

## **The ways of Kurdistan's separation from Iraq under International Law**

**By**

**Redar B. Ahmed**

School of Government, College of Law, Government and International Studies, Universiti Utara Malaysia, 06010 Sintok, Malaysia

**Rusniah Ahmad**

School of Government, College of Law, Government and International Studies, Universiti Utara Malaysia, 06010 Sintok, Malaysia

**Yusramizza Binti Md Isa**

School of Government, College of Law, Government and International Studies, Universiti Utara Malaysia, 06010 Sintok, Malaysia

### **Abstract**

Remedial secession is a new way of solving problems between regions within a sovereign state and it is a way to protect human rights against violations and decentralized authority of minorities under international law. The objective of this study is to investigate the case of the Kurdistan Region that asked for secession from Iraq to an extent to found out the applicability of international law for the legitimacy of secession of the Kurdistan region in the light of the Kosovo case in remedial secession. The study concluded that the Kurdistan region has the right of remedial secession and provides all required conditions for the remedial secession, such as violations of human rights and decentralization the Iraqi central government. This study is significant to clarify the legitimacy of the Kurdistan region's request for secession according to international law. This study contributes to the literature comparing between the Kurdistan Region with Kosovo case in the context of remedial secession.

**Keywords:** remedial secession; separation; international law; Kurdistan Region; Iraq.

### **Introduction**

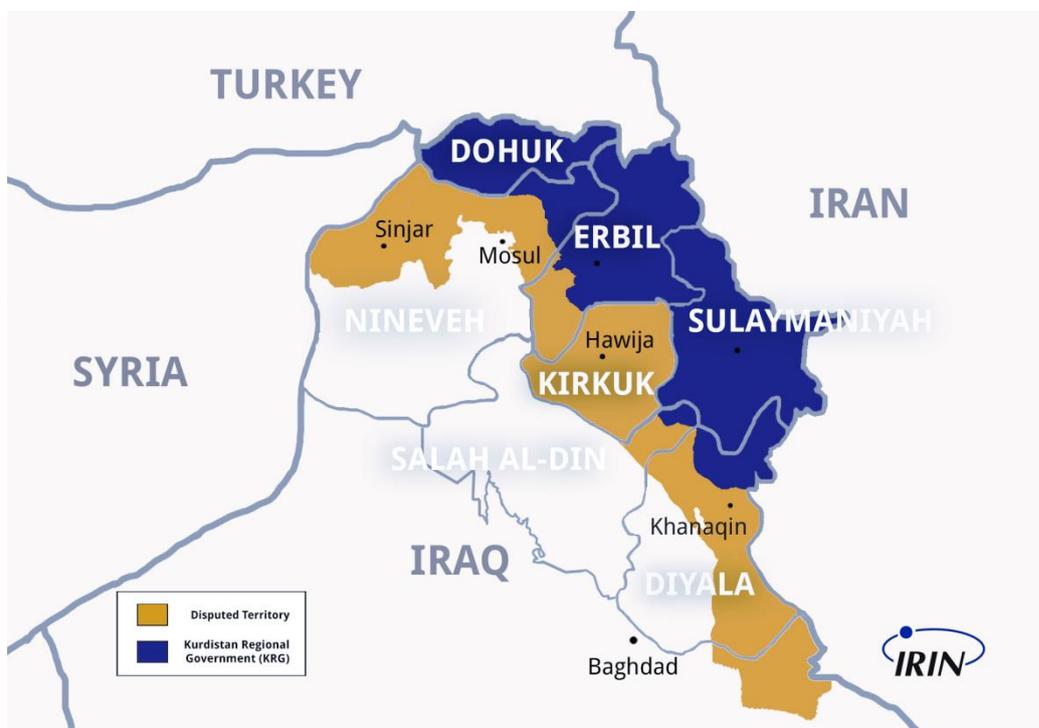
Historically, Kurdistan region has been in conflicts with Iraq since 1921. Kurdistan Region over their history has always had complicated relations with Iraq (Bapir, 2010) These conflicts continue even after 2003's era. Kurdish people have always been suffering in wars and persecutions under the Iraqi regimes. They have been perceived as Iraqi enemies, not as Iraqi citizens until today. To date, the problems are not resolved (Bali, 2016). This study shed lights on issues from 2003 till 2018 as Kurdistan region obtained its federalism in 2003. Despite having the semi-autonomous status, Kurdistan, at present, is facing many problems with the Iraqi government. This study will examine the main factors for such problems from 2003 until 2018 (Mustafa, 2018).

After the fall of Saddam's regime in 2003, Kurdistan has participated in the optional formation of a new Iraqi government where Kurdistan region obtained federal status in accordance with the new Iraqi Constitution. Nevertheless, the federalism does not solve Kurdistan's problems peacefully. There are many obstacles that Kurdistan must overcome.

There has been many violations of the rights of the people of Kurdistan region before 2003. There were many problems between the Kurdistan region and the Iraqi government after being accepted into the federal system. For instance, one of the obvious cases in 2005 was that the Iraqi government did not fully let the Kurdistan region to actively participate in the Iraqi government. Furthermore, the Iraqi government did not recognize the rights of Kurdistan as an independent region. They did not respect the position of Kurdistan region as a Federal area (Jasim, 2017).

## Historical Background of the Kurdistan Region

Kurdistan is a nation located in the middle-eastern land of Mesopotamia in the north of Iraq. The Kurds are as a native people in Kurdistan their constant attempts to build a Kurdish state (Kirmanj, 2014).



(Lund, 2019)

The main factor in favor of Kurdistan to separate is the indigenous people of that region, and they have their own geographical advantages. Since the Chalderan's war in 1514 between the Ottoman empire and Persian Empire, this land became divided into two parts, namely the West and the East Kurdistan. However, Kurds did not have a country and they have always had internal dispute among the various components living in the region. They call for independence at the end of the first world war. After victory of alliances and the formation of the Ottoman empire, their land was divided into four parts to (Turkey, Iraq, Iran, and Syria).

Iraqi Kurdistan or Southern Kurdistan is the Kurdish-populated region incorporated into Iraq and considered by Kurds as one of four parts of Greater Kurdistan. Most of the geographical region of Iraqi Kurdistan is governed by the Kurdistan Region Government (KRG) which is an autonomous region recognized by the 2005 Iraqi constitution. The four governorates of Duhok, Erbil, Sulaymaniyah, and Halabja comprise around 46,861 square kilometers (18,093 sq. mi) and have a population of 5.9 million (Pishdare, 2013).

Under the Sevres's treaty in 1920 between Great Britain and Kurdish leaders, Kurds were promised by Great Britain that a country would be created for them. According to the Treaty of Lausanne between Turkey and Great Britain in 1923, Kurdistan was again divided between two parties (Harris G. S., 1977). The Kurds have long history and a common relation among themselves. They have same language, culture, land, and nation history. The issue of recognition of the Kurdish land is always a main issue in the Middle East and has become of the reasons of conflict and war in the region.

The winner of the first world War (France, Great Britain, United States, and Russia) divided the land of Middle East between them, especially between France and Great Britain, and those parts were recognized by name of the state of Mosul in the Ottoman empire, joined with those Arab land as (Baghdad and Basra) (Meintjes, The Complications of Kurdish Independence, 2018). After that, Great Britain joined three states inside their authority, Kurdistan faces many conflicts and problems inside the mandate system, the effort for self-determination (Dobbins, 2003).

