

# Germany's Kurdish and PKK Policy: Balance and Strategy

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**ABSTRACT** *Motivated by the allegations of Germany's indirect support for the PKK, voiced frequently in recent years among the Turkish public, this study aims to analyze Germany's Kurdish policy in general, and PKK policy in particular. The author posits that even though Berlin does not want to acknowledge that the PKK question impacts its country and seeks to keep the negative effects of it away from its soil, developments have pushed the German governments to follow a well-balanced political approach to the PKK question, which has significant domestic and foreign political dimensions for Germany. The article further argues that although Germany's politics of balance disappoints and even frustrates Turkey and the PKK leadership alike at times, the policy has remained unchanged for years and seems unlikely to change in the future.*

## Introduction

The activities of the Kurdistan Workers' Party (*Partiya Karkerên Kurdistanê*, or PKK) have been outlawed in Germany since 1993. The organization, however, remains active in the country through the proxy of a series of affiliated associations –which is interpreted in Turkey as proof of Germany's tacit support of PKK terror. In this regard, Turkish officials and representatives have repeatedly called on German authorities to take more decisive steps against the group and show zero tolerance to terrorism.<sup>1</sup> Although Germany refuses to meet Turkey's demands and continues to turn a blind eye to the PKK's activities, German authorities have at times cracked down on terror networks extensively and, other times, loosened their grip on the organization, which has been closely associated with the cyclical developments. Meanwhile, the German government tends to closely follow developments in Turkey, on which the PKK's armed struggle primarily focuses. In this sense, Germany has been watching the PKK's return to violence and a series of counter-terror operations conducted by the security forces since July 22, 2015.

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## **United by nationalist fervor and organized politically, many of the Kurdish immigrants have sought to influence the German public and government to put political pressure on the countries of their origin, particularly on Turkey**

In the wake of the Islamic State of Iraq and the Levant's terrorist activities (hereafter DAESH) in Iraq and Syria, the German government, along with a number of Western countries, delivered weapons and ammunition to Kurdish groups in Northern Iraq. Both Turkish and German news outlets, however, have claimed that the military aid ended up in the hands of the Democratic Union Party (PYD) which

Turkey considers a Syrian affiliate of the PKK.<sup>2</sup> German citizens losing their lives among PYD ranks in Syria,<sup>3</sup> the growing number of German journalists reporting from Southeastern Turkey,<sup>4</sup> and the close involvement of certain German politicians in the area<sup>5</sup> have brought about the claims in Turkey that Germany was supporting the PKK. In other words, Berlin's Kurdish and PKK policy has become a subject of interest among the Turkish public.

The most recent developments, therefore, call for an examination of Germany's position on Kurds and the PKK. This study aims to provide a summary of Germany's view of the Kurdish question and PKK terrorism and to offer insights into Turkish-German relations with an eye to providing a proper perspective. Although this article concentrates on Germany's Kurdish policy in general, it primarily focuses on Berlin's position toward the PKK terror group and their activities.

This study argues that the German government seeks to maintain a delicate domestic and international balance with regard to the Kurdish question and PKK terrorism. The country's strategic goals, too, have a notable influence on policy-making. In this regard, there are at least two key aspects of Germany's Kurdish and PKK policy: First and foremost, the German government constantly attempts to prevent the PKK challenge and related issues from putting strains on their commercial and political relations with Turkey. At the same time, the German authorities seek to strike a healthy balance between addressing domestic demands to provide greater support to the Kurdish movement on the basis of human rights, and the need to maintain public order by preventing PKK-related violence, including clashes between Turkish and Kurdish groups on German soil. The issue is complicated by Germany's attempts to form an alliance with the Kurds by directly and covertly supporting armed groups in order to access energy reserves in the Middle East and thereby to gain a strategic depth in the region. Germany's politics of balance disappoints and even frustrates Turkey and the PKK leadership alike at times, but the policy has remained unchanged for years.<sup>6</sup>

## Main Factors Behind Germany's Kurdish and PKK Policy

The politically well organized Kurdish community in Germany is the leading factor behind Berlin's PKK and Kurdish policy.<sup>7</sup> Although a serious number of Kurds from Iran, Iraq and Syria have sought political asylum in Germany over the years, the vast majority of the Kurdish community consists of Turkish citizens of Kurdish origin, most of whom arrived in German cities as guest workers from the 1960s onwards.<sup>8</sup> A large number of Kurds, meanwhile, left Turkey after the 1980 military coup and due to the worsening security conditions and political pressures in eastern and southeastern Turkey in the 1990s.<sup>9</sup> Due to the fact that a high number of Kurds arrived in Germany as political asylum seekers, the group has traditionally been more politicized than other immigrant communities. United by nationalist fervor and organized politically, many of the Kurdish immigrants have sought to influence the German public and government to put political pressure on the countries of their origin, particularly on Turkey, to change their policies against the Kurds.<sup>10</sup> From the mid-1980s onwards, they became quite active in politics and successfully lobbied German decision-makers into pressuring the Turkish authorities by making use of their contacts in both German politics and media.<sup>11</sup>

