

# The Importance Of Opening Turkey's Ovaköy Border Crossing With Iraq And The Reasons Behind Its Delayed Implementation

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### Introduction

Land border-crossings represent a very important economic asset for neighbouring countries because of the income generated through cross-border commercial trade, as well as, providing a tourist corridor for the transit of visitors and tourists between countries. Border-crossings are also an important security gateway for the country.

The greater the number of land border-crossings in a country, the greater the economic benefits. Land border-crossings provide an important transport hub; particularly as transit corridors for the non-contiguous states, especially in the globalised “borderless” world of today, which is of great significance for the countries bordering Iraq because they are mostly consumers of goods and commodities. At the same time Iraq, as an oil producer, can derive real financial benefits from its borders by setting up transport hubs in appropriate locations; which will provide additional source of income on top of other important sources, such as oil and tourism.

Iraq has been transformed into an almost exclusively consumer

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\* journalist and writer, resident of Paris.

economy as a result of the cumulative effects of past wars; the lack of proper planning; and the failure to develop public enterprises and institutions, particularly in the economic, industrial and agricultural sectors, despite the huge oil wealth on which it relies to set its fiscal budget. However, a rentier economy such this cannot secure the needs of the country, nor those of the people.

Therefore, it is necessary for Iraq to diversify its economy and generate other sources of income, perhaps by such means as increasing the number of land border-crossings, notably with Turkey. The total trade volume between the two countries in 2017 reached \$30 billion a year, compared to less than one billion dollars between 2003 and 2004<sup>1</sup>.

This research paper sheds light on the agreement between the Governments of Iraq and Turkey for the establishment of a new border terminal that links the Turkish area of Ovaköy and northern Iraq, as well as, discussing the importance of this new crossing in economic and political terms, and the reasons why so far this project has not been implemented yet. At the end of the paper, I have proposed a series of measures to be taken by Iraq to minimise its fears in regards to the establishment of this border crossing, which, in the view of the Iraqi state, it may result in an infringement of its sovereignty under the pretext of protecting the movement of Turkish goods.

## **Introduction**

### **Broadening the scope of Iraqi – Turkish relations**

Turkey was among the first of Iraq's neighbouring countries to expand its economic and trade ties with Iraq following the monumental changes in Iraq's political landscape in 2003, which included the Turkish Government's decision to conclude an agreement with Iraq's federal government to open a new crossing between the two countries. In November 2004, in the presence of the President of Iraq's Interim Governing Council, Jalal Talabani; Turkey's Minister of Foreign Trade, Kürşad Tüzmen, and his Iraqi counterpart, Ali Abdel Amir Allawi, signed an agreement to open a new border-crossing at Ovaköy. The Turkish Minister announced that the beginning of the year, following the signing of the agreement, would mark the construction of the new border-crossing<sup>2</sup>.

However, the agreement has so far not been implemented on the ground because of Iraq's preoccupation with rebuilding its country, following the fall of Saddam Hussein's regime; with voting on the new permanent constitution; with Parliamentary elections; and the formation of a permanent government for the next four years, to replace the transitional and interim governments that preceded it.

Several years following the signing of the agreement, the border-crossing dossier was revived, as part of Turkey's foreign policy under

Recep Tayyip Erdogan, who served as Turkey's prime minister between 2011 and 2014. It was decided to expand trade relations between the two countries beyond the existing economic cooperation between Turkey and Iraq's Kurdistan region and to make new overtures to Baghdad with the aim of strengthening all ties, especially economic ones, including the revival of the agreement signed between the two countries. Unfortunately, this was not achieved as a result of the escalating differences between the two countries, which included an unofficial, and diplomatically unsanctioned visit by the then Turkish Foreign Minister, Ahmet Davutoğlu, to Kirkuk Governorate, an ethnically mixed region, including Turkomen, situated in the disputed areas; without the knowledge of the Iraqi authorities, who issued a statement through diplomatic channels accusing the foreign Minister of Turkey of violating diplomatic norms, interfering in Iraq's internal affairs and flouting its sovereignty<sup>3</sup>.

In 2013, Baghdad accused Ankara of backing terrorism by harbouring the former vice-President of Iraq, Tariq al Hashemi, a man wanted by the Iraqi judiciary for questioning on terrorist related charges, only to be told by the Turkish prime minister that al Hashemi can stay in Turkey for as long as he wish, and that Turkey would never extradite him, indicating that he was not convinced by the charges brought against him<sup>4</sup>.

Differences between the two countries were further aggravated by the “offensive” statements issued by President Recep Tayyip Erdogan against Iraq’s Prime Minister, Haider al Abadi. As a result, Iraq’s Foreign Ministry summoned the Turkish ambassador to Baghdad, Farouk Kaimkgi, and handed him a “strongly worded” letter of protest. At the time, relations between the two countries were already strained because of incursions by Turkish troops into the Iraqi city of Ba’shiqa without Baghdad’s approval<sup>5</sup>.