Kurdistan during the British authority took the promise in the Sevres treaty for the establishment of the Kurdistan country but, that promise was not realized (Yavuz, 2001). Lausanne's treaty replaced the Sevres's treaty. In the meantime, Great Britain established Iraq in 1921 containing of same states as Baghdad and Basra. After four years in 1925. Mosul state, a large part of Kurdistan inside the Ottoman Empire after the first world-war, was made a part of Iraq (Hennerbichler, 2018).

By the League of Nation power on 25th December 1925. Since then the problem between the Kurdistan region and Iraqi central government continues until now. The problem reached its highest level in 1968 when they had a war between them (Dawood, 2016).

After the first World War and the establishment of Iraq in 1921, Kurdistan joined Iraq by force (Meintjes, The Complications of Kurdish Independence, 2018). Kurdistan's problems started when it became part of Iraq. The problems became greater when Kurdistan struggled for its Independence. Kurdistan has faced numerous conflicts and problems inside the mandated system. The Kurds have been trying to make Kurdistan become self-determination (Amer Dobbins, 2003). During the Kurds' struggles, there had been many military movements such as the main rebellion movements by Sheikh Mahmud, and Barzani from 1921 until 1970 (Inga Rogg, 2007), when Kurdistan achieved its autonomy from Iraq. Iraq recognized Kurdistan as an autonomy region in 1970 but Iraqi government withdrew the autonomy in 1974.

The problems and conflicts commenced after the withdrawal of the autonomy. There was peace and there were also problems that led Kurdistan to have many wars with Iraq from time to time. Kurdistan faced many human rights' violations such as genocide. Iraq had been attacking Kurdistan using chemical weapons until 1991 when the United Nation (UN), under the decision 688 by the Security Council, ordering Iraq to stop the violations of Kurds' human rights. Besides, the order included the non-fly zone area.

Kurdistan was occupied by Iraq and caused many sufferings by creating 1.5 million of Kurds as refugees. These refugees had to enter Iran and Turkey as to avoid the genocides committed by Saddam's regime. The United States of America (USA) attacked Iraq and limited Saddam's regime to protect Kurdistan and the Kurds (Akhavan, 1993). After the USA's intervention, the Iraqi government withdrew the administrative authority of Kurdistan in 1992. Kurdistan had established the Kurdistan regional government KRG from 1992 until 2003.

Kurdistan region was treated by foreign countries almost like a separate entity. Kurdistan discontinued their usual ties with Iraqi government. Fortunately, the international communities treated Kurdistan region as a state-like status until 2003.

When Saddam Hussein's regime was toppled by the USA in 2003, Kurdistan was accepted in the federal system under the new Iraqi Constitution in 2005. Kurdistan was governed by the central system before 2003. Moreover, Kurdistan had reconnected its ties with the new Iraqi government. From 2003 to 2005, there had been fundamental changes to the overall constitutional order in Iraq.

According to Iraqi constitution 2005 the Iraqi legal system in Iraq is taking place within the framework of a representative federal democratic republic. A system of multi-party where the executive power is exercised by the Prime Minister to the Council of Ministers in his capacity as head of government, and the legislative authority in the Iraqi Council of Representatives and the Council of the Iraqi Union. Either by the Kurdistan region of the federal region according to the Iraqi constitution in 2005.

Now the political and legal system in Iraq is taking place within the framework of a representative federal democratic republic. A system of multi-party where the executive power is exercised by the Prime Minister to the Council of Ministers in his capacity as head of government, and the legislative authority in the Iraqi Council of Representatives and the Council of the Iraqi Union. Even though Kurdistan region had the federal system with their authority and own parliament, the federal system was ineffective in ending the problems between the Kurdistan region and the Iraqi government.

The Kurdistan Region Government (KRG) contained three states and they were located in the northern region of Iraq. The Kurdistan population contains 20% of the whole Iraqi population. The Kurd nationals have their own separate and specific land. Furthermore, they did not get their land by force (Jüde, 2017). Kurdistan region has always faced problems with Iraq and many of these problems have not been solved effectively.

After 2005, the problems between KRG and Iraqi government started again. There are two recent and major issues: oil and disputed territories. All these issues are related to the differences in how each party understands sovereignty within the federal system. The essence of the oil issue is that Kurdistan wanted to have its own authority to sell its oil. This problem is made worse due to the inconsistency of laws in Iraq which made it difficult for Kurdistan to grow economically. This problem led to the reduction of central government share of the KRG of oil revenues. Due to the problems stated above, the KRG is about to collapse as its economic capacity depends on its share of the national budget.

Kurdistan has faced difficulty in dealing with the sale of oil and gas due to Iraqi constitutions. It is not surprising that legislative efforts have increased over the past years to reconcile the different views between the federal government and the KRG. Despite efforts to resolve legislative problems, KRG still faces lots of challenges and issues until today. In spite of several meetings related to the export of oil and gas held between the federal government and KRG, problems still persist and KRG continues to sell its oil and gas without Iraqi's permission.

Recently, these problems have reached the extent that the opportunities for resolving amicably with the federal government. As these problems become more complex, KRG has not found any opportunities to find practical solutions.

The Iraqi government decided to cut the KRG's share of 17 percent of the federal budget (USD12 billions) in 2014 after the Kurds failed to deliver their oil revenues. Besides having to deal with the budget cut, Kurdistan faced other unexpected problems such as Islamic State in Iraq and Syria (ISIS) war and influx of Arab refugees. Consequently, KRG faced economic crises.

Besides the problems with the export of oil and gas, KRG must deal with territorial issues between Kurdistan and Iraq. Between Iraq and Kurdistan region, there are many disputed areas where majority of their populations are Kurdish. The KRG has been wanting to reintegrate these disputed areas to Kurdistan region. However, the Iraqi government denied the process of integration. Constitutionally, the territorial problems have been solved. According to Article 140 (Iraq constitution), the disputed areas must be reintegrated to Kurdistan by the end of 2007. For instance, in a meeting between Masrur Barzani (the advisor to the Security Council of the KRG) with Ramo Blackwa (the Ambassador of the European Union to Iraq), Barzani stated that the only solution to the territorial problems is by implementing Article 140 (Rudaw, 2018). Thus, the KRG has to influence the Iraqi government to recognize Article 140 in order to resolve territorial disputes.

Despite numerous efforts to solve the issues related to the export of oil and gas as well as the territorial disputes between the KRG and the Iraqi government, the problems continue endlessly. Therefore, the key solution for the abovementioned problems is to declare Kurdistan autonomy based on the Remedial Secession. This study intends to explore how Kurdistan can be separated from Iraq based on Remedial Secession and how International laws can be applied on Kurdistan case. Moreover, this study attempts to compare the Kosovo's case with that of Kurdistan as Kosovo managed to get its Independence based on Remedial Secession.

This study aims to study the concept of remedial secession and the international situation to solve the problem of Kurdistan from Iraq because of the failure of Iraqi internal law to solve the problem of Kurdistan with Iraq.

