

Confidence Building Between Turks and Iraqi Kurds

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June 2009



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Table of Contents

<i>Foreword</i>	i
<i>Introduction</i>	iii
<i>Executive Summary</i>	v
Identifying Interests	1
Turkish Views and Interests	2
Iraqi Kurdish Views and Interests	3
Iraqi Views and Interests.....	3
Iranian Views and Interests	4
U.S. Views and Interests	4
European Views and Interests	5
Building on History	6
Kurds in Turkey	6
Kurds in Iraq.....	9
Building Future Cooperation	13
Promoting Economic Ties between Turkey and Iraqi Kurdistan.....	13
Fostering Cooperation on Energy Development and Transport	14
Resolving the Status of Kirkuk Peacefully	16
Enhancing Good Governance and Minority Rights in Iraqi Kurdistan.....	17
Addressing the PKK’s Presence in Iraqi Kurdistan.....	19
Diminishing Public Support for the PKK	20
Conclusion	23
<i>Acronyms</i>	25
<i>Acknowledgements</i>	27
<i>About the Author</i>	29

Foreword

One of the most sensitive and potentially promising relationships in the Middle East is that between Turkey and Iraq, two countries of central interest to the United States. Crucial in Turkey's relationship with Iraq is its view of Iraqi Kurdistan. Turkish leaders have blamed the Kurdish Regional Government for being insufficiently tough on the PKK terrorist group. At the same time, Turkey realizes that a stable Iraq is in its interest and that an enhanced relationship with Iraqi Kurdistan could bring it significant benefit on energy and commercial grounds. Iraqi Kurds are similarly suspicious of Turkey, and point to Turkey's treatment towards its Kurdish minority as a source of the difficulties. The relationship is further complicated by tensions between Iraqi Kurds and the central government in Baghdad.

Despite or perhaps even because of these tensions, Turks and Iraqi Kurds recognize the need for pragmatic cooperation with the aim of regional stability. Officials from the Turkish and the Kurdish regional government have recently launched discussions about economic and energy cooperation and these are beginning to bear fruit in terms of greater understanding and cooperation on some issues. Given the need for a stable Iraq as U.S. forces begin to withdraw, it is in the American interest to support these efforts.

Confidence Building between Turks and Iraqi Kurds, by Atlantic Council Senior Fellow David L. Phillips, maps out a way forward for these dialogues. It points to the importance of engaging civil society, and makes practical recommendations for enhancing confidence between Turks and Iraqi Kurds, ranging from energy, economic, and security cooperation to improvement of minority rights across borders. The report identifies actions that can be taken by Turks and Iraqi Kurds to advance these goals, and also suggests some steps the U.S. government can take to support those local efforts.

The report's findings are informed by a dialogue launched by the Atlantic Council and spearheaded by Phillips, to map the range of issues between Turks and Iraqi Kurds. On April 13-15, the Atlantic Council convened a session with 14 Turks and Iraqis, including Kurdish policymakers and members of the Kurdish Regional Government and leading Turkish opinion makers and experts. Phillips also traveled to the region, meeting with senior officials in Turkey and Iraq. We hope that this report will spark discussions that can be taken up in follow-up dialogues in Istanbul and Erbil.

The Atlantic Council appreciates the generous support of the Norwegian government for this initiative, with particular thanks to Ambassador Wegger Strommen, without whom this effort would not have been possible. At the Atlantic Council, Cindy Romero, Assistant Director of the Program on Transatlantic Relations, ably coordinated the delegation's visit and assisted with research. This project benefited as well from the contributions made by Fran Burwell, Vice President and Director of Transatlantic Programs and Studies. Most valuable, of course, were the contributions made by the participants in our Turkish and Iraqi Kurd dialogue, who with good will and open minds proposed constructive steps forward in relations between their communities.



Frederick Kempe
President and CEO

Confidence Building Between Turks and Iraqi Kurds

Introduction

The Obama administration's "responsible redeployment" from Iraq will require a state that is stable, able to govern itself, and at peace with its neighbors. The recent increase of suicide attacks and spike in sectarian violence are reminders of Iraq's ongoing volatility. Although northern Iraq remains relatively peaceful, it also faces serious issues that could escalate into conflict between the Kurdistan Regional Government (KRG) and the federal Government of Iraq (GOI), as well as between Iraqi Kurds and other Northerners.¹ Instability and violence would have serious implications in Iraq and across the region.

On April 13-15, 2009, the Atlantic Council of the United States (ACUS) convened a group of Turks, Iraqi Kurds, and other Iraqis in Washington, D.C. The purpose of the meeting was to map issues affecting relations between Turks and Iraqi Kurds and consider how collaboration might be enhanced. U.S. and European experts also joined the discussion.

At follow-up meetings planned for Istanbul and Erbil, the Atlantic Council hopes that Turks and Iraqi Kurds will assume ownership of the dialogue as well as its outcomes, thereby institutionalizing contact, communication, and cooperation. So-called track two activities create a context for civil society to develop mutual understanding, with the goal of building confidence, transferring insights to decision-makers, and shaping public opinion. Track two activities can complement, but do not replace, the existing efforts of officials from both sides whose meetings over the past year have established a positive trend in Turkey-KRG relations.

This report, *Confidence Building between Turks and Iraqi Kurds*, draws on the discussions held during the first workshop in Washington. It also incorporates additional information and views gathered during research, and a recent trip by the author to Turkey and Iraq. While informing and encouraging constructive interaction between Turks and Iraqi Kurds, it should also be a useful resource to the Obama administration as it works to foster integration as the basis for sustainable peace and prosperity in the region.

¹ The term "Northerners," refers to those who live in Northern Iraq, including the Iraqi Kurdistan Region (e.g. Kurds, Arabs, Turkmen, Chaldo- Assyrians, Yazidis).

Executive Summary

The Obama administration's "responsible redeployment" from Iraq is made even more urgent by the requirements resulting from worsening conditions in Afghanistan and Pakistan. For redeployment to occur on scale and on schedule, the United States seeks an end-state in Iraq that is stable and at peace with its neighbors. Simmering sectarian violence is inevitable, but it will not break Iraq. However, ethnic conflict between Arabs and Kurds could escalate into a major conflagration with regional implications.

Findings and recommendations in this report – *Confidence Building between Turks and Iraqi Kurds* – draw on discussions during the Washington meeting of Turks and Iraqi Kurds on April 13-15, 2009, as well as information and views gathered during research and a recent trip by the author to Turkey and Iraq. Future meetings are anticipated in Istanbul and Erbil. The Istanbul meeting, planned for September 2009, will expand the core group of Turks and Iraqi Kurds and will include briefings to media representatives from Turkey and Iraq. Joint task forces are envisioned on (i) trade/investment, (ii) energy development/transport, and (iii) environmental/water issues. The task forces will identify areas for collaborative work integrating the interests of Turks and Iraqi Kurds. Participants agreed that a shared future between Turks and Iraqi Kurds is essential to mitigating conflict and ensuring peace and prosperity in the region.

To this end, the report assesses the views and interests of Iraqis, Iraqi Kurds, regional players and other major stakeholders as the basis for cooperation when interests overlap and preventing conflict when they diverge. Since interests are shaped by history, the report considers the history of Kurds in Turkey and in Iraq. The report also evaluates opportunities for collaboration, and flash-points for conflict escalation between Iraqis, as well as between Turkey and Iraqi Kurdistan. While the region remains volatile, the report notes significant progress in Turkey-KRG relations as a result of constructive dialogue between officials from both sides over the past year.

The following recommendations are provided as the basis for further discussion between Turks and Iraqi Kurds:²

- To promote Turkish trade and investment in Iraqi Kurdistan, the Habur Gate at Zakho should be upgraded on both sides of the border, transit procedures streamlined, and a second border crossing opened to reduce congestion. Turkey and Iraqi Kurdistan should establish reciprocal trade promotion offices. Improved economic conditions will have the added benefit of moderating Kurds in Turkey.
- To foster cooperation between Turkey and the KRG on energy development and transport, the GOI and KRG should build on the recent arrangements enabling export of oil from Iraqi Kurdistan to finalize national Hydrocarbons and Revenue Sharing Laws. Such progress would accelerate the production of Iraqi gas thereby enhancing the profitability of the Nabucco pipeline.

² This report's mapping of the issues is illustrative rather than comprehensive. Recommendations linked to issue analysis reflect the author's views, not necessarily those of meeting participants.

