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Vindication Without Leverage:

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Abstract

Between 2022 and 2025 Iraq consolidated formal authority over its northern crude exports through a constitutional ruling, an international arbitral award and a federal export mechanism. Over the same period its bargaining position over the Iraq-Turkey Pipeline deteriorated. This article explains why those outcomes are compatible rather than contradictory. Working from asymmetric interdependence, it assesses outside options, exit costs and the capacity to convert formal entitlement into compliance, drawing on journalistic reporting, corporate disclosures and the arbitral record. Baghdad prevailed at the tribunal and on annulment without securing payment. The closure of the Strait of Hormuz removed its only viable alternative export route, while comparable producers rerouted through pipelines and sustained most of their exports. Turkey terminated the 1973 framework on its own timetable and moved from selling transit to holding equity in Iraqi production.

The interim agreement of August 2026 records authority that had outrun the leverage to exercise it.

Keywords: asymmetric interdependence; Iraq-Turkey Pipeline; arbitration enforcement; hydrocarbon federalism

Iraq holds an arbitral award against Turkey that has survived annulment proceedings and has never been paid. In August 2026, with that award outstanding, Baghdad signed a one-year arrangement for the use of the pipeline the award concerns, under a deadline Ankara had set the previous year. Over the preceding four years Iraq had also established federal control over its northern exports more firmly than at any point since 2003.

Commentary has read the agreement either as a technical rollover or as a diplomatic achievement. It is better understood as the product of a divergence. Iraq won the legal contest over the Iraq-Turkey Pipeline and lost its bargaining position over it. Formal authority was consolidated between 2022 and 2025 through a constitutional ruling, an international award and a working export mechanism, while the leverage to use that authority collapsed. The interim agreement of 2026 does not record the restoration of a transit relationship. It records the terms available to a government whose authority had outrun its leverage.

The account offered here treats this as a problem of asymmetric interdependence and evaluates it through three observable indicators: the outside options available to each party, the exit costs each would bear from interruption, and the capacity to convert formal entitlement into compliance. The argument proceeds through the politicisation of the 1973 agreement, the unenforced award of

2023, the export mechanism of 2025, and the conditions under which the 2026 arrangement was signed.

i. Interdependence and the transit relationship

Interdependence is not symmetry. Two states can rely on the same infrastructure while differing sharply in what its interruption costs them, and that difference, rather than the volume of trade between them, determines who sets terms. Hirschman (1945) established the principle: influence accrues to the party that can more readily do without the relationship. Keohane and Nye (1977) supply the operative distinction. Sensitivity is the cost of disruption within existing arrangements; vulnerability is the cost that remains once those arrangements have been adjusted. Both parties are ordinarily sensitive to interruption. What is bargained over is vulnerability, which is a function of how far alternatives exist and what they cost.

A transit relationship can distribute vulnerability unevenly, though not in a fixed direction. The two dependencies differ in kind: the transit state forgoes transit revenue when flows stop, while the producer state loses access to market and, where hydrocarbon rent constitutes the fiscal base, the revenue on which the state operates. Which side bears the greater cost depends on how readily each dependence can be substituted, and that ratio is not stable over time.

Three indicators make the direction of asymmetry observable. The first is outside options: whether either party can route around the other at acceptable cost. The second is exit costs: what interruption imposes on each side, weighted by dependence on the revenue at stake. The third is enforcement capacity: the extent to which formal entitlements can be converted into compliance. The third is the one standard treatments neglect. Where conversion fails, an entitlement does not disappear, but it ceases to secure compliance in the present dispute and becomes instead an asset to be traded in the next one.

This can invert Vernon's (1971) obsolescing bargain. Where a producer lacks viable alternative routes, sunk infrastructure deepens rather than reduces its dependence on the transit state.

The analysis that follows applies these indicators to Iraq's changing position: enforcement capacity after the 2023 award, and outside options and exit costs under the conditions in which the 2026 interim agreement was signed.

ii. From transit agreement to constitutional battleground, 1973 to 2023

The 1973 Crude Oil Pipeline Agreement was written for a state that no longer exists. It connected the Kirkuk fields to the Mediterranean at Ceyhan and provided that Turkey would purchase Iraqi crude only from the Iraqi state marketing authority (Iraq v. Turkey, 2023; Moshe Dayan Center, 2023). Its architecture assumed a single Iraqi producer, a single marketing authority and a government whose control over northern hydrocarbons was not in question. Turkey's role was correspondingly narrow: it supplied territory and a loading terminal.