## **Kurdistan Region's Problems in Iraq**

Economy, political, military, different ethics and violation of human right are the main problems between Iraq and the KRG. Recently, there was a war between Kurdish forces with the Iraqi armed forces. Thus, the relationship between the KRG and Iraq has gotten worse. Their situation is not local anymore, but it has become international as several countries tried to solve the problems. However, the international attempts failed miserably (Al, 2015).

The Iraqi government was not keen to resolve the problems with the Kurdistan government and ignored all the constitutional rights of the Kurdish people. Under the Iraqi's Constitution, Kurdistan supposed to enjoy many rights as political economy and culture rights. However, all the Kurdistan's rights under the Iraqi Constitution were violated. For example, the Iraqi Government did not apply Article 140 that supposed to protect the disputed areas.

Kurdistan faced another big problem where the Iraqi government did not recognize the Kurdistan's special forces as one of the Iraqi national forces. Furthermore, the Iraqi government were not ready to train the Kurdish force and did not provide them with necessary salary, and army equipment. The Iraqi government came up with many meaningless though under the Iraqi laws, all the regional forces must be recognized and considered as the main national forces. Due to the unrecognition of KRG's force, there had been conflict which occurred between the two forces. There was a war in 2008 when Noori ALMaliki (the previous Iraqi's

Prime Minister) ordered the Iraqi force to attack Kurdistan and occupy it. However, the Kurdish force managed to stop the Iraqi forces. In addition, there were wars in many places involving casualties in both sides (Zhao Changfeng, 2017).

There was another attack in October 2017 when the Kurdish people voted freely for the referendum and wanted to separate from Iraq. The Iraqi forces were ordered to attack and occupy Kurdistan. There were at least 100 victims. The Iraqi government asked its Allies (Turkey, Iran and Syria) to close their borders with the KRG as an economic sanction. They wanted to suppress the Kurdish people and force the KRG to follow every decision of the Iraqi government. One of the Kurdistan's problems was that the people of the Kurdistan region were discriminated against by the Iraqi government.

The Kurdish political parties in the Iraqi government were forced to obey some of the Iraqi's decisions even though the decisions were against the Kurdistan's people. These decisions had forced some Kurdish members of the Iraqi government to leave their posts and their positions were removed. Thus, the Kurdish leaders clearly stated to the world that the Iraqi government walked towards dictatorship (Liga, 2017).

Another fundamental issue that the KRG had with the Iraqi government in 2014 was the economy issues when the Iraqi government cut 17% of the KRG's share (money) in Iraqi's yearly budget that led Kurdistan to face the biggest economic crisis in its history.

Another issue that is facing Kurdistan is the oil and gas law. Kurdistan is rich with natural resources such oil and gas. The Iraqi government has always wanted to economically harm the KRG. The Iraqi government has always prevented the KRG to sell their oil independently. Moreover, the Iraqi Parliament has been trying to establish a rule that will prevent the KRG to sell their oil freely. They want to control all the natural resources of the Kurdistan region (Abdulla, 2018).

As there have been numerous conflicts between the two governments, Kurdistan has demanded for referendum the Kurdish people have always faced difficulty to live under the same flag with the Iraqi government. The Kurds have always wanted to live separately and therefore, they voted for referendum twice in 2005 and in 2017 but were refused by the Iraqi government. Consequently, the Iraqi government attacked Kurdistan and occupied fifty one percent of the its land (Fahrettin Sumer, 2018).

Kurdish people have always wanted to find a proper way and solve their issues with the Iraqi government peacefully, but they also failed (Peter Kabachnik, 2012). One of the presidents of the biggest Kurdish party who was also the Kurdistan Regional President from 2005 till 2017 stated that "if the Iraqi government are not ready to solve Kurdish issues, so allow them to separate and let them have their own government". The Kurdistan problems in Iraq are not only about ideology against a particular government but also, they are against all the Iraqi governments (Brathwaite, 2014). To illustrate another issue, after Iraqi constitution in 2005, the problems between Iraqi government and the KRG have reached a new height. The KRG's authority states that the authority in Iraq is no different from that of Saddam's authority. KRG declared that it had been a dictatorial power that was ruling in Iraq.

It is a fact that the Iraqi's Constitution has recognized Kurdistan region as an autonomy part. As KRG has wanted to separate, in other hand, Iraq has always refused very strongly against the Kurdistan's request. Therefore, the problems still exist. Under Article 117 of the

Iraqi Constitution in 2005, Kurdistan has been recognized as one of the federal states, but this does not stop Kurdistan's request for separation.

When Iraq was established, the Iraqi Constitutions intended to ensure right of Kurdistan region but was not successful in solving Kurdistan's problems. It means the conflict has a long history which could not be solved only by constitution (Kolo, 2017). This study intends to investigate the rights of Kurdistan's separation by some international laws about Remedial Secession including the United Nation's Charter. Kurdistan's problem cannot be solved by the KRG and Iraqi government as they do not have a good relationship. Furthermore, it needs to examine whether the international law can resolve the problems (Wang, 2018).

In the past, Kurdistan had a few chances to move ahead for its independence in 1991 and 2003 from Iraq but Kurdistan decided to stay with Iraq without solving the problems. This study wants to find out the explanations behind the demand of Kurdistan for its independence. Thus, this study will investigate and attempt to find out solutions for the longstanding problems of Kurdistan.

The creation of any country depends on the existence of the international law as it establishes the needs of creating a new state. The other objective of this study is to investigate whether the international law supports the establishment of Kurdistan's region. The study will explain the international law by the United Nation Charter to create a new country in the world.

In accordance with the resolution of the United Nations Organization, every region has its political and economic right to exercise autonomy. The question is if Kurdistan has been enjoying a federal system, why does it demand for separation from Iraq by remedial secession? It is important to investigate some relevant issues such as the causes behind Kurdistan's demands for separation.

This study chooses the comparative analyses by the concept of Remedial Secession under the international prospective of Remedial Secession. This is one of the reasons why the study wants to compare the KRG claim for separation with the case of Kosovo. It is considered to be a solution of the KRG problems as the case of Kosovo was successful in the Remedial Secession's concept in the international community. This study, however, will investigate why Kurdistan region has problems with Iraq and why they want to be a separate country.

## **The Concept of Remedial Secession**

For clarifying more concepts and terms related to this study, there is a need to define some terms like self-determination, territorial integrity, Secession. About The right of self-determination, this concept emerged for the first time in the Declaration of American Independence. It was advanced in 1789 in French Human Rights document. When the socialist October Revolution was victorious in Russia, the new Soviet authority immediately proclaimed the principle of the right to self-determination in 1917.

The principles of this document have been overridden when the League of Nations agreed to impose the mandate on peoples during the World War II (Lynch, 2002). The General Assembly of the United Nations and the United Nations Security Council, which was set apart in the Charter of the UN, established the right of peoples to self-determination. Article I, paragraph 2, of the Charter, states "The development of friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, as well as of other appropriate measures to promote general peace".

The right of self-determination has many more definitions. Over the time, the definition changes. Defining the term self-determination, French philosopher Alfred Cobban said all of the nations have their right to have freedom of state and to take a decision about their self-affairs.

