

It's time for the US to delist the PKK— here's why | Part II

by Meghan Bodette - 23/10/2018 12:49



This is the second part of a two-part piece on the legal, political, and historical arguments for delisting the PKK. [Read Part I here.](#)

In 1997, the US placed an FTO designation on an organization fighting a little-known war for national liberation against the second-largest NATO power— a state that the US sought to maintain close relations with. Today, Turkey purchases advanced missile systems from Russia, imprisons Americans, and [warns](#) world leaders that their citizens will not be able to walk safely in the streets if Western leaders criticize Erdogan's human rights crackdown— while the PKK fights ISIS and proves its willingness to negotiate for peace, and the broader Kurdish movement based on Ocalan's ideas takes a place on the world stage. If there ever was a time to push for delisting in terms that even skeptical policymakers can understand, it is now.

In one narrow sense, related to the text of the revocation criteria alone, circumstances have not changed from 1997— as the PKK did not fit the US definition

for an FTO then, and it does not do so now. However, recognizing that FTO designations are political, one can argue that political circumstances and facts on the ground have changed drastically. What was an illegitimate decision at that time is borderline nonsensical now, even from the limited perspective seen by powerful states. The following points discuss key political changes that prove this.

The war against ISIS

The primary political reason to reconsider the PKK'S FTO designation offered in American policy discourse today relates to the PKK's role in the fight against ISIS in Iraq and Syria. In 2016, David L. Phillips, a former senior State Department official, and Kelly A. Berkel, a national security lawyer, [argued](#) in Lawfare Blog that "removing the Kurdistan Workers' Party (PKK) from the State Department's list of Foreign Terrorist Organizations (FTOs) would create conditions for greater security cooperation between the United States and the PKK in the fight against the Islamic State in Iraq and Syria (ISIS)." A 2015 report from a Bipartisan Policy Center task force made up of several former government officials, including former US ambassadors to Turkey, recommended that "the U.S. government should open discussions on the PKK's role in the ISIS conflict, its peace process with the Turkish state, and whether or not it should still be designated a terrorist organization."

There are several clear reasons why this argument is made so often. Significant among them is the fact that the PKK was one of the first actors to respond to the threat that ISIS posed to the region's most vulnerable communities. Their mobilization in Sinjar in 2014 is credited with saving thousands of lives at a time when stronger regional and international powers had yet to act.

It is important here to remember the situation in Sinjar immediately before ISIS attacked. The province was and remains home to Iraq's Yezidi community, a religious minority indigenous to the region that had been [persecuted](#) both under Ba'athist rule and under the Kurdistan Regional Government. Islamists considered them to be "devil-worshippers", and have targeted them for grave violence throughout history—in fact, the Yezidi community [considers](#) the genocide they faced at the hands of ISIS to be the 74th firman, or genocide, in their people's history.

Kurdistan Democratic Party (KDP) peshmerga forces were responsible for security in the province, and ISIS had been present in neighboring areas for some time. The day before the attack, KDP forces retreated completely, leaving Sinjar defenseless. Some survivors of the massacre recount that they refused to even leave their weapons for local Yezidis to defend themselves with as they withdrew. This abandonment allowed ISIS to murder thousands of men and abduct over 10,000 women and children—around 2,000 of whom are still held by the group to this day. Abducted women and

girls were sold into slavery, and young boys forced to become child soldiers. The United States and international bodies like the United Nations have [referred](#) to the massacres as a genocide.

Those who escaped— about 50,000 people— fled towards Mount Sinjar, where they were trapped without access to food or water. While the US had dropped aid and approved limited airstrikes, and Iraqi forces would soon begin to airlift people to safety, the first group to intervene on the ground to break the siege was the PKK.

Alongside the Syrian Kurdish People's and Women's Protection Units (YPG and YPJ), PKK guerillas established a secure corridor to Kurdish-controlled areas in Syria through which the trapped Yezidis could safely escape. They are credited with [rescuing](#) as many as 35,000 people. Yezidi survivors of the siege [said](#) at the time that "if the PKK didn't save the Yezidis, you wouldn't see a single one alive" and that it was not the Americans who saved them, but rather "God and the PKK."