- To resolve peacefully the status of Kirkuk and other disputed territories, concerned parties should intensify efforts to overcome differences. The longer it takes, the more likely is communal violence. Though giving away Kirkuk is a red-line that no Kurdish politician can cross, there is still room to accommodate competing claims within the parameters of Article 140 in Iraq's 2005 constitution.
- To enhance governance and minority rights in Iraqi Kurdistan, the KRG should consult with its polity and then move quickly to adopt its draft constitution that includes a bill of rights and decentralization arrangements for local government. To protect and promote minority rights, the KRG should finance minority schools, ensure use of minority languages in public proceedings, and permit display of minority place names, signage, and symbols. Additionally, local security officers should reflect the ethnicity of the community they serve.
- To address the PKK's presence in Iraqi Kurdistan, the KRG should crack down on PKK logistics through more effective efforts to arrest senior commanders, interdict financing, and tighten checkpoints around Qandil, including mountain passes. Further integrating KRG representatives into the Iraqi delegation to the Trilateral Security Commission would more fully engage Kurdish officials in intelligence sharing.
- To diminish public support for the PKK by Kurds in Turkey, Ankara should take additional steps to recognize Kurdish identity by, for example, eliminating "Turkishness" as the basis for citizenship in the constitution. The PKK problem cannot be solved with security measures alone. The ultimate solution lies in Turkey's continued democratization and development, as well as some amnesty arrangement for the PKK rank and file. Investments in job creation and social services would also help drain the swamp of public support.
- To ensure that the Obama administration is fully engaged, the United States should appoint a Special Envoy for Northern Iraqi and Regional Issues. The Special Envoy would help focus U.S. efforts to integrate the interrelated themes of security, democracy, and development, raise the profile of these problems, streamline the inter-agency process, complement efforts by the U.S. embassies in Baghdad and Ankara, and navigate the USG architecture for Iraq and Turkey.³

³ Iraq is the responsibility of NEA and the Pentagon's Central Command (CENTCOM), while Turkey falls under the jurisdiction of the Bureau for European and Canadian Affairs (EUR) and the European Command (EUCOM).

Confidence Building Between Turks and Iraqi Kurds

Identifying Interests

Iraqi Kurdistan is potentially volatile and a threat to regional stability. The status of Kirkuk, the resolution of disputed territories, and relations among the KRG, Turkmen, and Arabs are all flashpoints for conflict escalation. Turkey's concern about the emergence of an independent Iraqi Kurdistan is exacerbated by the PKK's presence in KRG-controlled territories. Conflict escalation within Iraq or between Iraq and its neighbors, including Turkey and Iran, would be a serious setback to regional and U.S. interests.

It is a testament to the importance of US-Turkish relations that President Barack Obama visited Turkey just 77 days after his inauguration as President of the United States. The visit was a truly historic opportunity to enhance the strategic partnership that has benefited both nations for more than five decades.

Turkey is one of the United States' strongest and most reliable allies. Straddling Europe and Asia, it played a critical role containing the Soviet Union during the Cold War. As a secular democracy, Turkey serves as an example to other Muslim-majority countries. After 9/11, Turkey was a critical staging area for operations in Afghanistan. It led the International Security Assistance Force for Afghanistan twice, and today remains critical to NATO's activities in Afghanistan. Turkey is a pivotal partner in the fight against al-Qaeda, despite attacks at home by radical fringe Islamists. Turkey's cooperation is also critical to other U.S. strategic interests: redeploying troops from Iraq, constraining Iran's nuclear development, and enhancing energy security through the development of sources in the Caspian and via transport in the Caucasus. Turkey is part of the G-20, and has an important role to play in the global economic recovery.

The United States also has strong sense of solidarity with Iraqi Kurds and the KRG. The U.S.-led "Operation Provide Comfort" saved tens of thousands of Kurdish lives after the 1991 Gulf War. The U.S. security guarantee through "Operation Northern Watch," —which established a no-fly zone north of the 36th parallel preventing incursions by the Iraqi armed forces — helped create conditions for self-rule by Iraqi Kurds. Because U.S. armed forces were denied access to Iraq through Turkey in 2003, the United States worked even more closely with the KRG and its Peshmerga to stabilize northern Iraq after the overthrow of Saddam Hussein.⁴ Peshmerga, acting as a *de-facto* national guard, also played an important role in liberating northern Iraq, and served as hardened and effective fighters in support of the subsequent military surge. Not one U.S. citizen, soldier, or contractor has been kidnapped, wounded, or killed in Iraqi Kurdistan. With regard to political cooperation in Baghdad, Iraqi Kurds have consistently supported Iraq's secular and democratic tendencies. They were called upon to make concessions or mediate between Arab factions whenever a compromise was needed to preserve Iraq's stability.

⁴ Peshmerga means "one who stands before death."

Turkey-KRG relations have greatly improved since official contact began in May 2008. Despite significant positive trends, progress is fragile and easily reversible. A major PKK attack could precipitate a military reprisal, setting back Turkey-KRG relations and radicalizing Turkish Kurds. U.S. engagement will be required to assist Turkey and the KRG to overcome deeply rooted enmities and forge cooperation based on a common vision for the future.

It is, therefore, imperative to have a good understanding of the differing perspectives and interests of each party in the region. Understanding interests will guide approaches enabling cooperation when interests overlap and mitigating conflict when they diverge.

Turkish Views and Interests

Turkey has an abiding fear that if Kirkuk joins the KRG, it will provide the groundwork for an economically viable independent Kurdish state inspiring Turkish Kurds to seek greater autonomy. If Turkey cracked down on the rights of Kurds in Turkey or launched a major military action, either to prevent a referendum on Kirkuk's status or to attack the PKK, Turkey's European Union (EU) antagonists could use it as a pretext for impeding Ankara's candidacy.

Prime Minister Recep Tayyip Erdoğan's Justice and Development Party (AKP) has made great strides towards meeting the EU's criteria for accession. However, conflict with Iraqi Kurds would polarize Turkish domestic politics, tilting the balance of power in favor of the security establishment and secular elite. Those who oppose cooperation until the KRG cracks down on the PKK want to create a vassal state in Iraqi Kurdistan, dependent on Turkey for supplies and security. Their Eurasia strategy, which emphasizes ties to Russia, China and Iran, would also diminish the importance of the West.⁵

Increased tensions could also cause Turkish companies to lose their dominant market share in Iraqi Kurdistan. In addition to undermining future Production Sharing Agreements (PSAs) on concessionary terms to Turkish energy companies, an increase in regional tension would also interrupt energy flows to the Ceyhan pipeline, impacting consumers in Turkey and elsewhere in Europe, and eroding Turkey's reliability as a transit country for energy supplies.

No one disputes Turkey's legal right to target PKK members on its territory. However, military action alone risks exacerbating the problem by increasing popular support for the PKK. Turkish participants in the Atlantic Council's meeting maintained that the PKK cannot be defeated using military means alone. They advocate a strategy of disarmament, demobilization, and reintegration, as well as a change in the legal definition of citizenship, which is presently based on the concept of "Turkishness."

Turkey needs a stable and strong Iraq to contain Iran. With powerful Iraqi Shi'a groups acting in ways that advance Tehran's interests, Iraqi Kurdistan — stable, democratic, and pro-western — could become an essential buffer to sectarian violence emanating from an increasingly chaotic, politically polarized, and religiously radicalized Iraq.

⁵ Anonymous interview with the author in Istanbul on May 24, 2009.

Iraqi Kurdish Views and Interests

Kurds are the largest stateless minority in the world, with an estimated 30 million Kurds in a geographic area encompassing territories in Turkey, Iraq, Iran, Syria, and Armenia. Iraqi Kurds do not want a “Greater Kurdistan.” Despite the distinct identity of Iraqi Kurds, the Kurdish leadership — Masoud Barzani, president of the Kurdistan Region, and Jalal Talabani, president of Iraq — accept a federal, decentralized, and democratic Iraq. Rather than living in a rump state with ties to the outside world via Iran, Iraqi Kurds embrace their future with the West and recognize the importance of good relations with a Turkey that is fully integrated into European and trans-Atlantic institutions.

U.S. redeployment from Iraq will require the KRG increasingly to fend for itself in disputes with an Iraqi federal government that suspects them of secessionist ambitions and resents their collaboration with the United States. Hostile neighbors may also take steps to advance their interests. An empowered KRG would be able to assert greater control over its own territory, meeting these challenges more effectively. The Kurdish leadership will need patience, flexibility, and statesmanship during the upcoming transition period.⁶

Having achieved extensive self-rule since the 1991 Gulf War, Iraqi Kurds are unwilling to relinquish their hard-fought gains. While they do not want to be blamed if Iraq falls apart, there are “red lines” no Kurdish leader can cross, especially with upcoming elections on July 25. Flexibility is also called for on other contentious issues, such as the Hydrocarbons and Revenue Sharing Laws.

Iraqi Views and Interests

After decades of Ba’athist rule and more than six years of U.S. occupation, most Iraqis desperately want to live in a country at peace with itself and with its neighbors. Simmering sectarianism, renegade “Sons of Iraq,” and the resurgence of al-Qaeda in Mesopotamia already present formidable challenges. Events might be used to justify intervention by Turkey or Iran, which would represent serious additional risks to the future of Iraq.

Prime Minister Nuri al-Maliki has gained popular support by intensifying Arab nationalism. His critics in Iraqi Kurdistan believe he is undermining Iraq’s constitution and taking an inflexible position on Iraq’s Hydrocarbons and Revenue Sharing Laws, which risk alienating the KRG and inflaming tensions between Arabs and Kurds. His imperious approach to governance would also alienate other Shi’a parties as well as Sunni tribal sheiks.

According to Iraqi Kurds, Maliki’s centralized approach to governance and restoration of Ba’athists to leadership positions in the armed forces could be early warnings of anti-democratic tendencies. They believe that conflict in Iraq has always been because of too much power in Baghdad and the militarization of society. Maliki must guard against the temptation to fashion himself as a strongman in Saddam’s image.

⁶ Masoud Barzani is President of the Kurdistan Region and Jalal Talabani is President of Iraq.

Iranian Views and Interests

Tehran supports a democratic, federal Iraq, since democracy would enable majority rule and Shi'a ascendancy. Iran wants to ensure its sphere of influence in Iraq's largely Shi'a southeast, which includes the oil-rich governorates. Accordingly, it seeks a weak, Shi'a led Iraq that will be largely dependent on the goodwill of Iran.

