

TURKEY'S SIGNATURE OF THE KYOTO PROTOCOL

Johanna ALKAN-OLSSON*
İlhami ALKAN-OLSSON**

Abstract

In May 2004 Turkey became a party to the United Nations Framework Convention on Climate Change. In February 2009, in a time when the Protocol's first commitment period comes to an end, Turkey also became a party to the Kyoto Protocol. The aim of this article is twofold: first, to identify the diverse factors that lie behind Turkey's late ratification of the Kyoto Protocol, and second, to discuss in which way Turkey's case confirms theoretical explanations regarding ratifications of international agreements. The empirical material of this article consist of interviews with some of the prevailing actors in the climate change policy area in Turkey, websites of the relevant ministries, parliamentary discussions, and the media. The article shows that while the perceived economic cost of the Protocol was the most important reason for Turkey to refrain signing it until 2009, the expected profit of the European Union membership appears as being the single most important cause for Turkey's change of position. The article agrees that although the theories of international environmental agreements are complementary rather than mutually exclusive it nevertheless contends that the institutionalist theory offers a more encompassing explanation as to why Turkey has joined the Kyoto Protocol.

Keywords: International Conventions, International Environmental Politics, Climate Change, Kyoto Protocol, Turkey's Environmental Politics.

TÜRKİYE'NİN KYOTO PROTOKOLÜ'NÜ İMZALAMASI

Özet

Türkiye, Birleşmiş Milletler İklim Değişikliği Çerçeve Sözleşmesi'ne Mayıs 2004'te taraf olmuştur. 2009 yılının Şubat ayında, yani Protokol'ün birinci döneminin sonuna yaklaşıldığında, Türkiye Kyoto Protokolü'ne de taraf olmuştur. Bu makalenin iki amacı vardır: öncelikle, Türkiye'nin Kyoto Protokolü'nü görece geç onaylanmasının arkasında yatan etmenleri belirlemek, sonrasında da, Türkiye'nin Kyoto Protokolü'ne yönelik izlemiş olduğu politikaların, uluslararası anlaşmaların devletler tarafından onanma süreçlerine ilişkin gözlemlenmiş nedenlerine ve teorik açıklamalara uygunluğunu tartışmaktır. Bu makalenin ampirik malzemeleri, Türkiye'de iklim değişikliği politikası alanında etkin olan kimi aktörlerle yapılan görüşmelerden, ilgili bakanlıkların

*Johanna Alkan-Olsson (PhD) is a researcher at the Department of Sociology of Law at Lund University, Sweden, Johanna.Alkan_Olsson@soclaw.lu.se

** İlhami Alkan-Olsson (PhD) is Assistant Professor at the Faculty of Political Science, Istanbul University, Turkey, ilhami@istanbul.edu.tr

web sayfalarından, parlamento tartışmalarından ve Türk medyasından oluşmaktadır. Makale, Türkiye'nin anlaşmayı uzunca bir süre imzalamaktan kaçınmasının ardında yatan temel kaygının, Protokol'ün ülke üzerinde algılanan ekonomik maliyetleri olduğunu tesbit ederken, Protokol'ün 2009'da imzalanmış olmasının en önemli nedenini, Türkiye'nin Avrupa Birliği üyeliğinden beklentileri olarak belirlemiştir. Makale, son olarak uluslararası çevre anlaşmalarını açıklayan teorilerin esas olarak birbirini dışlayan değil, tamamlayan bir karakter göstermelerine karşın, kurumsalcı (*institutionalist*) teorinin Türkiye'nin Kyoto Protokolü'nü imzalanması sürecini daha kapsamlı olarak açıklayabildiğini savunmaktadır.

Anahtar Kelimeler: Uluslararası Sözleşmeler, Uluslararası Çevre Sözleşmeleri, İklim Değişikliği, Kyoto Protokolü, Türkiye'nin Çevre Politikaları.

1. Introduction

Although international environmental agreements have existed for more than hundred years, their number has grown greatly during the last few decades, covering diverse issues such as loss of biological diversity, pollution of the atmosphere, ocean degradation and deforestation.¹

Until today, States have concluded two major treaties in the area of climate change: the United Nations Framework Convention on Climate Change (UNFCCC)² and the Kyoto Protocol (KP)³. The main difference between these two treaties is that while the UNFCCC *encourages* industrialised countries to stabilise greenhouse gas (GHG) emissions, the KP *commits* them to do so with specific emission targets or other obligations depending on which country it concerns.⁴ Also the KP recognizes that developed countries are principally responsible for the current high levels of GHG emissions in the atmosphere as a result of more than 150 years of industrial activity, and strengthens the UNFCCC by committing the so-called Annex I countries to individual, legally binding targets to limit or reduce their GHG emissions.⁵

¹ http://www.unep.org/law/PDF/register_Int_treaties_contents.pdf

² The Convention entered into force on 21 March 1994. Currently, there are 194 State Parties to the UNFCCC, which classifies its Parties into three groups; these are: (i) Annex-I countries that include the industrialised countries and countries with “economies in transition”, EITs (the Russian Federation, the Baltic States and several other Central and Eastern European countries); (ii) Annex-II countries that include the 24 original OECD members, plus the European Union, and (iii) all the other countries, i.e. developing countries.

According to the UNFCCC, Annex I Parties (developed country) would take measures aimed to return greenhouse gas emissions to 1990 levels by the year 2000. Also, the convention requires Annex-II Parties (OECD members and the EU) to provide financial resources to developing countries to enable them to undertake emissions reduction activities under the Convention and to help them adapt to adverse effects of climate change. In addition, the Annex-II countries have to “take all practicable steps” to promote the development and transfer of environmentally friendly technologies to EIT Parties and developing countries.

³ The Kyoto Protocol was adopted on 11 December 1997 and entered into force on 16 February 2005. The detailed rules for the implementation of the Protocol were adopted at COP 7 in Marrakesh in 2001, and are called the “Marrakesh Accords”. Currently, there are 193 Parties to the KP.

⁴ Yamin, Farhana and Depledge, Joanna (2004), *The International Climate Change Regime*, Cambridge University Press: UK, p. 8.

⁵ The individual targets for Annex I Parties to the UNFCCC are listed in the Kyoto Protocol's Annex

Turkey became a Party to the UNFCCC in May 2004. Turkey was initially listed as both an Annex-I and Annex-II country of the UNFCCC and along with (other) industrialised countries subjected to legally binding targets for reducing greenhouse gas emissions (Annex I) and with the duty providing financial resources and facilitating technology transfer to developing countries (Annex II).

Despite the fact that Turkey is an OECD member and among the 25 countries with the fastest rate of growth in industrial use of energy sources,⁶ Turkey's per capita CO₂ emission of 4 tons, lies significantly below the OECD average of 10.6 tons and also slightly below the world average of 4.5 tons per capita.⁷ Not surprisingly therefore, in 2001 Turkey was removed from Annex-II of the UNFCCC recognizing "the special circumstances of Turkey, which place Turkey, after becoming a Party, in a situation different from that of other Parties, included in Annex I to the UNFCCC".⁸

In August 2009, Turkey became a Party to the Kyoto Protocol.⁹ However, since Turkey was not a Party to the UNFCCC when the KP was adopted in 1997, Turkey was not included in the KP's so called Annex B. Consequently, Turkey did not have a quantified emission limit or reduction target in the 2008-2012 period of the KP. As such, Turkey is the only Annex-I Party that does not have mandatory greenhouse gas emissions reductions targets.

International negotiations are currently under way to draw up a new UN agreement to govern global action on climate change after the KP ends.¹⁰ Even a casual observer of the Earth Summits and the negotiations for a new agreement would be struck by the vast differences in how States respond to the effort to build environmental regimes. Some nations rush to pen and ratify all of them, some ignore them, while yet others actively resist participation or undermine them altogether. Understanding why some States ratify a treaty immediately after it opens for signature while others wait forty or more years to do so is important to understand the growth and evolution of international environmental

B. To some extent, Annex I of the UNFCCC and Annex B of the Kyoto Protocol can be used interchangeably.

⁶ OECD (2010). *Economic survey: Turkey*. http://www.oecd.org/document/26/0,3746,en_2649_34111_45958682_1

⁷ <http://data.worldbank.org/indicator/EN.ATM.CO2E.PC>. Despite the growth of non-fossil energy (such as nuclear and hydropower) considered as non-emitting, fossil sources accounted for 81% of the global total primary energy supply (TPES) in 2009 (*CO₂ Emissions From Fuel Consumption*, OECD/IEA, 2011, available at <http://www.iea.org/co2highlights/co2highlights.pdf>, p. 18).

⁸ FCCC/CP/2001/13/Add.4, Decision 26/CP.7, Amendment to the list in Annex II to the Convention in Marrakech.

⁹ The Kyoto Protocol was ratified by TBMM (Turkish Grand National Assembly) by law no. 5835 and entered into force on 17 February 2009. The ratification instrument was submitted to the UN Secretariat General on August 26, 2009 and thereafter Turkey became a Party to the KP.

