

*“Missile Base in Turkey”
Scored Negotiation*

Packet for Turkey

**NATIONAL SECURITY COUNCIL BRIEFING MEMORANDUM
LEGAL AFFAIRS**

-- CONFIDENTIAL --

TO: Negotiating Team Lawyers
FR: Mehmet Kaya, Assistant Director of Legal Affairs
DATE: January 19, 2024
RE: Missile Defense Negotiations with United States

I am assigning you to represent the National Security Council in the negotiations tomorrow with the United States and its State Department. I am presuming that they will send their attorneys as well. Here is the background for your discussions (in no particular order). I have also attached a letter from Military Affairs (attached).

Apparently, the United States has decided to relocate its Missile Defense base to Turkey. We have begun discussions with them and have agreed upon a location, which is classified. There are a few big picture terms that need to be negotiated immediately.

First, there is the issue of rent (leasing the land). Of course, we prefer to maintain at least market rates for the rent of the land. The United States would like a large portion of land, which instead could be developed commercially. Certainly they intend to pay us for use of our land. Between you and me, they are in a tough political situation and should probably pay us a surcharge over market rates. This is a key point for us as it could set a precedent for future base negotiations with the United States (or others).

Second, there is the issue of the size of the base. We have agreed upon the location, but have not yet finalized how large the base will be. We do not want the U.S. base to be too large – it is embarrassing to have too large a facility on our soil.

Third, we need to begin construction immediately. We are not sure how the Americans feel about this point, but it is critical for us to begin as soon as possible. The agreement itself could raise Turkey's international profile.

Related to the third point, we will want to hold a press conference in Ankara announcing the deal. I am sure that the Americans will prefer to announce this in Washington D.C., if they choose to announce it at all.

Fourth, we want to make sure that we negotiate a short lease term. It is very difficult for us to commit this land to future administrations. This is a fairly important point for us. We cannot bind future generations to an American military presence. This will be another difficult issue for the Americans, we suspect, but be firm.

Fifth, there is the issue of which companies will perform the construction of the base. For national security and political reasons, we would prefer that Turkish companies get a preference – otherwise what is in it for Turkey to do this deal? Construction could mean hundreds of jobs and millions of dollars. The Americans cannot expect to control this entire process. If we cannot get a preference for Turkish companies, we should at least get an open bidding process where our companies can compete (rather than just deals made between the U.S. and its companies). Subcontracting jobs could be a possibility as well, although that is much less attractive to us.

Sixth, any American military or others must be accountable under Turkish law. Under the NATO Status of Forces Agreement, it is the duty of a foreign military presence to respect the laws of the receiving state. The articles of the NATO SOFA would apply to soldiers as well as civilians. Importantly, in accordance with Article VII, paragraph 4, the Americans will have to assist local authorities in the arrest of U.S. soldiers and in the carrying out of all necessary investigations into crimes.

Seventh, and related to point number six, we will need to limit the number of American soldiers at the base. This is a major political concern – too many soldiers create enormous pressure on local communities and will be viewed by many as an unjust presence in our country. You must limit them to just enough to get the job done.

Eighth, there should be no NATO control of the base. Any mistakes must be attributable to American military decisions only.

To assist your negotiations, we have put together the attached points grid. You may not show the grid or discuss point totals with the other side until after the agreement is signed.

You will only receive points for options that are listed on the grid. For example, if you negotiate a deal that has market rates plus a 20% surcharge, your team will receive 100 points. For each issue, you may only have one option from the list. Of course **if you fail to negotiate an agreement within the time given, your team will receive 0 points.** All agreements must be in writing and signed by both teams. Also, the agreement must include a point total for each team.

Points Grid for National Security Council

ISSUE	OPTIONS (ONLY ONE PER ISSUE)	POINTS
Rent	At market rate plus 20% surcharge	80
	At market rate	40
	50% market rate	-40
	No Rent	-80
Size of Base	100 hectares	40
	200 hectares	20
	350 hectares	-20
	500 hectares	-40
Timing of Construction	w/n 60 Days	60
	w/n 120 Days	30
	w/n 180 Days	0
	w/n 240 Days	-30
Lease Term	10 years	40
	15 years	20
	30 years	-20
	50 years	-40
Construction Contracts	Turkish Contractors Get Preference	80
	Open Bidding	40
	U.S. Contractors (with any subs)	-40
	U.S. Contractors Only	-80
Sovereignty	Turkish Law	50
	Exemption for U.S. Soldiers	-100
Number of U.S. Soldiers	250	80
	500	40
	750	-40
	1,000	-80
Chain of Command	United States Only	0
	NATO Only	-20
Press Conference	Announcement Held in Ankara	40
Personnel	American Citizens Only	-20



Republic of Turkey
National Security Council
Bureau of Foreign Military Affairs

15 January 2024

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BY HAND DELIVERY ONLY

RE: United States Missile Defense Base

Fatma,

I am writing to update you on the latest developments concerning conversations with the United States about a possible American missile defense base in Turkey, as you and I have been discussing.

Apparently during President Obama's recent trip to Poland, the Americans committed to pursue alternative sites for their missile defense base. Instead of Poland and the Czech Republic, both of which are highly provocative options from Russia's perspective (as you and I have discussed), the Americans have begun talks with Turkey for a suitable site here.

The National Security Council will be assigning our lawyers to negotiate with the United States Department of State on the preliminary terms of the deal. We hope to iron out at least the main items quite soon. We have created a rigid points system to evaluate specific options and guide our legal counsel on the matter.

I will keep you updated on the progress. Please let me know if you have any questions or need anything further in the meantime.

Sincerely,

Kerem Şahin

Kerem Şahin
Military Affairs Coordinator