From the 1990s onwards, in particular, domestic security concerns played an important role in redefining Germany's policy toward the Kurds and the PKK. In Germany, where the PKK's network is strongest outside Turkey, the organization was able to recruit Kurds, who had been politicized on German soil, and has been successful to find supporters from other ethnic communities, including the German society.<sup>12</sup> As such, Germany became a leading source of new recruits and financial assets for the PKK leadership, which transfers large amounts of money to senior figures in Turkey and Northern Iraq. According to a report by the Federal Authority to Protect the Constitution, or *Bundesamt für Verfassungsschutz*, the number of PKK members in Germany increased from 7,000 in 1993 to 14,000 in 2014.<sup>13</sup> When the organization instrumentalized violence, attempted to promote the violent activities of its members and engaged in violence in Germany with a view to molding the German public opinion in favor of its struggle against Turkey; however, the PKK became a domestic security threat to the German authorities. In the early 1990s, PKK members attacked Turkish-owned stores and diplomatic missions in Germany – which sparked a violent response from Turkish groups and alarmed the German authorities. During this period, concerns over domestic security became influential on Germany's PKK policy.<sup>14</sup>

Another factor behind Germany's Kurdish and PKK policy has been the demands of certain political parties from the German governments – including the Greens, the Left Party and part of the Social Democratic Party– for a human rights-oriented foreign policy.<sup>15</sup> The Greens and the Left Party, in particu-

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lar, have traditionally raised the Kurdish question in the German Parliament and directed heavy criticism against Turkish authorities.<sup>16</sup> Since 1984, when the PKK launched its violent campaign, the Greens have argued that Turkey was fighting a war against the Kurds and urged the German government to halt all military and defense aid to Turkey.<sup>17</sup> Although the Christian Democrats (CDU-CSU) and the Liberal Party (FDP) maintained that Turkey had a right to defend itself against terrorists, they tried to alleviate domestic pressures by calling on Turkish authorities to improve their relations with minorities.

Moving forward, the Hafez al-Assad regime's chemical attacks against the Kurdish population of Halabja and the Saddam Hussein regime's cruel attitude against the Kurds in Iraq during and after the Gulf War (1990-91) made the German public more amenable to the group –which rebalanced the scales in favor of the Kurds. Therefore, the Turkish governments, as such, received more frequent calls from Germany during 1990s about respecting human rights whilst conducting counter-terrorism operations.<sup>18</sup>

German-Turkish relations, too, played an important role in Berlin's Kurdish policy.<sup>19</sup> Especially during the Cold War years, when Turkey was seen as a key NATO ally and a major trading partner for German companies, Berlin treated Turkey's anti-PKK campaign as a domestic issue and limited its criticism to satisfying the German public. When the Cold War ended and clashes in Turkey became more violent, however, Germany became more openly critical of human rights violations in Turkey<sup>20</sup> and argued that the country would be unable to join the European Union unless it addressed the Kurdish question.<sup>21</sup> Nonetheless, German leaders continued to stay on good terms with Turkey and actively tried to avoid political tension.<sup>22</sup>

Last but not least, the German government –which, in light of Kurdish nationalism's growing popularity, believes that an independent Kurdish state is still on the table– pays special attention to its relationship with the Kurds.<sup>23</sup> As a country whose energy supply heavily depends on Russia, Germany maintains that it must develop close relations with the Middle East in order to diversify its energy sources and remain a powerful player in the international arena. At this point, the German government believes it can leverage the Kurds, an increasingly prominent group, against Turkey, Iran and Iraq –countries beyond its control.<sup>24</sup> A noteworthy development, in this regard, was the establishment of a diplomatic mission in Erbil five years ago in an effort to improve bilateral relations with the Kurdistan Regional Government.<sup>25</sup> The German government, furthermore, started providing training and weapons to *peshmerga* forc-



PKK supporters attacked Merkez Mosque in Kornwestheim, Germany.

AA PHOTO / ATİB

es, who had been fighting DAESH, in September 2014.<sup>26</sup> This German support is noteworthy, as for the first time in recent history, the German government actively became involved in an ongoing conflict.<sup>27</sup>

The above factors motivated the German government to strike a healthy balance between domestic pressures and foreign policy considerations. Below, a summary of the practical implications of Germany's politics of balance will be provided.

### **Where German Political Parties Stand in regard to Turkey's anti-PKK Campaign**

Traditionally, left political parties in Germany have heavily criticized Turkey's counter-terrorism policies –especially when in opposition. Over the years, they have called on successive governments to suspend military aid to Turkey, among other things. From the mid-1980s onwards, the German governments, while not completely ignoring the opposition's demands, tried to stay on good terms with Turkey, a key NATO ally and a major trading partner, by urging Ankara to find a peaceful solution to the Kurdish minority's problems.<sup>28</sup> Although Germany's Liberal Democratic Party (FDP), a coalition partner at the time, criticized Turkey's Kurdish policy, they nonetheless maintained that there was no war against the Kurds in Turkey and carefully distinguished between the Kurdish community and specific armed groups that Turkey was targeting.