¹⁰ However, the architecture of the global climate regime for the post-2012 period is far from certain. Quite the reverse, many have doubts about whether there will be a second commitment period under the Kyoto Protocol. Therefore it might be wise to use the expression of "the first commitment period" with caution.

law during the last few decades, not least in order to develop a basis for better designed treaties in the future.

The aim of this article is two-fold: to identify factors that lie behind Turkey's changed position in relation to the KP and discuss to what extent Turkey's signature of the KP confirms theoretical approaches and observed explanations as to why States ratify international (environmental) agreements.

The article consists of five sections. Section two describes the empirical material and methodologies used to collect it. Section three summarises the prevailing theories explaining commitment in international law and presents observed factors that have been influential on treaty ratification in the environmental area. This section serves as an analytical framework against which the empirical findings will be discussed. Section four assesses, first the reasons why Turkey did not sign the KP and then the rationales for signing it. The fifth and final section discusses the findings and debates to what extent Turkey's case confirms theoretical approaches and observed explanations as to why States ratify international (environmental) agreements.

2. Method

To develop an analytical framework against which we can analyse the empirically found reasons why Turkey signed the KP, we have undertaken a review of scientific articles that assess reasons for signing international environmental treaties. The search focussed on articles treating international environmental law and was based on the initial knowledge that discussions on reasons for signing international agreements appears in several sub-disciplines of law and political science; international human rights, international environmental law, international economic law, international relations, and sociology of law. The purpose of the review was markedly qualitative, aiming to "collect" factors that are mentioned in the literature rather than giving a picture of how the reasons are interlinked as this a matter of theoretical perspective. Three salient theoretical perspectives on the role and function of international law are also presented and employed to interpret the findings and discuss to what extent Turkey's signature of the KP confirms theoretical approaches and observed explanations as to why States ratify international (environmental) agreements.

The empirical material consists of nine interviews conducted with actors in the climate change policy area in Turkey and a study of websites of relevant ministries, articles in the Turkish media and parliamentary discussions conducted within the Turkish National Assembly related to the Kyoto ratification process.

Interviews were made with bureaucrats from the Ministry of Energy and Natural Resources, the Ministry of Environment and Forest,¹¹ the State Planning Organisation

¹¹ As a result of an organisational restructuring in June 2011 (the Decree Law 644), the Ministry of Environment and Forest has been renamed as "Ministry of Environment Urbanization". At the same time a new ministry has been established under the name of "Ministry of Forestry and Water Affairs" (the Decree Law 645) assuming some of the subject areas of the former Ministry of

(DPT) and the Department of the International Agreements in the Turkish Foreign Ministry. The Chairman of the Parliamentary Environment Commission (Haluk Özdalga), two employees at the United Nations Development Programme's (UNDP) represents in Ankara, an expert from the Turkish Industrialists' and Businessmen's Association (TUSIAD), the biggest business association in Turkey, and finally, a group of experts working for the Regional Environmental Centre (REC Turkey), likely the most influential NGOs in this area were the other interviews. All interviews, except the one with the Parliamentary Environment Commission Chairman, were made in the end of 2009, when Turkey newly signed the Kyoto Protocol. The interview with the chairman was realised in the beginning of 2009, when Turkey was preparing to sign the Protocol.

The interviews aimed to comprehend the respondent's point of view on the most important driver(s) that led Turkey to sign the Kyoto Protocol. They were semi-structured; a few open questions were prepared in forehand while other questions arose during the interviews. Seven interviews were made face to face while two others (made with the bureaucrats from the State Planning Organisation and the Department of the International Agreements in the Turkish Foreign Ministry) were conducted over the phone. The interviews were set up akin to a conversation and questions were asked when it was felt appropriate to ask them. As a consequence, the wordings of the questions were not always the same for all respondents. The major reason for such a set up was the sensitivity of the issue; on some occasions it took one hour before more 'unguarded' questions could be asked. The sensitivity of the issue was also the reason why we did not record the interviews, but only took notes. The interviews were held mostly in Turkish, but occasionally some questions were asked in English. In the article, the names or titles of interviewees are principally mentioned when there were opposing positions in relation the factors and not when an example of a generally agreed factor.

3. Factors driving international commitments

Scholars subscribed to a variety of theoretical approaches to why and under which circumstances States commit to international law.¹² Depending on the adopted theory, empirically found factors driving international commitments are interpreted differently, as the theories are based on different ontological understandings of how and why States interact and how and to what extent international law affects the behaviour of States.

In this section, in order to provide insights from the international relations theory, we will first briefly go over three prominent international relations theories, namely the 'realist', the 'institutionalist' and the 'world system' theories, as to why and under which circumstances States commit to international law.¹³

Environment and Forest. The titles of the newly established ministries are used only for the events after their reorganisation/establishment whereas while referring to the prior events, the old names and titles were kept as they are.

¹² Although related, the 'commitment' theories are not one and the same with 'compliance' theories, which mainly offer explanation for why States obey international law in some instances and not in others. See for instance Louis Henkin (1979) *How Nations Behave* Columbia University Press; 2 edition; Abram Chayes & Antonia Chayes (1993) "On Compliance", 47 *International Organization*

¹³ Although the theories offering explanations with regard to commitment are not limited the

According to the *realist* (or instrumentalist) account, States act as self-interested players and interact in an anarchical world; they create, maintain and implement international treaties so long as they perceive it as beneficial.¹⁴ Thus, factors driving cooperation are fundamentally associated with States' self interest, which basically is power and security, and power is considered to be the primary influence on international behavior. Casting doubt on the objective validity and general applicability of international norms, the realist school contends that international regimes and treaties are hardly more than vague, general and unclear statements, without enforcement mechanisms unless powerful States have interest to create hard law.¹⁵ Of course, this should not be understood as there is only Hobbesian realist view proclaiming that international law is not able to create any meaningful normative effect and therefore international norms do essentially not exist in inter-State area. The so-called neo-realist scholars do not deny international law any longer but mainly question the effectiveness and efficiency of international law especially in the so-called 'highly political areas', such as national security.¹⁶

Like realists, *institutionalist* scholars view States as the primary international actors, yet calling attention to the increasing 'voluntary' inter-State cooperation at the international level, the institutionalist model of international relation portrays State behaviour as less self-centred than the realist model. They hold that the growing interdependency and uncertainty among States oblige them to create more institutions or international regimes to tackle challenges also in the environmental field.¹⁷ As a consequence, participation in international regimes becomes an indirectly imposed necessity and international law and the structures and institutional practices create both a direct and indirect influence on States behaviour.

On the other hand, scholars subscribing to the *world-systems theory* argue that a country's decision to participate or not in an international agreement cannot be understood in isolation from the global system and relative power position of the country in the world order (international inequality). World System Theory is largely based on an idea

reviewed theories here, most of the rest are either outgrowth of or can in some way be related to these three theories.

¹⁴ See for instance, Mitchell, Ronald B. (2002), "International Environment" in *Handbook of International Relations*, Thomas Risse, Beth Simmons and Walter Carlsnaes (eds.), Thousand Oaks, CA: Sage Publications and Elizabeth R. DeSombre (2000), *Domestic Sources of International Environmental Policy: Industry Environmentalists, and U.S. Power*. Cambridge: MIT Press.

¹⁵ A number of scholars have delineated and defended the contours of this position or tradition of thought. Standing in the Austinian tradition, which completely refused to recognise international law as a category of law, Bolton, for example, maintains that "international law is not law; it is a series of political and moral arrangements that stand or fall on their own merits, and anything else is simply theology and superstition masquerading as law" (John Bolton (2000) "Is there really 'law' in international affairs?", 10 *Transnational Law and Contemporary Problems*, p. 48).

¹⁶ See for instance, Friedrich Kratochwil (1984) "Thrasymachos Revisited: On the Relevance of Norms and the Study of Law in International Relations", 37 *Journal of International Affairs*

¹⁷ See for instance, Robert O. Keohane (1982), "The Demand for International Regimes", 36 *International Organization*, 2; and Robert O. Keohane (1997), "International Relations and International Law: Two Optics", 38 *Harvard International Law Journal*.

of Wallerstein, who argued that there were unequal global linkages within the modern capitalist world-economy¹⁸ According to this theoretical approach, to be successful in the capitalist world system means to have a combination of relative military power, economic power, and global dependence consequently the factors that are important for you depend on your position in the world system.

Scholars from the domains of international law and international relations have undertaken a substantial amount of empirical research to verify and develop existing theories to why and under which circumstances States commit to international (environmental) law.¹⁹ Below, the most recurring factors that have been found influential on environmental treaty ratification are grouped into four broad categories, each of which incorporates sub factors that bear the prevailing features of them. These are: (i) characteristic of the treaty, (ii) economic and political structure and situation of the country, (iii) technical and administrative capacity, and finally, (iv) political attitudes and ambitions of the country. Obviously, some of these factors may be linked to a specific theoretical approach, but in other occurrences, the examined factors are applicable to more than one theoretical approach.

