UNITED NATIONS SECURITY COUNCIL

Study Guide

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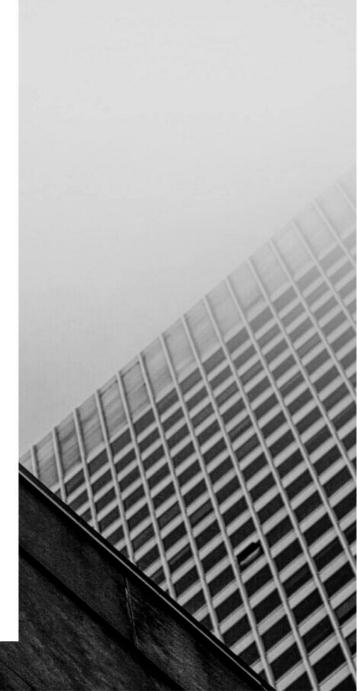




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Introduction to the Committee & its Chairs

The United Nations Security Council has primary responsibility for the maintenance of international peace and security. It has 15 members, and each member has one vote. Under the Charter of the United Nations, all member states are obligated to comply with Council decisions. The UNSC takes the lead in determining the existence of a threat to the peace or act of aggression. It calls upon the parties to a dispute to settle it by peaceful means and recommends methods of adjustment or terms of settlement. In some cases, the Security Council can resort to imposing sanctions or even authorize the use of force to maintain or restore international peace and security.

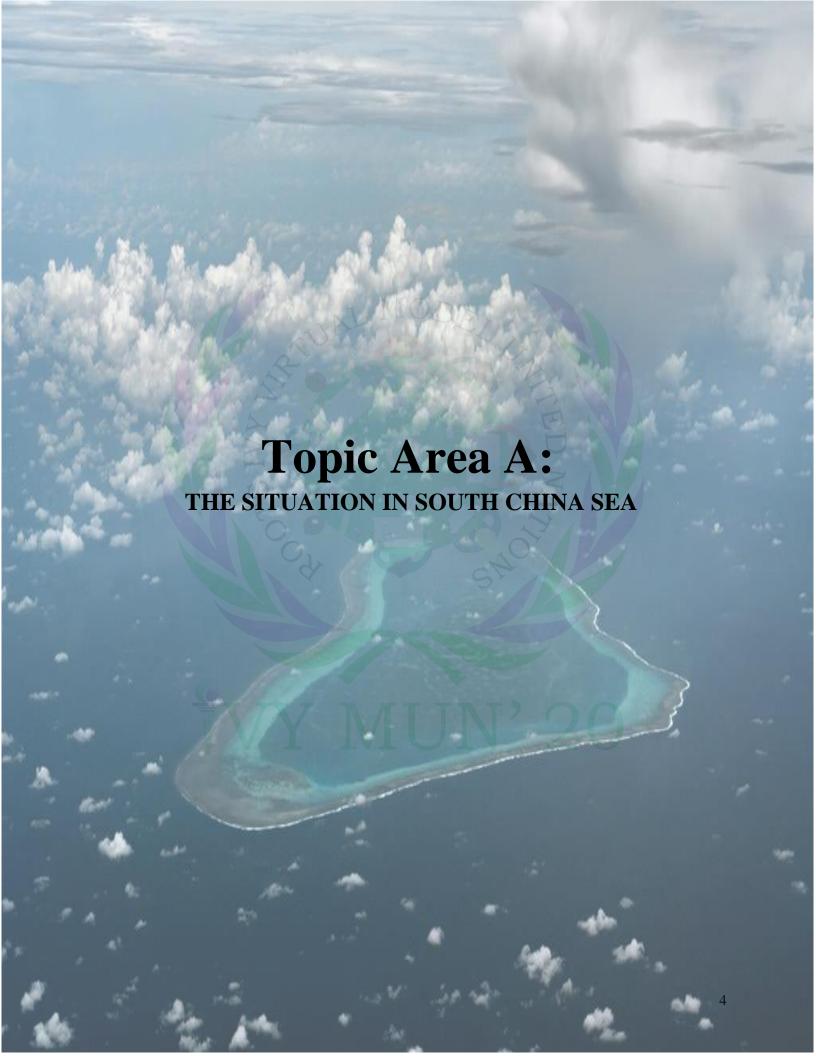
Chairs:







Mustafa Afridi



Introduction

The South China Sea is a part of the appendage of the Pacific Ocean. Located between the Strait of Malacca in the southwest to the Strait of Taiwan in the northeast the South China Sea encompasses an area of around 3.5 million square kilometres, an area larger than India. States with a share of coastline are the People's Republic of China, Vietnam, Singapore, Malaysia, Brunei, Indonesia, the Philippines and the Republic of China.18 The South China Sea comprises over 200 mostly uninhabited islands and cays which are subjects of numerous territorial disputes. The most important archipelagos are the Spratley Islands, the Paracel Islands, the Scarborough Reef and the Zhongsha Islands, also called Macclesfield Bank. The causes for these disputes are mostly of economic nature: the South China Sea is thought to be one of the richest regions in Southeast Asia concerning natural resources, primarily oil, natural gas and lucrative fishing grounds.

According to the U.S. Energy Information Administration, the oil reserves are an estimated 11 billion barrels and the natural gas resources are an estimated 190 trillion cubic feet. If these figures are proven adequate the oil and gas resources beneath the South China Sea would be one of the largest reserves in the world. But not only the vast natural resources are of strategic importance. The South China Sea is also home to one of the most important sea-lanes in the world. By connecting the economic superpower China with the Indian Ocean and by this means India, the Middle East and Europe through the Street of Malacca the South China Sea is of great importance to commercial and also military shipping. This region is also a hotspot for piracy, especially around Singapore.

Importance of the Issue and history of the problem

Since World War II the South China Sea has seen several conflicts claiming several dozen victims. After the Spratley Islands were occupied by Japan during the war, China reclaimed the archipelago in 1946, causing tensions with the Philippines which also claimed parts of the Spratley Islands as well as the Scarborough Reef. Tensions arose again in the 1970s, when China occupied the Vietnamese controlled Paracel Islands in 1974. As a vengeance (South) Vietnam took over the Spratley Islands in 1975. In 1978 President Ferdinand Marcos demanded the entire South China Sea for the Philippines. China and Vietnam openly fought a battle near the Spratley Islands in 1988. The 1990s were characterized by the growing influence of China, which claimed

the whole South China Sea for itself causing tensions with the neighbouring states. In 1995 and again in 1998 China and the Philippines had a crisis over the Mischief Reef and the Chinese artificial island constructed there. Another serious conflict was the Taiwan Strait Crisis of 1996 when the People's Republic of China launched several missiles for military exercises during the Presidential elections in Taiwan. There were also several smaller incidents concerning conflicts overfishing stocks between China and the Philippines. The 1990's also brought a change to political negotiations in the region. The ASEAN states formed a coalition as a countermeasure to face the increasingly powerful China, adopting a joint declaration renouncing the use of violence. However, the fact that the smaller states of the region joined against China did not mean that the disputes among them were settled too. China at first refused to negotiate with ASEAN but agreed to discuss the issue with the ASEAN Regional Forum (ARF). Not only are the natural resources a cause for conflicts in the South China Sea. There are several other reasons why the South China Sea arouses tensions among the riparian states. The South China Sea plays a crucial part in global trade. About 1/3 of global oil and more than half of the world's natural gas is shipped through the South China Sea. In total numbers, this means that more than 117.000 ships enter the sea meaning that over 50 percent of the global trade passes through the sea lanes of the South China Sea. These numbers are expected to grow since the world's oil consumption will double by the year 2040. Another cause of conflict is the shift in military power. For the last decades, the United States of America was the primary military player and still is determined to keep this position. With China emerging and increasing its military expenditures this position is more and more questioned. China is currently in possession of an aircraft carrier and has announced to build up to four more. Alongside the growing naval military strength of China rise the concerns of the smaller states of the region going rack and ruin next to such a strong neighbour. To avoid too many dependencies the other Southeast Asian states cooperate through ASEAN and in this way form an alliance together with the United States in opposition to China.

