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*Istituto Affari Internazionali*

## Erbil Sends Oil, Ankara Gets Trouble

by Olgu Okumuş

### ABSTRACT

Since the international media reported crude oil flowing from the KRG to Turkey, doubts about the act's legality, political acceptability and opacity have surfaced. This oil trade is commercially enticing for energy-hungry Turkey, but is also politically risky. The Turkish government's lack of transparency regarding the KRG energy deal's economic and technical aspects has triggered domestic criticism - an especially risky proposition given the proximity of next year's election - and the KRG deal may also hinder international reliance on Turkey as a reliable energy hub. Turkey would be better advised to position itself as a partner for the export of Iraqi oil and gas, without making any distinction between federal and regional authorities. An Ankara-Erbil-Baghdad partnership based on normalized energy relations would help Turkey build new energy bridges with the EU, reducing gas prices for European consumers and strengthening Turkey-EU relations.

*Turkey | Iraq | KRG | Oil | Natural gas | European Union*

keywords

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by Olgu Okumuş\*

### Introduction

When the international media reported last month that crude oil had begun flowing from Iraq's Kurdistan Regional Government (KRG) to Turkey, the Iraqi central government severely objected, arguing that Turkey was obstructing Iraqi sovereignty.<sup>1</sup> According to Baghdad, the central government has exclusive authority over the management of Iraq's energy resources; Erbil does not agree, insisting on the regional government's constitutional rights.<sup>2</sup> In turn, Ankara's priority is to meet a growing domestic energy demand and to become an energy center. The oil flow from the KRG could commercially raise Turkey's standing as an energy transit country, as some two million barrels per day (bpd) of oil could eventually be exported to world markets via Turkey.<sup>3</sup> Moreover, if the gas trade follows on the heels of the oil trade as expected, Turkey could also import KRG gas. By beginning these oil imports, Turkey has already shown a willingness to reduce its oil trade with Baghdad, to the detriment of the Kirkuk-Yumurtalık oil pipeline that has been operating since 1977. Commercial interests have already led some international oil companies to divest from fields under Baghdad's control in favor

<sup>1</sup> Orhan Coşkun, "Update 2-Kurdistan Oil Flow to Turkey Begins, Exports Await Iraqi Consent", in *Reuters*, 2 January 2014, <http://www.reuters.com/article/2014/01/02/turkey-iraq-idUSL6N0KC0M220140102>; Ahmed Rasheed, "Update 2-Iraq to punish Turkey, Kurds over 'smuggled' oil-minister", in *Reuters*, 17 January 2014, <http://www.reuters.com/article/2014/01/17/iraq-oil-kurdistan-idUSL5N0KR25920140117>; Ben Van Heuvelen, "Iraq's Kurdish Region Pursues Ties with Turkey - for Energy Revenue and Independence", in *The Washington Post*, 9 November 2013, [http://www.washingtonpost.com/ffae210a-41a5-11e3-8b74-d89d714ca4dd\\_story.html](http://www.washingtonpost.com/ffae210a-41a5-11e3-8b74-d89d714ca4dd_story.html); Tim Arango and Clifford Krauss, "Kurds' Oil Deals With Turkey Raise Fears of Fissures in Iraq", in *The New York Times*, 2 December 2013, <http://www.nytimes.com/2013/12/03/world/middleeast/kurds-oil-deals-with-turkey-raise-fears-of-fissures-in-iraq.html>.

<sup>2</sup> Abdel Wahed Tohmeh, "Oil and Gas Law Key to Resolving Issues Between Baghdad, Erbil", in *Al-Monitor*, 12 July 2013, <http://almon.co/b0j>.

<sup>3</sup> Humeyra Pamuk, "Update 1-Iraqi Kurdistan's First Oil Exports via Turkey Pipeline Seen by end-Jan", in *Reuters*, 8 January 2014, <http://www.reuters.com/article/2014/01/08/oil-iraq-turkey-idUSL6N0KI3FW20140108>.

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of the Erbil-controlled fields.