(I) Characteristic of treaty

Degree of legalisation

If accepting what Von Stein maintains, that States are “only likely to invest their time and resources in agreements with which they have at least *some* interest in complying”²⁰ it is then not surprising that the degree of legalisation is a central reason that determine the level of participation in international agreements. According to Abbott and Snidal,²¹ legalisation has three components: *obligation*, which refers to the extent to which an international rule is legally binding, *delegation*, which refers to the extent to which States have granted authority to an international institution to take action, and *precision*, which refers to the degree of concreteness of the undertaken legal obligation. Many international

¹⁸ Wallerstein, I. 1974. “The Rise and Future Demise of the World-Capitalist System: Concepts for Comparative Analysis”, 16 *Comparative Studies in Society and History*). See also J. Kentor and P. E. Grimes (2006) “Foreign Investment Dependence and the Environment: A Global Perspective”, in A. Jorgenson and E. Kick (eds.), *Globalization and the Environment*, Leiden: Brill; A. Jorgenson, (2003) “Consumption and Environmental Degradation: A Cross- National Analysis of the Ecological Footprint”, 50 *Social Problems* 3.

¹⁹ For a comprehensive study explaining the broad patterns of states’ behaviour in environmental cooperation, see J. Timmons Roberts; Bradley C Parks; and Alexis A. Vásquez (2004) “Who Ratifies Environmental Treaties and Why? Institutionalism, Structuralism and Participation by 192 Nations in 22 Treaties”, 4 *Global Environmental Politics* 3.

²⁰ Jana Von Stein (2005) “Do Treaties constrain or Screen?”, 99 *American Political Science Review* 4, p. 611

²¹ Kenneth W Abbott and Duncan Snidal (2000), “Hard and soft law in international governance”, 54 *International Organization* 3. See also Judith Goldstein, Miles Kahler, Robert O. Keohane, and Anne-Marie Slaughter (2000). “Introduction: Legalization and World Politics.” 54 *International Organization* 3.

rules have low levels of obligation and delegation. They simply lay out general principles to which States proclaim their adherence, without any clear legal obligation or third party delegation. However, as legalization increases, States become more concerned with their ability to comply. There is consequently a trade-off between achieving widespread participation and hard commitment. On the other hand, lower degree of legalisation (i.e. soft commitments) often promotes widespread participation in agreements yet creates few concrete incentives for States to change their behaviour.²²

Treaty design

Degree of legalisation can also be understood in the larger context of treaty design.²³ Due to the uncertainty of the future especially in the area of economy and due to the scientific uncertainty in relation to the environment, States may be reluctant to make long-term and inflexible bargains. Therefore, different techniques are used to create flexibility, such as imprecise formulation of legal obligations, complete or partial ‘withdrawal provision’, ‘exceptions’, and ‘escape clauses’. The so-called ‘flexibility mechanisms’ and ‘duration provision’ used in the Kyoto Protocol are other techniques, employed to tackle uncertainty related issues. As Koremenos stresses, by limiting the duration, for instance, States are given the possibility to renegotiate the agreement when new information has been revealed about the uncertainty and the economic or social consequences of the undertaken measures.²⁴

(II) Environmental (in) justice

Environmental justice²⁵ has become an increasingly important ethical and policy consideration in the international environmental area and lies at the heart of many environmental disputes between the global North and the global South. The issue of

²² Abbott & Snidal (2000) p. 421.

²³ There is now a growing literature exploring the issue of international treaty design. See for instance: Barbara Koremenos, Charles Lipson & Duncan Snidal (2001). “The Rational Design of International Institutions”, 55 *International Organization*; Barbara Koremenos, Charles Lipson, & Duncan Snidal (2001) “Rational Design: Looking Back to Move Forward”, 55 *International Organization*; Kal Raustiala (2005) “Form and Substance in International Agreements”, 99 *American Journal of International Law*; and Barbara Koremenos (2005) “Contracting Around International Uncertainty”, 99 *American Political Science Review* 4.

²⁴ Barbara Koremenos (2005) “Contracting Around International Uncertainty”, 99 *American Political Science Review* 4, p. 549.

²⁵ Environmental justice is viewed as consisting of distributive justice, procedural justice, corrective justice, and social justice. ‘Distributive justice’ calls for the fair allocation of the benefits and burdens of natural resource exploitation among and within nations. ‘Procedural justice’ requires open, informed and inclusive decision-making processes. ‘Corrective justice’ imposes an obligation to provide compensation for historic inequities and to refrain from repeating the conduct that caused the harm. ‘Social justice’, the fourth and most nebulous aspect of environmental justice, recognizes that environmental struggles are inextricably intertwined with struggles for social and economic justice (Carmen G. Gonzalez (2012) “Environmental Justice and International Environmental Law” in Shawkat Alam, Jahid Hossain Bhuiyan, Tareq M.R. Chowdhury, and Erika Techera (eds.), *Routledge Handbook of International Environmental Law*, NY: Routledge).

justice concerns specifically developing countries, which are asked to forego economic development to resolve environmental problems for which they bear little responsibility in a historical context.²⁶ The issue of environmental justice or fairness is closely linked to the logic and way of defining the burden sharing of the polluting activities which in turn is linked to the treaty design. It is linked to how treaty designers understand justice at a more fundamental and less technical level.²⁷

The perceived injustice is also related to the fact that poorer nations are growing increasingly frustrated at unmet promises by rich nations to provide them with sufficient environmental loans and financial assistance to comply with obligations under new treaties.²⁸ This is also related to a discussion involving the structure and form of the loan as well as support the strategy, which inevitably links to the right to development under international law.²⁹

(III) Economic and political structure and situation of the country

Effects and costs of treaty implementation

In order to understand why States commit to treaties, Hathaway suggests looking into the anticipated positive and negative effects of international laws on States once they have joined.³⁰ This approach is based on the conviction that international commitments shape States behaviours and that States are rational actors that take into account the likely costs and benefits of complying with a treaty (as determined primarily by legal enforcement and collateral consequences) when they decide whether to commit to a treaty or not and mainly focuses on the economic effects and costs. In the case of climate change, Barrett contends that the relatively slow pace of ratification of the KP depended on the apparent unbalance between costs and benefits not only in reducing the damage, but also in monetary terms.³¹

²⁶ Ruchi Anand (2004) *International Environmental Justice*, England: Ashgate Publishing Limited

²⁷ In relation to climate change, ten countries emit around 68 percent of the world's CO₂ emissions. Although China was the world's largest overall emitter in 2010 (followed by the United States, India, and Russia), an examination of emissions per capita tells a different story. China ranks only 61st in terms of the CO₂ emitted per person. In India - the world's third largest emitter - emissions per capita rank far below the world average. The United States, in contrast, ranks second overall and 10th in per capita emissions". *CO2 Emissions From Fuel Consumption*, OECD/IEA, 2011, available at <http://www.iea.org/co2highlights/co2highlights.pdf>

²⁸ Bradley C. Parks and J. Timmons Roberts (2003) "Globalization, Vulnerability to Climate Change and Perceived Injustice in the South". Paper presented at the American Sociological Association Annual Meeting, August 16–19, 2003, Atlanta.

²⁹ Shawkat Alam (2011) "Economic Globalization: Rethinking its promises for economic and social development from a developing country perspective" in Shawkat Alam, Natalie Klein, and Juliette Overland (eds.), *Globalisation and the Quest for Social and Environmental Justice*, NY: Routledge

³⁰ Oona A. Hathaway (2007) "Why Do Countries Commit to Human Rights Treaties?", 51 *Journal of Conflict Resolution* 4, p. 590.

³¹ Scott Barrett (2006) *Environment and Statecraft: The Strategy of Environmental Treaty-Making*, USA: Oxford University Press, p. 371

There are also non-economic costs of treaty commitments that influence State behaviour. Goodliffe and Hawkins identify three types of non-economic cost: (i) Policy change/sovereignty cost (when States commit to new international treaties, they often have to change domestic policies, practices, laws, and even institutions in order to credibly comply with those commitments), (ii) The cost of unintended/unanticipated consequences, and (iii) the cost of foreclosing policy options in the face of uncertainty and threat. The writers hold that States weigh the benefits of lock-in and normative conformity against the costs of those commitments. Hence, the lower the costs, the more likely States are to commit to a treaty.³²

Assumed necessity of the treaty

Another reason for the commitment to international treaties, particularly influential in the field of the environment is the assumed necessity of a treaty. Accordingly, nations experiencing high levels of environmental vulnerability will demonstrate a greater willingness to take on international environmental commitments. As Sprinz and Vaahtoranta put it, “the worse the state of the environment, the greater the incentives to reduce the ecological vulnerability of the state”.³³

Position in the world-economy

Drawing on the world system theory, Roberts et al. suggest that a nation’s disadvantaged position in the world-economy negatively influences the country’s willingness to commit to environmental treaties. This is especially so, in cases, when a nation’s export portfolio is narrow.³⁴ Accordingly, a nation’s level of participation in environmental treaties will be negatively correlated with a narrow export structure. In other words, the reliance on the export of a few, barely processed raw materials will negatively influence a nation’s international environmental undertakings.³⁵

Within this theoretical understanding, it has also been argued that developing countries face unique structural constraints influencing their ability to commit to environmental treaties. These constraints include the unpredictability and long-term decline in the prices of their crucial export commodities, internally-unarticulated economies, and feeble post-colonial government institutions, all of which limit their ability to implement good environmental policies and participate in treaty drafting conferences.³⁶

³² Jay Goodliffe & Darren G. Hawkins (2006) “Explaining Commitment: States and the Convention against Torture”, 68 *The Journal of Politics* 2

³³ Detlef F. Sprinz and Vaahtoranta Tapani (1994) “The Interest-based Explanation of International Environmental Policy”, 48 *International Organization* 1, p. 9.