Those assumptions were undone after 2003. The 2005 constitution left the division of hydrocarbon authority between the federal government and the regions contested, particularly over management and contracting, and no federal hydrocarbons law followed. The Kurdistan Region built an independent sector into that contest, signing production contracts and asserting a right to export (Norton Rose Fulbright, 2023). The 1973 agreement thus became the external legal instrument through which Baghdad sought to defend an export authority contested under a constitutional order the treaty long predated.

The domestic and bilateral disputes fused when Ankara accepted Kurdistan Region exports into the Turkish system. A dedicated line to Ceyhan was laid in 2013, and the first cargo was loaded in May 2014 (Moshe Dayan Center, 2023; Gulf News, 2014). Baghdad commenced arbitration on 23 May 2014, days after that loading, against Turkey and BOTAŞ under the 1973 agreement as amended and the 1946 Treaty of Friendship (Iraq v. Turkey, 2023). Erbil was not a party. Baghdad used the bilateral treaty to make Turkey answer for facilitating exports that bypassed federal authority, since it was the treaty, not Iraqi domestic law, that bound Ankara. The transit agreement had become an external instrument in an internal sovereignty dispute.

Federal authority was then established twice in thirteen months. In February 2022 the Federal Supreme Court held that Iraqi hydrocarbons are held on behalf of all Iraqis and that revenues must be distributed federally through the oil ministry and SOMO (Norton Rose Fulbright, 2023). On 13 February 2023 the ICC tribunal found Turkey in breach and subordinated activity on the pipeline to federal instruction (Amereller, 2023). Flows were suspended on 25 March 2023 (Al Jazeera, 2023), removing roughly 450,000 bpd from the market (Norton Rose Fulbright, 2023). Most of that volume was Kurdistan Region crude; roughly 75,000 bpd was federal crude from the Kirkuk fields (Moshe Dayan Center, 2023).

By March 2023 Baghdad held a complete formal case and no oil. The same treaty that had allowed it to externalise its claim to federal authority had produced an entitlement whose value now depended on whether Turkey could be made to comply.

iii. Vindication without enforcement

The award's arithmetic is less impressive than its headline. The tribunal, seated in Paris, found Turkey in breach for 2014 to 2018 and awarded Iraq over $1.9bn, but it also upheld Turkish counterclaims over unpaid throughput and transportation fees, granting Turkey more than $500m, with both sums subject to interest and set-off (Iraq v. Turkey, 2023). The net figure, generally given as $1.47bn, was far below the $90bn Baghdad had reportedly sought (Alaca, 2023).

Iraq then won every subsequent legal round. Turkey applied to the Paris Court of Appeal to annul the award in part, arguing that the tribunal had exceeded its mandate and breached the adversarial principle. On 10 March 2026 the court dismissed the application in its entirety and ordered Turkey to pay Iraq €200,000 in costs (Paris Court of Appeal, 2026). The decision did not become public until 13 July, when an opposition deputy disclosed it and accused the government of concealment (Turkish Minute, 2026).

Nothing has been paid. The dispute has migrated from liability to computation: both states claim to be the net creditor, since Turkey's counterclaims are older and accrue more interest, and one assessment put Iraq's eventual entitlement at a few hundred million dollars (Alaca, 2023; Global Arbitration Review, 2026). Iraq's enforcement petition in the District of Columbia, filed in April 2023, has been stayed since September 2024, and a second arbitration covering exports from 2018 onwards remains unresolved. Turkey may in any case seek indemnity from the KRG under its 2013 agreement with Erbil (Alaca, 2023).

The costs of the intervening shutdown were distributed very differently. The line stayed closed for thirty months. APIKUR estimated the combined effect of the closure and unpaid entitlements at around $1bn a month in forgone Iraqi revenue (Rudaw, 2023), and the Rudaw Research Centre put first-year losses at $11bn to $13bn (2024). Turkey lost transit revenue. Iraq lost the value of crude that could no longer reach market, including 75,000 bpd of federal crude alongside the Kurdistan Region's volumes (Alaca, 2023).