But while KRG oil is commercially attractive, it also creates some international and domestic political impasses for Ankara. It may hinder international reliance on Turkey's role as a reliable energy hub, and may seriously affect domestic support for the government. The agreement between Ankara and Erbil has generated tensions with Baghdad, occupying a legal gray area since Iraq still lacks an oil revenue sharing resolution and consensus on the regional government's constitutional rights. The agreement also challenges US political interests, as Washington has repeatedly voiced its reluctance to see oil exported from any part of Iraq without Baghdad's approval.<sup>4</sup> The US is concerned that full control over northern Iraq's vast oil and gas reserves might encourage a Kurdish bid for independence. On the domestic front, the agreement has prompted scepticism due to a lack of transparency in contacts and to the complexity of Kurdish politics. What then is so attractive about the KRG's resources that Turkey is determined to go forward despite all the troubles? This article will start by examining the KRG's attractiveness to a Turkey striving to meet a rising energy demand, before going on to the energy deal itself, as well as its possible negative political implications.

### 1. The KRG attraction

According to the International Energy Agency, Iraq has the capacity to produce 45% of global oil supply over the next ten years.<sup>5</sup> This could put Russia and Saudi Arabia at risk of losing their position as the world's largest oil exporters. One third of Iraq's total estimated reserves are located in the KRG's territories.<sup>6</sup> These oil reserves are almost equivalent to Libya's, and could potentially be ranked among the world's top-10. In addition, the KRG has 2.8 trillion cubic meters of natural gas reserves - some five times those of Azerbaijan.

Despite its abundant oil and gas resources, the KRG's hydrocarbon industry only dates back to 2007, since during the Baathist era (1968-2003) Baghdad refused to invest in the Kurdish territories. While the natural gas sector remains largely undeveloped, the oil production target for 2015 is one million barrels per day, equivalent to Qatar's oil production numbers for 2010. International oil companies (IOCs) - ExxonMobil, France's Total, Russia's Gazprom Neft, and the US's Chevron

<sup>4</sup> US Dept. of State, *Daily Press Briefing*, 20 August 2013, <http://www.state.gov/r/pa/prs/dpb/2012/08/196704.htm#IRAQ>; John Lee, "US State Department Misquoted on Risks of KRG Oil Contracts", in *Iraq Business News*, 21 August 2012, <http://www.iraq-businessnews.com/?p=48022>; "U.S. Opposes Turkey-Kurdistan Oil Deal, Without Baghdad's Approval", in *Ekurd*, 28 November 2013, <http://www.ekurd.net/mismas/articles/misc2013/11/govt2230.htm>; Sam Bollier, "All Is Not Well in Northern Iraq's Oilfields", in *Al Jazeera*, 21 January 2013. <http://aje.me/10fyJaa>.

<sup>5</sup> International Energy Agency (IEA), *Iraq Energy Outlook*, Paris, OECD/IEA, 9 October 2012, <http://www.worldenergyoutlook.org/iraq>.

<sup>6</sup> Financial Times, "Kurdistan Oil & Gas 2012", in *FT Special Reports*, 10 December 2012, <http://www.ft.com/intl/reports/kurdistan-oil-gas-2012>.

- have begun operations in the region, leading to a need for new export routes. Considering Syria's instability and Iran's sanctions, Turkey seems the most reliable export destination - which fits perfectly with its ongoing quest for energy sources.

### 2. Turkey's quest for energy sources

Located right next door to the KRG's abundant resources, by contrast, Turkey is starving for energy. With energy consumption equivalent to 114.1 million tons of oil, representing a 5.2% share of the global energy supply (2011), its compound annual energy demand is growing at a rate of about 4.5%.<sup>7</sup> Given its limited domestic reserves, Turkey needs to import more oil and gas to underpin growth, but its energy supply security is vulnerable as it is limited to a small group of countries: around 39% of its total crude oil imports come from Iran, 19% from Iraq's southern fields, 15% from Saudi Arabia, and 11% percent from Russia, which also provides 58% of the country's total natural gas imports.

Given this need to increase its energy supply in order to sustain its growth rate, Turkey has supported the Southern Energy Corridor project. This is how its objectives of resolving energy security vulnerability and of becoming an energy center have become complementary.