The Christian Democrats (CDU-CSU), in turn, have traditionally been most reluctant in their criticism of Turkey's Kurdish policy and have mildly called on Turkey to build "a reasonable relationship" (*einen anständigen Umgang*) with minorities.<sup>29</sup>

In the ensuing years, the German government and opposition parties have not substantially changed their positions about Turkey's Kurdish policy. It was in March 1991, when tens of thousands of Kurds escaped Saddam Hussein's violent campaign to seek refuge in Turkey and Iran, that the German public started paying attention to the Kurdish question again. SPD and Government parties urged Turkey to improve the living conditions of refugees. CDU politicians however –unlike the Greens– argued that Turkey's humanitarian relief efforts deserved praise as opposed to criticism.<sup>30</sup> Over the next years, the Greens frequently raised the Kurdish question in the German Parliament, where almost all representatives maintained that Turkey needed to change its Kurdish policy. While CDU-CSU and the Liberals argued that Germany should engage in a dialogue with Turkey to promote change, the opposition parties urged the government to halt all military and financial aid to Turkey.<sup>31</sup>

## Germany's Policy toward the Kurdish Diaspora and the PKK

Employment opportunities and high salaries, along with legally-guaranteed standards of living for immigrants and political refugees, made Germany an ideal destination for members of the Kurdish political movement emigrating from Turkey. Consequently, a sizeable Kurdish community emerged in Germany –arriving as guest workers in the 1960s and political asylum seekers from the 1980s onwards.

Even though the 1973 oil crisis had a negative effect on Germany's guest worker policy and the German government shut down their employment agencies in Turkey, Kurdish migration to Germany continued through legal and illegal mechanisms. In the aftermath of the 1980 military coup in Turkey, Kurdish nationalists seeking political asylum in the country energized the Kurdish political movement in Germany – which, by the mid-1980s, formed a number of ethnic nationalist associations including KOMKAR, the Federation of Kurdistan Workers' Associations,<sup>32</sup> and staged street protests to call for the formation of an independent Kurdish state.<sup>33</sup>

While the Kurdish diaspora attempted to devise a supra-national lobbying strategy, the emergence of the PKK, an armed group engaging in violence and perpetrating terror attacks, along with attempts by the organization's leaders to take over the Kurdish movement's leadership and its instrumentalization of violence across Europe, changed Germany's position toward the Kurds and the PKK.<sup>34</sup>

The PKK's growing strength in Germany, coupled with their efforts to force rival Kurdish nationalist groups into submission,<sup>35</sup> caused a rift within the diaspora. While some groups opted for a peaceful strategy focusing on lobbying efforts, the PKK resorted to violence<sup>36</sup> –which German authorities considered a threat to domestic security.

The Kurdish question, to be clear, was not an important issue in Germany until the PKK posed a threat to domestic security. Traditionally, the German authorities considered the Kurds as a sub-category of immigrants from Turkey and turned a blind eye to the Kurdish nationalist movement. Unwilling to identify itself as a final destination for immigrants and believing that the guest workers, or *Gastarbeiter*, would eventually return to their native countries, Germany initially concentrated on developing short-term solutions to pressing problems instead of devising a long-term strategy. In this sense, the German authorities treated the Kurds, who had entered the country as Turkish citizens, as Turks.<sup>37</sup>

Over the years, the German authorities were not troubled by anti-Turkey lobbying efforts by Kurdish immigrants, provided that they obeyed German laws. The Kurdish question, by extension, was largely viewed as a domestic issue for Turkey. In the 1990s, when the PKK's activities, along with clashes between Turkish and Kurdish groups, began to place Germany's security at risk, the German authorities redefined the Kurdish question as a domestic security challenge.<sup>38</sup>

Germany's efforts to distance itself from Turkish immigrants and their political engagement until PKK-related violence started, to be clear, was in line with the German society's traditional disapproval of political sentiments that immigrants carried over to Germany. A study conducted in 1985, which was a relatively calm period compared to the 1990s, revealed that the majority of German citizens were unhappy with the political activities of immigrants and concerned about tensions between Turkish and Kurdish communities. The German authorities, by extension, did not hesitate to prosecute and arrest Kurdish activists over violations of German law –which had a negative effect on the Kurdish community's views of the German government.<sup>39</sup>

In the early 1990s, clashes between Turkish nationalists and PKK supporters, coupled with confrontations between rival Kurdish groups, led to an increase in the number of violent attacks on German soil. The German authorities did



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not turn a blind eye to what they considered an alarming trend and gradually moved toward officially declaring the PKK an illegal organization. On multiple occasions, German officials reiterated their commitment to preventing the spread of Turkish-Kurdish clashes at any cost.<sup>40</sup>

By 1992, the PKK leadership had identified Germany as the second enemy after Turkey, due to Berlin's relations with Ankara and the ongoing military cooperation between the two countries. In line with this decision, PKK militants perpetrated attacks against German tourists in Turkey and vandalized Turkish and German properties in Germany.<sup>41</sup> The PKK's raid on the Turkish Consulate-General in Munich on 24 June 1993, which led to a hostage crisis involving 20 civilians, in addition to assaults against Turkish businesses, travel agencies and banks, led to concrete action by the German authorities,<sup>42</sup> which outlawed the PKK on 26 November 1993.<sup>43</sup> The decision, however, not only failed to stop protests and terror attacks but further aggravated the PKK's anger toward Germany. As such, outlawing the PKK entailed a new wave of protests and fueled nationalist fervor among the Kurdish community.<sup>44</sup>

The German police, in turn, responded to the PKK's threats against public safety by apprehending PKK militants and deporting them to Turkey. The German government's commitment to arrest and deport individuals violating the law, however, further frustrated both peaceful Kurdish activists and PKK supporters alike. Although PKK supporters attempted to hold Nevruz celebrations in 1994 to protest the PKK's recognition as a terrorist organization, the German authorities refused to authorize the demonstrations, citing concerns over potential clashes. PKK supporters, in response, protested the decision by imposing road blocks and clashing with the police –which led to the arrests of nearly 1,000 PKK militants by the German authorities.<sup>45</sup>