In recent times China has announced to start regular naval patrols in the South China Sea. The civilian vessel, based on the Paracel Islands has the task to protect China's maritime interests. This marks a new peak in the increasingly tense conflict over the South China Sea. Already on December the 5th 2013, a Chinese and US vessel nearly collided in an unfriendly manoeuvre. The urgency of the topic and the pressing need to find a compromise over the Situation in the South China Sea showed in the recent clashes between China and Vietnam. China recently parked a new oil rig in the disputed waters of the Paracel Islands near the Vietnamese coastline. The Paracel Islands are claimed by China and Viet Nam. After a Vietnamese fishing vessel sank near the oil rig the Vietnamese Government blamed China for the sinking of the boat. China, however, accused Vietnam to foster the aggressive atmosphere in the region. This led to massive protests against the Chinese Government in Vietnam leaving at least 4 fatalities and more than 100 persons injured. China reacted by evacuating thousands of workers back to China. The tensions continued one day later, when a Chinese Coast Guard Ship fired water cannons on a Vietnamese fishing vessel which later sank after it had been rammed by the Coast Guard Ship.

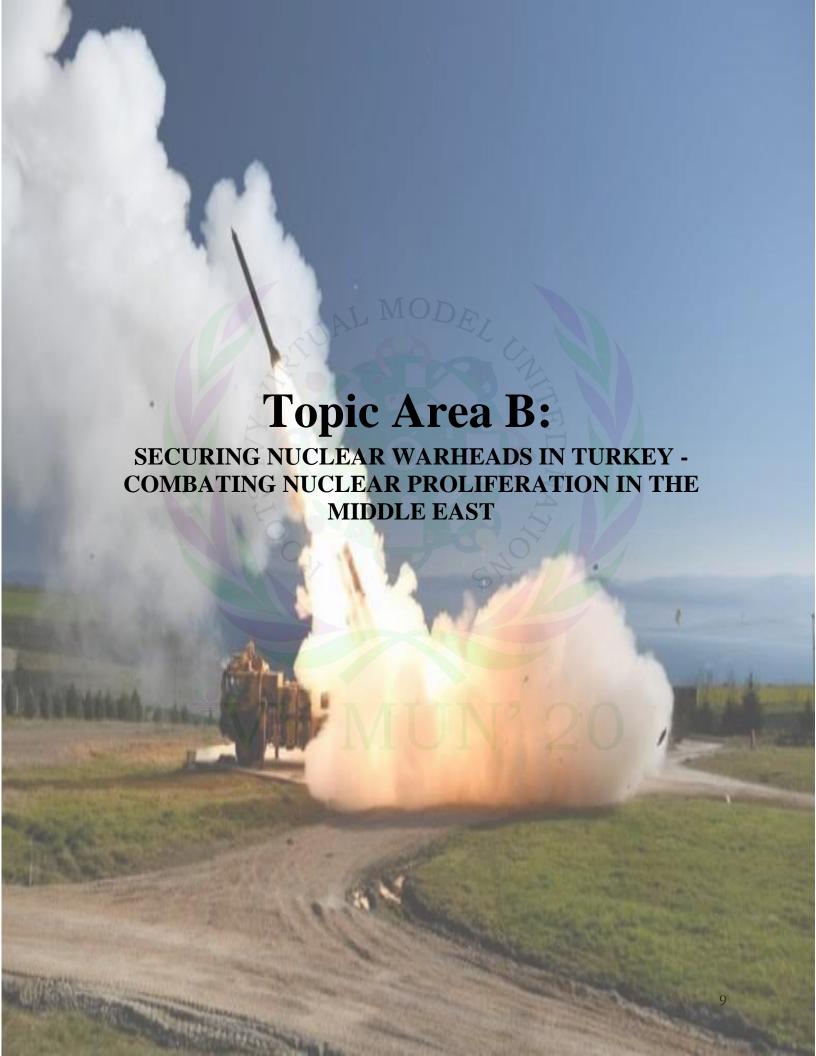
The global scale of this regional conflict showed however on May 31 at the Shangri La Dialogue in Singapore, when U.S. Defense Secretary Hagel accused China to destabilize the situation in the South China Sea and added, that the United States of America will not ignore such aggressions.