³⁴ J. Timmons Roberts; Bradley C Parks; and Alexis A. Vásquez (2004), “Who Ratifies Environmental Treaties and Why? Institutionalism, Structuralism and Participation by 192 Nations in 22 Treaties”, 4 *Global Environmental Politics* 3, p. 36.

³⁵ *Ibid.* p. 40

³⁶ See for instance, Roberts, J. Timmons, and Nikki D. Thanos (2003) *Trouble in Paradise: Globalization and Environmental Crises in Latin America*. New York: Routledge.

Political regime and domestic political structure

The type of political regime (democratic liberal /repressive, etc) and domestic political structure³⁷ of a country is also pointed out as significance for the level of participation in international treaties. Although the empirical evidence on the impact of democracy is far from being settled, some scholars hold that authoritarian governments have a worse environmental record than democracies, because their leaders are richer and have shorter political time horizons than leaders in democracies. Another reason put forward is that citizens in democracies are better informed and can influence outcomes. Neumayer, for example, argues that “in democracies citizens are better informed about environmental problems (freedom of press) and can better express their environmental concerns and demands (freedom of speech), which will facilitate an organization of environmental interests (freedom of association), which will in turn put pressure on policy entrepreneurs operating in a competitive political system to respond positively to these demands (freedom of vote).”³⁸

In the same line of reasoning, many International Relations scholars suggest that States with strong democratic institutions are more likely to make credible international policy commitments.³⁹ It is claimed that where open and responsive domestic political institutions are in place, it is thought that the “domestic audience costs” of defection are higher.⁴⁰ Or as argued by Tierney, with re-election weighing heavily on the minds of elected representatives, “democratic leaders make only the commitments that they can keep, and once made will tenaciously attempt to comply with those commitments.”⁴¹

Power and position of the business organisations and NGOs

The power and position of business organisations and the effectiveness of the NGOs (the consciousness of the public on the question at issue) within the country is put forward as an important driver to commit to international environmental treaties. As Dalton argues, the existence of an active environmental movement is a sign of the public's interest in

³⁷ The concept of ‘domestic political structure’ implies several features, such as the existence of strong green movement(s), multiple political party system, influential trade unions and business organisations. And of course, the level of possibility for citizens to participate in decision and implementation processes as well as the power balance between political decision makers and the bureaucracy.

³⁸ Eric Neumayer (2002). Do Democracies Exhibit Stronger International Environmental Commitment? *Journal of Peace Research* 39 (2):140. See also Hugh Ward (2006) “International Linkages and Environmental Sustainability: The Effectiveness of the Regime Network”, 43 *Journal of Peace Research* 2, p. 158

³⁹ See for instance, Lisa Martin (2000). *Democratic Commitments: Legislatures and International Cooperation*. Princeton, NJ: Princeton University Press.

⁴⁰ See for instance James Fearon (1994) “Domestic Political Audiences and the Escalation of International Disputes”, *American Political Science Review* 88 (3): 577–592).

⁴¹ Michael J Tierney (2003). *Commitments, Credibility and International Cooperation: The Integration of Soviet Successor States into Western Multilateral Regimes*. PhD Dissertation. University of California, San Diego. p. 50.

environmental issues, as well as a stimulant for politicians and the public to pay even greater attention to environmental concerns.”⁴²

Scholars adhering to the World System theory also concede that the strength of civil society, domestic political institutions as well as the number of domestic civil society groups are important factors influencing the commitment to international environmental treaties.⁴³

Technical, financial and administrative capacity

Technical, financial and administrative capacity basically refers to (i) the availability of governmental institutions to implement international obligations at the national level and to ensure that the measures taken are enforced; (ii) the availability of the economic, technical and financial capabilities, including scientific expertise and accurate collections of data; and (iii) the establishment and functioning of a non-governmental sector as watch-dog for the government and the private sector alike.⁴⁴

States are not equal in having such capacities to undertake environmental responsibilities and implement them. Although there is no comprehensible evidence, supporting the degree of impact of this reason, it is not unreasonable to presume that the insufficient level of participation of developing countries in environmental treaties might at least partly be due to lack of such capacities. Therefore, international environmental treaties that do not take these inequalities into account may attract less participation by economically ‘disadvantaged’ countries.

(IV) Political attitudes and ambitions

International reputation

Scholars have long argued that reputational concerns make it likely that States commit international agreements and encourage compliance. Keohane, for instance, held that “regimes rely not only on decentralized enforcement through retaliation but on government desires to maintain their reputations”. Hence, according to the writer, States may avoid

⁴² Russell Dalton (1994) *The Green Rainbow: Environmental Interest Groups in Western Europe*, New Haven, NJ: Yale University Press, p. 1.

⁴³ J. Timmons Roberts; Bradley C Parks; and Alexis A. Vásquez (2004), “Who Ratifies Environmental Treaties and Why? Institutionalism, Structuralism and Participation by 192 Nations in 22 Treaties”, 4 *Global Environmental Politics* 3, p. 36.

⁴⁴ Lotbar Giindling (1996) “Compliance Assistance in International Environmental Law: Capacity-Building Through Financial and Technology Transfer”, *Max-Planck-Institut für ausländisches öffentliches Recht und Völkerrecht*, p. 801, available at www.zaoerv.de/56_1996/56_1996_3_a_796_809.pdf

free riding because they may lose their general reputation and trustworthiness, important to many relationships.⁴⁵ As advocated mainly by the adherents to the institutionalist theory, States may commit to international treaties to establish their credibility on a given issue. In other words, reputation causes future relations to be affected by today's actions. Subsequently, when credibility established, other States, international organisations as well as non-state actors reward the State in question through investment, trade, aid, and positive political relationships.⁴⁶

External pressure

Realist accounts root the explanation of the increasing inter-state cooperation in the area of environment in the powers and interests of dominant state actors.⁴⁷ According to this line of reasoning, rich nations, concerned with their own security and well-being, are expected to employ heavy-handed coercive tools against countries perceived as having *global* environmental significance (e.g. Brazil, Indonesia, and China). However, this has not been the case in the domain of climate change due to US preference to join neither UNFCCC nor the Kyoto Protocol.⁴⁸

It is also argued that international environmentalist pressure on a country will positively affect its ratification of environmental treaties. Hence, the urgency of the problems created by environmental degradation makes collective mobilization functionally necessary. According to Meyer et al., two dramatic changes in world society serve as variables that explain the rise of the contemporary environmental regime. The cultural change involves the expansion of rationalized scientific analyses of nature that define and codify environmental degradation in terms that enable widespread collective mobilization and action, while the organisational change involves the rise of an international associational framework, principally the UN system, which provides arenas that encourage mobilization around broad interest transcending nation-state agendas.⁴⁹

⁴⁵ Robert O. Keohane (1984) *After Hegemony*. Princeton, NJ: Princeton University Press, p. 108

⁴⁶ Beth A. Simmons (2000). "International Law and State Behavior: Commitment and Compliance in International Monetary Affairs." 94 *American Political Science Review* 4: 819–36. Yet, some scholars, such as Downs and Jones, are more sceptical about the impact of reputation on state cooperation arguing that states possess multiple or segmented reputations and reputation matters more for developing and small countries rather than powerful ones (George W. Downs and Michael A. Jones, 2002, "Reputation, Compliance, and International Law", 31 *The Journal of Legal Studies*.

⁴⁷ See for instance, Kenneth Gould, Adam Weinberg, and Allan Schnaiberg. (1995) "Natural Resource Use in a Transnational Treadmill", 21 *Humboldt Journal of Social Relations*

⁴⁸ Timmons et al. (2004) p. 38.

⁴⁹ However, as Meyer et al. point out, no matter how dire or widespread, environmental problems do not automatically generate organized solutions, nationally or internationally John W. Meyer, David John Frank, Ann Hironaka, Evan Schofer, and Nancy Brandon Tuma (1997) "The Structuring of a World Environmental Regime 1870–1990", 51 (4) *International Organization*, p. 627.