In the wake of these developments, then-Foreign Minister Klaus Kinkel made the following statement at the German Parliament to address the Kurdish community: “Do not bring your conflicts to Germany and do not think that violence is an instrument to reach legitimate political goals.” Over the years, Kinkel's rhetoric was adopted by politicians from across the political spectrum to express the German public's frustration with the PKK's violent attacks on German soil.<sup>46</sup>

At this point, it is necessary to briefly discuss Germany's policy of deporting PKK supporters and members of the Kurdish diaspora over violations of the

law. Considering the PKK's efforts to secede from Turkey as a domestic problem for the Turkish government to address, the German authorities attempted to maintain public safety by forcing violators of the law to leave the country. At the time, then-Prime Minister Helmut Kohl argued that the violence had reached new heights and warned that "we cannot accept the abuse of rights, to which foreigners are entitled [in Germany]. Perpetrators must know that they will face severe penalties including deportation."<sup>47</sup> As a matter of fact, the German Parliament passed a law on 14 November 1996 to make it easier for the German authorities to deport foreign nationals for violating the law.<sup>48</sup>

In the aftermath of the U.S. invasion of Iraq, the PKK leadership seized the opportunities presented by the power vacuum in Northern Iraq and obtained more powerful weapons to intensify clashes with Turkey and kill more civilians and servicemen. Although the German media scarcely covered the PKK's bloody attacks against civilians in southeastern Turkey,<sup>49</sup> they often featured stories about human rights violations by the security forces which influenced public opinion against Turkey. In light of this development, Germany, like other European nations, became more critical of Turkey's counter-terrorism policy.<sup>50</sup>

One concrete outcome of biased media coverage, coupled with efforts by the Kurdish diaspora and the PKK's German supporters to raise awareness about the situation in Turkey,<sup>51</sup> relates to arms trade between Germany and Turkey.<sup>52</sup> In November 1991, the German Parliament's Budget Committee, citing claims that German weapons were being used against PKK militants, temporarily suspended military aid to Turkey. In March 1992, when the German media reported claims about continued German tank sales to Turkey, Defense Minister Gerhard Stoltenberg resigned. The German government, meanwhile, suspended arms shipments to Turkey. The public debate over military cooperation with Turkey resurfaced in 1994, when the German media reported that Turkish security forces were using armored personnel carriers and other German equipment against the Kurds.<sup>53</sup> In light of these claims, Germany suspended arms sales to Turkey once again on 8 April 1994.<sup>54</sup> Although the German government continued to sell weapons and ammunition to the Turkish military, repeated decisions to suspend arms sales to Turkey displayed the accomplishment of the Kurdish diaspora and PKK's German supporters to influence German decision-makers. Therefore, considering foreign policy contemplations and the pressure from the Kurdish diaspora and its German supporters, the German government has opted for assuming a balance policy in the conflict between Turkey and the PKK.<sup>55</sup>

Seeking to prevent acts of violence to no avail, the German authorities also engaged in dialogue with the PKK leadership. In 1995, CDU representative Heinrich Lummer and an intelligence advisor to German Prime Minister Helmut



Police use pepper spray against a Pro-PKK demonstration in Cologne on November 1, 2014.

AFP PHOTO / PATRIK STOLLARZ

Kohl met with PKK founder Abdullah Öcalan, who was based in Syria at the time, amidst Turkey's protests. While the German intelligence officer urged the organization to refrain from perpetrating violent attacks on German soil, Öcalan reportedly pledged to stop the violence if and when Germany recognized the PKK as a political movement.<sup>56</sup> The following year, Öcalan declared that the organization was capable of responding to Germany's attacks and warned that every Kurd is a potential suicide bomber. However, he quickly backtracked on his threats to argue that the Turkish community in Germany, not the German people, were the enemy.<sup>57</sup>

By September 1996, Öcalan sought to persuade the German authorities to delist the PKK by announcing that the group had permanently suspended its violent activities in Germany.<sup>58</sup> The announcement was followed by a sharp decline in PKK violence as rallies organized by PKK supporters became visibly more peaceful. In response to the PKK leadership's steps, the German Federal Prosecutors' office did not decriminalize the PKK, but downgraded it in January 1998 to a criminal organization engaging in human trafficking, drug trade, murder, money laundering, forgery and violence against the Kurds – as opposed to a terrorist organization.<sup>59</sup> Although the judiciary revisited their position on the PKK as a result of secret negotiations between German officials and the PKK leadership, politicians continued to describe the group as a terrorist organization. Interior Minister Manfred Kanther and Foreign Minister Klaus Kinkel, among others, maintained that they viewed the PKK as a terrorist group and declared that the PKK ban in Germany remained in effect.

