

# NOW THAT THE CAATSA IS OUT OF THE BAG: PROSPECTS FOR US-TURKEY TIES UNDER THE BIDEN ADMINISTRATION

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*After having held off sanctioning Turkey for the purchase of the Russian S-400 missile defense system for more than a year, President Donald Trump had a change of heart. On his way out of office, Trump imposed sanctions on Turkey under the 2017 Countering America's Adversaries Through Sanctions Act (CAATSA), which gives the president the power to sanction countries that made a "significant purchase" of defense or intelligence equipment from Russia. The sanctions, imposed on Dec. 14, target Turkey's defense procurement agency, known as the Presidency of Defense Industries (SSB), and several of its top officials.*

The announcement came after a year-long pressure campaign from Congress. A bipartisan group of US lawmakers has been growing increasingly impatient with both President Trump and President Recep Tayyip Erdoğan. Trump's foot-dragging in implementing the sanctions following Turkey's purchase of the S-400 system in 2019 led many to think that he was trying to avoid offending Erdoğan, which only increased the anti-Erdoğan sentiment in Congress. Erdoğan's reluctance to back down on the S-400 question despite the threat of sanctions further strengthened congressional resolve. Several factors increased the urgency to implement the sanctions: Erdoğan's aggressive policies in Syria and the Eastern Mediterranean, along with concerns over other US allies' interest in both the S-400 and Russian fighter jets, strengthened US lawmakers' resolve to punish Turkey for

the purchase. Turkey's decision to test the S-400s in October was the last straw. In an effort to force Trump's hand, Congress included a provision ordering the sanctions be imposed within 30 days in the National Defense Authorization Act (NDAA), the annual defense funding bill. Considered "must-pass" legislation, the NDAA was duly passed last week with a veto-proof majority. Trump has vowed to veto the NDAA for a variety of unrelated reasons, but his decision to implement the CAATSA sanctions separately is the culmination of many factors.

Secretary of State Mike Pompeo has been particularly upset at Turkey. As secretary, and with an eye to his own political future, he has taken on the mission of advocating for international religious freedom. Pompeo was highly critical of Erdoğan's July decision to convert

Hagia Sophia from a museum back into a mosque, leading him to pick Istanbul as one of the stops on a post-election tour to showcase his resolve to address religious freedom. While there, he met with Bartholomew I, the Istanbul-based spiritual leader of the world's Orthodox Christians, but not Turkish officials, which was interpreted as a snub. The trip came at a time of increasing frustration with Erdoğan due to his decision to test the S-400s. After the sanctions announcement, Pompeo said in a statement, "The United States made clear to Turkey at the highest levels and on numerous occasions that its purchase of the S-400 system would endanger the security of US military technology and personnel and provide substantial funds to Russia's defense sector, as well as Russian access to the Turkish armed forces and defense industry." He added, "Turkey nevertheless decided to move ahead with the procurement and testing of the S-400, despite the availability of alternative, NATO-interoperable systems to meet its defense requirements." A State Department official said in a closed meeting with this author that Pompeo is likely to have played an important role in Trump's decision to impose sanctions.

Trump's own frustration probably played a role too. He has been increasingly acting on his impulses since the November elections. Aside from Turkey's test of the S-400, which Trump might have interpreted as a snub, Erdoğan's decision to congratulate President-elect Joe Biden on his victory may have contributed to Trump's change of heart as well. But most importantly, Trump might have sought to avoid being strong-armed by Con-

gress into applying sanctions by doing it himself separately from the NDAA.

Whatever the backstory to the decision is, the sanctions are here to stay. They include a ban on US export licenses and authorizations to the SSB, as well as asset freezes and visa restrictions against the organization's president and three other senior officials, and do not apply to SSB subsidiaries or affiliates. The sanctions are lighter than what the law allows but they will still have a negative impact on Turkey's burgeoning defense sector, which is highly reliant on imports from the US. They will deal a blow to domestic efforts to develop missile-defense systems or fighter jets by denying the country critical military technology. The sanctions will also discourage European companies that already have reservations about cooperating with Turkey due to the mounting political tension between Ankara and European capitals from taking part in joint military projects with the SSB.