The Southern Energy Corridor was originally developed in the late 1990s to carry Turkmen and Azeri gas to Europe via Turkey. The goal was to reduce European and Turkish dependency on Russian gas. Turkmenistan, however, chose to direct its energies toward eastern markets, China in particular, rather than the West; and the juridical, technical, and political setbacks in the Caspian region that impeded transport of the region's resources to the West left Azerbaijan the Southern Energy Corridor's sole supplier. Turkey found itself at an impasse and began to explore plans for importation from Iran and Iraq. When the EU and the US tightened trade sanctions on Iran, Iraq remained Turkey's only opportunity to meet its growing energy demand as well as its objective of becoming an energy center for the Eurasian energy business.<sup>8</sup>

Iraq is Turkey's top international oil transport partner. In the 1970s, Iraq and Turkey built an oil pipeline running from Iraq's Kirkuk field to Turkey's Mediterranean port of Ceyhan. Following the UN sanctions in 1996, this pipeline gradually lost its effectiveness. Today, in addition to technical shortages and terrorist attacks, personal conflicts between Iraqi Prime Minister Nuri al-Maliki and Turkish Prime Minister Recep Tayyip Erdoğan also hamper pipeline operations. In this context, the

<sup>7</sup> International Energy Agency (IEA), *Oil and Gas Security Emergency Response of IEA Countries. Turkey 2013*, Paris, OECD/IEA, 2013, <http://www.iea.org/publications/freepublications/publication/name,38110,en.html>.

<sup>8</sup> Olgu Okumuş, *Energy-hungry Turkey*, Istanbul, TESEV, December 2013, <http://www.tesev.org.tr/energy-hungry-turkey/Content/1606.html>.

KRG has become Turkey's only supply option if it hopes to meet the aforementioned objectives. Ankara has taken a risk by beginning to deal directly with the KRG, as have many international oil companies.

Considering the KRG's virgin natural gas resources, and the Southern Energy Corridor's quest for new sources, the independent oil pipeline running from the KRG to Turkey would appear not only to be the KRG's most important oil export route but may, over the long term, also open a door to the gas business, as the Baku-Tbilisi-Ceyhan oil pipeline between Azerbaijan and Turkey has done for the Trans-Anatolian gas pipeline project. The Trans-Anatolian gas pipeline project is a joint venture by Azerbaijan and Turkey to transport Azeri gas to Europe, following the same path as the Baku-Tbilisi-Ceyhan oil pipeline from Baku to Erzurum in Turkey. BP, the Baku-Tbilisi-Ceyhan oil pipeline operator, also intends to act as operator for the Trans-Anatolian pipeline. Indeed, when Turkey takes the risk of building an energy deal with the KRG, it is not only fighting for the transit of some thousands of barrels of oil, but also for the possibility of developing a second leg of the Southern Energy Corridor that would run from the KRG's gas fields to Turkey, there joining the Trans-Anatolian pipeline.

### 3. KRG-Turkey energy deal

The KRG-Turkey energy deal began attracting the media's attention just after the KRG president's visit to Ankara and Istanbul in April 2012.<sup>9</sup> Then, in January 2013, the Turkish-British joint venture Genel Energy trucked a first shipment of crude oil from the KRG's Taq Taq oil field to Turkey's Ceyhan port on the Mediterranean Sea, where it was shipped out to the international market.<sup>10</sup> At between 5,000 and 10,000 barrels per day, this shipment was relatively small compared to Iraq's annual oil exports, amounting to much less than a quarter of the volume exported by KRG via the Baghdad-controlled Kirkuk-Yumurtalik oil pipeline last year. Nevertheless, it was enough to create an international diplomatic crisis. The KRG's delivery by truck, bypassing the Baghdad controlled Kirkuk-Yumurtalik oil pipeline, prompted new concerns about the KRG's drive for economic and political independence.<sup>11</sup>

Despite Baghdad's reaction and US opposition to this truck trade, Genel Energy's CEO Tony Hayward did not hesitate to add in public statements that oil exports