Within Iraq the adjustment was borne unevenly. Operating companies in the Kurdistan Region accumulated close to $1bn in unpaid entitlements, DNO's share alone around $300m (APIKUR, cited in Rudaw, 2023; Reuters, 2025). Federal transfers to Erbil were suspended amid disputes over revenue handover, and the September 2025 restart was tied to Baghdad releasing two months of withheld salaries (Channel8, 2025). The costs accompanying Baghdad's legal victory fell partly on Kurdish public employees and foreign operators.

This is what a failure of conversion looks like. Baghdad has prevailed at every forum and holds an award that no longer faces a French challenge, and it is still not being paid. The entitlement did not evaporate; its value came to depend not only on what the tribunal ordered but on how far the award could be converted into leverage in the negotiations that followed. By 2026 it had ceased to be an instrument of compliance and become a bargaining asset in a negotiation Baghdad did not control.

iv. Restoration on Baghdad's terms

Federal authority was operationalised in late September 2025. The federal oil ministry, the KRG ministry of natural resources and the operating companies signed a tripartite agreement on 25 September, concluded under United States pressure, and flows resumed on the 27th after thirty months (Reuters, 2025; 964media, 2025). The Kurdistan Region undertook to deliver at least 230,000 bpd to

SOMO, retaining 50,000 bpd for domestic refining, though officials variously described initial deliveries as 180,000 to 190,000 and as 240,000 bpd (964media, 2025; Associated Press, 2025). An independent trader sells at Ceyhan using SOMO's official prices, with $16 per barrel paid into escrow and distributed proportionally to producers (Reuters, 2025).

Its institutional consequence is clear. SOMO now occupies the marketing position from which it was excluded between 2013 and 2023, and export sales from the Region are made through it: roughly 19 million barrels in the first three months (Kurdistan Tribune, 2026). Operators report improved remuneration relative to local sales and consistent payment following liftings (Gulf Keystone, 2026). DNO, the largest foreign operator in the Region, remained the significant holdout, declining direct participation while pre-shutdown receivables were unresolved and continuing to sell its contractor entitlement locally.

The instrument that achieved this is remarkably thin. It is not a hydrocarbons law but a renewable protocol, extended first to the end of December 2025, then to 31 March 2026, and most recently for six months to 27 January 2027 (Rudaw, 2025; Gulf Keystone, 2026). A North Oil Company source described it as an administrative protocol for reorganising transport and exports (Rudaw, 2026). Nor has it settled the commercial basis of payment: export sales since September 2025 were not made at international prices, and operators are still pursuing reconciliation following an independent consultant's review of their entitlements (Gulf Keystone, 2026).

Its renewal is contingent on Ankara. SOMO's director general stated that the latest extension depended on the renewal of the Iraq-Turkey agreement (Rudaw, 2026), and the dates bear that out: the tripartite protocol expires on 27 January 2027, six months before the bilateral transit arrangement it rests on. Baghdad's authority over international marketing of northern crude is now administered rather than contested. It is administered through an instrument that must be renegotiated before the successor treaty is due. The internal sovereignty question of 2013 to 2023 has been answered. It was answered by an arrangement whose continuation depends on a counterparty that is not Iraqi.

v. Ankara's upgraded position

The 1973 framework did not lapse. A Turkish presidential decision published in July 2025 terminated the crude oil pipeline agreements with effect from 27 July 2026 (Iraq Business News, 2025), and Ankara told Baghdad it wanted a comprehensive replacement rather than a renewal (Reuters, 2025). The date was fixed eight months before the war that would transform the negotiation.

That war removed Iraq's principal alternative. After the United States, Israel and Iran went to war in late February 2026, Tehran declared the Strait of Hormuz closed on 4 March (ORF Middle East, 2026). Iraq, which shipped some 95 per cent of its crude through the Strait, was the first major producer to cut output as storage filled (Reuters, 2026). Production fell to a ten-year low of 1.5m bpd in April, down more than 60 per cent, seaborne exports reached a dataset low of 260,000 bpd in May (Vortexa, 2026), and monthly export earnings of around $7bn fell to barely $1bn (ORF Middle East, 2026).

The comparison isolates the variable. In May, Saudi Arabia sustained 57 per cent of its 2025 average export rate and the United Arab Emirates 82 per cent, both rerouting volumes through pipelines; Iraq managed 8 per cent (Vortexa, 2026). The difference was not the severity of the closure but the availability of an alternative outlet.