Efforts to Address the Issue

Because of its vast natural resources and significant strategic importance to the region the riparian states have covered the South China Sea with several claims. These claims have two origins and are mostly contradicting other claims. At the same time, there is a legal framework that regulates eligible claims: the United Nations Convention on the Law of the Sea (UNCLOS). Adopted in 1982 and entered into force in 1994 the UNCLOS defines the territorial extent of riparian states and establishes guidelines for the management of maritime resources. Most importantly the UNCLOS implemented so-called Exclusive Economic Zones (EEZ). The EEZ stretch up to 200 nautical miles from a country's coastline and entitles the country to exploit natural resources and at the same time apply own laws and regulations, e.g. sovereign rights and fishing regulations. Another important territorial definition is the continental shelf regulation. A continental shelf is the extension of a landmass underwater to the point, where shallow waters descend to the abyssal sea (2500 m). Within this zone, a riparian state may exploit nonliving natural resources, e.g. oil or natural gas. The salient point of this regulation is that islands and archipelagos are considered sovereign territory, hence the control of even the smallest cay with the respective legal interpretation entitles a state to deploy an EEZ. In the case of the South China Sea, the UNCLOS regulations lead to several overlapping claims of the affected countries. Naturally, no state relinquishes its claims in favour of others. Au contraire every state insists on its sovereign rights within the EEZ, evoking tensions and conflicts. The second origin of territorial claims in the South China Sea is found in history. Especially China but also other states like Vietnam allege claims through past possessions reaching back as far as the 17th century. China also claims the South China Sea through a historic perspective. Apparently, there have been naval expeditions during the Han and Ming Dynasty to the Spratley Islands in the middle ages. After World War II China launched a map of the South China Sea containing 9 undefined lines defining the Chinese claims in the sea including the Spratley and Paracel Islands. Besides the People's Republic of China also Taiwan, the Philippines and Vietnam allege claims through historic reasons. Malaysia, Indonesia and Brunei stick to the UNCLOS continental shelf regulations yet these countries also have territorial disputes through the vast definition of the Exclusive Economic Zones.

Questions a Resolution must answer

1. What are the reasons for the current lack of long-term solutions to the conflicts in the South China Sea and which measures can be undertaken to overcome this situation?
2. Is there a way of combining or merging the manifold territorial claims into a consensual structure?
3. Are there any measures to control, delegate and peacefully share the region's natural
resources?
4. What can be done to ensure the safety and security of the trade routes passing the South China
Sea?
5. Are there any institutions or organizations which can be integrated into the process of finding
a solution as a, e.g., negotiation forum or coordination platform?
6. Is there an existing legal framework that has to be amended or is there even a need to create a new legal framework?
7. How can the Security Council prevent further confrontations between the conflict parties in the South China Sea?



Introduction and background history

During the cold war, the tensions were high between USSR and USA and both were engaged in developing their nuclear arsenal, hoping to have an edge over the other. In the early stages of the Cold War when Harry S. Truman left the office, Dwight D. Eisenhower was elected as the president of the United States of America; and in the third year of his tenure the U.S began talks with Turkey to discuss the deployment of "special weapons" in the "Adana area". The first nuclear-capable delivery system in Turkey, the Honest John rocket system, was deployed in Adana in 1957, with the associated warhead being deployed in 1959. Following the signing of the 1959 "Agreement for the Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes," the United States began to build up its nuclear assets in Turkey, deploying gravity bombs and nuclear artillery shells.

That same year, Turkey and the United States agreed to deploy three Jupiter missile squadrons at Cigli Air Force base near Izmir. The Jupiter deployment was, by and large, a result of bureaucratic inertia. In short, the United States had made the decision to deploy missiles in Europe. Turkey received the last three squadrons, despite plans to replace the capability provided by the Jupiter's with the Polaris submarine-launched missile — and a commitment to keep at least one sub in the Mediterranean.

The Jupiter's American interlocutors told their Turkish counterparts that they were old, antiquated, and slated for replacement at the time — and almost from the onset of their deployment, the United States had already begun planning to remove them, a proposal the Turkish government resisted. The missiles took too much time to fuel and therefore were exposed to a Russian first strike from bombers/medium-range ballistic missiles operating from bases close to the Turkish border.

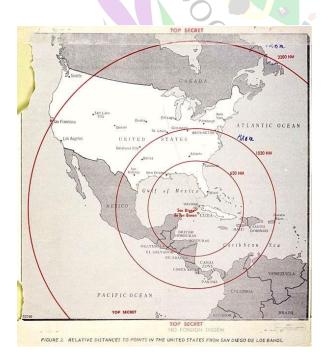
The Jupiter missiles had an operational range of 2400km (Fig.2). Thus, putting many major cities of USSR under the threat of these missiles. Three years after the Jupiter missiles were deployed, the Russians started working on a mission called Operation Anadyr, according to which the USSR had plans to deploy R-12 medium-range and with R-14 intermediate-range missiles in Cuba. (Fig.1)

