

Staking Our Claim

Masoud Barzani



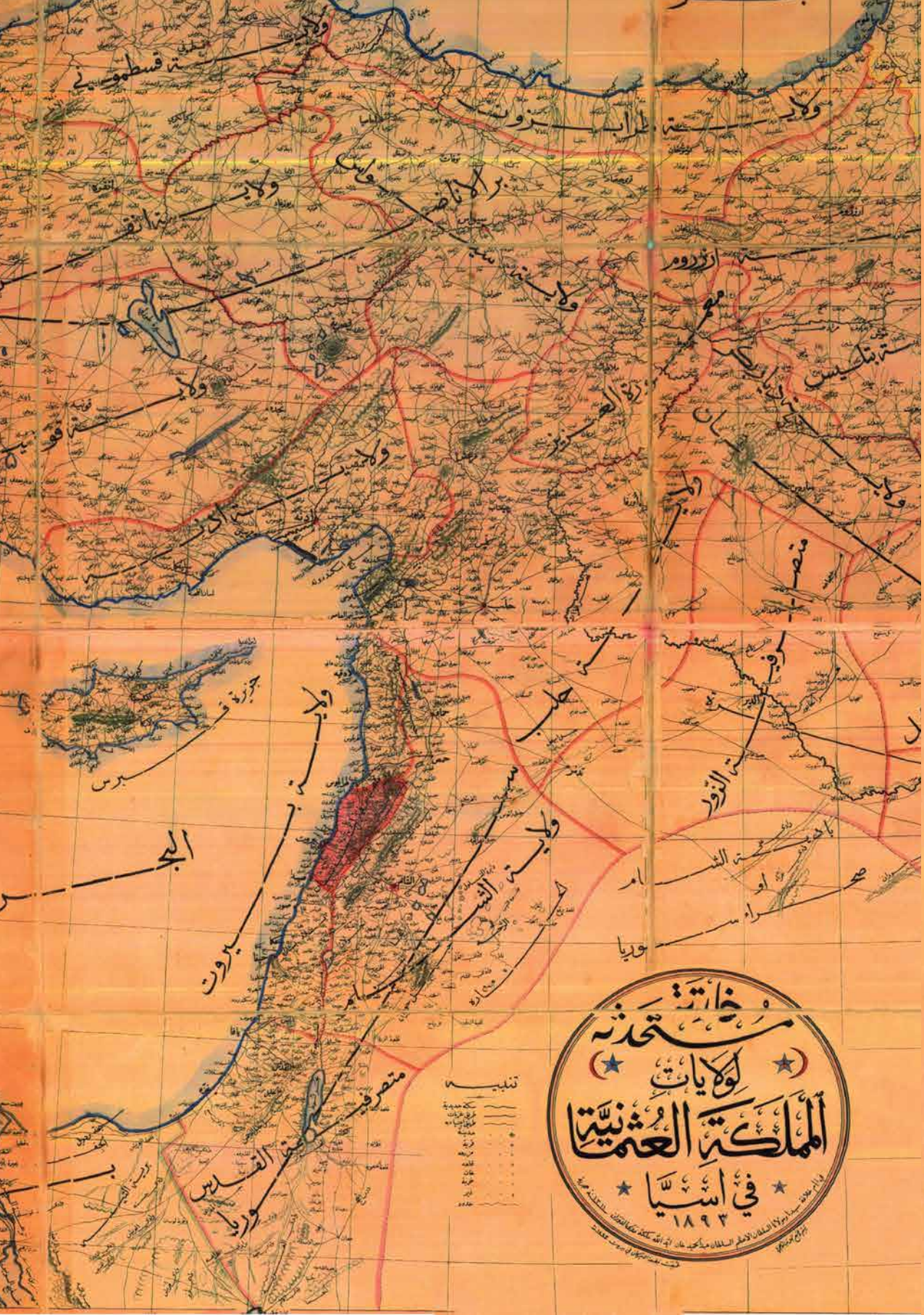


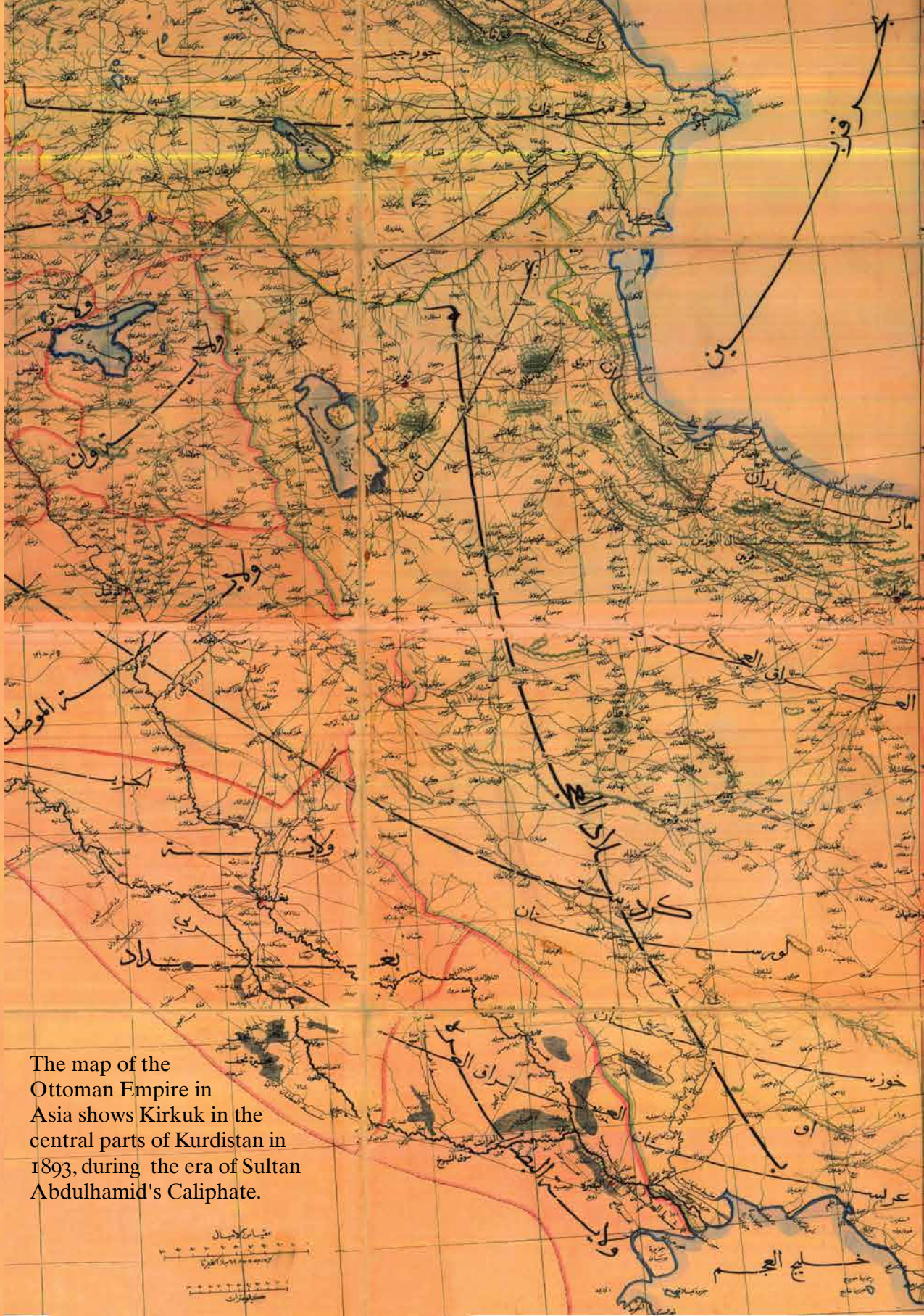


Staking Our Claim

The case of the Kurdistan referendum

Masoud Barzani

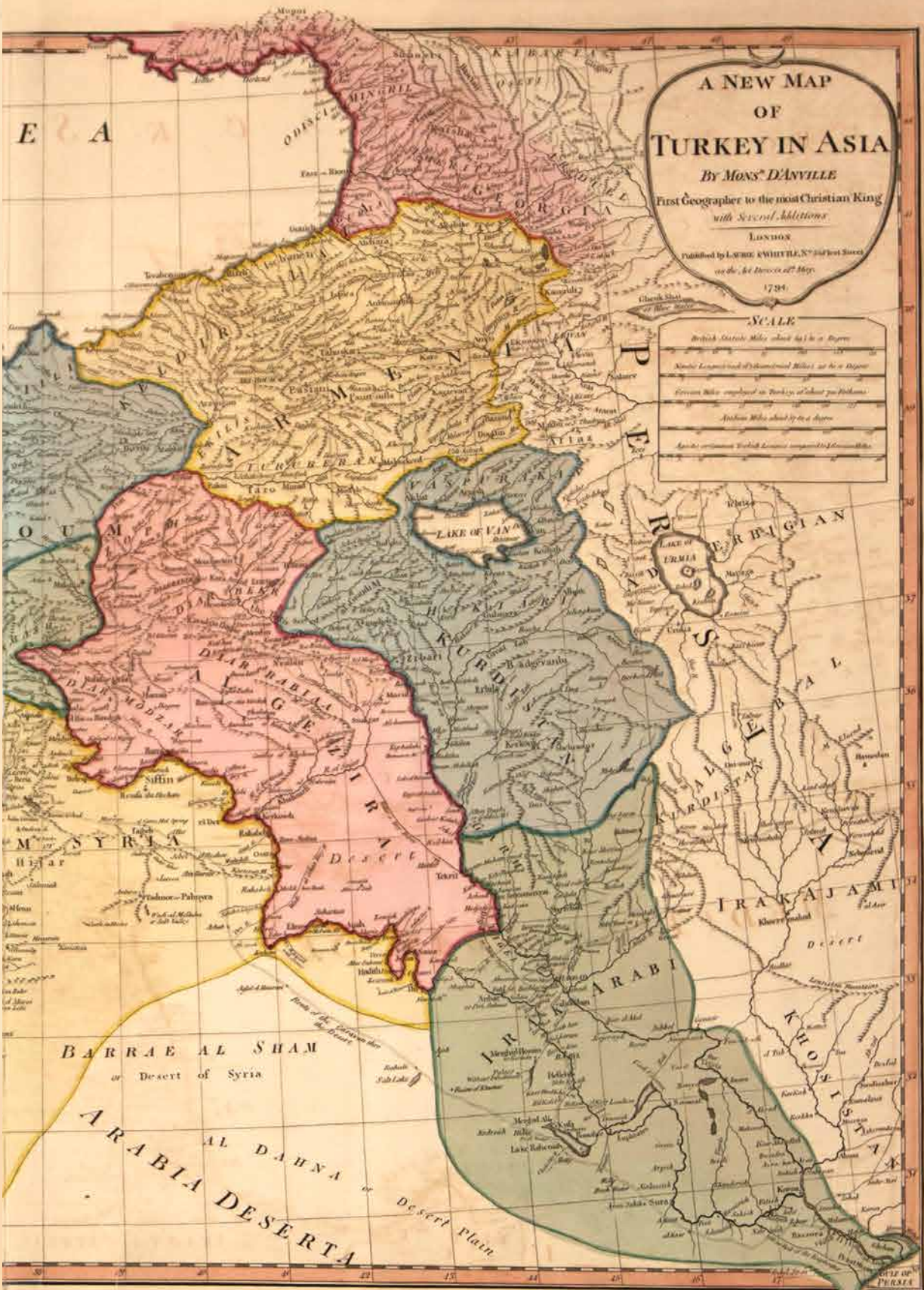




The map of the Ottoman Empire in Asia shows Kirkuk in the central parts of Kurdistan in 1893, during the era of Sultan Abdulhamid's Caliphate.



The map of the Ottoman Empire, which was made by Mons. D'Anville on May 12, 1794 in London also mentions parts of Kurdistan's lands.



A NEW MAP
OF
TURKEY IN ASIA

By Mons^r D'ANVILLE

First Geographer to the most Christian King
with several Additions

LONDON

Published by L. WILKINSON, at the Foot of St. Dunstons Church Lane, at the Sign of the Three Kings

1784

SCALE

British Statute Miles which is 1 in a Degree

Natural Lengths (such as of Mountains) are in a Degree

French Miles computed on the Basis of 1000 to a Degree

Arabic Miles which is 1 in a Degree

As the original French Edition compared to the present Edition

BARRAE AL SHAM
or Desert of Syria

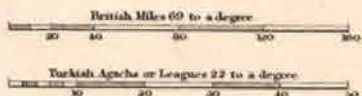
ARABIA AL DAWNA
or Desert plain



The Ottoman map, published by Henry Treenale & Co. in 1834, also mentions parts of Kurdistan's lands.