<sup>9</sup> Sinem Cengiz, "KRG Leader Barzani Visits Turkey as Alliance with Iraqi Kurds Deepens", in *Today's Zaman*, 18 April 2012, [http://www.todayszaman.com/newsDetail\\_getNewsById.action?newsId=277894](http://www.todayszaman.com/newsDetail_getNewsById.action?newsId=277894); Mustafa Demir, "Evolution in Discourse: Turkey and the KRG", in *Turkish Review*, Vol. 2, No. 5 (2012), p. 92-97, [http://www.turkishreview.org/newsDetail\\_getNewsById.action?newsId=223234](http://www.turkishreview.org/newsDetail_getNewsById.action?newsId=223234).

<sup>10</sup> Julia Payne and Peg Mackey, "Update 2-Iraqi Kurdistan Starts Independent Crude Oil Exports", in *Reuters*, 8 January 2013, <http://www.reuters.com/article/2013/01/08/kurdistan-crude-exports-idUSL5E9C843R20130108>.

<sup>11</sup> Denise Nathalie, "How Independent Is the Iraqi-Kurdish Pipeline to Turkey?", in *Al-Monitor*, 4 November 2013, <http://almon.co/2hs6>.

would probably rise to 20,000 bpd, along with the public announcement of the KRG's first independent oil export pipeline: a new 75km pipeline linking the Taq Taq oilfield to Khurmala, the entry point to the existing Kirkuk-Ceyhan export infrastructure. Even though Tony Hayward reported that the pipeline would be mechanically completed by the end of the 2013, the political and legal process continued.<sup>12</sup> The long dispute over the distribution and management of resources in the country is still suspended, despite all efforts at finding a solution. Hopes for reconciliation were initially revived in June 2013 when, after two years of tensions, Prime Minister Maliki accepted the regional government's invitation to meet, but no consensus emerged from that encounter.

During this process, Turkey's stance raised doubts since, on the one hand, it had signed agreements with the KRG and authorized the flow of oil and, on the other, continued to insist that no exports would be made without the approval of the Baghdad authorities. Turkey's minister of energy and natural resources, Taner Yıldız, then introduced a new distinction, insisting in a TV interview on 26 November 2013 that what Turkey and the KRG had signed were agreements, not contracts - a nuance that international law experts were unable to explain.<sup>13</sup> In November, Ankara took a further step in this initiative, offering to act as an independent intermediary. Its formula for Baghdad consisted of having Iraq's oil revenues deposited in an escrow account at a Turkish state bank, to be released in accordance with Baghdad's approval. It therefore came as a surprise when, on 2 January 2014, the media reported Kurdish oil flowing to Turkey before Baghdad had decided whether to accept Turkey's intermediation formula.<sup>14</sup> This is most likely why, following those reports, the Turkish authorities issued a statement saying that the oil would be warehoused at Turkey's Ceyhan export hub and not exported worldwide without the Iraqi central government's approval. The last word came from the Baghdad authorities on 10 January 2014: speaking with journalists, oil minister Hussain al-Shahristani expressed his "deep regret and astonishment" over the plans announced by the KRG and Turkey without central government approval.<sup>15</sup> Iraq's Prime Minister Nouri al-Maliki supported his minister's remarks, warning that "Turkey must not interfere in an issue that harms Iraqi sovereignty."<sup>16</sup> The Iraqi authorities' concerns stemmed from the dispute between Iraq's federal and regional governments over hydrocarbon revenue sharing legislation due to their different interpretations of constitutional rights.

<sup>12</sup> Stuart Elliott, "Kurdistan Begins Commissioning New Crude Export Pipeline: UK's Genel", in *Platts*, 30 October 2013, <http://www.platts.com/latest-news/oil/london/kurdistan-begins-commissioning-new-crude-export-26413427>.

<sup>13</sup> Turgay Güler interview to Taner Yıldız, *Sıradışı Programı Ülke Tv*, 26 November 2013, <http://www.siradisiprogrami.com/363-siradisi-ulke-tv--26112013--taner-yildiz.html>.

<sup>14</sup> Orhan Coşkun, "Update 2-Kurdistan Oil Flow to Turkey Begins, Exports Await Iraqi Consent", cit.