According to Eli e Herts, the right of all peoples to take the right decision to their affairs and they have a high right to take a decision without any international intervention. According Brownie, self-determination is the right of any national movement group which determinate their political system and chose a relationship style with other groups (Tuzan, 2013).

In addition, self-determination means the right of the people or nations. People who are enjoying self-determination have freedom and independence. They are not under any foreign or colonial power. They live in freedom and they have a chance to choose their political future.

All the nations have the fundamental right to enjoy self-determination and be governed by their own. They freely determine their political status and pursue economic, social and cultural development (Gilbert, 2003).

It is generally recognized that the principle of self-determination refers to the right of people to enjoy self-determination, but beyond this there is a very broad definition. There are no legal criteria for diagnosing which groups may legally claim this right in certain cases (Iemarchand, 2013).

For the above reasons, it can be said that the right of self-determination and the right to challenge any illegitimate power using all physical or moral capabilities through the means of civil defense and peaceful means is accepted right of the people according to international legal principles. In general, this study is following this principle in defining the concepts of the right of self-determination. All people have full freedom of self-determination without interference of foreign power. Moreover, the term self-determination means establishing an independent and stable and sovereign state because that is the goal of all nations.

About territorial integrity, it is generally accepted in international legal scholarship that the right of self-determination is limited by the principle of territorial integrity of states. It is one of the main conceptual bases that has a strong relationship with the right of self-determination and the right of remedial secession in international law. The concept of territorial integrity has been accepted as the general principle of establishment of self-determination inside the international framework since 19th century. According to Marxsen Christian the right of territorial integrity fails if there is violation of human rights of the minority.

Since the second world-war the concept of territorial integrity developed more. It was adopted by the United Nation's charter under article 2 part 4. This confirmed that all the members of United Nations must respect the right of sovereignty in practicing their diplomatic relationships between the states and none has any right to use force against territorial integrity.

The principle of territorial integrity is not only to preserve the international boundaries. This principle is also related to political independence as there is a need for protection against any breach. If any illegal intervention or use of force is occurred, it is clearly a breach of this right (libarona, 2012).

This study agrees with the fact that right of self-determination has been applied first during the colonialism century for ensuring independence of those nations under mandate system but now some schools of international law think that the territorial integrity is protected only if the state respects and ensures every right of minority. Otherwise, the state must accept their right of internal self-determination or autonomy to enjoy self-governance. There must not be any case of violation of human right such as those happened in Kosovo by Serbia.

About secession, it is a one-sided process without agreement with mother state. For example, the secession of Bangladesh in 1971 from Pakistan. However, it is different with the independence because independence done by agreement between two parties, the mother state and the new state. According Lawrence M Anderson, secession means the formal withdrawal of a founding unit from a well-established and internationally recognized state and the establishment of a new state (Anderson, 2004).

According to Edward T Canue, the right of the people to secede from a nation is not guaranteed under international law (Canue, 1997). The point of view of the study secession means, some people start to form a new state from the mother state for independence and the formation of a new state, which has all the fundamentals of an independent sovereign state. The launching of a part or territory of a state is driven by the goals of achieving the political, social or economic objectives by establishing a new state or joining with the state of the other country.

To define secession, different scholars of international law followed different theories. secession has its own meaning, but it can be replaced with right of self-determination if there is a big violation of human rights. According to Loana Cismas secession can be imposed if most of the population inside one region of a bigger country desire for it. As a result of secession, they may achieve independence or may choose to become part of another country.

According Marcelo G. Kohen secession is an act of creating a new independent state or becoming part of another state by separating some of population of region without agreement of the mother state (Cismas, 2010). About the meaning of secession, this is a right of a group to be separated if there is gross violation of human rights by the central government. Secession is, however, the last solution of the problem which implies to protect the minority's human rights by creating a new state by secession.

The concept of secession has ample support by internal law and many separation movement groups because secession is the last stage of solution and gateway to protect violation of human rights. However, as it goes against the principle of territorial integrity, until now it has not been set as an international principle of law in international community (Abdulla, 2018).

According of resolution number 2625 of the General Assembly of the United Nation, especially its part 7 confirmed that the central government is obliged to take necessary decisions for the protection of ethnic, religious and national minorities. The central government must govern every people without any fundamental and racist distinction. Some legal scholars explain that because of the absence of proper action of the central government, the government loses the right of protection of the integrity of the national sovereignty. Therefore, secession will take part in those regions.

## **Main Causes of Request for Remedial Secession**

### **5.1 Violation of Human Right**

Violation of human right is one of the main causes of the minority nations for requesting Remedial Secession. In that case the study can see the right of Remedial Secession must be the *Res Militaris*, vol.13, n°1, Winter Spring 2023

basic violation of human right. Under the resolution number 2625 of the General Assembly of the United Nations those regions which are victims of genocide and violation of human right, can demand separation. Russia's political policy behind the case of Crimea in Ukraine 2014 clearly stated: Crimea's region gave a right of Remedial Secession from one side because their human right was breached and violated by the central government of Ukraine. As most of the population of Crimea belongs to Russian nationality, they have their right for Remedial Secession (van, 2015).

The declaration of separation of Kosovo came that, they faced a strong breach of human rights by the Serbia government, especially during the Slobodan Milosevic who made a huge violation human right against Kosovo s people, in 1999 the human right was breached in Kosovo, but Kosovo declared independence to make and establish a security line for protection of their human rights. In the Biafra's case and Bangladesh have justification for freedom and separation because of violation of human right by the more powerful and ruling ethnic groups. The fundamental basis of a country must be respect and protection of the civil and unarmed population (Abdulla, 2018).

The violation of human right and crime against humanity are the main causes in Anglophone's request for Remedial Secession in Cameroon. The request of Katanga in Congo also was made for the same cause, they faced breach and violation of human rights. Killing more than 1.2 million Tibet people by the government of China and the in violation of human right was the main cause for the Tibetan demand for Remedial Secession (Cismas, 2010).

The study point of view after studying each of the above cases the point of view this study, the main reason for Remedial Secession is breach of human rights each state has a right to request of remedial secession if have an involution of human right (Akhavan, 1993).

According to Daniel, about KRG independence problem with Iraq agreed that there are serious cases of violation of human rights by the Iraqi government during the Kurdistan's history with Iraq. Iraq committed major violation of human rights such as genocide and killing civil population, let the use of chemical weapon against Kurdistan region in Iraq. But all those studies took place before 2003, which means during Saddam Hussain's power. None of these explained if there is any violation of human rights after Saddam Hossain's reign in 2003 (Philpot, 1995).

Considering this, the Kurdistan Region is faced with violations of human rights within the dictatorship before 2003. Moreover, these violations exist so far, but without methods and other forms at the hands of Iraqi regimes and governments so far, such as military and budget cuts. According to Iraqi constitution, it is not allowed to use the civil rights of citizens from crises and political issues by the Iraqi government against the Kurdish individuals in the Kurdistan Region.

### ***5.2 difference Ethnic between regions with the state***

One of the most prominent reasons for the request for Remedial Secession by the region and the ethics minorities in the world is related to Different Ethnic. undoubtedly most of the Crimea's nations in Ukraine follow the ethical system of Russia, and they had a different ethical value with the Ukraine nation. That was the reason they demanded for separation of their region from Ukraine and they tried for achieving their right Remedial Secession (Abdulla, 2018).