TURKEY IN ASIA.



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Masoud Barzani

Graphic designer: Asso Mamzada

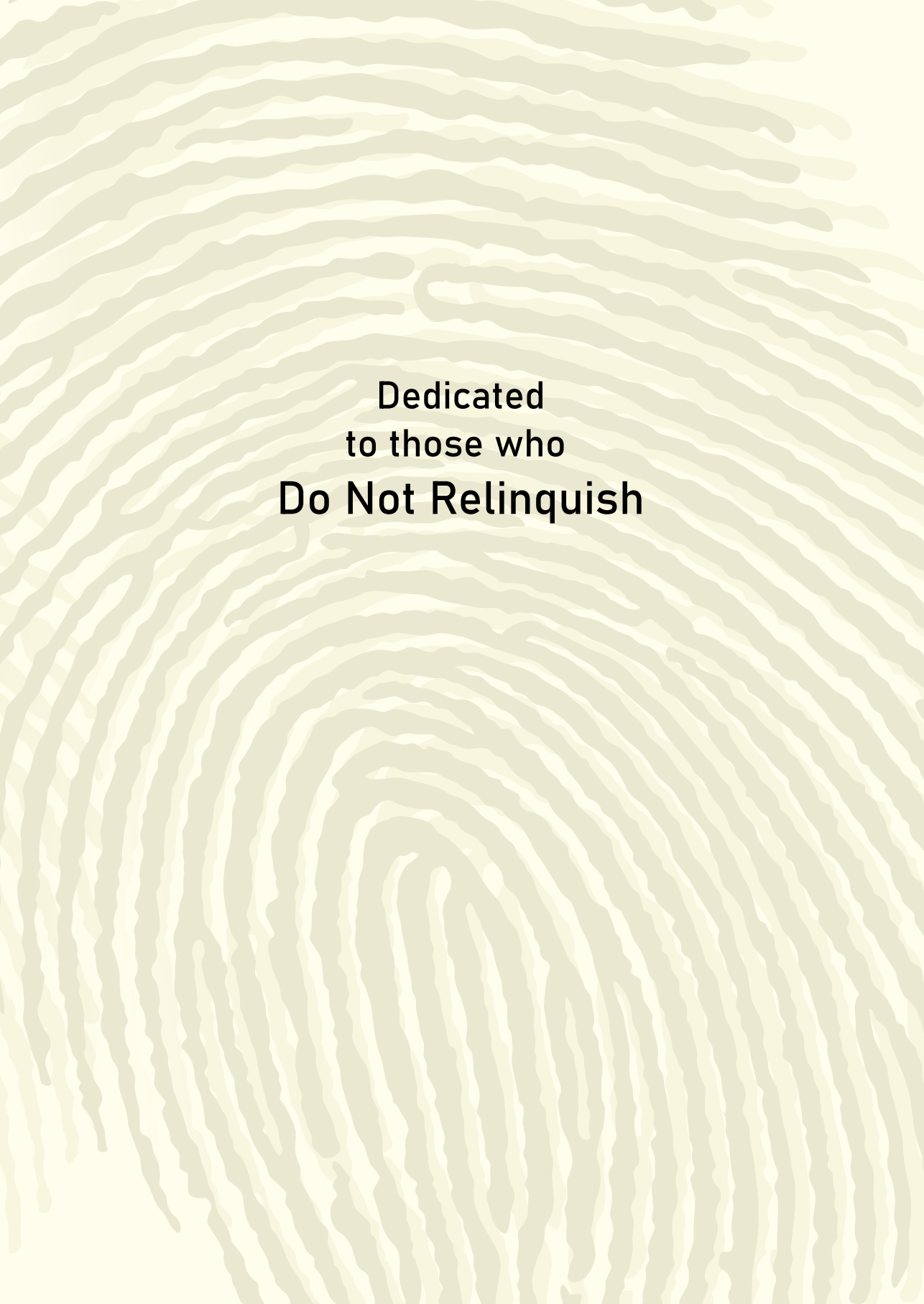
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**Dedicated
to those who
Do Not Relinquish**

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Photo: Adnan Muhammed



November 16, 2016 Bashik
Bashik liberation is celebrated.