Yet Erdoğan is unlikely to bend to US demands to abandon the Russian system. The issue has now become a matter of national pride and a symbol of Turkey's independence. In a sign of widespread support for the government's stance, opposition parties, except for the pro-Kurdish Peoples' Democratic Party (HDP), quickly joined the government to condemn the US move and urged Erdoğan to get the system up and running as quickly as possible. Not operationalizing the S-400 missile defense system, instead of removing it entirely, has been on the table in bilateral negotiations. But the NDAA, which will most likely be signed into law even if Trump vetoes the

bill, includes more difficult terms. The bill dictates that “Ankara must give up its current S-400, end negotiations for the second regiment, and pledge not to purchase a successor system” for the US president to lift the CAATSA sanctions.<sup>1</sup> But finding a face-saving way of backing down on the S-400 will not be easy for Erdoğan. The opposition’s call to operationalize the S-400s makes it even harder for him to accept a compromise solution. And without one, the Biden administration will be forced to increase the pressure on Ankara on the S-400 issue.

One of the main goals of the CAATSA sanctions is to prevent other US allies from buying Russian equipment. Egypt signed a \$2 billion deal to buy 24 Russian-made Su-35 fighter jets, and Russian media reported that the first batch had arrived in Egypt in the summer. India signed a deal to buy the S-400 in 2018 and will receive the system by end-2021. Saudi Arabia has also agreed to a deal to purchase the S-400, while Qatar and Iraq both have expressed an interest in buying the Russian-made system as well. There is serious concern in both parties and in both chambers on the Hill over Russian military equipment sales to US allies. US lawmakers think that if the US allows a NATO ally to make such a major purchase of Russian military equipment without incurring a significant cost, it will be impossible to deter others from cultivating close defense ties with Russia.

With Congress determined to “resolve” the S-400 problem and Erdoğan with little room to maneuver to satisfy US demands, the S-400 problem seems here to stay. To what extent it

will cripple the relationship between Ankara and Washington depends on what Turkey does next.

### **Biden’s Turkey problem**

When Joe Biden takes up the reins of office in January, he will face an inbox of foreign policy challenges. Turkey will be one of them. Thankfully, he has dealt with Turkey throughout his long career and he will have no shortage of aides who know the country well. Biden’s pick for secretary of state, Anthony Blinken, is at the top of the list. Those who will be working on the Turkey file under Biden served in government under Obama and Erdoğan’s behavior left them with a sour taste for Turkey, from dragging his feet in the fight against ISIS to attacking Kurds both in and outside of the country. This is not to suggest that the Biden administration will push for a “no-carrot, all-stick” approach toward Turkey. Biden’s Turkey policy is likely to be a mixture of pragmatism and idealism, working with Ankara wherever it can and pushing it harder on issues deemed critical for US strategic interests.

One such issue is restoring NATO. In a January article in *Foreign Affairs*, Biden wrote, “The Kremlin fears a strong NATO, the most effective political-military alliance in modern history. To counter Russian aggression, we must keep the alliance’s military capabilities sharp while also expanding its capacity to take on nontraditional threats, such as weaponized corruption, disinformation, and cybertheft.”<sup>2</sup> Biden’s quest to restore NATO means he will be wary of significantly undermining the military capabilities of a NATO ally

such as Turkey. Thus, he might be willing to lift the blocks on US arms sales to Turkey, which have been in place for two years and were pushed by four key members of Congress to pressure Turkey over the S-400 purchase. Such a move will require concessions on Erdoğan's part, however. If Ankara chooses to double down on its defense partnership with Russia by receiving the second batch of S-400s and/or takes steps to purchase Russian fighter jets, the Biden administration will be forced to impose tougher sanctions.

The Trump administration has used sanctions liberally as a foreign policy tool. The Biden administration is likely to take a more nuanced approach, both continuing the unilateral sanctions and promoting multilateral ones. That means the new US administration will be working closely with the European Union to force a policy change in areas of common concern. The Eastern Mediterranean is one such area. Both European countries and Congress have been frustrated over what they see as Erdoğan's strongarm tactics in the region. Turkey's hydrocarbon exploration efforts in areas deemed part of the Greek and Cypriot Exclusive Economic Zones (EEZ) as well as in areas considered disputed by the US have caused further strains on Turkey's relations with both the EU and the US. To counter Turkey, US lawmakers took steps to bolster allies like Greece, Israel, and Cyprus, passing legislation last year that strengthened military ties with Greece and lifted a decades-long arms embargo on Cyprus. The move was hailed as a "new day for the United States' engagement in the Eastern Mediterranean" by Sen. Bob Menendez (D-NJ), one of

the co-authors of the bill.<sup>3</sup> The Biden administration is likely to be as forceful in its objections to Turkish energy exploration and tap into the European anger over the issue to craft a coordinated response to Erdoğan.