Baghdad therefore negotiated over the only functioning export pipeline it had left, in the fifth month of an export emergency. The arrangement signed on 1 August 2026 between BOTAŞ, SOMO and the North Oil Company is interim, running for one year while the long-term framework is negotiated (Al Jazeera, 2026). Its headline figure is unsettled. Iraq requested 750,000 bpd; Turkey described a transit arrangement covering that capacity, while al-Zaidi presented it as a guaranteed minimum export volume (Oil & Gas Middle East, 2026; Reuters, 2026; Turkish Minute, 2026). Actual flows were around 170,000 bpd against a nameplate of 1.5m (Reuters, 2026).

Ankara's position had also moved upstream. On 28 July, during al-Zaidi's Ankara visit, TPAO agreed terms to acquire 15 per cent of BP Energy Company of Kirkuk, the contractor vehicle for redevelopment of the region's major fields, leaving BP with 43 per cent and ConocoPhillips 42 (BP, 2026). A Turkish state company now holds an economic position inside Iraqi production, in the fields whose crude had historically fed the pipeline.

Ankara's stated ambitions run further. Bayraktar has proposed extending the line south from Kirkuk towards Basra, raising capacity to 2.5m bpd and opening it to Gulf crude (Oil & Gas Middle East, 2026). The framework under negotiation is to cover oil, electricity and water together (Al Jazeera, 2026), and that linkage is already operating: the oil-for-water mechanism signed in November 2025 ties Iraqi crude revenue to water projects executed by Turkish firms, and on 8 September 2026 the Iraqi cabinet set its export ceiling at 33,000 bpd (Anadolu Agency, 2025; Iraqi News, 2026).

None of this was engineered. But by August 2026 both indicators had moved. Iraq lacked a viable alternative outlet and had demonstrated that it could not absorb interruption. Turkey remained the gatekeeper to Iraq's only functioning export pipeline, and its economic relationship with Iraqi energy had widened upstream into production and across sectors into water. The asymmetry that the 1973 agreement had left latent was now operative, and running the other way.

vi. What the successor framework must price

The interim year defers four questions. The first is the treatment of the arbitration award: whether the successor framework extinguishes it, offsets it against transit charges, or preserves it unresolved. The second is whether 750,000 bpd is a guaranteed minimum, reserved capacity, or an indicative figure. The third is whether the announced framework covering oil, electricity and water is negotiated as a single package, or whether the files continue to be handled separately in practice. The fourth concerns the Kurdistan Region's residual position: the tripartite protocol governing its exports expires in January 2027, six months before the transit arrangement on which it depends, leaving open whether federal marketing authority becomes institutionalised or continues through successive temporary protocols.

Against the reading offered here, three arguments can be made. Federal marketing authority is now uncontested, which is a durable gain that outlasts any transit arrangement. TPAO's equity position aligns Turkish commercial interests with Iraqi production growth rather than with circumventing Baghdad, reversing the pattern of

2013 to 2023. And reduced exposure to Hormuz is a real strategic gain whatever the terms on which it was obtained.

Each concedes the point about authority while confirming the point about leverage. Federal authority is uncontested and administered through an instrument renewable on Ankara's cycle. Turkey acquired a position inside Iraqi production; Iraq acquired no equivalent position inside Turkish transit. And access negotiated during a supply emergency is negotiated from the weaker position.

A fourth objection is stronger. Iraq's weakness was acute rather than permanent: Hormuz transits recovered from June and production returned to 3.37m bpd in August (Energy Intelligence, 2026), and Baghdad might have waited. But waiting was costly rather than neutral. The termination date was Ankara's, and allowing it to pass without a replacement instrument risked leaving the northern route without a governing framework while the southern one was still recovering. The deadline was set by the party that gained from Iraq's weakness, not by the party suffering it.

To conclude, between 2022 and 2025 a constitutional ruling, an arbitral award and a working export mechanism gave Baghdad more complete formal authority over its northern exports than at any time since 2003. Its bargaining position deteriorated throughout. The award has not been paid. Its viable alternative export route collapsed at the moment of negotiation. The instrument administering federal authority over Kurdish crude remains contingent on a transit framework Ankara timed.

The three indicators explain why these outcomes are compatible rather than contradictory. Enforcement capacity failed, so a legal victory produced no compliance. Lost outside options, and the exit costs they exposed, meant the negotiation was conducted from weakness. Iraq's difficulty was never the absence of legal title but the absence of instruments capable of converting it into effective authority beyond its jurisdiction. That gap, between de jure entitlement and the capacity to make it operative, is not closed by winning.

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