## **Following PKK leader Abdullah Öcalan's capture in February 1999, Kurdish activists across Europe made certain structural, organizational and strategic changes to adapt to the new political realities**

The differences of opinion between the justice system and German politicians, to be clear, attests to Germany's politics of balance regarding the Kurds and the PKK. In other words, Berlin designated the PKK as a terrorist organization to address complaints from Turkey and the international community, but legally treated the group as a criminal organization to appease PKK militants.<sup>60</sup> It was not until the European Union designated the PKK as a terrorist organization in 2002 that the group was terror-listed again in Germany.<sup>61</sup>

Following PKK founder Abdullah Öcalan's capture by Turkey in 1999, PKK supporters reinitiated their violent campaign in Germany. Claiming that Israel had helped Turkey apprehend Öcalan, an angry mob raided the Israeli Embassy in Berlin. Three PKK members were killed as a result of Israeli fire.<sup>62</sup> Over the following months, PKK supporters not only vandalized public and private property but also raided political party offices and Greek diplomatic missions in Germany.<sup>63</sup> In response to the PKK violence, German authorities threatened to deport anyone who violates the law –as if they wanted to convey the message that Germany had no interest in the Kurdish question.<sup>64</sup> Interior Minister Otto Schily, meanwhile, openly stated that Germany had no stake in the Kurdish question and warned that the authorities would take stronger action if PKK supporters refused to obey the law.<sup>65</sup> PKK operatives, however, continued to go on hunger strikes and engage in acts of self-immolation across Germany to protest Öcalan's capture and intimidate the German authorities.<sup>66</sup>

### **The 2000s**

Following PKK leader Abdullah Öcalan's capture in February 1999, Kurdish activists across Europe made certain structural, organizational and strategic changes to adapt to the new political realities. Accordingly, they “abandoned” the goal of independence, which had been the organization's main objective for years, and concentrated on the rights of ethnic minorities in Turkey. This tactical change, to be clear, was an attempt by the diaspora elite to find common ground with the decision-makers of their adopted country.<sup>67</sup>

The structural transformation had certain effects on the parts of the Kurdish diaspora enjoying an ideological proximity with the PKK. By forming civic

organizations focusing on the problems of women, children and youth, the Kurdish diaspora became more active at the local, national and international levels. The movement thereby became less vocal about violence and more dependent on legal channels to impress policy-makers. Especially from the early 2000s onwards, they became interested in problems of their adopted countries

in addition to challenges back home. Simply put, Öcalan's capture pushed the PKK to incorporate democratic and peaceful methods into their platform and become less interested in violent action.<sup>68</sup>

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Less combative, more obedient to the law and even more interested in integrating into German society, the Kurdish diaspora became a more acceptable group in the eyes of the German authorities, whose primary concern about the Kurdish question related to domestic security and public order. Germany, however, continued to keep PKK mili-

tants and their affiliates, whom they considered terrorists, at arm's length.<sup>69</sup> As such, Verfassungsschutz, the country's domestic intelligence agency, followed the group closely and predicted that approximately ten percent of the Kurdish community in Germany would be mobilized by PKK/KONGRA-GEL –which meant that the unilateral ceasefire could be violated at any time and therefore did not warrant a change in official policy.<sup>70</sup>

On 7 May 2008, the German authorities shut down the Wuppertal offices of Roj TV, the PKK's semi-official television network, citing Turkey's requests and Germany's domestic security concerns. In response to the decision, the leaders of United Peoples of Kurdistan, a pro-PKK organization, openly threatened the government of Angela Merkel by urging Berlin to change its "hostile policies against the Kurdish people and their struggle for freedom."<sup>71</sup> In July 2008, PKK militants kidnapped three German mountaineers near Mount Ağrı to protest Germany's anti-PKK efforts. In a statement published by pro-PKK outlets, the terrorists said they would not release the hostages until the German government stopped implementing "hostile policies" toward the PKK and the Kurdish people. In response, German Foreign Minister Frank-Walter Steinmeier and Interior Minister Wolfgang Schäuble announced that Germany would not be blackmailed by terrorists and would keep considering the PKK a terrorist organization.<sup>72</sup> Chancellor Angela Merkel, meanwhile, called on the organization to release the hostages.<sup>73</sup> In the end, the three German citizens

were released after one week under PKK custody, but the controversial act consolidated the German public's negative sentiments toward the group and indicated that the PKK was still likely to engage in violence. Finally, this act also proved that the Kurdish question was Germany's problem as well and that developments in Turkey and Europe in this respect were closely interrelated.<sup>74</sup>

In 2010, the German Federal Court reached an important verdict about the PKK, which the justice system had seen as a criminal organization as opposed to a terrorist group. Accordingly, the court argued that PKK militants in Germany could not act independently of the leadership and therefore ruled that the group's actions around the world, not just in Germany, must be taken into account. As such, the federal court developed an important jurisprudence about a 2002 law making it illegal for individuals to become members of a foreign terrorist organization.<sup>75</sup>

To be clear, the court ruling had major effects on PKK militants because they would face harsher penalties for engaging in illicit activities. The court, furthermore, made it possible for the authorities to target ordinary members in addition to senior leaders, who had been investigated in the past. The federal prosecutors, however, did not launch any major crackdowns on the PKK network in the years following the 2010 verdict.<sup>76</sup> The court ruling, in other words, had little effect on Germany's policy of balance toward the organization.

## **The Reconciliation Process and Germany's PKK Policy**

From the German perspective, the PKK challenge is rooted primarily in Turkey—in other words, outside Germany. The presence of 2.8 million individuals of Turkish origin in Germany, however, means that the German state often finds itself directly or indirectly affected by problems in Turkey.<sup>77</sup> The PKK's strong presence in Germany, coupled with the militants' willingness to raise awareness and influence decision-makers through various means, including violence, tends to leave Germany vulnerable to the direct effects of clashes between Turkey and the terrorists. As such, the German state has been closely following developments regarding the PKK problem in Turkey.