Another potential flash point is Cyprus. Biden has followed the Cyprus issue for decades and backed reunification efforts. Erdoğan's support for the right-wing nationalist Turkish Cypriot leader Ersin Tatar, which spells further danger for the prospects of reunification, will cost Erdoğan more goodwill in Biden's White House.

The two countries' troubles stemming from the US partnership with the People's Protection Units (YPG) in Syria will continue to be an issue as well. The Biden campaign has made it clear that the fight against ISIS will remain one of the top priorities in the region and it will continue to work with the Kurds. As Erdoğan's nationalist ally Devlet Bahçeli, head of the Nationalist Action Party (MHP), tightens the screws on Erdoğan's Kurdish policy, US-Turkey tension in Syria will increase. But there is still room for cooperation. Turkey has been fending off a complete regime takeover of Idlib in the northwest, the final remaining rebel stronghold. The US has supported Turkish policy there. Last March, after nearly three dozen Turkish troops were killed in what appeared to be a Russian airstrike in Idlib, fighting intensified in the region as Turkey and allied rebels battled Russia-backed Syrian government forces. The US said it was willing to give Turkey ammunition and humanitarian assistance in northwestern Syria and was considering a Turkish request

to use US Patriot surface-to-air missile defenses. The Biden administration is likely to continue to look for ways to cooperate with Turkey in Idlib.

The most dramatic change in the way the US administration has engaged Turkey in the last four years will be on the human rights and democracy front. Biden has said repeatedly that his priority would be putting democratic values at the core of his foreign policy. After years of US disregard for Erdoğan's growing authoritarianism, we are likely to hear the US president criticize Erdoğan's jailing of opponents and civil society activists and his clamping down on the legitimate Kurdish opposition. This will be the most welcome change in the US administration's Turkey policy.

For decades, the US has ignored Turkey's human rights violations and backsliding on democracy to secure Ankara's cooperation for larger geopolitical goals. Geopolitical interests took priority over moral issues. On the Kurdish question, which to this day remains one of the most important problems facing the country, the US adopted Ankara's security-oriented line, providing Turkey counterterrorism help but largely ignoring the human rights and democracy aspect. This policy of indulging the authoritarian policies of ally governments when US national interests called for it has drained US foreign policy of its moral authority. The Biden administration has a chance to reclaim at least some of that authority.

For an effective human rights policy<sup>4</sup>, Biden must first restore faith in US democracy by

observing human rights and upholding democratic principles at home. He has to define promotion of human rights as a national interest and make it one of the key pillars of his administration's Turkey policy. As Turkey turned authoritarian under Erdoğan, its foreign policy is no longer the product of rational thinking based on the interests of the nation, but rather the whims of one man. The more Erdoğan accrued power, the more foreign policy became a tool to consolidate his rule. The result is a Turkish foreign policy that has become more militaristic and less bound by alliances and international institutions. The militaristic turn in Turkish foreign policy, which has clashed with US and European policies from Libya to Nagorno-Karabakh, should be a reminder to Washington that it has a stake in Turkish democracy.

The Biden administration will have several valuable tools at its disposal to craft a smart human rights policy. Vigorous private diplomacy where US officials raise human rights violations and high-profile cases such as those of Osman Kavala and Selahattin Demirtaş is one of them. But Biden should also publicly call out Erdoğan for the many human rights abuses he and his allies are committing. The new US administration could also use symbolic gestures such as a presidential trip to Ankara or positive measures such as economic aid in return for specific asks in the human rights area. Making human rights and democracy central pillars of US Turkey policy would mark the most welcome change after years of giving Erdoğan a blank check to bully his critics, both at home and abroad.

## NOTES

1. <https://www.fpri.org/article/2020/12/compromise-or-double-down-u-s-turkey-relations-after-caatsa-sanctions/>
2. <https://www.foreignaffairs.com/articles/united-states/2020-01-23/why-america-must-lead-again>
3. <https://thehill.com/policy/international/475827-congress-looks-to-mediterranean-allies-to-counter-turkey-russia>
4. <https://www.brookings.edu/on-the-record/integrating-human-rights-in-u-s-foreign-policy-the-history-the-challenges-and-the-criteria-for-an-effective-policy/>



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