<sup>15</sup> "Baghdad Summons Turkish Diplomat, Maliki Warns Ankara over Kurdish Oil", in *Hürriyet Daily News*, 12 January 2014, <http://www.hurriyetdailynews.com/?pageID=238&nID=60925>.

<sup>16</sup> Suadad Al-Salhy and Alistair Lyon, "Iraq's Maliki Threatens to Cut Funds If Kurds Pipe Oil to Turkey", in *Reuters*, 12 January 2014, <http://www.reuters.com/article/2014/01/12/us-iraq-kurdistan-oil-idUSBREA0B0AY20140112>.

#### 4. Dispute over legislation and the constitution in Iraq

The Iraq federal and regional governments' dispute over revenue sharing derives from different interpretations of the constitution, which defines where authority over hydrocarbon resources lies. When the Iraqi parliament approved its constitution in 2005, after the fall of the Baathist regime, it defined Iraqi Kurdistan as a federal entity of Iraq. The new regime displayed a willingness to open the oil industry to private foreign investment (unlike the old regime), and to allow foreign companies to invest in Iraqi territories with reliable contracts. The central government proposed legislation for the hydrocarbon sector that included a policy on revenue sharing. Federal and regional bodies have been unable to agree, however, on their respective roles and authority in the management of hydrocarbon sources, the regulation of foreign participation or the oil and gas revenue sharing formula. The core dispute is over the interpretation of Articles 111 and 112 of the constitution. Article 111 states that "oil and gas are owned by all the people of Iraq in all the regions and governorates". For Erbil, this means that regions and governorates retain ownership rights and power, a view which is not shared by Baghdad. As a result, while the federal government has not yet been able to agree on a bill establishing the terms for the management and development of oil and natural gas resources, the KRG did pass an oil and gas investment law in late 2007, and began signing production sharing agreements with foreign investors despite the disagreement with the federal government. The problem is further complicated by Article 155 of the constitution, which grants precedence to regional laws when they conflict with federal ones. Baghdad initially condemned foreign energy investment activities conducted with Erbil as illegal, then hired lawyers to bring legal action against any buyer (i.e., Turkey) it considered as having illegally imported Kurdish crude oil.

#### 5. Opposition in the US

The US authorities have repeatedly voiced their opposition to any direct energy trade with the KRG. In December 2012, in the immediate aftermath of the trucked oil exports, State Department Spokesperson Victoria Nuland told reporters, "We don't support oil exports from any part of Iraq without the appropriate approval of the Iraqi government," Washington is concerned that full control over the vast oil and gas reserves in northern Iraq would encourage a regional bid for independence, beginning with the Kurdish region.<sup>17</sup> Despite the US's opposition, on 14 May 2013, before leaving on a trip to Washington to discuss the Syrian crisis, Turkish Prime Minister Recep Tayyip Erdoğan announced that Turkey's state-owned oil

<sup>17</sup> US Dept. of State, *Daily Press Briefing*, 11 December 2012, <http://www.state.gov/r/pa/prs/dpb/2012/12/201811.htm#IRAQ>.

firm would work with US giant ExxonMobil to develop oil in the KRG territories. Responding to journalists' queries about the reactions of Baghdad and Washington-based interests Prime Minister Erdoğan asserted: "Countries from various parts of the world are taking steps to explore and produce oil in different parts of Iraq, and then deliver it to world oil markets. There's nothing more normal, more natural than Turkey, which provides all kinds of support and aid to its next-door neighbor, to take a step that is based on mutual benefit."<sup>18</sup>

When Nechirvan Barzani announced in November 2013 that oil could start flowing from Iraqi Kurdistan to Turkey "before Christmas", a State Department spokesperson reiterated the US's support for Baghdad's authority over oil exports and opposition to the KRG's making independent energy deals without Baghdad's approval. The spokesman said, "We don't support oil exports from any part of Iraq without approval of the Iraqi federal government. We continue to urge the federal government of Iraq and Kurdistan Regional Government to reach a constitutional solution, and that has consistently been our position. And it also has not changed."<sup>19</sup> The US considers the unity of Iraq a priority, and its reluctance toward the KRG-Turkey oil trade is based principally on the risk that this economic independence could dissolve that unity.