Most of Iraq's current political leaders were involved in the Iraqi opposition. Some were based in Tehran during the Ba'athist period where they received political, security, and financial support from the Iranian regime. Tehran today draws on those relationships to influence events within Iraq, including Iraqi Kurdistan where it has a long history of involvement.⁷ Adhering to the principle of "divide and rule," Iran seeks to capitalize on the weakness of Iraqi parties to exercise influence.

Iran has tried to undermine stability and U.S. efforts in Iraq by supporting Ansar al-Islam, Shi'a militias opposed to the GOI, and Sunnis associated with al-Qaeda in Mesopotamia. With U.S. redeployment pending, Iran still wants to be able to destabilize Iraq so that it can manipulate events. It does not, however, want Iraq to spiral out of control lest civil war cause instability and displacement that might spill across its border.

Tehran uses a heavy hand to suppress domestic groups dissatisfied with its rule. It maintains that the United States, as part of its regime strategy for Iran, channels money and weapons to the PKK's Iranian franchise, the Party for Free Life of Kurdistan (PJAK). Tehran may consider further measures targeting the PKK/PJAK beyond its current artillery attacks, including coordinated military operations with Turkey.

U.S. Views and Interests

Iraq's fragmentation is still possible. Civil war would result in an urgent humanitarian emergency, as well as strategic consequences with reverberations across Turkey and the Middle East. Iraq's collapse would also underscore the diminished power and authority of the United States at a time when U.S. leadership is urgently required to address global crises.

The United States does not want to be in a position where it has to choose between Turkey and Iraqi Kurdistan as allies. Turkey is a valued member of NATO, which fought heroically with the United States in Korea and represented the Alliance's eastern flank during the Cold War. Turkey has twice led the International Security and Assistance Force for Afghanistan and remains indispensable to NATO's efforts in that country. Turkey's cooperation is also necessary for redeploying U.S. troops and materials from Iraq via the northern route.

The KRG has invited the United States to establish permanent military bases in Iraqi Kurdistan so that U.S. troops could serve as a rapid reaction force responding to terrorist attacks within Iraq. The proposal irks Iraqis intent on full restoration of their country's sovereignty, and also upsets Turkey, which does not want to diminish its strategic value to the United States.

⁷ Iran enlisted the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) in the Iran-Iraq War (1980-88). It also backed the PUK against the KDP during the inter-Kurdish conflicts of the mid-1990s.

With its untapped energy reserves, Iraqi Kurdistan is critical to both U.S. and Iraqi energy security. Kirkuk is an important shipment point for the Ceyhan pipeline conveying oil from Iraq to western markets. Natural gas fields in Chamchamal, east of Sulaimaniya, and near Qader Karam in Kirkuk represent an alternative source of supply for European markets. Iraqi gas can also help boost profitability of the Nabucco pipeline.

European Views and Interests

EU and NATO member states want the United States to realize its goals in Iraq. Failure to do so would require a continued commitment to Iraq, which would limit U.S. capacity in Afghanistan where the EU is called upon to play a greater role on reconstruction. Worsening violence in Iraq or Afghanistan could exacerbate interreligious and communal tensions involving Muslims in Europe.

European energy consumers see Iraqi energy resources as a way to lessen their dependence on Russian gas. In addition to adoption of Hydrocarbons and Revenue Sharing Laws, Iraq's stability and Turkey-KRG relations are critical to developing new energy supplies and transporting them to western markets.

Building on History

Kurds in Turkey

In 1923, Mustafa Kemal, known as Ataturk (“the father of all Turks”), unified the remnants of the Ottoman Empire to create the Republic of Turkey. Though Ataturk was committed to build a truly modern state on par with the European powers, he was wary of European intentions. The Sevres Treaty of 1920 partitioned Turkey, reducing it to one-third of the Empire’s size, and promised the Kurds a country of their own. Ataturk rejected Sevres and rallied Turks in a “war of liberation.” Victorious, he succeeded in scuttling Sevres and replacing it with the Lausanne Treaty of 1923. In 1925, Kurds launched an insurgency to restore the autonomy that existed under Ottoman rule, but the rebellion was brutally put down and its ringleaders hanged in the central square of Diyarbakir. Following the 1937 Tunceli uprising, Turkey adopted draconian measures denying the very existence of Kurds in Turkey and referring to them as “Mountain Turks.” Kurdish language, culture, and geographical place names were banned. Simmering tensions continued until Turkey’s military coup on September 12, 1980.⁸

In the 1970s, Abdullah Oçalan established the PKK as a Marxist-Leninist organization with the goal of creating a pan-Kurdish state. The PKK is an expression of Kurdish identity through violent means. It garners public support for its stand against the Turkish state, which many Kurds in Turkey see as abusive and tyrannical. Under Oçalan, the PKK was a rigid hierarchical organization that operated with Stalinist discipline.⁹ Oçalan brutally suppressed dissent, purged opponents, and targeted elites who sided with the Turkish establishment, as well as Kurds who worked for state institutions (e.g. teachers, doctors and nurses). Financing came from a “revolutionary tax” as well as from extortion, ransom-ing, kidnapping, gun running, protection rackets, and narcotics trading. At its peak, the PKK’s annual income was as high as \$500 million.¹⁰

Turkey tried to drain the swamp of public support for the PKK through economic development. To address the 30% unemployment rate in Kurdish areas, from 1983-1992, Turkey invested \$20 billion in the GAP Project, a massive irrigation and hydroelectric scheme designed to harness the Tigris and Euphrates Rivers through 20 dams, including the \$2.3 billion Ataturk Dam. The project was intended to irrigate 1.7 million hectares, create a seven-fold increase in agricultural production, triple per-capital income, and create 3.3 million new jobs.¹¹

The Turkish government also responded with an iron fist. In 1978, the government put several south-eastern provinces under martial law: Diyarbakir, Batman, Sirnak, Madin, Siirt, Hakari, Bingol, and Tunceli were termed “critical provinces” and governed under a special administrative law.¹² A succession of

⁸ This section draws upon the author’s report, “Disarming, Demobilizing and Reintegrating the Kurdistan Worker’s Party” (National Committee on American Foreign Policy, October 2007).

⁹ The United States listed the PKK as a Foreign Terrorist Organization (FTO) in 2001. The EU added it to the terror list in May 2002.

¹⁰ Michael Radu. “The Rise and Fall of the PKK.” *Orbis* (Vol 45, No 1, Winter 2001) 47.

¹¹ The “GAP Social Action Plan” fell far short of expectations. Financing shortfalls and the ongoing security crisis, including PKK attacks, undermined GAP’s success.

¹² The government invoked Article 14 of the constitution to crack down on activities threatening the “indivisibility of the state.” It also invoked Article 125 of the Penal Code stipulating that, “Any person who carries out any action intended to destroy the unity of the Turkish state or separate any part of the territory shall be punishable by death,” as well as Article 8 of the “Law for Fighting against Terrorism,” which defined terrorism so broadly it was used to criminalize any free discussion about Kurdish issues. Article 150 of the criminal code, adopted in October 2005, imposed penalties for insulting state institutions.

pro-PKK Kurdish political parties were banned (e.g. HEP, DEP, HADEP, Kongra-Gel). Government-backed death squads killed hundreds of suspected PKK sympathizers.¹³ Between 1989 and 1996, more than 1,500 persons affiliated with the Kurdish opposition were victims of unidentified murders. Close to 500 disappeared between 1991 and 1997, and between 1983 and 1994, 230 people — many of them Kurds — died from torture while in police custody.¹⁴ Pitting Kurd against Kurd, the state hired and equipped 60,000 paramilitaries as the “village guard system.”¹⁵ A displacement policy, which sought to deprive the PKK of shelter and support from the local population, drove up to 2 million Kurds from their villages.¹⁶ Since 1984, conflict with the PKK cost 30,000 lives, mostly civilians.

The conflict changed course after Oçalan’s arrest in 1999.¹⁷ The European Union began to give serious attention to Turkey’s application for membership, granting it the status of an accession candidate in December 1999. At the 2002 Copenhagen Summit, the EU outlined the political and economic conditions that Ankara would have to satisfy before formal accession talks could begin. Known as the “Copenhagen criteria,” they included economic reforms and stable institutions guaranteeing democracy, human rights, and the rule of law. Erdoğan has consistently reaffirmed Turkey’s commitment to joining the EU, and to pursuing the required reforms including fully subordinating Turkey’s armed forces to civilian control and achieving EU standards on minority rights.

Erdoğan recognized that denying “Kurdishness” was counter-productive. He understood that repression intensified Kurdish nationalism and increased support for the PKK. He vigorously pursued legislative and constitutional reforms liberalizing the political system and relaxing restrictions on freedom of the press, association, and expression. Turkey abolished the death penalty, revised the penal code, reinforced the rights of women, liberalized minority language broadcasts, ended random searches without a court order, and implemented a policy of zero tolerance towards torture. It adopted measures to dismantle state security courts, enhance independence of the judiciary, and reform the prison system. It amended the anti-terror statutes, as well as the Penal Code and the Codes of Criminal and Administrative Procedure. Turkey also signed and ratified protocols 6 and 13 of the European Convention on Human Rights.

