

Delisting the PKK as a Terrorist Organization

Michael Gunter¹

Executive summary

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Delisting the Kurdistan Workers Party (PKK) as a terrorist organization would be a bold, imaginative move by Turkey, the European Union (EU), and the United States (US), among others, that might contribute to the peace process and benefit all concerned parties. However, Turkey presently does not want to acknowledge collective rights for its ethnic Kurds, and is willing to grant merely limited and begrudgingly individual rights such as mother-tongue language in the schools and a Kurdish TV channel, among a few others. Thus, there remains a very long way still to go, but delisting the PKK is surely one important start along this necessary journey.

Introduction

Delisting the Kurdistan Workers Party (PKK)² as a terrorist

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² For background on the PKK, see Joost Jongerden and Ahmet Hamdi Akkaya, “Born from the Left: The Making of the PKK,” in Marlies Casier and Joost Jongerden, eds., *Nationalism and Politics in Turkey: Political Islam, Kemalism and the Kurdish Issue* (London and New York: Routledge, 2011), pp. 123-142;

organization would be a bold, imaginative move by Turkey, the European Union (EU), and the United States (US), among others,³ that might contribute to the peace process and benefit all concerned parties. After all, one does not normally negotiate with terrorists or even attempt to do so by calling them such names. Delisting the PKK would challenge both it and Turkey to take a serious attitude toward restarting the peace process and encouraging meaningful compromise. And if this strategy of delisting the PKK did not work, it could always be relisted.

Too often the term “terrorist” can be ambiguous, controversial, and used mainly for political reasons to brand one’s opponent as illegitimate, as a strategy to score points in an on-going political struggle and, also in this case, for the EU and US to show support for their North Atlantic Treaty Organization (NATO) ally, Turkey. Thus, originally, listing the PKK as a terrorist organization was mainly a political decision to satisfy Turkey, not ratification of a legal fact. Branding the PKK as terrorist did not ipso facto make it a legal fact, although, of course, it did create legal as well as political problems for the PKK and, as argued here, for the successful pursuit of peace.

Political use of the term terrorist

When the author of this commentary visited Abdullah Ocalan, the leader of the PKK, at his then-safe house in Syria in March 1998, Ocalan admitted that his organization had mistakenly committed some terrorist acts in the past, but that if one looked at the broader picture, clearly Turkey had been the real terrorist given its longtime campaign to forcibly destroy Kurdish nationalism and assimilate the

Aliza Marcus, *Blood and Belief: The PKK and the Kurdish Fight for Independence* (New York and London: New York University Press, 2007); Cengiz Gunes, *The Kurdish National Movement in Turkey: From Protest to Resistance* (London and New York: Routledge, 2012); and Mehmet Gurses, *Anatomy of a Civil War: Sociopolitical Impacts of the Kurdish Conflict in Turkey* (Ann Arbor: University of Michigan Press, 2018); among many other excellent studies.

³ Other states that list the PKK as a terrorist organization include the United Kingdom, Germany, Canada, Australia, and New Zealand. Interestingly, Russia and China do not.



Kurds.⁴ The situation continues today. While the PKK has historically bombed cities and killed its opponents in the countryside,⁵ the Turkish state has depopulated and destroyed thousands of Kurdish villages and extra-judicially executed its opponents.⁶ More recently, Turkey has used sweeping anti-terrorist laws and charges of support for the PKK to remove at least 59 of 65 democratically elected, pro-Kurdish Peoples' Democratic Party (HDP) mayors from office, imprison numerous HDP members of parliament (MPs), and incarcerate more journalists than any other state on earth.⁷ Ironically, moreover, Kurdish nationalism in Turkey largely arose as a reaction to these well-known Turkish state actions.⁸ Both sides bear considerable opprobrium because as the old adage explains, one person's terrorist is another's freedom fighter.⁹

Further illustrating the failed political usage of the term terrorist against one's perceived enemy is how for many years, the United States so branded Nelson Mandela and his African National Congress (ANC), largely to appease the apartheid regime in South Africa. Indeed, Mandela's name remained on the US terrorist watch list until 2008, 14 years after he had been elected president of post-apartheid South Africa in 1994 and 9 years after he had retired in

⁴ Michael M. Gunter, "Abdullah Ocalan: 'We Are Fighting Turks Everywhere,'" *Middle East Quarterly* 5 (June 1998), p. 84.