Foreword

The Kurds are a people with distinct history, language, territory and culture. They have lived on their own land since the ancient times and cherished peaceful coexistence and tolerance among peoples of different faiths and ethnicities. Over the past five centuries, the Kurds managed to overcome cultural assimilation and outright efforts to annihilate their national identity.

Centuries ago, the Kurds came under the sovereignty of the two most powerful empires of their time, the Persian Safavids and the Ottoman Turks, that left them restless with ages of conflicts. The end of the First World War, left their lands carved across four countries.

The partition of the Kurdish lands created an exceptionally complex geopolitical situation. Regrettably, the rights of the Kurdish people were not recognized in any of the four countries

as Kurds faced near total denial of their national and political claims. As a result of these ferocious policies, prolonged standoffs continued between the Kurds and the central governments of these countries. These regimes were never able to annihilate the will of the people of Kurdistan for self-rule, neither were Kurds able to bring down these hostile regimes. As a result of the confrontations, larger instabilities returned to these regions with bloody repercussions.

These harmful relations between central governments and Kurdish populations show that both sides need to reassess their approaches towards one another. There need to be democratic solutions to the enduring issues borne of historical wrongs. During the last century, new realities have emerged in all four countries where Kurds constitute large groups of the population and no single solution can be presented as the key to the problems of all the four parts. Every part needs to seek resolutions that are designed to address their particular needs within the frameworks of dialogue and democratic principles.

This book is an attempt to shed light on the sufferings of the Kurdish people in one part of Kurdistan where they have been exposed to tremendous coercion and agony in their 100 years old history with the Iraqi state. In comparison to the other three parts of Kurdistan, the Kurdistan of Iraq has had a more lively and active political movement. The response of the central government in Baghdad has also been particularly severer in comparison with the neighboring countries with their Kurdish population. Oppression against Kurds in Iraq has over the past century taken vicious forms of genocide and forceful dislocation of large portions of the Kurdish population. Yet, there have also been great opportunities for negotiations and political settlements between the two sides in Iraq. It must also

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be admitted that there have been a great number of Iraqi Arab politicians and public figures who have genuinely supported the Kurdish cause and recognized their claims.

The modern Iraqi state over the last century up until the overthrow of Saddam Hussein in 2003, attempted to assimilate and annihilate the Kurdish nation instead of recognizing it as a key component of the Iraqi state with distinct national identity. In the years between the Gulf War of the 1991 and the Iraq War of the 2003, Kurds largely remained outside of the Iraqi state. And when the new Iraq was established in 2005, Kurdish people hoped to finally achieve their rights in the process of building the new democratic country.

The Kurdish plight was under suppression as Iraqi government failed to recognize the distinctive national identities of the Sunnis and the Kurds and instead attempted to sideline them and their grievances. The Iraqi politicians repeatedly attempted to suppress and neglect the legitimate Kurdish predicaments. In the years following 2005, nearly 55 articles of the constitution were violated each with great impact on Iraq's unity.

The long-lasting struggles of Kurds for autonomy left them anxious for an exit strategy. The Iraqi government refused to cooperate with Kurds, while bringing uncertainty to their condition, which is where the important question arose: what is expected from the Kurds? The central government showed little interest in accepting the Kurds as an ally, nor did it recognize their areas as an autonomous region.

It is against that background that the Kurdish people realized time had come to propose a solution that would bring an end to the turmoil and the uncertainties. On the 25th of September 2017, Kurds raised their voice and asked for independence with no support from Baghdad or the neighboring countries. The

reactions from Iraq and the regional states were outrageous and suppressive as they tried to quell the voice of the people of Kurdistan. It appeared that they had come to an agreement on the suffering of the people of Kurdistan to continue.

This is the story of the Kurdish people; their journey from empire to oppression, from genocide to the righteous struggle for self-determination. It is a history stained with blood and injustice and crowned by the indomitable will of a proud people whose quest for the right to shape our destinies on a land of our own prevails.