In addition, the AKP tackled the thorny task of strengthening civil authority on Turkey’s powerful military. In May 2004, a constitutional amendment terminated special off-budget accounts that were used to finance the pet projects of commanders. Military courts were barred from prosecuting civilians in peacetime. Turkey’s National Security Council (NSC) was enlarged, giving civilians the majority of seats, and the government assumed responsibility for appointing its secretary general. The NSC’s powers were curtailed, such as its *carte blanche* power to investigate civilians. When measures were adopted preventing the military from convening meetings and curtailing their frequency, the NSC became a consultative body under the control of the elected government. Additional measures such as parliamentary oversight of the military budget and a transparent discussion of national priorities linked to the budgeting process are also under consideration.

¹³ Stephen Kinzer, “The Big Change.” *The New York Review of Books*, January 12, 2006.

¹⁴ Turkish Human Rights Association, *Annual Report* (2004).

¹⁵ Demonstrating the violent tendencies of the village guard system, one village guard clan massacred another village guard clan in Mardin on May 2, 2009.

¹⁶ Human Rights Watch. *World Report* 2005.

¹⁷ More than 100 PKK figures based in Europe sought amnesty under Article 122, the so-called Repentance Law. They were detained and are still being held.

Despite progress, critics of Turkey in Europe seized on lagging implementation of reforms to try to block Turkey's EU membership. The French and Dutch votes against ratification of the European constitution were at least in part a reaction to Turkey's candidacy. Austria called for "privileged partnership status" short of full membership. Other EU Member States support Austria's proposal.

Though the EU formally initiated negotiations with Turkey in 2005, it may take up to 20 years before Turkey satisfies the "*acquis communautaire*." The refusal to approve a customs union agreement with Cyprus, an EU member, makes progress more difficult. There are up to 100,000 pages of regulations in the *acquis*. Even if Turkey makes decisive progress, membership is not guaranteed. Popular support for EU membership is waning in Turkey: whereas 74% of Turks endorsed EU membership in 2003, only 49% supported it in 2007 and only 30% support it today.¹⁸ Kurds, however, still believe in the transformative effect of EU membership. They overwhelmingly prefer to be a part of Europe than a landlocked "greater Kurdistan." Among Kurds in Turkey, 83.3% of respondents responded affirmatively when asked about EU membership.¹⁹

Erdoğan has pledged to fulfill the Copenhagen criteria regardless of Turkey's progress towards membership. In Diyarbakir, on August 12, 2005, he underscored that the PKK problem could not be solved through military means alone: "A great and powerful nation must have the confidence to face itself, recognize the mistakes and sins of its past, and march confidently into the future...we will not step back from our process of democratization."²⁰ Erdoğan lifted the state of emergency in several southeastern provinces. The AKP amended Article 28 of the Constitution removing the ban on the Kurdish language. The "Homecoming Law" offered provisional reintegration for Kurds who agreed to lay down their arms. A "Back to Village Program" promised grants to returnees so they could rebuild their homes, farms, and livestock.

Many of Erdoğan's political opponents are wary of reforms. When Erdoğan announced Abdullah Gül's presidential candidacy on April 24, 2007, they feared Gül's devotion to Islam and tried to block his nomination. Erdoğan responded by scheduling early elections and, in an overwhelming endorsement, on July 22, 2007 the AKP won 48% of the vote, gaining 340 of the 550 seats in the TGNA. AKP's margin was fueled by support in the south and southeast, where it received more votes than the PKK-supported Democratic Society Party (DTP). Kurds credited AKP for legislative reforms enabling greater cultural rights including Kurdish language broadcasts and education. The AKP also won favor by spending significant resources on roads, schools and different social services, and its conservative values also appealed to Kurdish voters.

The AKP's victory raised hopes that it could solve the Kurdish question through non-violent means. But Erdoğan became increasingly risk-averse after the Constitutional Court tried to ban him, Gül, and the AKP from politics for violating secular strictures in the constitution. Although the motion to ban the AKP was defeated 6 to 5, Erdoğan stopped talking as much about a democratic solution to the Kurdish question and assumed a more militarist approach to the PKK.

¹⁸ In the 2006 Eurobarometer report, 54% of Turks replied that EU membership would be a "good thing"; that number dropped to 49% in 2008. In a 2009 IRI poll, 63.6% Turks responded that they would vote in favor of full EU membership for Turkey if a referendum were held that week, compared to 60% in 2006.

¹⁹ Anatolian News Agency, February 18, 2005.

²⁰ Kinzer, "The Big Change."

With local elections looming, the AKP initiated full-time Kurdish language broadcasts on Turkish Radio and Television TRT-6 on January 1, 2009. Erdoğan inaugurated the station by speaking in Kurdish. TRT-6 had a significant impact on Turks who have grown up in a society that denied the existence of Kurdish culture, and Erdoğan's use of Kurdish was important symbolism ending the policy of denial.²¹ TRT-6's launch was lauded by the international community.

The international community also welcomed the different discourse on Kurdish issues. President Abdullah Gül recently said, "Good things will come on the Kurdish question." The Turkish General Staff also indicated the military's readiness to participate in a comprehensive solution.²² However, some Turkish officials still cannot bring themselves to use the term "Kurdistan Regional Government" or "KRG." They refer to the KRG as the "Regional Government" or the "local Kurdish administration in the northern part of Iraq."

Recent local elections on March 29, 2009 were a referendum on the AKP's policies, competence and integrity. Support for the AKP slipped 9% nationwide. The DTP increased the number of municipal governments under its control, from 56 to 98. Though the AKP targeted its efforts against Osman Baydemir, the DTP candidate in Diyarbakir's mayoral race, Baydemir won with 66% of the vote.²³ Election returns demonstrated that Kurds will not sell their votes for investments and hand-outs. Moreover, Kurds are developing their own political culture. Though Erdoğan has so far resisted the judiciary's efforts to ban the DTP, hundreds of its personnel were rounded up in a nationwide sweep beginning on April 13, 2009. The following week Baydemir was sentenced under Article 301.

Kurds in Iraq

Kurds have a bitter history of betrayal and disappointment.²⁴ An old Kurdish adage goes: "The Kurds have no friends but the mountains." Iraqi Kurds have a deep distrust of relations with Baghdad. Saddam refused to implement the autonomy agreement of 1970, and his policy of "Arabization" during the 1980s and '90s resulted in the transfer of many Kurds, Turkmen, and others. Between June 1987 and September 6, 1988, Saddam sought to destroy "all human existence" in northern Iraq, focusing along a 30-Kilometer belt on the Iran-Iraq border. In addition to the notorious attack on Halabja on March 16, 1988, untold numbers of civilians perished during the Anfal Campaign.²⁵ After the Gulf War, Kurds rose up and took Kirkuk. Saddam counter-attacked using helicopter gunships, driving more than 1 million terrified Kurds across the mountain passes to Turkey and Iran.

During Saddam's campaign against the Kurds, Turkish President Turgut Özal saw an opportunity to change Turkey's relations in the region. Acting as the guardian of "compatriots" in Iraqi Kurdistan, Özal led efforts to establish "Operation Provide Comfort" to support Iraqi Kurds. Its successor, "Operation Northern Watch," was based out of Incirlik Air Force Base in southeast Turkey. U.S. protec-

²¹ Kurds, who have access to other Kurdish language television such as Roj-TV, were less enthusiastic. When TRT-6 broadcasters tried to refer to children's playgrounds by their names in Kurdish, the Interior Ministry invoked rules that prohibit "naming and labeling" in Kurdish.

²² Cited by Lale Sariibrahimoglu in her column in *Today's Zaman*. May 26, 2009.

²³ On April 22, 2009, Osman Baydemir was sentenced for calling PKK gunmen "guerillas" rather than "terrorists."

²⁴ See Carole A. O'Leary and Karna Eklund, "Pluralism vs. Modern Iraqi Nationalism: Root Causes of State-Sponsored Violence against Iraq's Kurdish Community and the Search for Post-Conflict Justice." *Michigan State Journal of International Law* (Vol. 13, No. 1/2, Spring 2005).

²⁵ Casualty figures vary. Joost Hiltermann suggests up to 80,000 died, while other experts like Peter Galbraith indicate that 182,000 died.

tion enabled Iraq Kurdistan to achieve de-facto independence. After Özal's death on April 17, 1993, Turkey's security establishment insisted that renascent Kurdish identity in Iraq would incite the Kurds in Turkey, especially in light of the PKK's armed insurgency. Ankara adopted a containment policy, avoiding contact with KRG officials and using hostile rhetoric.

Turkey strongly opposed the Bush administration's invasion of Iraq in 2003. Erdoğan warned that it would spark a civil war, lead to Iraq's fragmentation, and accelerate the rising influence of Iran. At the time, Erdoğan was also concerned that Iraqi Turkmen — ethnically and linguistically related to their Turkic brethren — would end up an oppressed minority in Iraqi Kurdistan.

During the run-up to war, Erdoğan insisted on a buffer zone to prevent displaced persons from spilling over the border and to pre-empt a power vacuum that could be exploited by the PKK. The United States and Turkey negotiated terms allowing 31,000 Turkish troops to occupy a 40-kilometer buffer zone inside Iraq. The package also included \$9.5 billion in economic support for Turkey.

U.S.-Turkey relations reached a low point when, on March 1, 2003, the Turkish Grand National Assembly (TGNA) failed to authorize the Army 4th Infantry Division's transit through Turkey. They deteriorated even further after July 2, 2003, when U.S. commanders, suspecting that Turkish Special Forces were planning to assassinate Iraqi Kurdish political leaders, arrested 11 members of the Special Forces, put hoods on them, and kicked them out of Iraq.