⁵ See, for example, Nur Bilge Criss, "The Nature of PKK Terrorism in Turkey," *Studies in Conflict & Terrorism* 18 (January-March 1995), pp. 17-37; and Michael Roth and Murat Sever, "The Kurdish Workers Party (PKK) as Criminal Syndicate: Funding Terrorism through Organized Crime, A Case Study," *Studies in Conflict & Terrorism* 30 (September 2007), pp. 901-920, among many others.

⁶ See, for example, Joost Jongerden, *The Settlement Issue in Turkey and the Kurds: An Analysis of Spatial Policies, Modernity and War* (Leiden and Boston: Brill 2007), among many others.

⁷ Kayla Koontz, "Turkey's Parliamentary Purge and the HDP's Dilemma" Middle East Institute (US), February 3, 2020, <https://www.mei.edu/publications/turkeys-parliamentary-purge-and-hdps-dilemma>, accessed January 10, 2022; and "Turkey Removes Four More Kurdish Mayors over Alleged Terror Links," Reuters, November 13, 2019, <https://www.reuters.com/article/us-turkey-security-kurds/turkey-removes-four-more-kurdish-mayors-over-alleged-terror-links-idUSKBN1XN0U2>, accessed January 10, 2022, among numerous other credible reports.

⁸ Robert Olson, "Five Stages of Kurdish Nationalism, 1880-1980," *Journal of Muslim Minority Affairs* 12:2 (1991), pp. 392-410; M. Hakan Yavuz, "Five Stages of the Construction of Kurdish Nationalism in Turkey," *Nationalism & Ethnic Politics* 7 (Autumn 2001), pp. 1-24; and Hamit Bozarslan, "Kurdish Nationalism in Turkey: From Tacit Contract to Rebellion (1919-1925)," in Abbas Vali, ed., *Essays on the Origins of Kurdish Nationalism* (Costa Mesa, CA: Mazda, 2003), pp. 163-190.

⁹ For a disciplined analysis, see Aysegul Aydin and Cem Emrence, *Zones of Rebellion: Kurdish Insurgents and the Turkish State* (Ithaca and London: Cornell University Press, 2015).

2008 due to a so-called “bureaucratic snafu.”¹⁰ Although the US lists the PKK as a terrorist organization today, the US illogically supported and still does the PKK affiliate Democratic Union Party/Peoples’ Defense Units (PYD/YPG) against the real terrorist Islamic State of Iraq and Syria (ISIS) in Syria and even worked indirectly with the PKK in the Sinjar (Shengal) region of Iraq against ISIS to save the Yezidis in the summer of 2014.

Despite reestablishing diplomatic relations with Cuba and delisting it as a State Sponsor of Terrorism (SST) in 2015, the US relisted it in 2021.¹¹ In 2021, the US also officially declared that China was committing genocide by its wide-spread repression of the Muslim Uighurs in its northwestern province of Xinjiang. To many, this official stigmatizing of China might sound even more damning than the branding of mere terrorism and thus appears as a gross exaggeration.¹² Furthermore, the US State Department at one time even listed its longtime Kurdish allies the Kurdistan Regional Government in Iraq’s (KRG) Massoud Barzani’s Kurdistan Democratic Party (KDP) and Jalal Talabani’s Patriotic Union of Kurdistan (PUK) as “Tier III” terrorist organizations for technical bureaucratic reasons.¹³ Again, the sometimes narrow political and even happenstance nature of the US usage of the term terrorist is obvious.

Although they ultimately proved unsuccessful, the Oslo Talks between Turkey and the PKK from 2008 until May 2011, along with the on-again, off-again Kurdish Opening between 2009 and 2013,

¹⁰ Robert Windrem, “US Government Considered Nelson Mandela a Terrorist until 2008,” NBC News, December 7, 2013, <https://www.nbcnews.com/news/world/us-government-considered-nelson-mandela-terrorist-until-2008-f1na2d11708787>, accessed January 13, 2022.

¹¹ U.S. Department of State, Statement by Secretary Michael R. Pompeo, “U.S. Announces Designation of Cuba as a State Sponsor of Terrorism,” January 11, 2021, <https://2017-2021.state.gov/u-s-announces-designation-of-cuba-as-a-state-sponsor-of-terrorism/index.html>, accessed January 14, 2022. As of this writing, North Korea, Iran, and Syria are also still on the US SST list. Sudan was dropped from the list on December 10, 2020.