In the past and during the colonialism power, all the requests of the nations for freedom were placed because of deference of nationalities and ethics. The countries which wanted to

administer their self-determination, achieved their independence even after colonialism. For example, the separation of Eritrea from Ethiopia in 1991 was done for the cause of ethics. They were different in their nationalities. Therefore, the issue of self-determination and Remedial Secession arises because of the deference in nationalities and ethics (Gilbert, 2003).

The reason for demand of the people of Tibet was difference in ethics, and nationality with china. Furthermore, some regions in India have placed their demand for self-determination due to similar differences. Therefore, it must be said that at the end the difference of ethic is the main reason for Remedial Secession in past and present times (Abdulla, 2018).

According to Carole, Mohammed, Kristin, Nadje, about Kurdistan found that Kurdistan has different ethical value system from other Iraqi people. However, these studies mention the time before 2003 and they discuss not only the Kurdistan under Iraqi territory but also other parts of Kurdistan in Turkey and Syria. In addition to that, none of these studies accept ethical issues as a factor for KRG's problem in Iraq. This study through deferent ethic has an influence to demand to Remedial Secession (Bapir, 2010).

The components of people of the Kurdistan Region differ from the people living in other parts of Iraq. That is why the Iraqi governments always apply an unfair system to grant the rights and duties of civilian individuals from Kurdistan with areas of Kurdistan. Further, the Iraqi government lacks the implementation of Article 4 of the Iraqi Constitution 2005 in which both Kurdish and Arabic languages defined as the official languages of the Iraqi state and became the duty of the Iraqi central government to use both languages in international departments and institutions but did not apply this article in something necessary so far. For this reason, Kurds, as a distinct people from other peoples in Iraq, have the right to fear the extinction of their language and culture in Iraq.

### ***5.3 The Political System***

One of the other most prominent reasons for the request for Remedial Secession by the region and the ethics minorities in the world is related to Political System. The main causes of Kosovo's claim for Remedial Secession was related with the political system with Serbia because after withdrawal of Kosovo's autonomy by Serbia, Kosovo wanted to change the existing political system and impose their own authority over their region (Cismas, 2010).

Pakistan's desire for political dominance over Bangladesh (the then West and East Pakistan respectively) and the effects of their opposing the electoral decision of the people of Bangladesh was the cause of Bangladesh's independence from them in 1971. Non-participation of some of the state in the central government also becomes a reason for claiming separation (Nanda, 2014).

Disagreement in the political system by some states which are related with the internal law applied in a country is also another reason for the desire of self-determination. Since, the government of China always imposes their policy in the Tibet region, the people of Tibet refused those systems and thus their demand for secession became more highlighted. At the conclusion, the political system is one of the factors that place the demand for separation by separatists (Abdulla, 2018).

Regarding political history about KRG problem, according to Michael the KRG was unable to participate in policy issues with Iraq before 2003.. However, since 2003 Kurdistan and Iraqi central government do not share the central government system (Gunter, 2013). On the other hand, the KRG problem on political dimension with Iraq after 2003 but there's no

study mention what were the main political issues nor did they explain the legal factors influencing the problems related to political system (Abdulla, 2018).

Another main reason for the request of secession in a region from a country such as the case of Bangladesh, Crimea, Namibia and Kosovo is political and administrative governance. The Kurdistan Region has a problem with the Iraqi government regarding the political and administrative system of the state. According to the Iraqi Constitution, the political system in Iraq is a federal system, but in fact Iraq has retreated from this federal system and is heading towards a centralized system. This issue was noticed in the law of the Iraqi budget from 2017 so far.

Therefore, the political issues give the argument to the Kurdistan region to think of the right of separation project since nowadays the Iraqi government has retreated from the federal system. For this reason, one of the most important reasons for the request for therapeutic separation is the lack of a decentralized government of the regions, such as the withdrawal of the decentralization of Kosovo by the Serbian government. This right of federal administrative decentralization was legalized according to the Iraqi constitution 2005.

#### **5.4 Economic Factor**

The main conflict starts between any two regions inside a country because of inequality in dividing the main resources and discrimination in the economic system such as tax, and finance (Philpot, 1995). If a different amount of tax is implied in different regions on the regions don't take budget it instigates the demand for separation. For example, discrimination in economic policy is the reason for the movement of the Basque region in Spain. They demanded separation due to inequality in taxation and budget and thus in the allocation of development activities (Buchanan, 2016).

In addition, the same factor for Biafra's region is true in Nigeria. Biafra's demand for separation from Nigeria in 1967 became highlighted because they shared 38% of total income of Nigeria, but they contained 22% of the total population of Nigeria and received only 14% allocation of the total budget of the country. Moreover, Katanga region in Congo had the same issue with their government. The Republic of the Congo region had the same factors for demanding their independence. Finally, it is proved that economic factor is an important factor for claiming of Remedial Secession (Buchanan, 2016).

According to studies Aldo, Media, consider that the problem between KRG and central Iraqi government have economic grounds. But they did not say why Iraq has this problem with the Kurdistan region only while it has no problem with other parts of Iraq (Liga, 2017) (Ajir, 2016).

One of the most important causes of problems between the Kurdistan region and Iraq is cutting the budget of the Kurdistan region from the public budget by the Iraqi government from 2014 so far. Cutting the budget of the regions from any reason is rejected. It is not possible to use the rights of individual civilians such as a budget in the political issues.

The Kurdistan Region is being punished by the Iraqi government by cutting the budget of the Kurdistan Region because of political and sectarian franks. The Iraqi government wants Kurdistan to submit to centralized and authoritarian decisions. This means that Iraq has violated the rights of the Kurdistan Region and this division violates all principles of human rights.

All in all, although this study is similar to the international files such as the Biafra file in Nigeria that has problems on the public budget and demands the Biafra Region secession with Nigeria. Because the Iraqi government violated the economic and budget rights of the Kurdistan region, the Region has the right to secede with Iraq so as to solve these problems.

### ***5.5 The Military or War Factor***

In Bangladesh, the Pakistanis clearly put on some military threats by moving military camps and forces, especially in the process of conducting the election. This had been a crucial reason for their ultimate demand for independence from Pakistan (van, 2015). The fear of using military forces over minority or less privileged region leads a population towards demanding separation.

A country's military does not treat well with the people who demand for independence. For example, the people of Biafra had to become face to face with Nigerian. Furthermore, same situation was repeated in Tibet. The government of China used the military force to attack and occupy the region of Tibet. They also treated the civil population in Tibet in a rude and warlike manner (Harris P. , 2008).

Several studies Martin, Saied and Dilshad noted that Kurdistan has military problems with Iraq. But they refer to the time before 2003 when Kurdistan was involved in conflict with Iraq (Bruinessen, 2004) (Ibrahim, 2015) (Khahir, 2014). According Janet is mentioned military conflicts between KRG and Iraq from 2003 to 2017 (Klein, 2015). But they did not point out the reasons related to military conflict or what are the main factors that influenced to create such problems.