4. Assessing Turkey's Signature of the Kyoto Protocol

Based on the interviews and the study of official statements and discussions in the parliament and the media, this section examines Turkey's altered position regarding the KP in order to portray the reasons that lie behind Turkey's rather tardy commitment to the Protocol. The section is divided into two parts. The first part presents the arguments for not signing to KP until 2009, while the second brings forward the arguments for signing it.

Position 1- Why did Turkey not sign the KP

In the interviews and collected materials, three major reasons emerge as central to why Turkey was reluctant to sign the KP until recently: (i) The economic and sectoral structure of the country, (ii) the cost of the treaty commitments, and (iii) the design of the treaty.

Economic and sectoral structure

In the interviews, in the Turkish Media and over a long period in the parliamentary discussions, the economic and sectoral structure of Turkey and specifically the shortage in energy supply, appeared to be one of the most crucial reasons for why Turkey was disinclined to sign the KP.

Based on figures from 2009, fossil fuels constitute 91% of Turkey's primary energy supply, and renewable resources, including hydropower, add up to 9%.⁵⁰ Turkey import 77.4% of its primary energy supply; that is to say, Turkey is highly dependent on exported energy resources. Thus, it comes not a surprise that one of Turkey's basic foundations of its energy policy is to ensure a secure energy supply.⁵¹ Needless to say, therefore, critiques of the Kyoto Protocol in Turkey often argued that ratifying the Protocol before the completion of large-scale energy investments in the country would lead to serious economic and social problems. Although the interviewed bureaucrat from the Energy and Natural Resources Ministry admitted that the increase in levels of CO₂ emissions in the energy sector was 114% between 1990 and 2011, he nonetheless argued that despite such an increase, per capita primary energy consumption value in Turkey amounts barely to 1.39 TOE (described in *Tons of Oil Equivalents*), which is below the OECD average of 4.56 TOE. As to the use of renewable resources, the interviewee argued that such sources, though undeniably valuable to combat climate change, require more technology and this means more money to invest in it.⁵²

⁵⁰ Ministry of Energy and Natural Resources, 2011: (TURKSTAT, Prime Ministry (2011), Turkey Greenhouse Gas Inventory 1990-2009 – Annual Report for Submission under the Framework Convention on Climate Change, http://unfccc.int/national_reports/annex_i_ghg_inventories/national_inventories_submissions/items/5888.php Access Date: April 2011).

⁵¹ <http://iklim.cob.gov.tr/iklim/Files/IDEP/%C4%B0DEPENG.pdf>, p.23. In 2009, 57% of the primary energy generated in Turkey came from domestic coal. Coal (both domestic and imported) has a considerable share in energy supply (31%). Currently, 50 new coal-fired thermal power plants are under construction in Turkey (<http://www.greenpeace.org/turkey/tr/campaigns/enerji/komur/komur-santraliplanlanan-sehirler>).

⁵² Turkey ranks 1st in the world in terms of highest growth rate in wind energy plants. However,

In 2007, the Energy and Natural Resources Minister *Hilmi Güler* claimed that Turkey declined to sign the Kyoto Protocol for the sake of the country's national interests, holding that certain parts of the Protocol would hinder Turkey's infrastructure development.⁵³ The rapidly increasing energy need of the Turkish economy was a reoccurring theme in the Turkish National Assembly as well. *Cumali Durmuş*, for instance, the MP of the Nationalist Movement Party (MHP) stated in his parliamentary speech that although the climate change is a serious challenge for our world, Turkey should first and foremost think of its energy need.⁵⁴

The Kyoto Protocol was seen by many as a slowing down factor for the Turkish economy. The Environment and Forestry Minister *Osman Pepe* for instance argued in an interview in 2006 that he personally did not think Turkey could and should become a signatory to the Protocol before Turkey became a European Union member.⁵⁵ A similar line of argument was also a dominant discourse in the Turkish parliamentary discussions. Based on the perception that Turkey is a middle income country, several MPs defended the view that the country's priorities should be economic development and poverty reduction and not to limit its greenhouse gas emissions.⁵⁶

Cost of the treaty commitments

Partly related to the above mentioned reason, the cost of the treaty commitments came out as another crucial motive for not signing the KP until 2009. According to the reoccurring discourse, implementing the KP would be very costly, not only due to increased price of fossil fuels to maintain the reduction of greenhouse gases, but also due to the fact that reducing the effects of climate change in a country, like Turkey, whose capacity to induce reduction is inadequate and alternative resources are scarce, would require serious investment. One of the comments from an interviewee (from the Ministry of Energy

despite that, the Turkish Electricity Transmission Company estimates that Turkey's demand for electricity will increase at an annual rate of six percent between 2009 and 2023 and the total amount of investments to be made to meet the energy demand in Turkey until 2023 is estimated around USD 130 billion (*Turkish Energy Industry Report 2010*, p. 8, available at

<http://www.invest.gov.tr/en-US/infocenter/publications/Documents/ENERGY.INDUSTRY.PDF>,

⁵³ Güler further remarked that the Protocol wasn't signed by developed economies such as the US and China: "We don't want the world to become more polluted; however, the Protocol is against the construction of dams. We have decided to take this action for the sake of our national interests". The Anatolia News Agency (*Anadolu Haber Ajansı*), 20.04.2007.

⁵⁴ Minutes of the 23rd General Assembly Period, 3rd legislative year, 5th session, October 14, 2008.

⁵⁵ <http://www.hurriyetdailynews.com/h.php?news=turkey-can8217t-be-signatory-to-kyoto-protocol-before-eu-membership-says-pepe-2006-11-02>

⁵⁶ See for instance, Mustafa Kemal Cengiz, on behalf of the 'Nationalist Movement Party' (MHP), Minutes of the 23rd General Assembly Period, 3rd legislative year, 53rd session, February 4, 2009. Cengiz also adds that MHP addressed both to the Turkish Union of Chambers and Commodities Exchanges (TOBB) and The Employers' Confederation of Turkey (TISK) in order to have their opinion about the possible effects of the KP on the Turkish economy. However, according to Cengiz, both business organizations reported that there was until that time no cost and impact analysis on this issue (*Ibid*).

and Natural Resource) reflects this position clearly: “Yes, we have recently signed the Protocol, but this move has nothing to do with the reality of the Turkish economy. Nobody knows how much this signature will cost to our economy for sure, but what is certain *was* that the cost of implementing the Protocol was the biggest motive for not signing it until now”.

This perception noticeably mirrors the previously expressed political stand of the Turkish government. In 2005 the Environmental Minister stated: “Signing the agreement will cost Turkey at least 30-35 billion Euro. The Europeans tell us not to establish factories, but to be in an economic environment to sign we would have to”.⁵⁷ One month later the same minister repeated the same line of reasoning: “Without funding, Turkey would not be able to meet the criteria needed to harmonize with the Kyoto Agreement”, assessing that \$50 billion would be needed in the next eight to ten years to achieve necessary environmental regulations.⁵⁸

It is interesting to note that the Turkish government held the same position almost until last minute before ratifying the KP. As late as in 2007, the Minister of Environment argued that Turkey’s industry is not prepared to shoulder the burden of emission cuts by signing the KP, which sets binding targets to cut emissions. He said. “An American produces 26 tons of carbon dioxide a year on average, and a European produces 11-12 tons. A Turk only produces 3.3 tons”. According to the minister, Turkey, as a country being still industrializing could only be expected to trim the rise in its emissions.⁵⁹

Likewise, referring to their previous analysis report on the subject, the interviewed expert from the State Planning Organization (DPT) held that: “The economic costs of signing the Kyoto Protocol in its current form could cost a third of Turkey’s GDP”. Indeed, in this working paper dated 2007, the DPT, which acted as the state agency responsible for charting the progress and possible repercussions of committing to the KP, assert that by signing the Protocol Turkey would be willingly accepting responsibility to undertake certain measures and the repercussions of these measures could result in as much as between 10 to 37 percent drop in the GDP.⁶⁰

Interesting to note, however, is that the estimated cost of the Protocol dropped dramatically when Turkey was coming closer to sign the Protocol. Mr. Eroğlu, the Minister of Environment and Forest in 2008, explained that work on calculating the cost of signing on was under way and the cost joining the Kyoto Protocol may not even amount to \$20 billion.⁶¹ This change seems to confirm the criticisms made by the interviewed bureaucrat

⁵⁷<http://www.hurriyetdailynews.com/h.php?news=yalcin-dogan-turkey-will-sign-kyoto-in-2015-2005-02-18>

⁵⁸<http://www.hurriyetdailynews.com/h.php?news=pepe-turkey-needs-50-billion-to-meet-environmental-criteria-2005-03-11>

⁵⁹ March 3, 2007 (<http://www.hurriyetdailynews.com/h.php?news=turkey-plans-measures-to-cut-emissions-2007-03-03>)

⁶⁰ Cited in *Referans Gazetesi*, Tuesday, April 17, 2007.