¹² Edward Wong and Chris Buckley, “U.S. Says China’s Repression of Uighurs Is ‘Genocide,’” *New York Times*, July 27, 2021, <https://www.nytimes.com/2021/01/19/us/politics/trump-china-xinjiang.html>, accessed January 14, 2022.

¹³ “US Senators File Bill To Take Kurdish Groups Off Terrorist Organizations List,” *Hurriyet Daily News*, April 12, 2014, <https://www.hurriyetaidailynews.com/us-senators-file-bill-to-take-kurdish-groups-off-terrorist-organizations-list-64947>, accessed January 14, 2022.



and the cease-fire from 2013 until July 2015 demonstrate that it is possible to bring the two sides together.¹⁴ Indeed, during the Turkish-PKK cease-fire, the mainline US weekly magazine *Time* named the previously obscure PKK leader Ocalan as one of “the 100 most influential people in the world” and called him a “voice for peace.”¹⁵ Previously, such praise would have been inconceivable.

More recently, Turkey has unsuccessfully attempted to use the International Criminal Police Organization (Interpol) to upload the names of some 60,000 Gulenists onto Interpol’s database so that they could be extradited to Turkey as terrorists.¹⁶ Although some Gulenists did participate in a failed coup against the Turkish government in July 2016, most of those sought by Turkey were only guilty by association. Even the US, Turkey’s staunch ally in these matters of politically-inspired “terrorism designation,” has refused to extradite Gulenists, including Fethullah Gulen himself who has sheltered in the US for many years.

Further illustrative of his wont for misguided state initiatives, Turkish president Recep Tayyip Erdogan¹⁷—possibly influenced by an Islamic injunction against usury—even more recently has disastrously pressured Turkey’s central bank to lower interest rates in a futile attempt to control runaway inflation. Predictably, of course, Erdogan’s actions have simply fueled inflation, a result that any economist familiar with monetarist tools would have predicted. As with his continuing labelling of the PKK as terrorist, the Turkish leader has outed himself as an advocate of failed policies. However, when Durmus Yilmaz, a former central-bank governor, criticized Erdogan’s failed monetarist policies, Turkey’s current banking regulator filed criminal charges against Yilmaz and at least 25 others for their critical remarks. Ironically, Russia’s strongman and

¹⁴ For a good analysis of these negotiations, see Cengiz Candar, *Turkey’s Mission Impossible: War and Peace with the Kurds* (Lanham, MD: Lexington, 2020), pp. 97-163.

¹⁵ *Time*, April 29/May 6, 2013.

¹⁶ “Who Will Police Interpol?” *The Economist*, December 4, 2021, p. 20.

¹⁷ For penetrating biographies of Erdogan, see M. Hakan Yavuz, *Erdogan: The Making of an Autocrat*, (Edinburgh: Edinburgh University Press, 2021); Soner Cagaptay, *The New Sultan: Erdogan and the Crisis of Modern Turkey* (London: I.B. Tauris, 2017); and Soner Cagaptay, *Erdogan’s Empire: Turkey and the Politics of the Middle East* (London: I.B. Tauris, 2020).

sometime Erdogan ally, Vladimir Putin, explained that without his country's recent central bank rate increases, "we could end up like Turkey."¹⁸

In addition to his failed foray into matters best left to knowledgeable economists, Erdogan has ventured upon a bombastic spending spree of megaprojects highlighted perhaps by his plan to construct a 40-kilometer canal to connect the Black Sea to the Sea of Marmara and thus bypass the Bosphorus Straits.¹⁹ Already he has completed the enormous, new Istanbul Airport, rail and road tunnels under the Bosphorus, and the Osmangazi suspension bridge, one of the world's longest, over the Sea of Marmara. The lira's precipitous decline has dramatically raised the cost of these problematic megaprojects. Unless they pan out, Erdogan would seem to be flirting with economic disaster, again all the more reason to question his stubborn refusal to delist the PKK.