While Iraqi Kurdish leaders accept federalism, Iraqi Kurds still dream of independence. The Referendum Movement concluded in 2005 that 95% of Kurds aspire to independence.²⁶ Any Kurd born after 1991 has never known the authority of the federal government. Many do not speak Arabic and have no fealty to Iraq.²⁷ It was difficult for Ankara to accept the reality of a Kurdish flag, a Kurdish parliament in Erbil, and a Kurdish President in Baghdad. Turkish officials also objected to the 2005 constitution, which gave official sanction to Kurdish identity.²⁸ They vilified Barzani for allowing the PKK to establish its headquarters on territories nominally controlled by the KRG.²⁹ Turkey accused Barzani of harboring the PKK to leverage Ankara into concessions over Kirkuk. It demanded that he call the PKK a "terror group" and take steps to disrupt PKK logistics. In response, Barzani insisted that Turkey deal with the underlying problems of Kurdish identity in Turkey.

Ankara demanded that the United States take action against the PKK. But with the Iraqi insurgency in full swing, United States commanders had other priorities. To keep Turkey from taking matters into its own hands, the Bush administration proposed a tripartite mechanism on intelligence sharing that included the United States, Turkey, and Iraq. On August 25, 2006, General Joe Ralston (U.S. Army, ret.) was appointed Special Envoy for Countering PKK Terrorism. After 7 meetings over 15 months, the Commission disbanded. The Commission did succeed in keeping Turks from going to war, but its contribution was limited by the intransigence of Turkey, the lack of responsiveness by Iraq, and the unwillingness of the United States to exert meaningful pressure on either party.

²⁶ Henri Barkey and Ellen Laipson, "Iraqi Kurds and the Future of Iraq," *Middle East Policy* (Vol. 12, No. 4, December 2005) 69-70.

²⁷ Carole A. O'Leary, "Whither the Kurdistan Project Since 2003," in Barry Rubin, ed. *After the Dictator: the Rebirth of Iraq*. (M.E. Sharpe: forthcoming 2009).

²⁸ The 2005 constitution was approved in a referendum by 78.6% of Iraqis and 99% in the Kurdistan region. Katzman, Kenneth, "Iraq: Elections, Government, and Constitution," in Amy V. Cardosa. *Iraq at a Crossroads* (Novis Publishers, 2006) 74

²⁹ The Qandil Mountain range is 50 kilometers from the Turkish border.

On October 7, 2007, the PKK killed 13 Turkish soldiers in an ambush in Şirnak, and two weeks later, PKK soldiers attacked a Turkish battalion in Hakkari, killing 12 and taking 8 Turkish troops hostage. Erdoğan was under enormous pressure to take action. When he visited the White House on November 4, Bush agreed to provide actionable intelligence to Turkey on PKK base locations and movements. While he gave a green light for air strikes, Bush warned against an invasion by Turkey's land forces. He also encouraged dialogue between Ankara and KRG representatives.

A series of Turkish air strikes set the stage for a major operation by its land forces in the Zab region beginning on February 21, 2008. The operation was a tactical and political success. Applying military pressure made the government more self-confident to engage diplomatically with the KRG. Ankara made the strategic decision to offer political and economic rewards if Barzani cracked down on the PKK, and a diplomatic thaw ensued.

On March 7, 2008, just a few weeks after the Turkish assault, President Talabani visited Ankara. On July 10, Erdoğan reciprocated with a visit to Baghdad, the first by a Turkish head of government in 18 years. During the trip, Erdoğan and Maliki signed a "Joint Political Declaration on the Establishment of a High Strategic Council between the Government of Turkey and the Government of Iraq." In addition to its diplomatic mission in Baghdad, Turkey opened a consulate in Mosul and is planning to open one in Basra. Led by Turkey's capable former Special Envoy and newly-appointed ambassador to Iraq, Murat Özçelik, a series of contacts ensued, including President Abdullah Gül's visit to Baghdad on March 24, 2009.

Iraq's Deputy Prime Minister Barham Salih believes that the Declaration was "as important as the joint-Franco-German Accord that led to the creation of the EU."³⁰ It pledged security cooperation to eradicate the PKK, which Maliki compared to al-Qaeda, and restricted PKK operations, recruitment, revenues, and media access. However, the agreement did not authorize Turkish troops to enter Iraqi territory in pursuit of PKK forces.³¹ The GOI rejected Turkey's air and land operations against PKK targets on Iraqi soil, as well interference in Kirkuk.

With Kurds holding important positions in the Iraqi Government, KRG-Baghdad relations are also improving.³² However, intractable problems persist. The GOI and KRG have been unable to resolve differences over disputed territories, including Kirkuk. Iraqi Arabs are upset by the KRG's statements encouraging U.S. military bases in Iraqi Kurdistan. Revenue sharing is also a contentious issue. Though the KRG is supposed to receive 17% of the budget, it maintains that its actual share is closer to 13-14%. Recent arrangements whereby the KRG will export oil through Iraq's State Oil Marketing Organization (SOMO) is a positive development.³³

Ideological differences are also divisive. Maliki embraces centralized governance, and has recently made a series of disparaging and provocative comments about federalism. In contrast, Kurds are adamant that federalism is the best way to solve problems. Their different ideologies also lead to different interpreta-

³⁰ As quoted by a participants in the ACUS meeting on April 15, 2009.

³¹ International Crisis Group, "Turkey and Iraqi Kurds: Conflict or Cooperation?" *Middle East Report* (13 November 2008) 5. (See footnote 27).

³² President Jalal Talabani, Deputy Prime Minister Barham Salih, and Foreign Minister Hoshiyar Zebari.

³³ Campbell Robertson and Timothy Williams, "Iraqi Leaders and Kurds Reach Oil Deal." *The New York Times*, May 11, 2009, A8.

tions of the constitution. When convenient, Maliki and other centralists often ignore the constitution, even referring to laws that existed during the Ba'ath period.³⁴

Maliki's ties to the military are particularly problematic. With 1.2 million soldiers in the Iraqi armed forces, Kurds are concerned about the militarization of Iraqi society. They compare it to the Ba'ath era, when the security services often sought to protect the system and its leaders rather than guarding against external threats. While Maliki does not support reconciliation with ex-Ba'athists, he is also currying favor with Shi'a and Sunni figures from the former regime. Maliki has appointed "acting commanders" for Iraq's 16 army divisions circumventing constitutional requirement for parliamentary approval; 95% of the appointed officers are ex-Ba'athists (who refer to each other as "comrade"). Kurds insist on a "democratic army" and call for professionalizing the armed forces with training in human rights and on the army's role under the Iraqi constitution. "Maliki is playing with fire," warned a Kurdish participant in the DC meeting. "In all of our history, we fought the government. We never fought Arabs."

In recent local elections on January 31, 2009, Maliki's Dawa party reaped the rewards of the overall improvement in security that occurred during its time in power. Part of Maliki's support from Arabs was also a result of his hard-line approach to Iraqi Kurdistan. Many Arabs celebrated his deployment of the Iraqi Army 12th division to Kirkuk and Khanaqin. When Barzani reacted angrily to Maliki's ideas about changing the constitution, Maliki used Barzani's response to his political advantage to cultivate support among Arabs. Arabs harbor widespread resentment of the Kurds for their position on Kirkuk and the Hydrocarbons and Revenue Sharing Laws.

³⁴ Notes from the Washington meeting. April 14, 2009.

Building Future Cooperation

While the following recommendations are not definitive or comprehensive, they identify opportunities for cooperation as an alternative to conflict.

Promoting Economic Ties between Turkey and Iraqi Kurdistan

Until the Gulf War, Iraq was Turkey's biggest trade partner. As a result of post-war economic sanctions imposed on Iraq, Turkey suffered \$4.5 billion per year in lost trade. With Saddam's overthrow, trade volumes are rebounding. Average trade volume has been \$5 billion per year since 2003. Trade between Iraq and Turkey was \$6 billion in 2008, and is estimated to be \$10 billion in 2009 and \$20 billion in 2010. The KRG collects customs, which are deducted from its 17% share of Iraq's aggregate income. While trade was initially deterred by the widespread killing of Turkish truck drivers, most casualties occurred in Ninewah province. There has not been a single beheading in KRG controlled territories. Nor has the PKK ever targeted Turkish truckers for attack.

Turkey dominates the market. Goods are transported via the Habur Gate at Zakho. Up to 80% of goods sold in Iraqi Kurdistan are made in Turkey. Between 2003 and 2007, Turkey invested \$6.32 billion, primarily in the energy and construction sectors. Today there are 1,200 Turkish companies that are active in Iraqi Kurdistan, including 300 construction firms that completed \$2 billion in infrastructure projects.³⁵ It currently benefits from oil transport and is positioned to reap rewards from future PSAs as new fields come on line and if Baghdad licenses exports from Iraqi Kurdistan. Sharing water resources also serves the interests of both Turks and Iraqi Kurds. The KRG plans \$100 billion in construction projects; Turkey will benefit further. As the 17th largest economy in the world, Turkey's economic growth is fueled by trade ties to the Middle East that use Iraq as a lynchpin for transport.