⁶¹ *Zaman Gazetesi*, Sunday, 22 June 2008.

from the Ministry of Energy and Natural Resources: “There was no serious (scientific) research done regarding the possible costs of the KP before Turkey decided to join the KP”.

Design of treaty and question of fairness

A third reason that emerged in the interviews as well as in the other used materials was related to the treaty design. This argument referred to the idea that an effective and implementable international environmental treaty design has to take into consideration, among others, the concept of environmental justice (In the case of climate change, for instance, the North bears more historical responsibility and therefore should assume more responsibility than the South) and different stages of economic development of the countries..

Yet, despite the principle of ‘common but differentiated responsibilities’, enshrined in the UNFCCC, Turkey was almost bluntly listed as Annex-II country under the UNFCCC together with other OECD countries, until Decision 26/CP.7 of the Seventh Conference of Parties in Marrakesh in 2001, which recognized ‘the special circumstances of Turkey’ and deleted the country from the Annex-II country list.

The interviewees from the Ministry of Energy and Natural Resources and from the State Planning Organization argued that Turkey’s industrialisation level is not comparable to other OECD countries nor many others included in Annex-I to the UNFCCC, and that Turkey is ultimately a developing country with the lowest historical responsibility among all OECD countries. Therefore, according to the above named interviewees, Turkey’s hesitation against joining the Protocol should be considered fair.⁶² The interviewees were also concerned that ratifying the Kyoto Protocol would increase the likelihood that Turkey would have to accept quantified commitments after 2012. With a view to this, the interviewees underlined that formulating quantified commitments for Turkey on the basis of 1990 GHG emission levels would be problematic as Turkey’s GHG emissions increased by almost 70% between 1990 and 2004. This is mainly due to an acceleration of the industrialisation process during this period, further arguing that 1990 as a base year has become quite irrelevant.

Similarly, the Environment and Forestry Minister Osman Pepe had stated that “the Turkish economy could not carry the financial costs of signing the Kyoto Protocol, adding that “Turkey would only sign it when its economy was as large as Britain or Germany”.⁶³ A month later, the same minister argued in relation to the developed countries that already

⁶² The interviewed expert from the Ministry of Energy and Natural Resources made an interesting remark to exemplify the ‘Western-centric’ attitude in the climate change negotiations. He said that the COP 14 meeting overlapped with the Festival of Sacrifice, which is one of the most important festivals for more than one billion people in the world. It is something that would never happen with Christian festivals, such as Christmas. Indeed, the ‘Subsidiary Body for Implementation’ noted this overlap ((Subsidiary Body For Implementation, Twenty-eighth session Bonn, 4–13 June 2008).

⁶³ <http://www.hurriyetdailynews.com/h.php?news=domestic-newsline-2005-01-26>

signed the KP: “They are industrialised and the agreement says, “protect nature” to us. We cannot accept this. There is a huge economic aspect of signing this agreement. The earliest we can sign it would be 2015”.⁶⁴

Almost a year later the same minister stated that Turkey’s CO₂ emission grew by 72.6 percent between 1990 and 2004, the world’s biggest increase, increasing from 170.2 million tons of carbon dioxide to 293.8 tons. Despite these figures he argued “Turkey is one of the most innocent countries in the world. Turkey is studying its share of the emissions and its effect on climate change. Turkey has introduced a serious action plan to control carbon emissions, and the new environment law will limit future emission growth”⁶⁵

In the parliamentary discussions, the recurring argument in relation to the climate change regime was the historical responsibility issue, according to which, the developed world’s failure has caused global warming and the remedy should not be the against the interest of developing nations. For instance, the MP of the Nationalist Movement Party (MHP), Ahmet Kenan Tanrikulu criticised the government of that epoch, when the UNFCCC was being negotiated, of being naïf and ignorant, saying that the government affirmed that Turkey in the eyes of the treaty designers was a ‘developed’ country, that is why Turkey, according to the government of the epoch, was listed as both an Annex-I and Annex-II country without thinking that this was a gross mistake that was to be corrected in 2001.⁶⁶

Position 2 -Why did Turkey sign the Kyoto Protocol?

Four reasons emerge as central to why Turkey did sign the KP: (i) Turkey’s position as an accession country to the EU, (ii) Turkey’ position and ambition in world politics, (iii) Turkey’s changed status as an Annex I country, and (iv) to have a better position in post-Kyoto negotiations.

The EU accession

In the interviews and other exploited materials, the intensified negotiations with the EU emerge to be the main driving force for the Turkish signature of the Kyoto Protocol. The interviewed bureaucrat from the Ministry of Environment and Forest drew attention to the fact that the negotiations of EU membership motivated an update of several environmental legislations or amendments, most of which had been outlined in the ‘EU Integrated Environmental Approximation Strategy 2007-2023’, prepared by his Ministry. Also, as argued by the interviewed bureaucrat from the Ministry of Energy and Natural Resources and the REC experts, despite several problems, the Turkish environmental

⁶⁴<http://www.hurriyetdailynews.com/h.php?news=yalcin-dogan-turkey-will-sign-kyoto-in-2015-2005-02-18>

⁶⁵<http://www.hurriyetdailynews.com/h.php?news=turkey-can8217t-be-signatory-to-kyoto-protocol-before-eu-membership-says-pepe-2006-11-02>

⁶⁶ Minutes of the 23rd General Assembly Period, 3rd legislative year, 54th session, February 5, 2008.

legislation had been moving towards an alignment with EU as a whole and the KP was a part of the EU's *acquis communautaire*, therefore its adaptation was a part of the joining process, no matter how much Turkey might be reluctant to it.⁶⁷

Indeed, already in 2005, the Turkish Union of Chambers and Commodities Exchanges (TOBB) Chairman Rifat Hisarciklioglu urged industrialists to adopt more stringent environmental standards. He stated that If Turkey wanted to have a chance to compete in the EU market, it then needed to start adhering to environmental standards and rules. He also drew attention to the fact that among the approximately 235,000 production firms in Turkey, only 1,000 were in harmony with EU environmental regulations. According to Hisarciklioglu, Turkey's reluctance to join the KP would become a major issue during the EU negotiation process, adding that Turkey must, without further delay, develop methods of production that cut down on greenhouse gases.⁶⁸

The EU has set its own goals of emission reduction to 80-95% below 1990 levels by 2050. Moreover, in March 2007, EU leaders made a unilateral commitment that Europe would cut its emissions by at least 20% of 1990 levels by 2020.⁶⁹ Based on this new and bigger commitment the commission consequently revived its call on Turkey to ratify the KP, and to put in place a national solid system for the yearly and timely submission of the inventory of greenhouse gas emissions, to adopt on a target for the first commitment period as well as to start preparations to take on a post 2012 target. The Commission also drew attention to the need for significant investments and development of financing plans for harmonization of Turkey's environment policies adding that if Turkey did not sign it may lead to the fact that the environmental chapter in the candidate country negotiations would not be opened.⁷⁰

Facing the revived call to sign the Protocol, the Environmental Minister Osman Pepe described Turkey's signing of the KP as "inevitable" in the course of its European Union accession process. Minister Pepe said that "although Turkey would continue to release more emissions, Turkey would have to sign the Kyoto Protocol if its bid to join the European Union succeeds".⁷¹ This change in Pepe's understanding is remarkable as the same minister in earlier comments did not want Turkey to sign before 2015 or before becoming the EU member.

⁶⁷ A candidate country must not only be able to put the European Union rules and procedures (often referred to as "*acquis*") into effect, but also, according to the Madrid European Council (16 December 1995), a candidate country must have created the conditions for its integration, by creating appropriate administrative and judicial structures.

⁶⁸ Wednesday, November 23, 2005 Turkish Daily News

⁶⁹ *The Green Paper on Adapting to Climate Change in Europe* (COM, 2007, 354). In 2009, this target has been re-confirmed by *the White paper -Adapting to climate change: towards a European framework for action* (COM/2009/0147).

⁷⁰ EU calls on Ankara to ratify Kyoto Protocol [06.07.2007 <http://en.trend.az/news/world/wnews/952783.html>]. The environment chapter of negotiations was opened on 21 December 2010.

⁷¹ Saturday, March 3, 2007 (<http://www.hurriyetdailynews.com/h.php?news=turkey-plans-measures-to-cut-emissions-2007-03-03>)

Turkey's signature of the KP on 5th of February was positively commented by the most influential Turkish business organisation TÜSIAD. Arzu Dogan Yalcindag, the chair of TUSIAD, said in the opening speech at a conference: "The EU expects from its new member, candidate and accession countries to take steps in the direction of the targets adopted in the KP. Considering this, Turkey, with the opening of negotiations of the environment chapter, will likely feel the EU's political pressure regarding emission reduction commitment".⁷² Likewise, the interviewed expert from TUSIAD also confirmed that the ratification of the KP, whatever the case may be, was unavoidable for Turkey, if the EU membership is still on the agenda of Turkey.