That the organization rescuing victims of what was perhaps ISIS' greatest atrocity had a legal designation in the eyes of the US government no different from that of ISIS is an irony that, as noted before, was not lost even on the limited realm of American foreign policy discourse. The PKK went on to play a key role in the liberation of Kobani, while Turkey allowed ISIS to attack the city from its side of the Syrian border— another contradiction that even institutions supportive of the status quo found impossible to ignore.

The battle for Kobani, a Syrian Kurdish city on the border with Turkey, was regarded as decisive by all parties to the conflict. At one point, Kurdish forces controlled only a few buildings in the city. American observers believed that an ISIS victory would strengthen the group in Syria and give it a base from which to attack Turkey— a NATO member state.

In reality, Turkey feared a Kurdish victory more, threatening its own Kurdish population and refusing to engage militarily with ISIS fighters on its border while allowing Islamist foreign fighters easy passage to Syria. Turkish indifference to— and even support for—ISIS were well-documented throughout the Syrian conflict. New York Times reporter Rukmini Callimachi [said](#) that the group used Turkey as a "rear base, transit hub and shopping bazaar." Wounded fighters were [treated in Turkish hospitals](#), and Turkish officials were [reported](#) to have either turned a blind eye to oil smuggling through Turkey or to have actively participated in— and profited from— the illicit trade.

While elements of the Turkish state worked in concert with ISIS as the terror group brought unprecedented devastation to Syria, the PKK continued to fight against it.

Senior PKK commander Murat Karayilan [called](#) on Kurds in Turkey to join the YPG and participate in the resistance. The PKK fought alongside the YPG and YPJ to defend, and eventually liberate, the city. The battle for Kobani marked the first instance of outside state support for the Kurdish groups fighting ISIS, with Coalition airstrikes targeting jihadist positions as Kurdish fighters drove them back on the ground. Once again, an organization forming a key element of the resistance to violent Islamism shared the same terror designation as the Islamists it fought.

When discussing Syria, as is done here, it is important to note that the YPG is not the PKK, and that the total conflation of the two groups is wrong. They have different goals and different means of achieving them. The stated aim of the YPG is to [defend](#) Northern Syria along the principles of "legitimate defense" and "democratic society, ecology and woman's liberation."

Yet they do share an ideology— [democratic confederalism](#), a system developed by imprisoned PKK leader and founder Abdullah Ocalan that stresses bottom-up participatory democracy, religious and ethnic autonomy and pluralism, and women's liberation. Where it has been implemented in Syria, in areas under YPG control, democratic confederalism has brought about the most stable, sustainable and democratic governance seen under any authority in the country. A person living under the Democratic Autonomous Administration of Northeast Syria [enjoys](#) the right to participate and vote in a commune made up of all voting-age persons in their neighborhood, as well as the right to vote in regional elections. Three official languages reflect local linguistic diversity, and religious freedom is [protected](#) for all. Autonomous women's organizations [fight](#) to advance women's rights in a conservative region, giving women the education and support they need to participate fully in social, economic, and political life.

While challenges still exist, the system provides a much-needed alternative to Ba'athism and Islamism that is proven to succeed in Kurdish and non-Kurdish areas alike. The stability it provides is a stark alternative to the "stability" and "democracy" that both local dictators and their Western backers claim to impose through authoritarianism, invasion, and repression. Where foreign interventions and brutal dictators encouraged extremism, democratic confederalism is a wholly local ideology that fights extremism and provides authentic self-determination. This is a component of the struggle against ISIS that Kurdish organizations have implemented in a way that no other actors can— and should be noted when considering whether what other democratic confederalist organizations do is worth labeling as "terrorism."