Bilateral trade has so far had little impact on economic conditions in southeast Turkey. Most Turkish firms active in Iraqi Kurdistan do not come from the Southeast, nor do construction companies employ workers from the region. The economic picture is dominated by very large firms, which often have ties to the Turkish military, and much smaller ones involved in petty trade. Small and Medium-Sized Enterprises (SMEs) from Turkey have limited market penetration in Iraqi Kurdistan.

Some of Turkey's security establishment and secular elite oppose trade with Iraqi Kurdistan, claiming that its enrichment lays the ground for independence. They propose closing the Habur gate and opening a land route through Syria for goods headed to Iraq. They also complain about delays and payment problems from transactions in Iraqi Kurdistan. Additionally, the GOI owes \$1 billion to Turkey for electricity exports to the governorates of Dohuk and Mosul. The Turkish Industrialists' and Businessmen's Association (TUSIAD) favors economic links as a way of influencing events in Iraqi Kurdistan.

³⁵ Barkey, Henry, "Preventing Conflict over Kurdistan." Carnegie Endowment for International Peace (2009) 22.

Recommendations

- **Broaden access:** The Habur Gate at Zakho needs upgrading on both sides of the border. Opening a second border crossing would also reduce congestion and generate additional customs fees for the GOI. Improving surface transport infrastructure, including construction of an Urfa-Diyarbakir-Erbil highway, would facilitate the transportation of goods. Trade fairs, like the one in Gaziantap, and the establishment of a free-trade zone near the border would facilitate trade generating economic benefits to the Southeast.
- **Expedite transit procedures:** Instead of delaying trucks carrying perishable goods and other consumer products from Turkey to Iraq, the gendarmerie should expedite transport. Enhanced clearance procedures would alleviate the backlog of trucks waiting to cross in both directions, and mitigate extraordinary “fees.” Turkey’s Interior Ministry should facilitate visas for businessmen from northern Iraq investigating investment or joint ventures with enterprises in the Southeast. Economic benefits to the Southeast would have the added benefit of moderating Kurds in Turkey.
- **Institutionalize outreach:** The KRG could boost trade with SMEs by opening trade promotion offices in Istanbul, Bursa, and Diyarbakir. Likewise, Turkey could consider establishing a trade promotion/liaison office in Erbil and Sulaimaniya that could evolve into a diplomatic liaison office and ultimately a consulate.
- **Change perceptions:** More regular visits to Turkey by Masoud and Nechirvan Barzani, as well as other leaders from Iraqi Kurdistan, would help improve relations. The KRG also needs to work with Turkish media to change negative stereotyping of Iraqi Kurds in general and of Masoud Barzani in particular.

Fostering Cooperation on Energy Development and Transport

Iraq has reportedly 115 billion barrels (BBL) of proven oil reserves and 112 trillion cubic feet (TCF) of proven reserves of natural gas. The U.S. Geological Service estimates at 50% probability the existence of another 50 BBL of oil and liquids and 113 TCF of gas.³⁶ Typical recovery rates for economically viable fields range between 30-50% for oil and 60-80% for gas.³⁷

There are several petroleum provinces in Iraq, most on the Arabian Plate, and one outside it in the Zagros Fold Belt. The Arabian Plate is the most prolific petroleum province in the world and contains the fields of Saudi Arabia, Kuwait, United Arab Emirates, and most of Iraq. The Zagros Fold Belt is also extremely prolific and contains the Iranian fields, those in northern Iraq and southeast Turkey. The Zagros Fold Belt also contains most of the undiscovered resources in Iraq (about 38 billion BBL

³⁶ Information provided by Boyko Nitzov, Dinu Patriciu Fellow for Transatlantic Energy Security and Director of the Eurasia Energy Center of the ACUS.

³⁷ Cf. “USGS World Petroleum Assessment 2000,” *BP Statistical Review of World Energy* (2008) and *The Oil and Gas Journal*, November 5 and 12, 2007.

³⁸ Jingyao Gong and Larry Gerkin, “GIS in an Overview of Iraq Petroleum Geology,” and USGS, op. cit.

of oil and liquids and about 55 TCF of gas).³⁸ The current KRG area covers 25-33% of the area of the Zagros Fold Belt lying in Iraq. This means there are about 10 billion BBL of oil and 16-17 TCF of gas undiscovered in KRG — approximately 3-4% of Iraq's current oil reserves and about 10% of its current gas reserves.

Before the Iraq War, Iraq's oil production was 3.5 million BPD. Now it hovers around 2.4 million BPD. Iraqi oil is transported via two parallel pipelines running from Kirkuk to the eastern Mediterranean port of Ceyhan in Turkey, and through a system of pipelines connected to the port of Basra. While Turkey benefits from pipeline revenues, oil transported to Ceyhan requires a certificate of origin from the GOI, which Baghdad refuses to issue absent a national Hydrocarbons Law. Turkey strongly supports the adoption of a Hydrocarbons Law by the federal government, arguing that it would strengthen ties between the KRG and Baghdad.

Negotiations over national Hydrocarbons and Revenue Sharing Laws stalled in 2007. Kurds maintain that Hussein Sharistani, Iraq's oil minister, was responsible for the impasse, while Baghdad places the blame on Kurdish intransigence. The KRG adopted its own Hydrocarbons Oil and Gas Law (HOGL) on August 6, 2007, and entered into PSAs with 27 companies from 15 countries. PSAs provide international joint venture partners with a share of the crude oil produced. The GOI rejects PSAs, preferring service agreements, which do not give companies any rights over the produced oil. The GOI responded to the HOGL by blacklisting firms doing business in Iraqi Kurdistan.

Lower global energy prices have highlighted the need for a compromise for both sides. In a landmark agreement, on May 10, 2009, the KRG announced that oil from the Tawke Tak Tak fields will be marketed by Iraq's State Oil Marketing Organization (SOMO).³⁹ Revenues will go to Baghdad, which is looking to boost oil production to offset lost revenues and overcome budget shortfalls. However, the deal does not address management of future resources, which remains a contentious issue.⁴⁰

Turkey is a growing consumer of energy products. It produces only 48,000 BPD, but requires 800,000 BPD. Turkey's Pet Oil signed a PSA in 2002 to develop the Shakal bloc between Kifri and Kalar in Sulaimaniya governorate. It later signed a PSA to develop the Bina-Bawi bloc just north of Erbil. Genel Enerji signed a PSA in 2003 to develop the Tak Tak and Kewa Chirmila blocs about 60 kilometers north of Kirkuk. Genel Enerji has two fields in Tak Tak that produce 60,000 BPD.

Turkey currently depends on Russian gas transported across the Black Sea via the "Blue Stream" pipeline and across Ukraine, Moldova, Romania, and Bulgaria via another pipeline. Should volumes be high enough, new natural gas discoveries east of Sulaimaniya could represent an alternate supply for both Turkey and Europe to Russian gas. In addition to the Kirkuk-Yumurtalik Pipeline, a gas pipeline will be required as natural gas fields in Iraqi Kurdistan come on line. Gas from Iraq would also help fill up the Nabucco pipeline and make it profitable.

Recommendations

- ***Settle differences:*** The GOI and KRG should build on the recent export agreement and finalize the national Hydrocarbons and Revenue Sharing Laws.

³⁸ It is unclear whether this means existing fields under production or all known fields.

⁴⁰ Campbell Robertson and Timothy Williams, "Iraqi Leaders and Kurds Reach Oil Deal."

- **Expand R&D:** The Turkish Petroleum Corporation (TPAO) can position itself for concessionary terms by conducting geological surveys in Iraqi Kurdistan. Such R&D does not involve site development, and since it conforms to GOI restrictions, there would be no risk of sanctions.
- **Cooperate on Transport:** The KRG should invite Turkish companies like Alarko, which helped build the Baku-Tblisi-Ceyhan pipeline, to conduct preliminary engineering studies for construction of a natural gas pipeline feeding into Nabucco and connecting supplies from Iraqi Kurdistan to western markets via Ceyhan.

Resolving the Status of Kirkuk Peacefully

Kirkuk is a potential flashpoint for violence that could pit Kurds against Arabs and Turkmen. Failure to resolve Kirkuk's status peacefully also risks embroiling Turkey, which believes that Kirkuk's accession to Iraqi Kurdistan would be a precursor to independence. Military intervention by Turkey could lead to regional conflagration.

Non-Arab Kirkukis suffered under Ba'athist rule. Saddam undertook systematic deportations and populations transfers as part of his Arabization Program, and altered provincial boundaries to include Arab populations. Kirkuk's 1957 provincial census found that the population was made up of Kurds (48%), Arabs (28%), and Turkmen (21%). With Saddam's overthrow, thousands of Kurds spontaneously returned to Kirkuk, which they consider the "Jerusalem of Kurdistan," although other Northerners accused them of a land grab. After losing political positions in Ninewah Province, where violence has flared between Arabs and Kurds in Mosul and towns stretching east from Syria and south along the Iranian border, Iraqi Kurds are particularly adamant about control of their historical lands.⁴¹ The KRG insists it is flexible, citing its willingness to exclude Hawija and Arab districts in the southern parts of the Kirkuk governorate from accession.

Kurds heralded the 2005 constitution, which was written by an elected assembly, and endorsed by 79% of Iraqis and 63% of Kirkukis in a public referendum. Article 117 recognizes the authority of the KRG and affirms both Kurdish and Arabic as official languages of Iraq. Article 140 of the 2005 Iraqi constitution required a referendum on Kirkuk's status by December 31, 2007. The deadline has been repeatedly postponed. However, constitutional scholars confirm that Article 140 remains valid even if the deadline for implementation has passed.