Position in world politics: Turkey's greater willingness to become a major power

The Justice and Development Party (AKP), which first came to power in the 2002 election and still in 2012 is the ruling party in Turkey, displayed a great desire for Turkey to become a regional/global actor as well as an EU member. Turkey is the world's 17th biggest economy and has the second-largest armed forces in NATO. According to many observers, AKP's ambitions at both national and international levels have altered Turkey's traditional 'prudential' international politics.⁷³ Such an aspiration obviously requires more political and legal international engagement. In fact, Turkey has, under AKP ruling, signed and ratified many major international treaties, predominantly in human rights and environmental areas.⁷⁴

Associated to the Turkey's assertion as becoming a regional/global player, Turkey wanted to hold a non-permanent seat at the UN Security Council for the 2009-2010 term.⁷⁵ Committing itself through international treaties was seen a way of obtaining international reputation. Indeed, in relation to Turkey's signing the Kyoto Protocol, Mr. Eroglu, the Minister of Environment and Forestry said that joining the KP would boost support to Turkey's chances of winning a non-permanent seat on the UN Security Council for the

⁷² The conference held on 23 November 2009 and organised by the *Climate Platform*, established by TUSIAD and REC Turkey.

⁷³ For a detailed analysis of the Turkey's foreign policy from the World War II, see Faruk Sönmezoğlu (2006) *İkinci Dünya Savaşı'ndan Günümüze Türk Dış Politikası*, İstanbul: Der Yayınları. In his work, the writer concedes that Turkey's foreign policy has long been on a 'prudent' and 'unadventurous' line to a degree to be practically 'passive' (p. 4). According to the writer, this line has largely been built on the safeguard of the status quo laid down by the Lausanne Treaty (Faruk Sönmezoğlu, 2004, "Türkiye Cumhuriyeti'nin Dış Politikasında Süreklilik ve Değişim" in *Türk Dış Politikasının Analizi*, Faruk Sönmezoğlu (ed.), İstanbul: Der Yayınları, p. 1046.

⁷⁴ Not all, but a few examples: The UN "International Covenant on Civil and Political Rights" (ratified in 2003); The UN "International Covenant on Economic, Social and Cultural Rights" (ratified in 2003); Optional Protocol to the International Covenant on Civil and Political Rights (ratified in 2006); the United Nations Framework Convention on Climate Change (ratified in 2004 and the Kyoto Protocol (ratified in 2009).

⁷⁵ Turkey's tenure at the 15-member U.N. Security Council began January 1, 2009 and ended on 31 December 2010. Turkey had previously held non-permanent seats in 1951-1952; in 1954-1955 and in 1961 (when it had shared a non-permanent seat with Poland).

period 2009-2010 and it would enhance Turkey's prestige.⁷⁶ The interviewed Foreign Ministry official also confirmed such a strategy saying that one reason for adopting a more positive stance towards the Kyoto Protocol was to strengthen Turkey's bid for a non-permanent seat in the United Nations Security Council, as environmental issues are high on the Council's, thus Kyoto is of major importance to Turkey.

Turkey's changed status as an Annex I country

As mentioned earlier, Turkey, as a member of the Organization for Economic Cooperation and Development (OECD), was initially included in Annex-I and Annex-II of the UNFCCC when it was adopted in 1992. However, at the COP7 held in Marrakech in 2001, Turkey was removed from Annex-II of the UNFCCC (Decision 26/CP.7) on the ground that Turkey's situation was different from that of other (developed) Parties included in Annex I to the Convention.

In mid 2007, when the Turkish government gave positive signs to ratify the Kyoto Protocol, the Turkish Prime Minister Erdogan revealed the importance of this removal: "Turkey is favorably considering accession to the Kyoto Protocol provided that its special circumstances setting it apart from the other Annex-I countries is acknowledged". Referring to the "special circumstances," Erdogan called attention to the fact that the level of industrialisation in Turkey is not at the same league with the majority of Annex I countries, although it is a member of the OECD.⁷⁷

Indeed, most interviewed emphasised the importance of such a recognition on the Turkey's more positive stand towards the KP. Haluk Ozdalga, the Parliamentary Environment Commission Chairman, for instance, argued that "Turkey's status as an Annex I Party in the framework of the Convention doesn't reflect the country's actual industrialisation level. Therefore, it would be very hard to persuade the Turkish Parliament to sign the KP if the COP-7 had not recognise the special circumstances of the country and thereafter did not delate its name from Annex-II list.

To have a good position in the negotiations of a possible future treaty

Mr. Ozdalga further argued during the interview that Turkey had to be a Party to the Protocol in order to assert her special conditions in the negotiations on a new agreement after 2012, considering that the obligations, stipulated in a post-2012 commitment will

⁷⁶ Zaman 22 June 2008. It can be noted that the Turkish government officially announced its bid for a new term at the UN Security Council, declaring its candidacy for a non-permanent seat for 2015-2016. In his statement, the Turkish Foreign Ministry said: "The main reason for announcing our candidacy once again, not long after our non-permanent membership in the UN Security Council in 2009-2010, emanates from our belief that Turkey will provide significant added value to global peace and security in an era of critical and rapid change in international affairs" (18 May 2010, press release, unofficial translation.

⁷⁷ Erdogan's speech delivered on 24 September 2007 in New York, as part of an ongoing General Assembly meeting of the United Nations.

be determined as a result of the negotiations of the Party countries to the KP. Otherwise, according to him, it is highly possible that the country would pay a higher price in the face of increasing costs due to the increased impact of climate change and the greater cost of delayed measures.

Concerning the effects of Turkey's failure to be a Party to the Protocol, the Environment and Forestry Minister Eroglu said: "Until now, Turkey has considered it fit to act cautiously with respect to Kyoto Protocol membership. However, today we are passing through an important and critical process. Now we must try to ensure that Turkey attends the negotiations concerning the post-2012 climate regime and assert its interests," as well as "strengthening the country's hand in negotiations on environmental issues with the EU".⁷⁸ When the Protocol was finally signed, TÜSIAD forwarded a similar argument: "Being a party to the Kyoto Protocol, would strengthen Turkey's hand in negotiations to combat climate change after 2012".⁷⁹ Likewise, the expert of TUSIAD pointed out that TUSIAD had given its support for Turkey's taking a part in the KP for various reasons and the conviction that Turkey's ratification of the Protocol would make Turkey enable to take a seat in the decision making process during the post 2012 negotiations on climate change. The interviewed bureaucrat from the Ministry of Environment and Forestry also stated that the ratification puts Turkey in a position to shape the new climate change regime in the post-2012 process. In the same way, the expert from REC held that the ratification gave Turkey the right to get involved in climate change decisions after 2012 as Turkey become a partner in the processes of constructing a global climate change regime, with a right to speak and vote in the 15th Conference of the Parties in which the obligations after 2012 shall be determined. The interviewed experts from the UNDP Turkey argued in a similar vein that being a Party to the Kyoto Protocol, even without being an Annex B Party and without benefiting from the CDM, would give Turkey more influence during negotiations within the Ad-hoc Working Group context.

5. Discussion

This section seeks to assess in what respect and to what extent Turkey's path to signing the KP confirms observed explanations and theoretical approaches as to why States ratify international (environmental) agreements.

The review of the observed factors showed that there are several reasons that promote (or deter) participation in international treaties. However, only a few of them have played a central role in Turkey's commitment to the KP. These reasons include; first and foremost Turkey's ongoing negotiations with the EU and thereafter the country's ambition to take on a new role as a regional/world power as well as to secure a better position in the post-Kyoto negotiations and then Turkey's 'improved' position by being removed from the Annex-II of the UNFCCC.

⁷⁸ <http://www.todayszaman.com/news-145448-environment-minister-ignoring-kyoto-comes-at-a-price.html>

⁷⁹ Tusiad Press release 6 February 2009.

Our findings suggest that Turkey's bid for EU membership was the key reason for Turkey's signature of the KP. Such an 'external pressure' influencing treaty commitment can be seen consistent with the observed factors for participation. The peculiarity of this reason however is attributable to its decisive role in the Turkish case. For, 'external pressure' as a factor for participation in the reviewed literature was not considered having paramount importance, but pointed out rather secondary or complementary one.

Another point, worth mentioning in reference to 'external pressure' is that some of the interviewees suggested that a possible shift in the American position regarding the KP, as signalled during the Obama's election campaign, might also have driven the Turkish government to sign the Protocol in order not to be left 'outside'.