The agreement remained dormant, not being mentioned either formally or informally, until there was a convergence of positions by the Iraqi and Turkish governments towards the Kurdish referendum held by the Kurdistan region to secede from Iraq in September 2017, which was considered both illegal and unconstitutional by both the Iraqi and Turkish authorities. Therefore, It provided an opportunity for the thawing of bilateral relations and for the two sides to present a united front towards the Kurdistan Regional Government (KRG)<sup>6</sup>.

This was reflected in an official visit by Iraqi Prime Minister, Haider al Abadi to Turkey in October 2017 to mend fences between the two countries, during which Turkish President, Recep Tayyip Erdogan, and Prime Minister al Abadi vowed to strengthen cooperation between the two countries at the political, military, economic, trade and cultural levels<sup>7</sup>.

## **The construction of the crossing will take no more than one year**

The Kurdistan Region referendum revived the Ovaköy crossing agreement, which followed a decision by the Iraqi Federal Government to close the Ibrahim al Khalil crossing between Iraq and Turkey. Iraq's Foreign Ministry consulted officials from Iran and Turkey regarding the closure of all border crossings in Iraq's Kurdistan Region, and to stop all commercial dealings with the KRG and to deal exclusively with the central government<sup>8</sup>. Ankara met Baghdad's request and Turkish President Recep Tayyip Erdogan announced that his country would close all land border crossings and airspace with the Region in response to the referendum<sup>9</sup>.

Turkish Customs and Trade Minister, Bülent Tüfenkçi, confirmed that his country had closed the border-crossing in response to the request from Baghdad, and that it had been agreed with the central Government of Iraq to open a new border crossing between the two countries at Ovaköy<sup>10</sup>.

Two joint Iraqi –Turkish economic delegations – which held meetings in Turkey – achieved positive outcomes, with the Turkish Minister for the Economy, Nihat Zeybekci, reiterating that Ankara believes that the sole authority over all goods passing through customs into Iraq rests with the central government in Baghdad, and Turkey supports the opening of the Ibrahim al Khalil and the Ovaköy crossings with Iraq.



Speaking on behalf of the Iraqi government, the Minister for Planning, Salman al Jumeily, confirmed that Baghdad was eagerly awaiting the opening of the Ovaköy crossing, which would end double taxation and allow Turkish goods to enter Iraq more quickly.

Four months after the above-mentioned meeting, a second meeting was convened, referred to as the Joint Economic Council, where the Turkish Minister stated that the joint technical committees would start work on the implementation of the crossing in April 2018, adding that it was expected to be completed within 6 to 7 months<sup>11</sup>.

### **The Political Dimensions of Ovakoy's location**

The Ovaköy crossing takes its name from the area in which it is located; 12 kilometres from the town of Silopi, and 87 kilometres from the south-eastern Turkish province of Chernaq, and 51 kilometres from the border-crossing of Ibrahim al Khalil in the Iraqi border town of Faysh-Habur, located between Turkey and Syria.

Ankara's choice of area – which forms a triangular border – was based on the fact that it was the closest point in the direction of the governorates (that are not incorporated into a region); furthermore, it does not encroach on any part of Iraqi Kurdistan or, as the Turks call it, the northern region; and is directly administered by the Iraqi authorities.

However, Turkey's ambitions were not to be realised, because the Rabieh area, administered by the governorate of Nineveh, was only about 100 kilometres away; which means that the Iraqi Kurdistan governorate of Dohuk would inevitably get dragged into the equation. This led the Turkish government to demand from its Iraqi counterparts, during their bilateral meetings in Ankara, to deploy federal forces (from the Iraqi Army) along one side, or even both sides, of the road, without the presence of any checkpoints or any elements from the KRG's security forces.

Trucks and vehicles entering through Ovaköy from the Turkish side would arrive in the Rabieh area, and then take the Tal Afar road, in the same governorate, to reach Kirkuk and from there head for the Iraqi capital, Baghdad.

## **The benefits of opening the Ovaköy border-crossing**

### **For Iraq:**

1. Implementation of article 110 of the Iraqi Constitution, which provides that the federal authorities shall be competent in formulating sovereign foreign economic, financial, customs and commercial policy.
2. To extend the role of the federal government and the federal regulatory agencies, as is the case with all border-crossings in the Iraqi border governorates.
3. To prevent the entry and exit of those wanted by the Iraqi judiciary or by “Interpol”, especially since many Iraqis on the wanted list could be found staying in the Kurdistan region and who then crossed into neighbouring countries with the full knowledge of the Region’s authorities.
4. To ensure that there is no smuggling of Iraqi or foreign currency; to prevent all types of corruption, and to build a database of all materials shipped across the border.
5. The provision of modern equipment at the border terminal for the Customs Authorities and the Standards and Measures and Quality Control Agency, will greatly expedite the examination of goods imported into Iraq.