When Turkish security forces captured PKK founder Abdullah Öcalan in 1999, for instance, PKK sympathizers created serious security problems on German soil. The German police, likewise, went on high alert when Turkey retaliated against PKK attacks in November 2007 to launch a cross-border operation against PKK positions in Northern Iraq.<sup>78</sup> For this reason, Germany welcomed the Turkish government's decision to launch a reconciliation process in 2012<sup>79</sup> to negotiate the PKK's disarmament.<sup>80</sup> After all, the German government had been arguing that Turkey could not rely on military measures alone to address

the Kurdish question and tackle the PKK challenge, and had long called for a political solution.<sup>81</sup> Developing a political solution to the Kurdish question, Germany maintained, would eliminate violence and, by extension, help maintain Germany's domestic security.

When the reconciliation process ended in July 2015<sup>82</sup> following an ISIS suicide attack in Suruç<sup>83</sup> and the subsequent execution of two police officers in Şanlıurfa<sup>84</sup> by PKK militants, the German government was displeased. At an official meeting with Turkish Prime Minister Ahmet Davutoğlu, German Chancellor Angela Merkel called on the Turkish authorities "to not give up on the peace process with the Kurds despite challenges."<sup>85</sup> Days later, German Foreign Minister Frank-Walter Steinmeier, maintaining that they respected Turkey's fight against perpetrators of serious terror attacks, urged Turkey to "not allow the peace process with the Kurds ... to come to a standstill," and warned that a return to violence would "further complicate an already complicated situation."<sup>86</sup>

In the meantime, Germany, along with the United States and others, started providing weapons and training to Kurdistan Regional Government (KRG) troops in the wake of the DAESH assaults in Syria and Iraq.<sup>87</sup> Whether or not German weapons delivered to Northern Iraq ended up in the hands of the PKK has been a source of controversy: Although a number of Turkish media outlets reported that the PKK and the PYD, its Syrian franchise, were using weapons supplied by the German government,<sup>88</sup> the most serious allegations appeared in *Der Spiegel*.<sup>89</sup> The German news magazine's story, which featured statements by PKK commanders and intelligence provided by local sources, claimed that MILAN anti-tank missiles and grenades delivered to *peshmerga* forces by Germany ended up in PKK/PYD hands. Although *Der Spiegel* published photographs of empty crates with serial numbers, which would make it possible to establish whether or not they were shipped to Northern Iraq by the German government, the authorities refused to provide concrete answers to the magazine. Spokespeople for the German government, who were asked about *Der Spiegel's* claims, stated that Germany had delivered weapons to the Kurdish authorities under Baghdad's permission and had been reassured that they would be used exclusively against DAESH targets. Noting that they were unable to deny the allegations, the German authorities said they would address the issue with KRG representatives if and when concrete evidence of foul play surfaced.<sup>90</sup> Though it was practically hard to prove with legally conclusive evidences that German weapons intended to be used by the *peshmerga* ended up in the PKK hands, the German government's comments suggested that they weren't extremely concerned about PKK militants using their weapons.<sup>91</sup> In light of this development, it is possible to argue that Germany's policy of balance changed to a certain extent in favor of the PKK in the wake of regional developments. In this change, it can be suggested that the sympathy that the

PYD acquired among the German public as a result of its U.S.-backed success against DAESH played a considerable role.

Since Turkey launched the reconciliation process in 2013, PKK supporters have been lobbying the German government to lift the ban on the organization in an effort to change Germany's policy toward the group. As part of this effort, PKK supporters in Germany organized large demonstrations, while the organization's leaders tried to use the anti-DAESH campaign as leverage.<sup>92</sup> In April 2015, Cemil Bayık, a senior PKK leader, appeared on German TV networks WDR and NDR to apologize for the PKK's violent attacks on German soil in the 1990s; he pledged that the PKK would not perpetrate similar attacks in the future. In a televised interview, he also said that the organization no longer sought to establish an independent Kurdish state and instead distanced itself from violence in order to facilitate a political solution. Although the Social Democratic Party (SDP) leadership welcomed Bayık's statements,<sup>93</sup> the German Ministry of Interior announced that the PKK leader's words weren't enough to lift the ban on the group.<sup>94</sup> In truth, the Ministry's refusal to lift the ban on the PKK indicated that the group remained a national security threat for Germany, whose government is primarily interested in maintaining domestic security.<sup>95</sup>

Before coming to a conclusion, it is important to address a few issues. Although the German authorities have cracked down on PKK networks and affiliated organizations at times, there has been no consistent effort to prevent the group's activities on German soil. As a matter of fact, Germany continues to turn a blind eye to PKK-affiliated organizations which remain active as non-governmental organizations.<sup>96</sup> Such bodies not only engage in PKK propaganda and seek to influence German public opinion but also make financial contributions to the PKK.<sup>97</sup> The recruitment of PKK militants inside the country has been documented even in the official German security reports.<sup>98</sup> It might be, thus, concluded that the official ban on the organization has limited practical implications. In fact, Germany has been so tolerant toward PKK affiliates that a number of German politicians have publicly questioned the merits of the PKK ban in Germany.<sup>99</sup>

The German government's tolerance oriented approach which is interpreted in Turkey as a tacit support of the PKK's activities<sup>100</sup> is closely related to their policy of balance. In other words, the German authorities effectively tolerate PKK affiliates provided that the group refrains from perpetrating terror attacks on German soil and does not place Germany's national security at risk. Meanwhile, Germany seeks in a sense to get on well with PKK supporters by



**There is no reason to expect any major changes in Germany's official position on PKK terrorism anytime soon**

Young men hold Kurdish flags near a banner reading “Weapons for YPG” during a demonstration of Pro-PKK supporters in Hamburg on November 1, 2014.

