement shall be held in conjunction with ordinary sessions of the Conference of the Parties, unless otherwise decided by the Conference of the Parties serving as the meeting of the Parties to this Agreement.
7. Extraordinary sessions of the Conference of the Parties serving as the meeting of the Parties to this Agreement shall be held at such other times as may be deemed necessary by the Conference of the Parties serving as the meeting of the Parties to this Agreement or at the written request of any Party, provided that, within six months of the request being communicated to the Parties by the secretariat, it is supported by at least one third of the Parties.
8. The United Nations and its specialized agencies and the International Atomic Energy Agency, as well as any State member thereof or observers thereto not party to the Convention, may be represented at sessions of the Conference of the Parties serving as the meeting of the Parties to this Agreement as observers. Any body or agency, whether

national or international, governmental or non-governmental, which is qualified in matters covered by this Agreement and which has informed the secretariat of its wish to be represented at a session of the Conference of the Parties serving as the meeting of the Parties to this Agreement as an observer, may be so admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure referred to in paragraph 5 of this Article.

### **Article 17**

1. The secretariat established by Article 8 of the Convention shall serve as the secretariat of this Agreement.
2. Article 8, paragraph 2, of the Convention on the functions of the secretariat, and Article 8, paragraph 3, of the Convention, on the arrangements made for the functioning of the secretariat, shall apply *mutatis mutandis* to this Agreement. The secretariat shall, in addition, exercise the functions assigned to it under this Agreement and by the Conference of the Parties serving as the meeting of the Parties to this Agreement.

### **Article 18**

1. The Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation established by Articles 9 and 10 of the Convention shall serve, respectively, as the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation of this Agreement. The provisions of the Convention relating to the functioning of these two bodies shall apply *mutatis mutandis* to this Agreement. Sessions of the meetings of the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation of this Agreement shall be held in conjunction with the meetings of, respectively, the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation of the Convention.
2. Parties to the Convention that are not Parties to this Agreement may participate as observers in the proceeding so far as a session of the sub-

subsidiary bodies. When the subsidiary bodies serve as the subsidiary bodies of this Agreement, decisions under this Agreement shall be taken only by those that are Parties to this Agreement.

3. When the subsidiary bodies established by Articles 9 and 10 of the Convention exercise their functions with regard to matters concerning this Agreement, any member of the bureaux of those subsidiary bodies representing a Party to the Convention but, at that time, not a Party to this Agreement, shall be replaced by an additional member to be elected by and from amongst the Parties to this Agreement.

## **Article 19**

1. Subsidiary bodies or other institutional arrangements established by or under the Convention, other than those referred to in this Agreement, shall serve this Agreement upon a decision of the Conference of the Parties serving as the meeting of the Parties to this Agreement. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall specify the functions to be exercised by such subsidiary bodies or arrangements.
2. The Conference of the Parties serving as the meeting of the Parties to this Agreement may provide further guidance to such subsidiary bodies and institutional arrangements.

## **Article 20**

1. This Agreement shall be open for signature and subject to ratification, acceptance or approval by States and regional economic integration organizations that are Parties to the Convention. It shall be open for signature at the United Nations Headquarters in New York from 22 April 2016 to 21 April 2017. Thereafter, this Agreement shall be open for accession from the day following the date on which it is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.
2. Any regional economic integration organization that becomes a Party to this Agreement without any of its member States being a Party

shall be bound by all the obligations under this Agreement. In the case of regional economic integration organizations with one or more member States that are Parties to this Agreement, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under this Agreement. In such cases, the organization and the member States shall not be entitled to exercise rights under this Agreement concurrently.

3. In their instruments of ratification, acceptance, approval or accession, regional economic integration organizations shall declare the extent of their competence with respect to the matters governed by this Agreement. These organizations shall also inform the Depositary, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

## **Article 21**

1. This Agreement shall enter into force on the thirtieth day after the date on which at least 55 Parties to the Convention accounting in total for at least an estimated 55 per cent of the total global greenhouse gas emissions have deposited their instruments of ratification, acceptance, approval or accession.
2. Solely for the limited purpose of paragraph 1 of this Article, “total global greenhouse gas emissions” means the most up-to-date amount communicated on or before the date of adoption of this Agreement by the Parties to the Convention.
3. For each State or regional economic integration organization that ratifies, accepts or approves this Agreement or accedes thereto after the conditions set out in paragraph 1 of this Article for entry into force have been fulfilled, this Agreement shall enter into force on the thirtieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.
4. For the purposes of paragraph 1 of this Article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by its member States.

## Article 22

The provisions of Article 15 of the Convention on the adoption of amendments to the Convention shall apply *mutatis mutandis* to this Agreement.

## Article 23

1. The provisions of Article 16 of the Convention on the adoption and amendment of annexes to the Convention shall apply *mutatis mutandis* to this Agreement.
2. Annexes to this Agreement shall form an integral part thereof and, unless otherwise expressly provided for, a reference to this Agreement constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to lists, forms and any other material of a descriptive nature that is of a scientific, technical, procedural or administrative character.

## Article 24

The provisions of Article 14 of the Convention on settlement of disputes shall apply *mutatis mutandis* to this Agreement.

## Article 25

1. Each Party shall have one vote, except as provided for in paragraph 2 of this Article.
2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties to this Agreement. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and viceversa.

## Article 26

The Secretary-General of the United Nations shall be the Depositary of this Agreement.

## **Article 27**

No reservations may be made to this Agreement.

## **Article 28**

1. At any time after three years from the date on which this Agreement has entered into force for a Party, that Party may withdraw from this Agreement by giving written notification to the Depository.
2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depository of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.
3. Any Party that withdraws from the Convention shall be considered as also having withdrawn from this Agreement.

## **Article 29**

The original of this Agreement, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary- General of the United Nations.

DONE at Paris this twelfth day of December two thousand and fifteen.

IN WITNESS WHEREOF, the undersigned, being duly authorized to that effect, have signed this Agreement.