Crackpot economic policy aside, one may legitimately ask what went wrong with the earlier Turkish-PKK negotiations (Kurdish Opening) and implicit Turkish willingness to delist the PKK? When the pro-Kurdish Peoples' Democratic Party (HDP) won 13 percent of the vote for the Turkish parliament in the elections of June 7, 2015, it helped deny Erdogan's Justice and Development Party (AKP) a new ruling majority. Erdogan successfully calculated, in the short run at least, that he could regain his majority by turning on the Kurds and appealing to the Turkish ultra-nationalists, embodied as Devlet Bahçeli's Nationalist Action Party (MHP).

The HDP leader Selahattin Demirtaş is also partially to blame for what then occurred because he needlessly provoked Erdogan by declaring that the HDP would not allow him to change Turkey into

¹⁸ Cited in "Turkey's Smoke, Mirrors and Lira: Turkey's Voodoo Economics," *The Economist*, January 1, 2022, p. 40.

¹⁹ Andrew Wilks, "For Erdogan's Istanbul Canal Project, Critics See Few Winners," *Aljazeera*, April 16, 2021, <https://www.aljazeera.com/economy/2021/4/16/for-erdogans-istanbul-canal-project-critics-see-few-winners>, accessed January 9, 2022.



a constitutionally strong presidential system as Erdogan wanted.²⁰ In retrospect, it might have been better for the HDP leader not to have said this, but instead try to work with Erdogan as he consolidated his power. Instead, Erdogan perceived Demirtas' declaration as a threat that contributed to his turning against the HDP and eventually imprisoning Demirtas and other HDP leaders, as well as renewing the war against the PKK.

Delisting the PKK today might also encourage Turkey not to view the Kurds in northeastern Syria (Rojava) and their PKK-associated Democratic Union Party/Peoples' Defense Units (PYD/YPG) with such hostility because once Turkish-PKK peace negotiations begin again, Turkey would also be prone to deal more amicably with the PKK-associated, PYD/YPG. This would also help lessen the US-Turkish quarrel over the US support for the Syrian Kurdish PYD/YPG. Even more, for the Kurds, this would pay further dividends because once ISIS is completely defeated, the US is likely to drop its remaining support for Rojava and the PYD/YPG. Thus, in the long run Rojava and the PYD need an understanding with Turkey because the US is not always going to be there to help. US president Joseph Biden has shown little desire to continue what he sees as "endless wars," Afghanistan in August 2021 being one existential example. The analogy with how the US opposed the KRG in its failed advisory referendum on independence in September 2017 also should be obvious!

Therefore, to further the prospects for mutually beneficial peace, the EU and US should *delist* the PKK as a terrorist group and encourage Turkey to do so too. After all, as already argued, the EU and US largely list the PKK as a terrorist organization to please Turkey. Historically, the PKK has used little violence against third parties or

²⁰ "We Will Not Make You the President, HDP Co-Chair Tells Erdogan," *Hurriyet Daily News*, March 17, 2015, hurriyetdailynews.com/we-will-not-make-you-the-president-hdp-co-chair-tells-erdogan-79792, accessed January 9, 2022.

systematically targeted civilians,²¹ both hallmarks of genuine terrorists. As already noted, the US even cooperated with the PKK against ISIS in 2014 by using its air power to support the PKK secure corridors of escape for the embattled Yezidis being attacked and suffering genocide at the hands of ISIS.²² One report sardonically concluded “that reality echoes awkwardly.”²³ Even more, as also already noted, the US has been aiding the PKK offshoot Syrian Kurdish PYD/YPG for many years.

Interestingly, in 2020, the Belgian Court of Cassation, in effect that state’s supreme court, confirmed an earlier decision by the Brussels Court of Appeal that the PKK was not a terrorist organization, labelling it more accurately as an actor in an internal conflict.²⁴ However, the Belgian government subsequently announced that its court ruling would not affect state policy, which meant that the Belgian government still listed the PKK as a terrorist organization. Jan Fermon, a lawyer and secretary-general of the International Association of Democratic Lawyers, who led the case, countered, “There is no doubt that [the] PKK meets all the criteria that allow it to be considered as a political-military organization, which carries out an armed struggle against Turkish security services . . . towards the realization of the right to self-determination of the Kurdish people.”²⁵ Fermon concluded that the European “Council decision of listing organisations in the EU terrorist list is mainly a political