AFP PHOTO / TOBIAS SCHWARZ



hoping to divert PKK’s attention from German targets.. As a matter of fact, as note above, Germany did not ban the PKK, nor recognized it as a terrorist organization until it violated the German public order by using violence as a means to influence the German decision makers in the 1990s.

It is noteworthy, however, that the German authorities sought legal action against a member of Parliament affiliated with *Die Linke*, the Left Party, for engaging in PKK propaganda. Speaking at a public demonstration in Munich on 18 October 2014, *Die Linke* MP Nicole Gohlke was taken into custody by the police upon waving a PKK banner and delivering a speech in support of the organization. Upon obtaining necessary authorization from the German Parliament’s Immunities Commission, a Munich court tried Gohlke and settled on a €1.000 fine.<sup>101</sup>

Two things about the above-described case are noteworthy: First, Germany lifted the immunity of an elected member of Parliament and prosecuted her for waving a PKK banner in public and delivering a speech that advocated the organization. The court, however, sentenced Gohlke to a €1.000 fine, which could have been as high as €10.000. In other words, the offender practically faced no consequences but a warning.<sup>102</sup> In a way, the court ruling was in line with the German government’s policy of balance toward the PKK.

In light of the above, there is no reason to expect any major changes in Germany’s official position on PKK terrorism anytime soon. The Federal Authority

to Protect the Constitution's assessment of the PKK, after all, concluded that the reconciliation process faced major challenges, including a lack of trust between the parties and high expectations on both sides. For instance, Turkey demanded that the PKK should completely disarm, while the PKK leadership urged the Turkish authorities to release all of their incarcerated supporters. Indeed, German intelligence had already indicated that the talks might not lead to concrete results. Moreover, the report argues that clashes between PKK supporters and extreme-right Turkish nationalists might take place in Germany, where the PKK remains the most powerful extremist group. Furthermore, the agency warned that the PKK leadership continued to consider violence a viable option even though their activities have been recently peaceful in Europe.<sup>103</sup> In light of the German intelligence community's formal assessments,<sup>104</sup> it remains unlikely in the short term that Germany will lift the official ban on the PKK and change its policy of balance in favor of it –popular demands among PKK supporters in the country notwithstanding.<sup>105</sup> In other words, the German government, which heavily relies on Turkey to address the refugee crisis, will sustain its balance policy toward the organization in the foreseeable future.

## Conclusion

In the early years of the PKK's history, Germany did not consider the Kurdish question as a relevant issue and showed little interest in the activities of Kurdish nationalists unless they violated the law. Especially in the 1980s, German governments carefully avoided a confrontation with Turkey, a valuable NATO ally during the Cold War, over the Kurdish question. The German authorities, however, shared some criticism about Ankara's counter-terrorism campaign with their Turkish counterparts. When the PKK exploited the post-Gulf War power vacuum to step up its attacks against Turkey and the security forces retaliated by taking harsh measures, the German public became more openly critical of Turkish policy. Assuming that Turkey's strategic importance had decreased after the Cold War, Germany, like many Western countries, faced mounting domestic pressures to criticize Turkey's human rights record. Taking their criticism to the next level, the German authorities sought to use military assistance and weapons sales as leverage against Turkey. During the same period, both the Kurdish diaspora and pro-PKK political parties's success such as *Die Linke* and the Greens (*Die Grünen*) to influence German decision-makers was noteworthy.

Although the German government was unwilling to become entangled in Turkey's confrontation with the PKK unless the organization placed public order at risk, German public opinion and German authorities became openly agitated as of early 1990s by the worsening situation in Turkey, which led to

## **As the organization has not directly been targetting Germany, it has been loosely monitored and the authorities do not consider recruitment, fundraising and logistical support as worthy of comprehensive action**

militants stage violent attacks on German soil. A number of measures, including deportation, are taken by the authorities to maintain public order. The German government, however, tends to ignore the activities of the PKK affiliates making use of democratic channels and do not pose a threat to the public order. In recent years, as the organization has not directly been targetting Germany, it has been loosely monitored and the authorities do not consider recruitment, fundraising and logistical support through the proxy of PKK-affiliated civic bodies as worthy of comprehensive action.

Under pressure from leftists, the Greens and the Kurdish diaspora, the German government, however, has occasionally engaged in a harsh criticism of the Turkish authorities about its human rights practices and has revisited the policy of balance to Turkey's disadvantage. When it became clear that Turkey's strategic importance had not notably diminished after the Cold War, Germany has taken care not to cause major problems in bilateral relations. In other words, the German government has been trying to strike a balance between domestic pressures and foreign policy objectives. At this point, avoidance of the negative repercussions of the Kurdish question -which has been considered not to be a part of Germany- by striking a balance between Turkey and the PKK supporters who, along with democratic channels, do not hesitate to instrumentalize violence to influence the German decision-makers has been Germany's main objective. Berlin, furthermore, has been engaging in dialogue with the terrorists<sup>106</sup> and turning a blind eye to their recruitment and fundraising activities<sup>107</sup> in the hope of preventing PKK attacks on German soil. Simultaneously, it has been also following the strategic agenda mentioned above as to a possible Kurdish state in the Middle East.