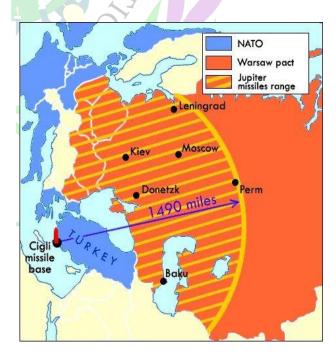
This operation was strictly confidential until a U.S U-2 Spy plane flew across Cuban land and took pictures of the site. Once the white house was shown the photographs, they were horrified as they knew how close the two sides were to the brink of war; as the U.S. Secretary of State, Dean Rusk said; "We're eyeball to eyeball." The USSR claimed that these missiles were for defensive purposes as Cuba feared for an invasion. This catastrophe lasted for thirteen days after which both sides broke a deal upon which USSR had to pull missiles from Cuba on the condition that the USA pulled their Jupiter missiles from Turkey. This was agreed by the United States and the missiles were dismantled after 6 months.

The Jupiters were removed in 1963, but the United States still retained nuclear artillery shells and gravity bombs in Turkey, which were seen at the time as more "useable" nuclear options.

Turkey's role in the strike, mirroring that of NATO's overarching de-emphasis of nuclear weapons, has declined considerably since 1991. After the end of the Cold War, the United States withdrew almost all of its nuclear weapons from Europe, leaving a couple hundred in specially designed underground vaults, built into the floor of hardened aircraft shelters. The remaining weapons have been consolidated at airbases in Germany, Italy, the Netherlands, Belgium, and Turkey. In every case but Turkey, the host nation also has a so-called dual-capable aircraft (DCA), piloted by non-American personnel, trained and capable of carrying nuclear weapons to their targets.

Turkey remains a part of the nuclear strike mission, but its nuclear-capable F-16s, now based at Balikesir and Akinci, would act as escorts for forward-deployed American aircraft, rather than carry the weapons. Turkey, for economic reasons, chose to decertify its pilots, leaving it with aircraft technically capable of carrying and releasing nuclear weapons, but without the trained pilots to do so. Thus, during a time of conflict, Turkey would rely on the United States to carry the bombs at Incirlik. Yet, after changing the terms of basing agreements during the 1990s, the United States no longer permanently stations a nuclear fighter wing in Turkey; instead, the air wing rotates through the base at sporadic intervals from different U.S. air bases in Europe.





(Fig. 1) (Fig 2.)

Legislation:

Historical evidence indicates that, at the time of negotiating the NPT in the 1960s, many countries did not fully understand what implications nuclear sharing had and/or did not know that NATO interpreted nuclear sharing to be legal under the NPT. According to the current understanding of most non-NATO parties to the NPT, NATO nuclear sharing probably violates Articles I and II of the Treaty.

Article I of the NPT prohibits nuclear weapon states that are parties to the NPT from sharing their weapons with non-nuclear states:

"Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices."

Article II contains a parallel commitment on the part of non-nuclear states parties not to receive them:

"Each non-nuclear weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices."

The primary rules under Jus in Bello are found in the law of armed conflict, which today is widely termed international humanitarian law (IHL). Under IHL, while states 'do not have unlimited freedom of choice of means in the weapons they use', there is no requirement that each weapon is specifically 'authorized' for its use to be lawful; use of any given weapon will only be unlawful when, and to the extent that, it is prohibited by an applicable conventional or customary rule.

Limits of NPT Applicability

The question of whether the treaty applies in times of war is a very crucial one to the interpretation of the legality of nuclear sharing.

Adrian Fisher, the U.S. diplomat who developed this U.S. negotiating concept, suggested, referring to the NPT's preamble, that the treaty should have the purpose of prohibiting not only proliferation but also war. Fisher went on to argue that if such a formula was contained in the preamble, the U.S. could claim that, once war had begun, the treaty had failed to fulfil its function of prohibiting war and thus was no longer binding on the United States and its allies. The suggestion was adopted and is now contained in the treaty text, which declares that the treaty is intended to "to make every effort to avert the danger of such a war," meaning nuclear war.

The Rusk letter also reflects this view. It states that the United States and its NATO allies will feel bound to the NPT, "unless and until a decision were made to go to war, at which time the treaty would no longer be controlling." The provision allows NATO to argue that both a policy that includes the possible first use of nuclear weapons and nuclear sharing is legal in times of war.