Ideological Change

An explanation of the origins of democratic confederalism itself is also politically

relevant to the case for delisting the PKK— though less prevalent in Western discourse. The PKK was founded as a Marxist-Leninist organization seeking Kurdish national liberation and the establishment of a socialist Kurdish state. It adopted democratic confederalist ideology in 2003, after years of struggle against Turkish state repression and the abduction and imprisonment of Ocalan. In his own discussions of the shifts in his views, Ocalan acknowledges the reasons why ideological change was needed, and discusses the hope that this new paradigm would lead to increased chances of peace and freedom for the Kurdish people. In *War and Peace in Kurdistan*, he [writes](#):

“The PKK believed that the armed struggle would be sufficient for winning the rights that the Kurds had been denied. Such a deterministic idea of war is neither socialist nor democratic, although the PKK saw itself as a democratic party. A really socialist party is neither oriented by state-like structures and hierarchies nor does it aspire to institutional political power, of which the basis is the protection of interests and power by war. The supposed defeat of the PKK that the Turkish authorities believed they had accomplished by my abduction to Turkey was eventually reason enough to critically and openly look into the reasons that had prevented us from making better progress with our liberation movement. The ideological and political cut undergone by the PKK made the seeming defeat a gateway to new horizons.”

Here, he makes a criticism of hierarchy and “state-like structures”— criticisms essential to democratic confederalism, which rejects these ideas in favor of direct democracy, people’s assemblies, and the need to overcome the nation-state. He also notes that the ideological change came after a serious inquiry into the reasons for past difficulties the organization faced. In another book, *Prison Writings: The PKK and the Kurdish Question in the 21st Century*, this case is developed further.

The ideological shift is important to the political context of delisting the PKK, because, as will be discussed later in the piece, a key criterion for removing an organization’s terror designation is proof that the circumstances under which the organization was listed have changed substantially. That the PKK itself openly made changes based on a critical evaluation of past actions— and adopted an ideology that laid the groundwork for a free, peaceful Syria— is as serious evidence of such a change as a group could hope for. That the shift and the reasons for it are well-documented in Ocalan’s writings and in statements from senior figures active in the day-to-day leadership of the organization is also beneficial for such a case. Serra Hakyemez, [explaining](#) factors that led up to the attempted peace process between 2012 and 2015, argued that Ocalan’s writings from prison and new view of the PKK’s

goals were a reason why talks could succeed at that time:

“Drawing on Öcalan’s prison writings, the PKK redefined its political strategy as securing autonomous regions for Kurds in their respective countries rather than establishing an independent and united Kurdistan...Under these circumstances, the AKP was in a position to engage with the PKK to outline the terms and conditions of Kurdish autonomy in a democratized Turkey.”

Use against Kurds and dissidents

Another political argument for delisting that is not present in Western policy discourse is the fact that the designation legitimizes Turkish attempts to punish Kurdish culture and civilian political participation. The history of Turkish repression against the Kurdish people is not up for debate. The Kurdish language and the word “Kurdistan” itself were banned until the 1990s. Cultural celebrations like Newroz are met with massive police violence— Newroz itself was **banned** outright until 1995. and Kurdish communities have faced massacres, displacement, forced assimilation, mass incarceration and torture since the founding of the Turkish state. Any Kurd in Turkey who defies this oppression in any way can be— and is— charged with terrorism.

Since Turkish president Recep Tayyip Erdogan’s crackdown after a failed coup in July 2016 alone, individuals have been jailed on terror-related charges for offenses like **singing Kurdish songs**, **opposing war**, or simply **fulfilling** their duties as elected officials with a popular mandate to represent their districts. Local elected officials in 27 Kurdish municipalities were **removed** due to supposed PKK links and replaced by state-appointed Justice and Development Party (AKP) trustees loyal to Erdogan— who has since threatened to implement the same procedure if members of the pro-Kurdish Peoples’ Democratic Party (HDP) succeed in local elections. Several HDP parliamentarians, including the party’s former co-chairs Selahattin Demirtas and Figen Yuksekdag, have been in jail for **two years** without receiving their full sentences. Demirtas is **charged**, among other imagined offenses, with “founding a terrorist organization”— despite being just five years old when the PKK was established. Other terror charges against him relate to speeches given at Newroz, a new year’s celebration important in Kurdish culture, that spoke positively of the peace process between the PKK and the Turkish state that took place at that time.