The PKK's violent attacks in Germany, coupled with the militants' potential threats against public order, meanwhile, force the German government to follow a policy of balance. Although it is difficult to make the case that Germany provides direct support to the organization, Berlin has been clearly turning a blind eye to the PKK's activities in Germany on condition that peace and pub-

street violence in Germany. In addition to public campaigns, PKK supporters in Germany engaged in violent attacks to influence German decision-makers –a strategy that backfired and led to the PKK's ban in 1993.

Although the official ban continues, Germany's current PKK policy is as follows: The authorities crack down on PKK networks if and when mil-

lic order in Germany does not violated. In other words, the legal ban on PKK activities has limited practical implications – which causes German politicians themselves to question the PKK ban.

In conclusion, Germany continues to use the PKK ban to intimidate the organization's supporters and arrest them when necessary. When the PKK militants directly target German citizens, Germany tends to respond harshly. If the group is focusing on Turkey, however, the German government often shows little interest. The PKK ban, however ineffective, makes it possible for the German government to address criticism from Turkey, the United States and the European Union – all of whom recognize the PKK as a terrorist organization. Carefully avoiding a confrontation with the PKK, the German government desperately wants to prevent the group from perpetrating violent attacks on German soil. As such, Germany remains unlikely to back Turkey's calls for a comprehensive and coherent counter-terrorism strategy. It seems also unlikely that Germany will lift the ban on the PKK which would be irrational considering the policy of balance that Berlin has hitherto pursued. As a matter of fact, the main concern of Germany has been to keep terrorists away from its territory by following a balance policy and at the same time to develop a strategic partnership with the Kurds in the Middle East, while not offending Turkey. ■

## Endnotes

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3. "Kevin Starb für Kurdistan," *Die Welt*, 06 August 2015.
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6. Germany's official stance toward the PKK can be summarized as follows: From a domestic point of view, PKK was outlawed in 1993. The activities of PKK affiliates, however, do not disturb the German authorities much as long as they do not violate the law. From an international point of view, the PKK has been considered a domestic problem of Turkey and the German authorities have repeatedly underlined that Turkey has the right to defend itself against the PKK terrorism. They at the same time have called on Ankara to be careful about not violating human rights while fighting against terrorists and to settle the problems on political ground. In this context, Berlin welcomed the reconciliation process launched between Turkey and the PKK, while it has expressed discomfort about the end of the negotiations in July 2015. The official position of the German government is partially implied by German Chancellor Merkel and other government authorities in the following links: Foreign Minister Dr.

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9. Baser, "Diaspora Politics and Germany's Kurdish Question," p. 5.

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11. Eva Ostergaard-Nielsen, *Transnational Politics, Turks and Kurds in Germany*, (London: Routledge, 2003), p. 98; The Kurdish question has been discussed at the German Parliament so many times that former State Minister for Foreign Affairs Helmut Schäfer made the following statement: "Thanks to my prolonged service in the Parliament and as State Minister, I can say that no ethnic group received more attention in the Bundestag than the Kurds.;" "German Politicians and Media Lend Strong Support to PKK, HDP," *Daily Sabah*, 29 September 2015.

12. İnat, "Almanya'nın PKK ve Kürt Politikası," p. 39.

13. For the agency's annual reports, see the official website of the Federal Organization to Protect the Constitution, retrieved from <https://www.verfassungsschutz.de/de/oeffentlichkeitsarbeit/publikationen/verfassungsschutzberichte>; "Annual report of the Federal Organization to Protect the Constitution," *The Federal Ministry of the Interior*, July 2014, retrieved from <https://www.verfassungsschutz.de/embed/vsbericht-2014.pdf>, pp. 123, 129.

14. Ostergaard-Nielsen, *Transnational Politics, Turks and Kurds in Germany*, pp. 98, 100.

15. İnat, "Almanya'nın PKK ve Kürt Politikası," p. 39.

16. In a July 2011 report, the German Organization to Protect the Federal Constitution provided the following information about the Left Party's relationship with the PKK: "The Left Party provided political support to the Kurdistan Workers' Party, which remains banned under the Associations Law, in 2010. Party representatives attended events hosted by PKK-affiliated organizations. In this sense, the pro-PKK *Yeni Özgür Politika* newspaper reported that a representative of the Left Party had attended the PKK's 32<sup>nd</sup> anniversary celebrations in Mannheim, Baden-Württemberg.;" "Almanya'da PKK Hem Yasak Hem Serbest," *Aksiyon*, 10 October 2011.

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38. Ostergaard-Nielsen, *Transnational Politics, Turks and Kurds in Germany*, p. 99; Baser, "Diaspora Politics and Germany's Kurdish Question," pp. 1-2.
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91. As a matter of fact, Volker Kauder, a chairman of Christian Unity parties at the Federal Parliament and a close ally of Chancellor Angela Merkel, said in October 2014 that Germany might ship weapons to the PKK: "I'm aware of Turkey's problems with the PKK, but watching ISIS, which has become a grave danger to the world, capture cities across the border is not a solution. We keep an open mind about supporting other groups. This is, of course, not something that would happen despite Turkey, but in cooperation with them. This includes support for the PKK.;" "Almanya'dan PKK'ya Silah Sinyali," *Hürriyet*, 16 October 2014.

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