The KRG rejected a proposal last year by the United Nations Mission in Iraq (UNAMI) to allocate city council seats on an equal percentage basis to Kurds, Arabs, and Turkmen in the Kirkuk.⁴² To address disputed territories, demographic issues, and jurisdictional control, UNAMI Head Staffan de Mistura has endorsed an incremental approach. In accordance with the constitution, it envisions normalization followed by a census and then a referendum. In its Report on the Disputed Internal Boundaries of April 22, 2009, UNAMI presented scenarios for resolving Kirkuk's status. As of this writing, no party has yet to respond. However, Kurds believe that Article 140 was already a compromise, and accordingly they refuse further concessions and reject alternative arrangements.

⁴¹ Campbell Robertson, "Violence Flares in Iraq's Volatile Northern Region." *The New York Times*, May 12, 2009, A14.

⁴² Parliamentary law imposed a power-sharing agreement between Kurds, Arabs and Turkmen based on percentages.

The United States is concerned that a referendum on Kirkuk's status could trigger violence. U.S. officials have warned Barzani that seizing Kirkuk could provide a pretext for military action by Baghdad and/or Turkey. They have also warned Barzani not to overreact to Maliki's nationalistic provocations. When Maliki sent Iraqi troops to Kirkuk and Khanaqin, the United States sent a brigade to prevent the situation from getting out of control.

The International Crisis Group has proposed a "grand bargain" simultaneously addressing Kirkuk and other disputed territories, revenue sharing, a Hydrocarbons Law, federalism, and constitutional revisions.⁴³ The grand bargain would enable the Kurds to act on Kirkuk and prevent conflict escalation.

Recommendations

- **Act soon:** Postponing an agreement on Kirkuk's status will aggravate the anxiety of minority groups, exacerbate volatility, and increase the likelihood of violence. Postponing a determination on Kirkuk will also result in delays in enacting the Hydrocarbons and Revenue Sharing Laws.
- **Be prudent:** Resolving the Kirkuk conundrum requires restraint and statesmanship. Accommodating competing claims by taking a comprehensive approach to addressing disputed territories is still possible within the parameters established by Article 140.
- **Emphasize conflict resolution:** UNAMI's scenarios should be discussed by Iraqi groups in a structured dialogue emphasizing collaboration. The process itself is a conflict resolution exercise with the prospect of building momentum towards further compromise and reconciliation.
- **Focus on mediation:** Reporting to the Secretary of State, a "Special Envoy on Northern Iraqi and Regional Issues" would help focus U.S. efforts to integrate the interrelated themes of security, democracy, and development. The envoy would also help raise the profile of these problems, streamline the inter-agency process, complement efforts by the U.S. embassies in Baghdad and Ankara, and navigate the USG architecture for dealing with Kurdish issues. Turkey is a part of the Pentagon's European Command (EUCOM) and the State Department's European Bureau (EUR), while Iraq falls under the jurisdiction of the Central Command (CENTCOM) and the NEA.

Enhancing Good Governance and Minority Rights in Iraqi Kurdistan

Amnesty International recently reported that KRG security forces (*Asayish*) operate outside the rule of law, arbitrarily detaining persons, some of whom have disappeared, as well as torturing, intimidating journalists, and limiting freedom of expression. The report also documented domestic violence against women and honor killings.⁴⁴ Critics cite a lack of democratic reforms by the KRG.

Prime Minister Nechirvan Barzani responded with assurances that the security services would be made directly accountable to the Council of Ministers and by affirming more vigorous efforts by the KRG to

⁴³ Interview with Joost Hilteerman by the author in Erbil on May 22, 2009.

⁴⁴ The report did not identify abuses of Turkmen.

ensure freedom of expression and protections for women. Qubad Talabany, the KRG's Washington, D.C. representative, acknowledges the need to focus on democratization. By way of progress, he notes that the KRG has "a democratically elected parliament, the best record on religious tolerance in Iraq, the most liberal press law in the country and a thriving civil society demonstrated by abundant and unrestricted activity by NGOs." Kurdistan's elections will be administered by the Independent Electoral Commission of Iraq and not by the government. That commission has already certified five parties, along with another likely 25 entities to run candidates in the elections. International election observers have been invited and will be present.⁴⁵

Despite this progress, Iraqi Kurdistan's steps to democratize have slowed over the years. Some Iraqi Kurds are disgruntled with the cronyism, nepotism, and corruption they feel exists in Kurdistan. A growing number of critics think there is more freedom elsewhere in Iraq. Support is eroding in part because of the KRG's highly centralized governance, which undermines Kurdish demands for decentralization from the central government. With upcoming elections on July 25, 2009, change-oriented and Islamist parties are starting to emerge.

The KRG is in the final stages of completing its draft constitution. After parliamentary review, President Barzani will sign it before submitting the constitution to a public referendum. In many respects, the KRG constitution mirrors the high standards of Iraq's national charter. It includes a bill of rights, sections on minority rights, and decentralization arrangements for local government.⁴⁶

Turkmen represented a significant proportion of the residents of Kirkuk in the 1957 census, they were a distinct minority in rural districts.⁴⁷ The 1997 census found only 600,000 Turkmen nationwide. Turkmen generally have a greater sense of Iraqi identity than Turkish identity. The Turkmen community is divided between Shi'a and Sunni Turkmen, as well as between secular and Islamist Turkmen. Of the nine Turkmen neighborhoods in Kirkuk, four are majority Shi'a. Considerable intermarriage has occurred between Turkmen and Kurds. The KRG has co-opted many Turkmen living in the Kurdistan region by reserving seats for Turkmen in the Kurdistan Parliament and designating a Minister for Turkmen Affairs with cabinet rank. The Iraqi Turkmen Front (ITF), which Ankara created in 1991 to leverage its interests, claimed 5 million Turkmen in Iraq. However, the ITF received only .87% of the vote in 2005 and seated just 3 members of parliament. After 2003, Ankara lost interest in the ITF and in the Turkmen issue as a whole; Turkmen have also lost interest in Turkey. Tensions remain between Iraqi Kurds and some Turkmen. In July 2008, Kurds were protesting Maliki's statements against Article 140 when a suicide bomber exploded his vest in the crowd near ITF headquarters in Kirkuk. Shooting ensued from the building, which the mob attacked and burned. The suicide attack succeeded in its objective to incite violence between Kurds and Turkmen. It also affirmed the continued volatility of Kurd-Turkmen relations.

⁴⁵ Letters to the Editor: "Democracy Thrives in Kurdistan." *The Washington Post*, April 27, 2009.

⁴⁶ The KRG already finances Aramaic-language schools for Christian community and pays for Yezidi religious instruction in some schools in Yezidi. While decentralization is a suitable approach for Turkmen, Iraq's third largest ethnic group, who live in clusters stretching from Kirkuk to Mosul. It is less useful to Chaldo-Assyrians who are scattered across the northern plains.

⁴⁷ International Crisis Group, "Turkey and Iraqi Kurds: Conflict or Cooperation?" *Middle East Report* (13 November 2008) 16. Kurds represented 187,593; there were 109,620 Arabs and 38,065 Turkmen. "Aggregate Census Figures for 1957," Republic of Iraq, Interior Ministry.

Recommendations

- **Uphold human rights:** The KRG should pro-actively address concerns raised in the Amnesty International report with immediate emphasis on reining in the KDP and PUK intelligence arms (*Mukhabarat*) and security branches (*Asayish*).
- **Focus on minority rights:** Given the historical tensions between ethnic groups, the KRG constitution needs to include protections of minority rights that accord with international standards, as well as special arrangements to promote minority rights. Local security officers should reflect the ethnicity of the community where they serve. The KRG should also finance minority schools, ensure use of minority languages in public proceedings, display minority place names/signage, and permit cultural expression/symbols. Decentralization is another way to assuage concerns.
- **Consult the polity:** The KRG should submit the draft constitution to town hall meetings for public debate before Barzani signs it and there is a public referendum. A more transparent and consultative yet efficient process will increase public ownership and support.

Addressing the PKK's Presence in Iraqi Kurdistan

An estimated 2,000 PKK militants in Turkey and up to 3,500 in Iraqi Kurdistan operate from 65 bases in 8 areas. The PKK's headquarters is located at an elaborate complex in the Qandil Mountains about 60 kilometers from the Turkish border with Iraq, and within artillery range of Iran.⁴⁸

On October 17, 2007, the TGNA voted to authorize cross-border operations including infantry operations against PKK bases in Iraqi Kurdistan. The United States not only provided actionable intelligence, but also agreed to coordinate Turkey's military operations in northern Iraq, help capture PKK leaders and extradite them to Turkey (e.g. Murat Karayilan, Cemil Bayik, and Suleyman Huseyin), and cut logistics support for PKK camps in northern Iraq.

With the U.S. opening Iraqi air space and providing satellite images, Turkey launched a series of air strikes against PKK positions beginning in November 2007. Overall, the air strikes inflicted little damage to the PKK's infrastructure or capabilities. They were largely intended to placate Turkish public opinion and to have a destructive psychological effect on the PKK.