²¹ Bernard-Henri Levy, “Stop Calling Our Closest Allies against ISIS ‘Terrorists,’” *The New Republic*, October 22, 2014, <https://newrepublic.com/article/119939/pkk-not-terrorist-organization-theyre-fighting-isis-terrorists>, accessed January 10, 2022; and “Kurdish Fighters Aren’t Terrorists,” *Bloomberg News*, August 20, 2014; <https://www.bloomberg.com/opinion/articles/2014-08-20/kurdish-fighters-aren-t-terrorists>, accessed January 10, 2022;

²² International Crisis Group, “Winning the Post-ISIS Battle for Iraq in Sinjar,” Report 183/Middle East & North Africa, February 20, 2018, <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/Iraq/183-winning-post-isis-battle-iraq-sinjar>, accessed January 10, 2022.

²³ Ishaan Tharoor, “A U.S.-Designated Terrorist Group Is Saving Yazidis and Battling the Islamic State,” *The Washington Post*, August 11, 2014, <https://www.washingtonpost.com/news/worldviews/wp/2014/08/11/a-u-s-designated-terrorist-group-is-saving-yazidis-and-battling-the-islamic-state/>, accessed January 10, 2022.

²⁴ M. Apelblat, “Belgian Government Defies Ruling of Its Supreme Court on PKK,” *The Brussels Times*, January 30, 2020, <https://brussetimes.com/belgium/92787/belgian-government-defies-ruling-of-its-supreme-court-on-pkk>, accessed January 8, 2022.

²⁵ This and the following citations were taken from Matt Broomfield, “It’s Time to Delist the PKK as a Terror Organisation,” *Progressive International*, November 11, 2021, <https://progressive.international/wire/2021-11-16-its-time-to-delist-the-pkk-as-a-terror-organisation/en>, accessed January 8, 2022.



decision,” and added that the Council reviewed its terrorist list at least every six months and that according to its criteria for listing “the list should be drawn up from precise information indicating that a decision has been taken by a judicial or equivalent competent authority.” Actually, this Belgian case had been dragging on for years, originally involving 41 persons and entities in Belgium for their alleged membership in the PKK. None of them had been accused of any crimes in Belgium; rather their problematic PKK membership had placed them in the dock. Although the PKK remained on the terrorist list, the present Belgian court case declaring that the PKK was not terrorist, ironically freed the respondents!

The US Listing & Delisting Process

Section 219 of the US Immigration and Nationality Act (INA) as amended authorizes the Secretary of State to Designate groups as Foreign Terrorist Organizations (FTO).²⁶ Within the US State Department, the Bureau of Counterterrorism (CT) constantly monitors the activities of groups around the world to identify possible targets for designation as an FTO. When so doing, the CT not only examines the actual terrorist attacks the group has perpetrated, but also looks closely at the group’s planning and preparations for possible future acts of terrorism and its capability and intent to accomplish such acts.

An organization supposedly must meet three criteria to be listed as an FTO. 1. It must be a foreign organization. 2. The organization must engage in terrorist activity or retains the capability or intent to do so. 3. The organization’s terrorist activity must threaten the security of US nationals or the US national security. When a target is identified, the CT compiles a detailed “administrative record,” demonstrating that these three criteria have been met. Then if the Secretary of State—in consultation with the Attorney General and the Secretary of the Treasury (two other high-ranking members of

²⁶ The following discussion is based on information gathered from U.S Government, Department of State, Bureau of Counterterrorism, “Foreign Terrorist Organizations,” 2021, <https://www.state.gov/foreign-terrorist-organizations/>, accessed January 12, 2022.

the president’s cabinet)—decides to designate the organization as terrorist, Congress is notified of the intent and given seven days to review the recommendation. If Congress does not object, the organization’s name is published in the Federal Register and the designation as an FTO takes effect. Accordingly, on October 8, 1997, the US State Department listed the PKK along with 29 other organizations as FTOs. Piling on, US Executive Order 13224 also listed the PKK as a “Specially Designated Global Terrorist” (SDGT) on October 31, 2001, shortly after al-Qaeda had attacked the United States on September 11, 2001 and the US had responded with its so-called “war on terrorism.” This new listing cast an even broader net by allowing individuals, as well as groups, and entities, such as terrorists and narcotics traffickers designated under programs that are not country-specific to be officially designated as terrorist.²⁷