The question of what type of war it might take to suspend the NPT arose during the Senate hearings. The Johnson Administration replied that they were talking about "general war." However, while general war is defined in U.S. military strategy, the term is not used or defined by NATO. Wars between two minor powers were excluded from the definition of "general war" during the hearing. Rather the term applied to an East-West conflict during which NATO wouldn't be bound to the treaty. Such a view allowed NATO some flexibility to decide itself when the NPT should apply and when not, and when NATO might undertake the first use of nuclear weapons.

Recent developments in NATO make things even more complicated. NATO is currently working on a new classified military strategy document called MC-400/2, in which some want the Alliance to retain the option to assign to nuclear weapons a role in deterring biological and chemical weapons owners as well as those having the means of delivery for such weapons. The document was approved by NATO's North Atlantic Council in May 2000. It does not contain a clear approval of deterring all types of weapons of mass destruction by nuclear weapons. However, it also does not contain language clearly restricting the use of nuclear weapons to situations, where nuclear weapon state are involved in the conflict. Since the exact language is unknown to the public it remains an open question, whether like in the case of NATO's "first use policy," the option for a wider role of nuclear weapons is kept open via the argument "Allowed is what is not explicitly forbidden."

Retaining the option to use nuclear weapons against opponents armed with biological and/or chemical weapons would increase the number of occasions under which NATO might consider nuclear sharing and under which non-nuclear weapon states may participate in nuclear missions. This is a logical consequence of the Alliance's policy of shared risks, roles and responsibilities.

The Meaning of Nuclear Sharing

Six non-nuclear NATO countries currently host U.S. nuclear weapons on their territories. Up to 180 freefall bombs of the type B-61, Modification 10 may be deployed in Europe. These are bombs designed to be dropped from the aircraft. Some of these bombs are designated for possible use in wartime by non-nuclear NATO members. The air forces of these countries operate so-called dual-capable aircraft, which allow them to drop conventional as well as nuclear bombs. The dual capability of these fighter-bombers allows the militaries of these non-nuclear states to participate in NATO nuclear operations, should the Alliance decide to use nuclear weapons and the U.S. President order their use.

The pilots for these aircraft are provided with training specific to use nuclear weapons. The air force units to which these pilots and aircraft belong have the capability to play a part in NATO nuclear planning, including assigning a target, selecting the yield of the warhead for the target, and planning a specific mission for the use of the bombs.

Under NATO nuclear sharing in times of war, the U.S. would hand control of these nuclear weapons over to the non-nuclear weapon states' pilots for use with aircraft from non-nuclear weapon states. Once the bomb is loaded aboard, once the correct Permissive Action Link code has been entered by the U.S. soldiers guarding the weapons, and once the aircraft begins its mission, control over the respective weapon(s) has been transferred. That is the operational, technical part of what is called nuclear sharing.

Nuclear sharing has also a political side. All non-nuclear weapon states that are members of the NATO treaty are eligible to participate in NATO's nuclear-planning and consultation processes. This means they are eligible to participate in drawing up target plans, in discussing the use of nuclear weapons in wartime, in consultations on whether NATO should ask the U.S. for the use of nuclear weapons, and in consultations when the NATO nuclear-weapon states should decide to use nuclear weapons, whether NATO as a whole would agree to do so. All of these tasks are accomplished in NATO's Nuclear Planning Group (NPG) and its subsidiary bodies.

NATO nuclear sharing, as far as the technical part is concerned, was described in 1964 by one member of the U.S. National Security Council in what was at that time a highly classified memorandum; meaning that "the non-nuclear NATO-partners in effect become nuclear powers in time of war." The concern is that at the moment the aircraft loaded with the bomb is on the runway ready to start, the control of the weapon is turned over from the U.S., a nuclear weapon state, to non-nuclear weapon states. The control over this weapon in the physical sense, as well as in the legal sense, is at that moment with the pilot from the non-nuclear weapon state. Control remains with the United States until that point. This is both, in violation of the spirit if not the text of Articles I and II of the NPT.

During the negotiations for the NPT, NATO's member states used a rather tricky approach to get around a prohibition of their established system of jointly deciding and implementing specific aspects of NATO's nuclear strategy. Once the text of Articles I and II was known, the U.S. (in

coordination with its allies) worked on a unilateral interpretation of Articles I and II, which they agreed upon internally and then consulted with some of the other countries negotiating the NPT. Who was consulted was not widely known until recently. We now know that the Soviets had been shown the text of these interpretations and that some key members of the Eighteen-Nation Committee negotiating the NPT had been consulted. However, it is still not known which nations were among the "key" members. Most of the States that signed the NPT on July 1, 1968, had not had a chance to see the text of these interpretations at that time.