### 6. Scepticism in Turkey

Despite the commercial attractiveness and promise of KRG oil exports, this deal has also met with domestic scepticism in Turkey, mainly due to a lack of public information. The Turkish authorities have provided the press with little information on when, where and how this oil is to flow into Turkey. The experts have, therefore, had to speculate on various scenarios, which has raised doubts among public opinion. The second political issue arising from Ankara-Erbil energy relations stems from Turkey's own Kurdish issues. From a Turkish nationalist perspective, the Turkish state's deal with the KRG is a sign of indulgence toward Kurdish separatist groups, such as the PKK. Meanwhile, from the Turkish Kurdish perspective, the Turkish state seems to be attempting to replace Kurdish leaders and parliamentary deputies in Turkey with representatives of the KRG. KRG President Massoud Barzani's visit to Diyarbakir created perplexity among Kurdish deputies about his right to claim to represent Turkey's Kurdish populations. This rapprochement becomes politically more controversial when one considers that, as late as 2007, Turkey was blaming the KRG for supporting the PKK, a Kurdish terrorist group in Turkey, and threatening to impose economic sanctions.

<sup>18</sup> Emre Peker, "Turkey's State Oil Company To Develop Oil Projects In Kurdistan With Exxon -Erdogan", in *The Wall Street Journal*, 14 May 2013, <http://online.wsj.com/article/BT-CO-20130514-711996.html>.

<sup>19</sup> US Dept. of State, *Daily Press Briefing*, 27 November 2013, <http://www.state.gov/r/pa/prs/dpb/2013/11/218105.htm#TURKEY>.



These controversies aside, now that the Kurdistan Workers' Party (PKK) has declared a cease-fire in its armed struggle with the Turkish state, it is reasonable to expect some positive effects from an Eurasian energy diplomacy perspective. An end to the conflict would improve the security and reliability of energy transit in Turkey's southeastern region, after decades of frequent terrorist attacks that hampered flows to the existing Baku-Tbilisi-Ceyhan and Kirkuk-Yumurtalık pipelines.

### Conclusion

Since the international media reported crude oil flowing from the KRG to Turkey, doubts about the act's legality, political acceptability and opacity have surfaced. This oil trade is commercially enticing for energy-hungry Turkey, but is also politically risky. The Turkish government's lack of transparency regarding the KRG energy deal's economic and technical aspects has triggered domestic criticism - an especially risky proposition given the proximity of next year's elections.

The KRG deal may also hinder international reliance on Turkey as a reliable energy hub - by pursuing its dealings with the KRG, Turkey continues to act in a gray area vis-à-vis its 30-year oil transit contract with Baghdad. Turkey will only manage to overcome these setbacks and build consensus between Erbil and Baghdad if it begins to develop a comprehensive strategy. Stances insisting that Turkey is the only viable road for KRG oil, as recently reported by Anadolu Agency, should be avoided.<sup>20</sup>

Turkey would be better advised to position itself as the most reliable partner for the export of Iraqi oil and gas, without making any distinction between federal and regional authorities. By achieving that, Turkey would not only be maximizing its economic and political interests in Iraqi relations, but also making a strategic move with regard to its relations with the EU. Following on from the oil trade, if Turkey were able to link Iraqi gas to the Southern Energy Corridor project by building a southeastern leg for the Trans-Anatolian gas pipeline, it would generate real price competitiveness and reduce the risk of an Azeri gas monopoly over this new energy corridor to Europe.

All in all, an Ankara-Erbil-Baghdad partnership based on normalized energy relations would help Turkey build new energy bridges with the EU, reducing gas prices for European consumers and strengthening Turkey-EU relations.

*Updated 25 February 2014*

<sup>20</sup> Selen Tonkus, Oguzhan Ozsoy, "Turkey Is the Only Viable Route for KRG Oil", in *Anadolu Agency*, 14 February 2014, <http://www.aa.com.tr/en/economy/288244--turkey-is-the-only-viable-route-for-krq-oil>.

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