In addition to being so stigmatized, such a listing carries numerous specific penalties. For example, the organization’s funds may be confiscated by the Office of Foreign Assets Control of the US Department of the Treasury, if, of course, within the US legal grasp. In the past, such leading PKK’s figures as Murat Karayilan, Cemil Bayik, Duran Kalkan, Ali Riza Altun, and Zubeyir Aydar, have been denigrated as “Specially Designated Narcotics Traffickers (SDNT)” or “drug kingpins” by the US Department of Treasury.²⁸ In 2018, the US even offered a \$12 million reward for information leading to the capture of three of them.²⁹ However, in practice, no PKK funds have been confiscated by the US. Indeed, some have charged that the US

²⁷ For background, see U.S. Department of State, Bureau of Counterterrorism, “Executive Order 13224,” <https://www.state.gov/executive-order-13224/>, accessed January 12, 2022; and U.S. Department of the Treasury, “Specially Designated Nationals and Blocked Persons List (SDN) Human Readable Lists,” Last updated January 12, 2022, <https://home.treasury.gov/policy-issues/financial-sanctions/specially-designated-nationals-and-blocked-persons-list-sdn-human-readable-lists>, accessed January 12, 2022.

²⁸ For background, see Unit Tetik and Kutluhan Gorucu, “The PYD/PKK’s Drug Trafficking & Turkey’s War on Narco Terrorism,” SETA Analysis No. 52, June 2019, https://setav.org/en/assets/uploads/2019/06/52_PKK_Drug.pdf, accessed January 12, 2022; and Matthew Levitt, “Contending with the PKK’s Narco-Terrorism,” The Washington Institute, PolicyWatch 1611, December 8, 2009, <https://www.washingtoninstitute.org/policy-analysis/contending-pkks-narco-terrorism>, accessed January 12, 2022.

²⁹ “Turkey Hails US Stance on PKK Leaders, Seeks Same in Syria,” *Stars and Stripes*, November 7, 2018, <https://web.archive.org/web/20181108224817/https://www.stripes.com/news/europe/turkey-hails-us-stance-on-pkk-leaders-seeks-same-in-syria-1.555631>, accessed January 12, 2022.



drug accusations against the PKK were mostly based on contrived misinformation provided by Turkey.³⁰

In addition, it is not legal for a person in the US or subject to its jurisdiction to knowingly provide “material support or resources” to a listed FTO. This includes “any property tangible or intangible, or service, including currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, [or] explosives.”³¹

US law provides three possible bases for delisting an FTO. 1. The Secretary of State must revoke the listing if he finds that the circumstances that were the basis of the listing have changed in such a manner as to warrant the revocation; 2. The Secretary of State finds that US national security warrants delisting; and 3. The Secretary of State may arbitrarily delist an FTO at any time, a provision that presumably covers political concerns as discussed above regarding the original US desire to satisfy Turkey’s wishes and demands. As of January 2022, the US State Department has delisted 15 organizations, including 9 that were listed at the same time as the PKK on October 8, 1997.³² Delisting such organizations reflected not only changes within the entities themselves, but also shifting perceptions of threats to US national security and pragmatic calculations about what best would further US interests. In other words, at least in part, listing in the first place and delisting in the second involves political considerations. On the other hand, delisting does not condone any past criminal or terrorist actions.

³⁰ For background, see Gareth H. Jenkins, “Between Fact and Fantasy: Turkey’s Ergenekon Investigation,” *Silk Road Paper*, August 2009, Central Asia-Caucasus Institute Silk Road Studies Program, https://www.silkroadstudies.org/resources/pdf/SilkRoadPapers/2009_08_SRP_Jenkins_Turkey-Ergenekon.pdf, accessed January 14, 2022.

³¹ Cited in U. S. Government, Department of State, *Foreign Terrorist Organizations*.

³² For a list of these 15 delisted organizations, see U.S Government, Department of State, Bureau of Counterterrorism, “Foreign Terrorist Organizations,” 2021, <https://www.state.gov/foreign-terrorist-organizations/>, accessed January 12, 2022. Ansarallah on February 16, 2021 and the Revolutionary Armed Forces of Colombia (FARC) on December 1, 2021 were the two most recently delisted organizations.