The normal way to make reservations known to all future and current parties of an international treaty would be to deposit them jointly with the signature of the treaty. Thus, they would be in the public domain. However, the U.S. government at the time decided to not deposit any reservation, but make its unilateral interpretations to the NPT public in a different way. They were presented during the Senate ratification hearings in 1968 and later printed in the hearing's transcript. Thus most initial signatories of the NPT got the chance to learn of the reservations when looking at the U.S. Senate hearing transcripts, which were held after they had already signed the treaty.

Because most, if not all, non-NATO countries did not fully understand what NATO nuclear sharing meant in detail, this procedure in effect assured that no early questions about NATO nuclear sharing would be raised by countries not privy to the limited NPT consultations among a few of the parties.

The unilateral U.S interpretations of the NPT were described in an undated letter from then-U.S. Foreign Secretary Rusk, in answers to 'hypothetical' questions asked by the European NATO allies. ³ The first three questions dealt with nuclear sharing, the fourth one with the future of the European Union. In this letter, the United States tried to legalize under the NPT what NATO had been doing anyway.

The Rusk letter argues that the NPT does not specify what is allowed, but only what is forbidden. In this view, everything that is not forbidden by the NPT is allowed. Since the treaty doesn't explicitly forbid the U.S. or other nuclear-weapon states to sell nuclear-weapons-capable carrier systems, such as aircraft, missiles, etc., to non-nuclear weapon states, it is allowed to sell them.

Since the treaty doesn't explicitly talk about the deployment of nuclear warheads in countries that are non-nuclear weapon states, such deployments are considered legal under the NPT. And since the treaty doesn't talk explicitly about whether it applies or is binding in times of war, a very specific argument has been developed so NATO can argue that this treaty is not binding in times of war.

Current Situation

Tensions were high between Russia and Turkey when a Russian Su-24 Sukhoi fighter jet was shot down. Turkey claimed that it was shot down because it breached its airspace and ignored multiple warnings to divert, while Russia categorically denied allegations claiming that the jet was abandoning the Turkish airspace while it got shot down. The shooting down of the jet led Moscow to a crisis in relations between Moscow and Ankara. Russian President Vladimir Putin described the incident as a "stab in the back" and imposed a number of restrictive measures against Ankara, repeatedly calling on the Turkish government to apologize and cover any material losses to the pilot's family.

Followed by the failed military coup in Turkey, roughly 60~70 US B61 warheads which are still positioned in Incirlik base are posing as a threat to peace and stability all around the globe, according to one report, 1500 U.S. military personal were held hostage during the 15th July coup leaving the warheads unguarded. The military coup not only destabilized Turkey as a nation but also prompted others to rise against it as well. After the coup failed it was reported that at least one of the pilots responsible for downing the Russian jet took part in the failed Turkish coup attempt. After the coup, Washington felt that their nuclear program was unsafe in Turkey and discussed the possibility of moving them elsewhere.

Another issue on hand is the geographical location of Incirlik U.S. airbase, which is roughly 200 miles away from the Syrian border and poses as a huge threat considering the turmoil in Syria, and the rise of ISIS due to which Turkey has been badly affected as the numbers of terrorist activities increase yearly, among which are: February and March Ankara bombings 2016, Ataturk Airport Attack 2016, and 5 different bombings reported at Istanbul this year. The ever-increasing amounts of bombings have made it clear that Turkey is unable to fully secure itself from the threat of ISIS. The short distance between Incirlik and Syria has the possibility of ISIS being strong enough in the upcoming future to invade turkey and take possession of U.S. warheads.

Warheads in Turkey is acting as a catalyst to start an arms race in the Middle East, with Iran and Israel on the top of the list, such a race could destabilize the Middle East immensely and judging by how unpredictable these countries are, it could breach the global peace. Acts of aggression could possibly result in a full-scale thermonuclear war in the Middle East.

Questions a Resolution Must Answer

Q. Is there a need for the missiles in turkey?

Q. Is turkey an undeclared nuclear power?

Q. Is it legal to position nuclear warheads to another country? Are the Incirlik nuclear missiles safe?

Q. Do the turkey missiles destabilize the political scenario of the Middle East?

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