Historical military clashes have continued after the federal system in 2003. In all the federal systems in the world there must be one army that must defend the borders of the country. Nonetheless, in Iraq it is vice versa, the Kurdistan Region is afraid of the Iraqi army for not defending them. The real face of the Iraqi army was revealed when they tried to invade the Kurdistan region in 2017 by the decision of the Iraqi Prime Minister. The conflicts led to violent clashes that came to many kills and wounds from both sides of the Iraqi government and the Kurdistan Regional Government. This study considered the Kurdistan region at the same problem as Bangladesh and Kosovo that have demanded separation due to military interventions by the central governments which have conducted human rights violations.

## **Remedial Secession under International Law**

Due to the number studies, Lawrence, Anderson, Zoran, and Oloka the remedial secession is allowed according to the international law but if the secession region has a violated of human rights. They bring the Kosovo secession is a clear example for that (M.Anderson, 2018).

According to Oloka, the right of self-determination doesn't clearer but the involution of human right opened the secession's door in front that region want to and had a claim for secession. In contrast according to Edward and Glen the right of Remedial Secession is not recognize under international law (Oloka, 1999).

This study thought until now did not recognized the right of Remedial Secession as a principle of international law. But in same time without secession no any way to for solution and protection of human right under international law that's why those nation and minority and region have a right to secession if they have a involution of human right. The Kosovo case very

clear example in addition as clear one of the main source of international law it is a Judicial decisions and international custom law, in judicial decisions have case of Kosovo when the court said the secession of Kosovo doesn't against the norms of international law because Kosovo have a involution of human right (Oloka, 1999).

And about the Customary international law have the case of Bangladesh secession and South Sudan secession and other case this study mentioned in other part of the study. According to Helen, Zoran, Rene and James, the self-determination is the only way for nation's independence in the international law because just self-determination recognized as a principle of international but there are some articles that are not clear! For example; Who has that right? Who gives that right? And these rights were for what era? Beside that there are also some conceptual that are not clearly stated, for instance, the concept of nations. Because there are some explanations for it, who is the nation and who are the people? They believe those article rights must be revised and if possible, rewrite them (Quane, 2018).

According to Halim the rights of self-determination are not practiced accordingly because there are so many regions which have all the proper conditions to become a sovereign country, yet they are not allowed to declare their independence (Moris, 1997). And according to Marc, Rainer and Eban the right of self-determination was for colonialized territories but possibly the internal rights of self-determination can be given to those regions which demand for independence (Weller, 2009).

Some of the lawmakers think that the rights of self-determination can't be executed at this time because it is against the territorial integrity. And the territorial integrity is recognized by the article one of the United Nations charter according to the international law. Meanwhile according to Joakim, Peter and Gmatteo the sovereignty of the countries must be preserved but the countries will lose their sovereignty if they violated the human rights and if they couldn't preserve the rights of the minorities. Again, the Kosovo case is a clear example as the international court stated that the independence of Kosovo is not against the international laws and does not consider the Serbian territorial integrity because Serbia has violated the rights of the people of Kosovo and deprived Kosovo from the basic internal rights (Johansson, 2015). Member States are obliged by the United Nations to respect human rights in accordance with Resolution 2625, if their sovereign rights are not threatened.

According to those study Haqqi, Ofra, Saied and Ala Kurds, as a nation in Iraq, have rights to have self-determination and declare their independence because they have all the conditions to become an independent country as (Land, nation and government) according to the international law (Bengio, 2017). But those study mentioned before 2003 Kurdistan have a right of self-determination under international law in that time Kurdistan don't have a autonomy in Iraq but after 2003 Kurdistan get a autonomy and now enjoy Self-governing according to article 117 in the Iraqi Constitution therefore they have rights to determine their destiny and declare their independence.

The General Assembly of the United Nation resolution 1514 part 15 adopted in 1960 said, every effort to divide the country and role for separating them is against territorial integrity. It is also against principles of the UN and international law. But another part of the same resolution 1514 part 25 said if a sovereign state wants to protect its sovereignty, it must respect the rights of minority and small nationalities inside the country, by giving them the authority of autonomy. It means if any region and the people of minority do not get their right by state, it has a right to self-determination (Abdulla, 2018).

Under international law, the nations which enjoy autonomy cannot enjoy the right of remedial secession under resolution 1514 taken by the United Nations. But the Kurdistan region of Iraq already has autonomy and federal system of government and their own parliament. Therefore, it remains a big question how Kurdistan region demand remedial secession without violating the international law? Under the declaration of human rights and all international treaties, the protection of human right is the priority. Any serious breach of human rights of the minority in any country paves the way for international community to interfere and sovereignty does not come into effect. In line with this, an important question for study is that, are the Kurdistan population being denied of their human rights? The right of self-determination and remedial secession can only be applied for the nations under international law.

Propose to Philip believes that Kurdistan will be independent, but they need to have the international support of the countries. But it is not true because being a country requires legal support not political support that's what this study is about. Some scholar of international law thought that Remedial Secession was their final way to solve their problem and protection of internationally recognized human rights Self-determination was accepted for those nations under colonialism (Philpot, 1995).

Finally, the differences between secession and independence are needed to be highlighted. Secession is a process executed from one side of dispute. It means separation with country, for example secession of Cyprus from Turkey in 1983 which is still not recognized by the international community. Another example is secession of Bangladesh in 1971. Many countries of international community recognized it after Pakistan recognized Bangladesh. Therefore, the recognition from the mother country is essential for international recognition (Abdulla, 2018).

The concept of Remedial Secession acts as a big support in internal movements, because they consider Remedial Secession as the last option to solve a problem and make a border to keep maintain human rights and to end racism issues. But on the other hand, they are not sure if this right could be considered as internal principle along with self-determination because Remedial Secession is in one sense against territorial integrity. Internal armed conflicts are extremely destructive, and the result was self-determination outside the colonial context. But since the end of the cold war, there has been a real wave of self-determination settlements (Weller, 2009).

The right of Remedial Secession is the last stage of solution for ending the problem between two nations and two regions when they damage contract between them and all of them disagree to reconcile with other parts. For example, in case in the case of Biafra, after a period of failed attempts and negotiations to find a compromise between the Eastern Province and the Central Military Government, in 1967 the eastern region, on behalf of the Republic of Biafra, declared independence from Nigeria. However, the self-proclaimed republic was not recognized by the international community and subsequently was incorporated into the mother State.

The history proves that the survival of the Kurdistan region with Iraq is not possible since the establishment of the State of Iraq and so far. There is no chance for agreement between the two parties of the Kurdistan Region and the Iraqi government. Where the problems are intense between two parties, Iraq, in any circumstances, thinks of the military attacks on the Kurdistan Region. Moreover, there is no other security protection for the Kurdistan Region and for this reason the best way to solve the problems is the separation of Kurdistan region from

Iraq. According to the United Nations regulations, Remedial Secession is used only for those nations or regions which don't have autonomy. Consequently, the best method is therapeutic separation as a compromise between the protection of regions and sovereignty of the Iraqi state.

It is true that the Kurdistan region has a federal status according to the Iraqi constitution but in reality the Iraqi government violated the federal system of the Kurdistan region, and reviews the principle of partnership. This study criticizes the withdrawal of the federal region of Kurdistan from the side of the Iraqi government, such as Kosovo in Serbia.