The EU Listing & Delisting Process

France has listed the PKK as a terrorist organization since 1993. Germany prohibited PKK activities in 1994. The United Kingdom (UK) proscribed the PKK under its Terrorism Act in 2000. Following the al-Qaeda attacks against the US on September 11, 2001 and to implement the resulting UN Security Resolution 1373/2001 passed on September 28, 2001, the EU established its present Terrorism List “of persons, groups, and entities involved in terrorist acts and subject to restrictive measures.”³³

Organizations are added to the list according to the following process. 1. Designation: EU Member States and third-party states send “tips” about an organization. 2. Scrutiny: The Presidency or a delegation gathers basic information and might also require more information from the tipping state. 3. Consultations: Information is shared with other member states for discussion. After 15 days, these states meet as the Common Position (CP) Working Party. The European Union Agency for Law Enforcement Cooperation (Europol) sometimes is also invited to participate in these discussions. 4. Recommendation: The CP Working Party prepares the listing decision. 5. Decision by EU Council: The EU Council must adopt the listing unanimously. 6. Official Publishing: This is done in the EU Official Journal. 7. Notification and Statement of Reason: The EU Council notifies each designated organization by mail along with instructions on how to have the decision be reconsidered. The List is supposedly reviewed at least every six months. The EU has a similar process to remove organizations from the List. The PKK was added to the List in May 2002 and remains on it as of this writing in January 2022.

³³ The following discussion is largely based on European Council, Council of the European Union, “The EU’s Response to Terrorism,” November 23, 2021, <https://www.consilium.europa.eu/en/policies/fight-against-terrorism/>, accessed January 14, 2022.



Conclusions

Once the EU and US realize how listing the PKK as terrorist prevents peace, they will have an incentive to delist the PKK and encourage Turkey to do so too for its own good so as to renew the peace process. As already pointed out, one does not normally expect to negotiate seriously with an opposite number by calling them terrorists. Too often the term “terrorist” is used mainly for political reasons to brand one’s opponent as illegitimate and so it is largely in this case.

Delisting the PKK will encourage both Turkey and the PKK to renew peace negotiations, which if successful would alleviate one of Turkey’s longstanding security/political/economic/social problems. Once the PKK is delisted, both Turkey and the PKK will be challenged this time to take up the mantle of negotiations more seriously and responsibly. Delisting the PKK would not only help renew the peace negotiations between Turkey and the PKK, but also brighten Rojava’s long-term prospects, and help relieve the NATO crisis between the US and Turkey fueled by their clashing interests in Syria. However, if this delisting strategy does not work, the PKK can always be relisted.

How might these new Turkish-PKK negotiations proceed? While Turkish territorial integrity must be maintained, some Turkish state decentralization is in order to satisfy the Kurds’ legitimate right to local self-government or what the PKK terms “democratic autonomy.” The Kurds should be recognized as a constituent people within the state of Turkey with all legitimate rights. This should be written into the Turkish constitution. Indeed, over centralization of the state in a failed attempt to mandate a single ethnic entity is a bane that many other modern states have sought to adjust. Most large states have decentralized today to achieve greater ethnic/national fairness and efficiency. The US, UK, Germany, and even France and Spain have effectively done so although admittedly Scotland in the UK and Catalonia in Spain remain problematic. Fortunately, given their economic and political self-interests, the PKK and the vast

majority of the ethnic Kurds in Turkey still choose to remain in that state, but with constitutionally guaranteed rights.

Such provisions for the Kurds are not likely to destroy Turkey, but actually make it stronger by strengthening the loyalty of its ethnic Kurdish population, the majority of whom already lives west of Ankara, the famous Turkish city of Istanbul being the largest Kurdish city in the world in terms of sheer ethnic Kurdish population. In addition, a Truth and Reconciliation Commission should be established as was done successfully in South Africa under the late Archbishop Desmond Tutu. The permanent cessation of hostilities, the fate of PKK fighters, and provisions for post-conflict security, among others, should also be considered. With Turkish approval, the US, EU, NATO, and the United Nations, could eventually be brought in as witnesses and guarantors of these new Turkish constitutional principles. However, Turkey presently does not want to acknowledge collective rights for its ethnic Kurds, and is willing to grant merely limited and begrudgingly individual rights such as mother-tongue language in the schools and a Kurdish TV channel, among a few others. Thus, there remains a very long way still to go, but delisting the PKK is surely one important start along this necessary journey.