Evidently, Turkey's bid for EU membership can also be explained as a part of Turkey's ambition to play a role as regional/global power. Our study also demonstrates that Turkey did not only sign the KP under the AKP ruling, but also other important international treaties, in even more sensitive areas than climate change, like human rights. Turkey's ambition to become a global power is in accordance with the observed factors for participation, explained in the article. Moreover, this factor becomes reinforced when considering Turkey's bid to become a non-permanent member of the UN Security Council. Although it does not cover all the components that the concept of 'treaty design' contains, such as the degree of legalisation Turkey's removal from the Annex-II of the UNFCCC appears to have been influential at least to convince the public and to answer the criticism involving the allegedly devastating impact of the KP on Turkish economy. More importantly, Turkey's being treated unjustly in the institutionalisation of the climate change regime is an ongoing issue which will seemingly endure even in the post Kyoto negotiations. What is surprising is that environmental justice is not taken into consideration in the mainstream International Relations literature where treaty design is discussed.

What is more, climate change did not occupy any considerable place in domestic politics. Political parties did not engage in the discussions concerning the signature of the KP. Climate change and the KP was not an issue for debate during the 16th general election, held on July 22, 2007, few months prior to Turkey's decision to sign the KP. Even more interesting, there is still no expressed view or proposed strategy to tackle "global warming" in political parties' programs.

Turkey's lack of administrative and scientific capacity to handle the climate change issue was a recurrent issue in the interviews. However, the country's then exiting inadequate administrative, legal and technical/scientific capacity was not put forward as one of the reasons why Turkey was reluctant to join the KP. Nor was Turkey's signature of the KP explained by a significant increase in such capacity. Just to give but a few examples: the Climate Change Department placed under the Ministry of Environment and Urbanization was set up almost one and a half year after Turkey signed the KP.⁸⁰ Moreover, there was

⁸⁰ Official Gazette no/dated:27655/28 July 2010

no study conducted to assess the aggregated economic impacts of lowering CO₂ emissions for the Turkish economy in relation to; overall tax burden of the new climate change policy, burden on the consumers, the effect of this policy framework on government's fiscal balances, on trade balance, and on unemployment.

In addition, it is hardly possible to say that NGOs have played any influential role on Turkey's signature of the Protocol. The general picture brought forward by the interviewees was that the activities of environmental organisations were far from being influential and, related to this, the general public awareness of the climate change problematique has been very low. Indeed, a recent study argues that although civil society organizations have been taking an increasingly important role in creating public awareness on diverse issues and their numbers are growing in recent years, the proportion of environmental NGOs among all NGOs in Turkey is only 0.7 percent. The named study also criticizes Turkish NGOs for their tardy response in giving importance to the issue of climate change.⁸¹

However, the Regional Environment Center (REC), which was assigned the task to serve as the National Focal Point on climate change between 2005 and 2008,⁸² should be mentioned as an exception. The REC, which is strongly backed by the EU, has exercised and still exercises influence through the EU. Two of the interviewed bureaucrats from the ministries found this influence rather bothersome, claiming that at some instances the Turkish government had to get the necessary background information through the REC and not directly from the EU.

Lastly, it is hardly possible to say that Turkish perception regarding the risks caused by climate change had been influential on the process. Indeed, according to the findings of the Global Climate Risk Index of 2011, Turkey is ranked as the 97th country.⁸³ Thus, it does not come as a surprise that the sensitivity of Turkey in relation to climate change impacts has been virtually none existing in the debate.

The three theories explaining inter-State cooperation can be employed in interpreting the factors influencing Turkey's signature of the KP in a number of ways.

It can be held that Turkey's aspiration to become an EU member can be understood to support both the realist and institutionalist theories. It supports the realist theory in the sense that Turkey deems that by joining the EU the country can protect and promote its own interest in a more efficient way, through standing on an equal foot with the other member of the Union as well as jointly develop policies with regard to non-member States. It also supports the institutionalist theory in the sense that under the conditions the EU membership requires, Turkey pursues a change in its legal, institutional and

⁸¹ The study, titled *Environment and Civil Society in Turkey: Organization and Latest Tendencies*, was conducted by Bahçeşehir University Hande Paker and Gençer Baykan and was released on April, 2008.

⁸² Since 2008, the General Directorate of Environmental Management under the Ministry of Environment and Urbanization acts as the Focal Point.

⁸³<http://www.germanwatch.org/klima/cr11.pdf>

policy standing and priorities to align with the EU regulation and policy ambitions. Our understanding of the nature of the EU-Turkey relation is that the institutionalist model covers better Turkey's motives considering that a policy change in the area of climate change is a specific outcome of accession negotiations and membership conditionality.

On the other hand, in terms of 'willingness', Turkey's position can also be interpreted as a "disguised realist position". The position is disguised in the sense that Turkey pursues its treaty obligation only to the extent that it is beneficial to Turkey. Support for this interpretation can be found in the 2010 European Commission reports, arguing that Turkey so far has made "very limited progress regarding climate change".⁸⁴ In this report the EU Commission also criticises, Turkey's tendency not to align with the EU positions in the international climate negotiations on the post 2012 agreement and that Turkey has not associated itself with the Copenhagen Accord. The Commission also criticises Turkey's aim to limit greenhouse gas emission growth by 11% from the projected 2020 emissions on the basis of the business as usual scenario cannot be considered to be ambitious.⁸⁵

As shown through the study, three reasons, namely the cost of commitments, the structure of the economic sectors, and a justice perspective emerged as the most important factors for why Turkey did not sign the KP. These reasons for not signing had not changed fundamentally when Turkey decided to join the Protocol; but the reasons for signing were perceived as serving the country's interest better. Putting the Turkish position for not signing the KP in relation to the position for signing it, the pro-signing position can be interpreted as a way to take a more pro-active stance regarding the needs and wishes of Turkey. The shift in position increases the possibilities for Turkey to exercise influence on the post-Kyoto negotiations so that the needs, situation and capacity of the country are taken into consideration. In other words, this move can be interpreted as being in line with the realist theory given that Turkey is trying to secure self-interest, but in a more pro-active way than just refusing on the basis of protecting self-interest.

It is also possible to read Turkey's engagement into the KP as a 'conditioned commitment', especially as Turkey does not have any obligations in the period between 2008 and 2012. In this 'conditioned commitment', Turkey's behaviour in the post-Kyoto era would likely, at least partly, depend on to what degree Turkey's self-interest will be addressed through its new pro-active attitude. Such an interpretation of Turkey's behaviour seems to back

⁸⁴ European Commission's "Turkey 2010 Progress Report", available at http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/tr_rapport_2010_en.pdf, p. 91.

⁸⁵ European Commission's "Turkey 2010 Progress Report", available at http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/tr_rapport_2010_en.pdf, p. 91. Another recent example that makes such an interpretation plausible is that Turkey was represented in the 17th Conference of Parties of UN Climate Change Conference in Durban in December 2011 by Cevdet Yilmaz, the Minister of *Development*. In his speech delivered at the COP17, Yilmaz underlined that due to the rapid growth Turkey makes in the last years (the growth rate of Turkey was 9 percent in 2010 and 10.2 in the first half of 2011), Turkey's energy demand increases by 6-7 per cent per annum (http://unfccc.int/files/meetings/durban_nov_2011/statements/application/pdf/111208_cop17_hls_turkey.pdf).

up the world-systems theory, for the reason that Turkey's decision to participate in the KP can be understood as Turkey seeks to assume another role in the global system and at the same time underlines the unjust basis on which international agreements are seemingly built on. Although the preoccupation with justice is not clearly expressed by Turkey in a way that the path to Turkey's new pro-active positioning can be explained using world system theory alone, it is nevertheless important not to neglect it as Turkey's insistence on being removed from Annex-II list springs from the accumulated 'feeling' of the global injustice and inequality.

Conclusion

Our findings suggest four broad conclusions.

- The swift shift in Turkey's position vis-à-vis the KP was a 'politic' decision, taken from the 'highest level' (as formulated by an interviewed); as part of its accession negotiations with the EU, Turkey felt obliged to redesign its climate change policy.

- Many reasons for committing to international treaties can either coexist and reinforce each other or they may be sequenced over time and in terms of importance.

- An effective and implementable environmental treaty design must take into account not only political and economic constraints and considerations (which largely depend on the existing type of domestic formal and informal political institutions), but also the concept of environmental justice. Turkey is in a position similar to that of several developing countries such as India, Brazil and China. It would arguably be unfair if developing countries with rising aggregate emissions but very low per capita emissions were to find themselves trapped under legal obligations similar to those being taking on by far richer, and historically more culpable, industrialised countries.

- The existing theories of international environmental agreements, which are complementary rather than mutually exclusive, are useful in helping us to understand better the outcomes and in providing a framework on which it is possible to build strategies for future treaty negotiations. In Turkey's Kyoto signature case, due to the special weight of the membership conditionality of the EU, the institutionalist theory explains better the importance of insight into the importance of institutional structures (of the EU enlargement) in shaping (Turkish) politics and policy. It can be added that Turkey's ambition to become a regional/global actor and its corresponding engagement in international commitments in different areas including climate change, can also be read as Turkey's institutional response to the perceived international reality. Here, world system theory has also something to offer to complete the picture describing Turkey's motives for signing the KP, when envisaged Turkey's emphasis on environmental justice combined with Turkey's renewed aspiration to become a global player.

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