American citizens are not exempt from this farcical justice. Evangelical pastor Andrew Brunson, who had lived and worked in Turkey for years, was arrested in 2016 and charged with being both a member of the PKK and a Gulenist— two organizations that are in conflict with each other. When a deal between the US and Turkey was achieved and Brunson was released, key witnesses in the trial recanted their testimonies linking him with the groups, allowing the court to issue a lighter

sentence. This shows what terror charges often are in Turkey— nothing more than a political tool.

By listing the PKK as a terrorist organization, the US strengthens that tool. While the State Department only designates certain armed branches and political affiliates, Turkey considers any Kurdish political or cultural expression it disapproves of to be “PKK terrorism.” Turkey is then able to say that the US approves of this “war on terror”— which is actually a war on the Kurdish people as a whole, and an effort to force them out of political and cultural life. If the US does not want to legitimize terror prosecutions for speeches calling for peace, protests against ethnic cleansing and war, political detentions, and hostage-taking, it could make it clear to Turkey that it does not accept the legal justification for such actions by refusing to list the PKK as a terrorist organization.

Willingness to Negotiate

A fourth political factor is the PKK’s proven willingness to engage in peace negotiations with the Turkish state— and in turn, the positive effects that delisting would have on such negotiations were they to resume. Willingness to negotiate does not by itself show that an organization should not be designated— many genuine terrorists and war criminals are all too happy to engage in international negotiations— but, as with the ideological change, it is another important difference in circumstances that shows how the PKK does not deserve its designation.

The most recent round of peace negotiations lasted from 2012 to 2015. In late 2012, Erdogan revealed that negotiations related to a solution to the conflict were underway. Ocalan himself called on the PKK to lay down arms and leave Turkish territory during that time, in a letter sent from prison that was read at Newroz celebrations in March 2013:

“We have come to a point today where guns shall be silenced and thoughts and ideas shall speak. A modernist paradigm that ignores, denies and externalizes has collapsed. Blood is being shed from the heart of this land, regardless of whether it is from a Turk, Kurd, Laz or Circassian. A new era begins now; politics comes to the fore, not arms.”

Erdogan, who was Prime Minister of Turkey at the time, responded relatively positively:

“Perhaps they will go to Iraq, perhaps to Syria, or perhaps to Europe, particularly the Scandinavian countries. I cannot know that. What’s important to me is peace in my country. The thing I know is that when they go, the atmosphere of my country will change when we realize the economic boom in the east [after the withdrawal].”

The ceasefire that was called for did take place, and PKK fighters moved from Turkish to Iraqi territory two months later. In 2014, a survey [found](#) that 57% of the country as a whole supported the peace process— and 83% of Kurds did.

After the June 2015 elections, when the HDP passed Turkey's notably high electoral threshold for the first time and entered parliament, the AKP was left without enough seats to form a majority government on its own. This led to a renewed crackdown on the Kurdish people— including the end of the peace process and the ceasefire. By early 2016, entire Kurdish cities were besieged and destroyed on the pretext of “fighting terrorism.”

That negotiations broke down from the AKP side, rather than the PKK side, shows that the organization made all efforts possible to ensure that talks would work, and that under the right conditions they would likely be willing to do so again. This could also fulfil the requirement to prove a change in circumstances necessary for an organization's FTO designation to be revoked, and, like the first two points, is well-documented. In turn, delisting could actually encourage a renewed peace process, as it would weaken the international legitimacy of Turkish claims that the PKK is an organization too dangerous to negotiate with.

In light of all of this, it is clear that the PKK's terror designation is in fact a political, not security-based, one; that the political and legal arguments for delisting are stronger than the ones that placed the PKK on the list of FTOs in 1997; and that it can be proven that circumstances between now and then have changed sufficiently to claim that the PKK should no longer be designated. There is a very strong case, then, for the United States to delist the PKK, and end the criminalization of a movement seen as legitimate and necessary resistance to the people it defends. It will not erase the legacy American crimes against the Kurdish people— but it will recognize one injustice, and bring policy in line with reality.