Ankara seeks cooperation from the KRG in its efforts against the PKK, including joint military action involving Turkish troops and KRG peshmerga. It wants the KRG to arrest PKK leaders, interdict funds for the PKK transported via the Erbil airport, establish checkpoints on roads and mountain passes limiting travel and media access, and ban permanently pro-PKK political parties, such as the Democratic Solution Party (DSP). The PKK is a deeply emotional issue for Turks. Unless the KRG takes meaningful steps, Turks warn that rapprochement between Turkey and the KRG will be more difficult, as will consideration of reforms in Turkey that would diminish public support for the PKK.

The KRG did agree to disrupt PKK logistics, but Turks maintain its commitment was more rhetorical than substantive. Accusing the KRG of failing to adequately screen incoming airline passengers to

⁴⁸ Interview with Turkish Foreign Ministry officials, September 14, 2007.

Erbil, Turkey temporarily closed its airspace to commercial flights on their way to Iraqi Kurdistan.⁴⁹ The KRG arrested a few PKK operatives with European passports, but soon released them. The KRG replaced PKK checkpoints around Qandil with KRG forces, but suppliers still have access to Qandil via rugged mountain passes from Iran and Turkey. It closed the offices of the DSP in Erbil and Sulaimaniya, which then temporarily reopened in an area outside of the KRG's control in Kirkuk.

Recommendations

- **Build consensus:** The KRG should proceed with plans to convene all Kurdish parties and groups, including the PKK. When referring to the PKK, KRG officials need to show support and empathy for Turkey's concerns.
- **Foster Cooperation in Counter-terrorism:** Further integrating KRG representatives into the Iraqi delegation to the Trilateral Security Commission — comprised of the United States, Turkey, and Iraq — would more fully engage Kurdish officials in intelligence-sharing and joint operations.⁵⁰
- **Disrupt Logistics:** Verifiable steps would include arresting PKK commanders, developing more effective screening procedures targeting cash couriers at Erbil airport, implementing more strategic and pro-active checkpoint procedures on roadways and mountain passes, and making sure the DSP is closed and stays closed.

Diminishing Public Support for the PKK

Iraqi Kurds insist there is no military solution to Turkey's Kurdish question. They maintain that funds and recruits will continue flowing to the PKK until Turkey recognizes a Kurdish identity and takes real steps to address their grievances.

Recommendations

- **Move beyond counter-terrorism:** The PKK problem requires more than security measures. The ultimate solution lies in Turkey's continued democratization and development, as well as some amnesty arrangement for the PKK rank and file. Democratization would be advanced by releasing DTP detainees and implementing legal reforms (see below). Development strategies should adopt lessons-learned from the GAP project focusing on job creation and social welfare (see below).
- **Undertake legal reforms:** Whereas Turks see federalism as synonymous with separation, less bold decentralization schemes could be considered. Reforming Article 7 of the constitution (which defines citizenship as "Turkish"), amending or abolishing regressive legislation such as the Anti-Terror Act and Articles 215, 216, 217 220, and 301 of the Penal Code, and fully implementing cultural reforms would go a long way to enhancing the rule of law and Turkey's

⁴⁹ Austrian Airlines flights were suspended.

⁵⁰ KRG representatives could either constitute their own delegation or be included in the GOI delegation.

overall democratic development. Measures are also needed to reform the judiciary, which is rigid, unaccountable, and deeply conservative.⁵¹

- **Focus on job creation:** Stimulating economic activity in the Southeast is part of the solution. More investment is needed in infrastructure, such as roads, water works, electricity, and telephone service, as well as privatization and land reform. Introducing new irrigation and fertilizer production, improvements in animal husbandry, and expanded rural credit would enhance small-scale agro-industries and increase employment, especially for women.
- **Expand Social Services:** Enhancing social services such as health and education, especially for women and girls, would be a step towards getting women out of poverty, illiteracy, and oppression. Measures are also needed to dismantle tribal and feudal structures that impede development. Population planning programs are also needed given the large size of families and the existence of multiple marriages among Kurds. Funds should also be used to upgrade the “Back to Village Program.” Job opportunities and retirement arrangements will be needed after the village guard system is abolished.
- **Talk to the enemy:** Ankara may reject negotiations with Oçalan, but democratically elected DTP members could be effective interlocutors. Erdoğan should meet with the DTP parliamentarians and explore the DTP as a channel for substantive talks.
- **Foster Reconciliation:** A truth and reconciliation process should consider grievances of both sides during the conflict (1984-present). Truth-telling must not obviate accountability. The process should be informed by other comparable post-conflict situations.
- **Take a regional approach:** Improved relations between Turkey and the KRG would act as a confidence-building measure to Kurds in Turkey, thereby reducing tensions in the Southeast.
- **Encourage European Integration:** Keeping Turkey on track towards EU membership is essential to further democratization with Turkey, conditions for Kurds in Turkey, and continued improvement of Turkey-KRG relations. Europe should speak with one voice in support of Turkey’s candidacy and abandon calls for a special partnership.

⁵¹ “Turkey’s judiciary an obstacle on the EU path.” *Reuters*, February 28, 2006.

Conclusion

The United States has a pivotal role to play in promoting integration within Iraq, between Iraq and Turkey, and between Iraqi Kurdistan and Turkey. However, ultimate responsibility rests with political leaders representing the interests of Turks and Iraqis, including Iraqi Kurds. Their vision, courage, and accommodation will be critical to facing the challenges ahead.

It will be to the advantage of all parties to develop a “track two” dialogue to prepare public opinion for rapprochement and create a critical mass of integrated activities based on a shared vision for the future. While an international facilitator can assist, the impetus must come from Turks and Iraqi Kurds themselves. Civil society activities complement, but cannot replace, official negotiations. However, track two activities can encourage proactive steps by officials and act as a safety net in case events take a negative turn.

An Iraq at peace with itself and its neighbors will have positive reverberations beyond Iraq’s borders. Just as crisis is contagious, progress can affect events across the Middle East and South Asia. Effective power-sharing between Iraqis will demonstrate an alternative to violence for achieving political goals. Regional cooperation between Iraqi Kurds and Turks will affirm the benefits of cooperation over confrontation. Turkey’s continued democratization and development will benefit all Turks, including the Kurds of Turkey, while demonstrating the benefits of secular democracy to the Arab and Muslim world.

Acronyms

ACUS – Atlantic Council of the United States
AKP – Justice and Development Party
BBL – Billion barrels
BPD – Barrels Per Day
CHP – Republican peoples Party
CENTCOM – Central Command
DSP – Democratic Society Party
DTP – Democratic Society Party
EU – European Union
EUCOM – European Command
EUR – Bureau for European and Canadian Affairs, U.S. State Department
GOI – Government of Iraq
ISCI – Islamic Supreme Council in Iraq
ITF – Iraqi Turkmen Front
KRG – Kurdistan Regional Government
PJAK – Party for Free Life of Kurdistan
LNG – Liquefied Natural Gas
MHP – National Action Party
MOFA – Ministry of Foreign Affairs
NEA – Bureau for Near Eastern Affairs, U.S. State Department
NGOs – Non-Governmental Organizations
NSC – National Security Council (Turkey)
PKK – Kurdistan Workers Party
PSAs – Production Sharing Agreements
SMEs – Small and Medium Sized Enterprises
SOMO – State Oil Marketing Organization
TCF – Trillion Cubic Feet
TGNA – Turkish Grand National Assembly
TGS – Turkish General Staff
TUSIAD – Turkish Industrialists' and Businessmen's Association
UNAMI – United Nations Mission in Iraq

Acknowledgements

The Atlantic Council is grateful to the Norwegian Government for its support of the project, “Mapping the Issues between Turks and Iraqi Kurds.” It is especially grateful to H.E. Wegger Strommen, Norway’s ambassador to the United States, and officials from Norway’s Ministry of Foreign Affairs who attended the discussion.

The Atlantic Council also appreciates the participation of 14 Turks and Iraqis, including Iraqi Kurds who participated in the meeting.⁵² Many traveled great distances to join the proceedings; we appreciate their contributions. We are also grateful to the following persons who joined the discussion as facilitators, presenters, and resources:

- Mike Amitay (Senior Policy Analyst for the Middle East, North Africa, South and Central Asia, Open Society Institute)
- Fran Burwell (Vice President, Director of Transatlantic Programs and Studies, The Atlantic Council of the United States)
- Jay Garner (former Director, Office for Reconstruction and Humanitarian Assistance for Iraq)
- Joost Hiltermann (Deputy Middle East Program Director, International Crisis Group)
- Preston Hughes (Defense & Security Affairs Chair, American Turkish Council)
- Fred Kempe (President, The Atlantic Council of the United States)
- Stephen Larrabee (Senior Political Scientist, RAND Corporation)
- Aliza Marcus (Author of *Blood and Belief: the PKK and the Kurdish Fight for Independence*)
- Eric Melby (Founding Member, The Scowcroft Group)
- Carole O’Leary (Program Director and Scholar-in-Residence for Middle East Programs, Center for Global Peace, American University)
- Andrew Parasiliti (Executive Director, International Institute for Security Studies)
- Kieran Prendergast (former UN Undersecretary General for Political Affairs and Senior Adviser, Centre for Humanitarian Dialogue)
- Cynthia Romero (Assistant Director, Program on Transatlantic Relations, The Atlantic Council of the United States)
- Charles Wald (U.S. Army General, ret. and currently Senior Adviser, Aerospace and Defense Practice, Deloitte LLP)
- Ross Wilson (former U.S. Ambassador to Turkey)

⁵² This paper draws on these discussions but it does not represent the views of participants, nor does it attribute interventions to specific persons.

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