Masoud Barzani

September 2020, Erbil

The Partition of Kurdistan

In 1514, the Battle of Chalderan between the Ottoman Empire and the Safavids resulted in dividing the Kurdish land. The battle had an enormous impact on shaping the region. The fight between the two empires of the two powerful dynasties also brought the division of the Kurdish territories. Following 1639, the Treaty of Zahaw was issued in a bid to end the territorial disputes. Three quarters of the Kurdish lands were held by the Ottoman Empire, and one quarter by the Safavid domain. Nevertheless, the multiple attempts to dissolve the Kurdish culture and identity were fiercely met with resistance from the Kurdish people across these territories.

In the spring of 1907, under the supervision of Sheikh Abdul-Salam II, several reforms were proposed to bring life back to the Kurdish identity. A meeting was held at the home

of Sheikh Nuradin Mohamed Brifkani, a leader of the Qadiri order. As I have previously mentioned it in my book entitled *Barzani and the Kurdish Liberation Movement*, several tribal leaders had requested the Ottoman Sultan's permission to allow the following:

- Recognizing Kurdish as an official language in the Kurdish speaking districts and schools.
- Appointing Kurdish speaking mayors and governors to the region.
- Governing the nation under the rules of Islam.
- Allocating a budget for construction and schooling projects.

During the meeting, all demands were taken into consideration and Sheikh Abdul-Salam signed the agreement. Following the agreement, the Ottoman Empire decided to no longer recognize Sheikh Abdul-Salam as a local leader and accused him of secession. In late 1907, an army commanded by Mohamed Fazil Pasha of the Dagestani tribe launched an attack on the Barzan area. None of the tribal leaders came to repel the assault as the battle was solely fought by the people of Barzan. The embattled Kurds, commanded by Sheikh Abdul-Salam resisted the assault and fought for two months. Eventually, Abdul-Salam was forced to leave the area and sought refuge with the Assyrians under Mar Shamaun. Mustafa Barzani was only three years old when he was in prison for one year with his mother in a cell in Mosul. Eventually, Mohamed Fazil Pasha burnt down the Barzan village to ashes.¹

1- Barzani, Masoud. *Barzani and the Kurdish Liberation Movement*, First part (1931 - 1958), Rojhalat Publishing House, 2020, p. 20.

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In 1908, Sheikh Abdul-Salam returned to Barzan where he, together with several Barzanis in the village of Bab Seva, managed to launch an attack on the Turks near Shirin Mountain, located north of Barzan. The attack sustained the Turks great casualties. Following this victory Sheikh Abdul-Salam was called to hold talks with the Ottomans. The Sheikh decided to free the prisoners and the Ottomans reimburse their casualties in return.

In 1913 the Barzan village came under fresh attack commanded by Suleiman Nazif Pasha, the Governor of Mosul, forcing Sheikh Abdul-Salam to leave the area for the second time. Abdul-Salam took refuge in Rajan village, near Uremia of Eastern Kurdistan. The Ottoman Sultan announced a great reward for anyone who captured or killed Sheikh Abdul-Salam.²

Independence thought was well established and present among the great Kurdish leaders and men before the fall of the Ottoman Empire, and in this regard, the British writer and traveler W.E. Wigram writing *The Cradle of Humanity and Life in Eastern Kurdistan*, spoke about his meeting with Sheikh Abdul-Salam. While announcing his desire to return to Britain for several months, Sheikh Abdul-Salam expressed his willingness to go with him to Britain so that he could meet with the head of the Church of Canterbury to ask him to build schools in the villages of Kurdistan, and also then to visit King George of England, and discuss the problems of Kurdistan, and to have a dialogue with him about independence.

In 1914, at Rajan village, Sheikh Abdul-Salam, met with the Assyrian monk Mar Shamaun and the Armenian leader Andranik Pasha to plan a visit to Tbilisi, the Georgian capital, to talk with the Russian envoy regarding an independent region

2 - Barzani, *ibid.* p. 21

that includes Kurds, Assyrians and Armenians. The Russian envoy promised to provide his support to help the Kurds escape the Ottoman Empire. The details of the visit of these leaders to Tbilisi is mentioned in Wigram's book.