6. To expedite the entry of individuals, goods and commodities from Turkey into Iraqi territory by bypassing the Kurdistan region, which requires approvals and licences issued by the Region's institutions. There are also numerous Iraqi citizens, who are obliged to wait agonisingly long periods at the internal crossings in the governorate of Erbil to travel to Turkey, due to Kurdistan's laborious procedures which require a local Kurd to guarantee the entry of any Arab citizen. Almost identical procedures are also followed in Dohuk governorate – but take less time – for trucks to enter the region from external crossings.
7. The crossing may be transformed into a transit corridor for commercial goods linking Turkey and Iraq's neighbouring countries, such as Kuwait and Saudi Arabia and vice versa, in view of the fact that the Iraqi areas provide the closest route to these countries, as in the case of the “optical cable” coming from Kuwait, which passes through Iraq to reach Turkey.
8. The new crossing was used, together with the border-crossing at Ibrahim al Khalil (both of which will become important elements in the transportation of Turkish goods to Iraq's neighbouring countries) as a political card to pressure Ankara to stop the oil deals with the Kurdistan Regional Government (KRG) or to inform the Iraqi government about the quantities of oil “exported” by KRG to Turkey.

9. As a tool to pressure the Turkish Government into withdrawing its forces and evacuate the five, or so, military bases located in northern Iraq; as it will become an important crossing for the delivery and distribution of Turkish goods to Iraq's neighbouring countries.

**For Turkey:**

1. To realise one of the pillars of Turkish foreign policy which calls for greater openness towards Iraq through the creation of a new border-crossing, in a similar fashion to Iran, which has several border-crossings with Iraq.
2. Bring an end to the payment of dual taxes for their goods by Turkish businessmen and traders; both to the customs agencies of KRG and the Federal Government of Iraq.
3. To expedite the delivery of their goods to the Iraqi capital, Baghdad and the rest of the southern governorates, by relying on the faster "Nineveh-Kirkuk" route to Baghdad.
4. To deliver their goods directly to the central and western governorates of Iraq, limiting Iraq reliance on Jordanian goods.
5. Their people, trucks and cargo will be more secure, as there will be unified committees, run jointly by Baghdad and Ankara, regulating the entry and exit from the respective territories of the two countries.

6. Other agreements or treaties may be reached or made, for instance for the establishment of duty free trade between the two countries, in suitably located commercial sites.
7. To reduce or minimise the damage occurring to the mutual interests of Iraq and Turkey in the event the movement of goods through the Ibrahim al Khalil/ Faysh–Habur crossing is halted due to sabotage or regular maintenance operations.
8. To advance their foreign policy aims by having more than one land crossing with Iraq, for example: one would be linked to the Kurdistan region and the second linked to the federal government; thus deriving both economic and political benefit from its policy in a region that is known for the lack of political stability between the Central Government and the KRG.

### **Addressing Iraqi fears**

Iraq is well aware that the opening of a second crossing with Turkey will be very beneficial in terms of extending its control over its ports of entry in the Kurdistan region, as well as deriving significant commercial benefits, but there are also sovereignty and security repercussions for the country, most notably:

1. The route leading from the border–crossing passes through Turkmen areas such as Tal Afar, which Ankara views through the lens of the Ottoman Empire. Turkey considers the Turkmen

as belonging to its own people, and would thus be sending them a message that Turkey has not abandoned them, and is supporting them from all sides, notably the economic side, through the passage of their trucks and goods through the predominantly Turkmen areas, which will provide rest areas for the truck drivers and other Turkish individuals, because of the common ethnicity and language that binds them.

2. Turkish troops escorting trucks transporting goods under the pretext of protecting them and under the notion that the northern region of Iraq is insecure; that there is damage to its interests; that Iraqi forces are unable to provide protection for them; or from those who send a message that the new crossing route is non-standard, all of which will constitute an infringement of Iraqi sovereignty and a violation of the rights of neighbouring countries.
3. To strengthen its military presence through the passage of troops and weapons into the military bases in northern Iraq, with the new crossing point being close to them; especially since the Ovaköy area, where the border-crossing is located, belongs to the city of Silopi, a well-known military garrison.
4. Iraq fears that its territory may be transformed into a Turkish battle ground for the settling of accounts between opponents of the Turkish regime and the Turkish authorities.

## **Guaranteeing Iraq's sovereignty**

Iraq must compel Turkey to make commitments and to meet obligations when implementing the agreement signed by the two sides and on the opening of the crossing, for the purpose of guaranteeing its sovereignty and non-interference by Turkey in its affairs or the entry of foreign forces into its territory, which Turkey may justify under the pretext of protecting its goods in the country:

1. The Turkmen areas in the governorate of Nineveh must not come under the sphere of influence of the Turkish security apparatus or Turkish political parties, by exploiting their nationalist aspirations or the common traits that bind the Turkish-Turkmen communities.
2. No Turkish security forces allowed to enter to protect trucks and goods entering Iraqi territory through the new border-crossing, no matter what the security risks maybe at the time as a result of northern Iraq's instability, or for any other reason, for instance due to the importance of the materials carried by the trucks.
3. Iraq will not become a conduit for the reinforcement of weapons and ammunition for Turkish bases deployed in the north of the country, or a ground for the settling of Turkey's foreign conflicts with its opponents.



4. To collect additional taxes or charge interest on goods and commodities passing through Iraqi territory to neighbouring countries.
5. The country to become a participant in the free markets that Turkey shares with Iraq's neighbouring countries.

(Endnotes)

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