The idea of self-determination appears to be based on "a philosophical assertion of the human movement to translate aspirations into reality, along with the inherent assumptions of human equality" and always considers the criteria of the state as (land, population, and government) in principle, these standards meet international recognition. The Remedial Secession is applied just for those nations which have some common characteristics like language, ethics, culture, history and geography. Does Kurdistan already have those similar characteristics or not? This study contributes to answer those questions.

## **The Kosovo's Remedial Secession**

As long overdue and repeatedly delayed, Kosovo unilaterally declared its independence from the Republic of Serbia on 17 February 2008 and requested recognition of all other States. The constitution of Serbia adopted in 1974 recognized all other republics of the country except Kosovo. Serbia was a part of Yugoslavia. Kosovo did not get the status of republic along with other parts of Serbia. Therefore, Kosovo did not get the constitutional right of being a separate republic. Kosovo has a long history with attempts to obtain their political and civil rights. Kosovo was a part of the empires like Roman, Bulgarian, Serbian, and Othman empires. In this way, that area had grown a separate and rich ethical system and cultural values (Aspremont, 2008).

The main religion in Kosovo is Islam, but the Serbians' religion is Christianity. In 1912, Kosovo joined with Serbia by force under Treaty of Versailles. In 1919, Serbia recognized Kosovo as a part of it. After the establishment of the Republic of Yugoslavia following the second world-war, this region was given autonomy inside Serbian authority. Under the Serbian constitution adopted in 1974, Kosovo claimed the right of secession. In 1980, the people of Kosovo demanded Serbia to improve their life because they realized that the Serbia's government was treating them discriminately. After Milosevic got elected, the ethnic conflict in Serbia grew in 1989. Subsequently, Kosovo's autonomy was withdrawn by Serbia's authority (Abdulla, 2018).

The constitution of Yugoslavia did not mention the autonomy of Kosovo in 1990. Kosovo established some institutes for defense and protection of the people of Kosovo, but Serbia rejected their requests by various means (Maghdid, 2016). In 1995, people of Kosovo realized that the international community was silent about violation of their rights under Serbia. That is why the militant groups or nationalism movements started to become active against of Serbia. In 1997, they started a war between themselves. In 1998, the Security Council was obligated to take some decisions regarding Kosovo's case such as resolution numbers 1160, 1199, 1203 and others to reduce the conflict. One of the main factors of separation of Kosovo from Serbia lies in the past when Kosovo had to join with Serbia by force. This study will investigate, does Kurdistan have the same problem or not? Furthermore, Kosovo took the case to International Court of Justice (ICJ) under Serbia's request (Cismas, 2010).

How Kurdistan can apply the same steps by bringing their case to ICJ? In 1999, and after that Serbia withdraw the autonomy of Kosovo. But Kurdistan has autonomy under article number 117 of Iraqi Constitution. Under these circumstances, can Kurdistan request remedial secession? According to Montevideo convention 1979, establishment of a country or state should have some essential and fundamental requirements like nation, land and political authority (Panayi, 2018).

The (ICJ) has placed Kosovo's advisory opinion in 2010 on international law abandoning its neutrality towards unilateral declarations of independence in cases where it is used to strengthen a regional situation after violation of peremptory norms. The unequal reactions of the international community to the Crimean crisis have once again demonstrated how nations weigh differently the current relationship between the principles of territorial integrity and self-determination. In the end we can say that the concept of self-determination and secession is more a political issue than legal. Overall, there is no study on a comparative study between the issues of Kurdistan and Kosovo. This study's point of view is to introduce the main factors that led to the secession of Kosovo from Serbia.

This is clear as stated in the Kosovo file in Serbia and one of the most important of Kosovo separation is related to serious violations of human rights and decentralized withdrawal in Kosovo and the integration of Kosovo to Serbia by force. For these reasons, the advisory opinion of the (ICJ) on the Kosovo file which decides that Kosovo secession is not contrary to the principles of international law. In the light of these reasons, Kosovo file shows that the Kurdistan Region has the Similar case and includes the main reasons for secession from Iraq. Therefore, this study, from the light of Kosovo case, concludes that Kurdistan Region has the right to use the principle of therapeutic separation from Iraq according to the Iraqi constitution.

## **Conclusion**

This study finds some gaps regarding Remedial Secession of Kurdistan under international law. Kurdistan's political future is a current and very important issue which resulted into conducting two referendums on the question of separation from Iraq. About practical gap, this study makes important contribution to the scholars in the field of international law because.

From the conclusion of this study, there should be more studies on the factors of serious violations of human rights against the people of the Kurdistan region of Iraq and the failure of Iraqi government to apply the decentralized federal system in Iraq. Moreover, the integration of the Kurdistan region to Iraq by force and illegal in the past is one of the most important and prominent factors of issues between the Kurdistan Region and Iraq since the establishment of the state of Iraq and so far. Further, there is no agreement between the components of Iraq by any means of political and legal within the state of Iraq. From the investigation and analysis of this study it is concluded that from the light of other international files Kurdistan Region has the right of the therapeutic separation just like Kosovo to resolve disputes and prevent the recurrence of violations of human rights by the Iraqi government.

## **Bibliography**

Abdulla, K. H. (2018). The Kurdish right self-determination . Hawler- Kurdistan: Organization Union Parliamentarians Kurdistan.

- Ajir, M. (2016, June 5). Research gate. Retrieved from Research gate: <https://www.researchgate.net/publication/303751385>
- Akhavan, P. (1993). Lessons from Iraqi Kurdistan: Self-Determination and Humanitarian Intervention against Genocide. *Netherlands Quarterly of Human Rights*, volume 11, issue 1, 41-62.
- Al, S. (2015). Kurds, state elites, and patterns of nationhood in Iraq and Turkey. *Rethinking Nation and Nationalism*, June 2, 6-8.
- Amer Dobbins, J. (2003). America's role in nation-building: From Germany to Iraq . *Survival* 45, no. 4, 87-110.
- Anderson, L. M. (2004). The institutional basis of secessionist politics: Federalism and Secession in the United States. *Oxford university press volume*,34, no2, 1-18.
- Aspremont, J. d. (2008, September 10). Jean d Aspremont. Retrieved from Ssrn: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1272194](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1272194)
- Bali, A. O. (2016). The political Development of Iraqi Kurdistan. Ahmed Omar Bali, "The politicalThe noninteractional *Journal of Political Science and Development* Volume 4, 208-215.
- Bapir, M. A. (2010). Iraq: A deeply divided polity and challenges to democracy-building," *Information. Society and Justice*, Volume 3 No. 2, 117-125.
- Bengio, O. (2017). The Kurds in a Volatile Middle East . The begin-Sadat center for strategic-Ilan University *Mideast Security and Policy Studies* No. 130, 10-11.
- Brathwaite, K. J. (2014). Repression and the Spread of Ethnic Conflict in Kurdistan. *Journal studies in conflict terrorism* volume 37, issue.6, 473-491.
- Bruinessen, M. v. (2004). The Kurds in movement: issues, organization, mobilization on the Waterfront . *Newsletter of the Friends of the International Institute for Social History*, no. 8, .
- Buchanan, A. (2016). Self-determination and the Right to Secede. *Journal of International Affairs*, Volume. 45, No. 2, 347-365.
- Canue, E. T. (1997). Nationalism, Self-determination, and Nationalist Movements: Exploring the Palestinian and Quebec Drives for Independence. *Boston College International and Comparative Law Review* volume 20, issue,1, 85-122.
- Cismas, L. (2010). Secession in theory and practice: The case of Kosovo and Beyond. *Gottingen J. Int'l L.* 2, 531-587.
- Dawood, I. (2016). Moats, Walls, and the Future of Iraqi National Identity. *IAI working papers* 16, No.2, 1-22.
- Dobbins, J. F. (2003). America's role in nation-building: From Germany to Iraq. *Survival* 45, no. 4, 87-110.
- Fahrettin Sumer, J. J. (2018). The paradox of the Iraqi Kurdish referendum on independence: Contradictions and hopes for economic prosperity. *British Journal of Middle Eastern Studies*, 574-588.
- Gilbert, J. C. (2003). Self-determination, Indigenous Peoples and Minorities. *Macquarie Law Journal* Vol, 3, 155-182.
- Gunter, M. M. (2013). The contemporary roots of Kurdish nationalism in Iraq. *Journal of Kufa Review*,2 No 1, 29-48.
- Harris, G. S. (1977). Ethnic Conflict and the Kurds. *The Annals of the American Academy of Political and Social Science* 433, no. 1, 112-124.
- Harris, P. (2008). Is Tibet Entitled to Self-determination? *Hong Kong: Centre for Comparative and Public Law*, 9-10.
- Hennerbichler, F. (2018). Future Options of the Kurds. The Current Situation. *Advances in Anthropology* 8, no. 3, 175-234.

- Ibrahim, S. Q. (2015, March 5). Eurasian affairs . Retrieved from Washington review of Turkey and Eurasian affairs:  
file:///C:/Users/redar/AppData/Local/Temp/IRAQIKURDSANDSTATE-BUILDING2.pdf
- Inga Rogg, a. H. (2007). The Kurds as parties to and victims of conflicts in Iraq. *International Review of the Red Cross* 89, no. 868, 823-842.
- Jasim, H. H. (2017). The loss of dispute territories: What is next for the Kurdistan region? *Middle East Review of International Affairs*, Vol. 21, No. 2, 58-65.
- Johansson, J. B. (2015). Principles on a collision course? State sovereignty meets peoples' right of Self-determination in the case of Kosovo. *Cambridge Review of International Affairs*, Volume,28, issue 3, 445-461.
- Jüde, J. (2017). Contesting borders? The formation of Iraqi Kurdistan's de facto state. *International Affairs* 93, no. 4, 847-863.
- Khdhir, D. H. (2014). Dynamics of Kurdish identity formation in the Kurdistan region-Iraq between 1991 and 2014. . Nottingham: University of Nottingham.
- Kirmanj, S. (2014). Kurdish History Textbooks: Building a Nation-State within a Nation-State. *middle east Journal M* volume 68, No3, 367-384.
- Klein, J. (2015). *The Kurds History - Religion - Language – Politics*. Vienna: Austrian Federal Ministry of the Interior.
- Kolo, M. M. (2017). Kurdistan: The Emergence of Nation State and Ethno-Religious Minorities. *ResearchGate*, 105-121.
- lemarchand, R. (2013). The limits of self-determination: The case of the Katanga Secession. *The American political science review*, vol 56, No.2, 404-416.
- libarona, I. U. (2012). Territorial integrity and Self-determination: The approach of the international court of justice in the advisory opinion on Kosovo. *Reaf*, no16, 107-140.
- Liga, A. (2017). The Israel Factor” and the Iraqi-Kurdish Quest for Independence. *IAI Commentaries* 17, 1-5.
- Lund, A. (2019, July 26). *refworld*. Retrieved from *refworld*.:  
<https://www.refworld.org/docid/59ccb6f04.html>
- Lynch, A. (2002). Woodrow Wilson and the principle of 'national Self-determination, a reconsideration. *Review of International Studies* volume 28, No.2, 419-436.
- M.Anderson, L. (2018). The institutional basis of secessionist politics: Federalism and Secession in the United States. *oxford university press* volume,34, no,2, 1-18.
- Maghdid, R. S. (2016). International Reactions on Peace and Conflict and the Independence Declaration of Kosovo. *International Journal of Humanities and Cultural Studies (IJHCS)* ISSN 2356-5926, 3(1), 761-773.
- Meintjes, A. J. (2018). The Complications of Kurdish Independence. *Open Journal of Political Science*, 1-11.
- Meintjes, A. J. (2018). The Complications of Kurdish Independence. *Open Journal of Political Science* , 1-11.
- Moris, H. (1997). Self-determination: an affirmative right or mere rhetoric? *ILSA Journal of international comparitive law*,vol 4, 201-219.
- Mustafa, J. H. (2018). The Kurds in Iraq: Problem and solution attempts. *Journal of political and security studies* volume 1, issue.1, 127-152.
- Nanda, V. P. (2014). Self-determination in International Law: The Tragic Tale of Two Cities Islamabad (West Pakistan) and Dacca (East Pakistan). *The American Journal of International Law*, Vol. 66, No. 2, 321-336.
- Oloka, J. O. (1999). Heretical Reflections on the Right to Self-determination: Prospects and Problems for a Democratic Global Future in the New Millennium. *Am. U. Int'l L. Rev.* 15, 151-165.

- Peter Kabachnik, J. J. (2012). The Other Iraq: Exploring Iraqi Kurdistan. Focus on Geography Volume 55, No.2, 31-40.
- Philpot, D. (1995). In Defense of Self-Determination. Journal of the University of Chicago, 352-385.
- Pishdare, S. (2013). In Depth History of the Kurds and Kurdistan. London: Autherhuose .
- Quane, H. (2018). The united nation and the evolving right to Self-determination. Helen Quane, the United Nation and the international and comparative law quarterly, volume 20, no,3, 537-572.
- Rudaw. (2018, November 23). Rudaw portal. Retrieved from Rudaw: <http://www.rudaw.net/arabic/kurdistan/231020185>
- Tuzan, A. M. (2013). The Conversion in the Legal Concept of the Right of Self-determination between the Achievement of Independence and Separation. Journal of Economic and Legal Sciences, Vol,29. no. 3, 451-485.
- van, S. F. (2015). Crimea's Separation from Ukraine: An Analysis of the Right to Self-determination and (Remedial) Secession in International Law. Netherlands International Law Review volume 62, issue.3, 329–363.
- Wang, B. (2018). The Political Perspective of the Iraqi Kurds after the US Military Retreat . Journal of Middle Eastern and Islamic Studies (in Asia), 4:2, 1-13.
- Weller, M. (2009). Settling Self-determination Conflicts: Recent Developments. European Journal of International Law, Volume 20, Issue 1, 111–165.
- Yavuz, H. M. (2001). Five stages of the construction of Kurdish nationalism in Turkey. Nationalism and Ethnic Politics, 7.3, 1-24 .
- Zhao Changfeng, O. T. (2017). 2017 Iraqi Kurdistan's Referendum for Independence: Causes and Impacts. Humanities and Social Sciences. Vol. 6, No. 2, 59-67.