On his visit to the Kurdistan Region on October 7, 2019, the Russian Foreign Minister Sergey Lavrov revealed to me new evidence of a meeting held between Sheikh Abdul-Salam and the Russian Tsar.³ This information was completely new to me, because I was only aware of the Sheikh's meeting with Tsar's envoy in Tbilisi. The events at this meeting and the start of the October Revolution of 1917 in Russia put the idea of a Kurdish state supported by the Russians to a complete halt.

Upon their return from this meeting, Sheikh Abdul-Salam and three of his companions fell into a dirty plot of the Ottomans in Wan and later transferred to Mosul, where they faced execution on December 14 of 1914, just a few days after the start of the First World War.⁴

After the execution of Sheikh Abdul-Salam, his brother known as Sheikh Ahmed took control of the Brazanis. This coincided with the First World War and the invasion of Iraq by the British Empire. Several deals were issued to distribute powers among the allies to gain control over the regions previously held by the Ottomans.

3 - Russian Emperor Nikolai II Alexandrovich Romanov (1868–1918).

4 - Ferdinand's assassination led to the July Crisis and precipitated Austria-Hungary's declaration of war against Serbia, which in turn triggered a series of events that eventually led to Austria-Hungary's allies and Serbia's allies declaring war on each other, starting World War I. Serbia was backed by Russian Empire, the UK, France, Italy, Portugal, Romania and later Germany and Ottomans were involved in the war as well. The World War I resulted in the death of 10 million people and was ended by the defeat of Germany (Austria, Hungary) and Ottoman Empire on November 11 1918.

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On May 16, 1916, the British and French diplomats, Mark Sykes and François Georges-Picot, initiated an agreed memorandum with assent from the Russian Foreign Minister Sergey Sazonov in Saint Petersburg for the dismemberment of the Ottoman Empire. The agreement, which is referred to as Sykes- Picot, led to the partition of the Ottoman Empire's vast lands into British and French spheres of influence.

According to the agreement, Russia retained control over Erzurum, Trabzon, Van and Ottoman Armenia. France was to exercise direct control over Syria and Lebanon. Britain was to exercise control over Iraq, Jordan and Palestine.⁵

The agreement divided Kurdistan in three parts, the larger parts were left untouched and the other two parts were divided between the two unborn countries of Syria and Iraq, deciding the future of whole nations without obtaining their consent.

In April 1920, a meeting was held at San Remo, to decide on the future of the Middle East. The conference approved the final framework of a peace treaty with Turkey, which was later signed at Sevres, on August 10, 1920. The Treaty of Sevres abolished the Ottoman Empire's rights over Syria, Lebanon, Iraq, Jordan, and Izmir.⁶

The Sevres Treaty of August 1920 marked the beginning of the partitioning of the Ottoman Empire, and its dismemberment.

5 - In October 1917, the communists in Russia led by their leader Vladimir Lenin ended the reign of the Russian Tsar Romanov and subsequently left the pact and on November 17, 1917 the Russian government published the entire agreement in Russian newspapers of Pravda and Izvestia and later in the British paper the Guardian.

6 - This agreement was reached among Britain, France and the US deciding the borders of the Arab nations. The Mosul Vilayet fell under the French mandate according to the secret agreement between France and Britain, but France relinquished its mandate in favor of Britain. Iraq and Palestine came under the British mandate on the condition that the Belfour Declaration was implemented. Syria and Lebanon fell under French protectorate. San Remo is an Italian city.

Article 64 of the treaty, which deals with the Kurdish question reads: “Under Article 64, within one year of the coming into force of the Treaty, Kurds would attain independence, if within one year from the coming into force of the present Treaty, the Kurdish peoples within the areas defined in Article 62 shall address themselves to the Council of the League of Nations in such a manner as to show that a majority of the population of these areas desires independence from Turkey, and if the Council then considers that these peoples are capable of such independence and recommends that it should be granted to them, Turkey hereby agrees to execute such a recommendation, and to renounce all rights and titles over these areas by popular majority, if desired and if they obtained the consent of the Council of the League of Nations.” ⁷

7 - Barzani, *ibid.* p.62

The establishment of the Iraqi State

Under the Sevres Treaty, the southern region of Kurdistan included Mosul vilayet and a great territory of northern Kurdistan. In March 1921, the Kingdom of Iraq was set up under the command of Winston Churchill, Minister of Colonies of the United Kingdom (UK) during a conference in Cairo. Prince Faisal, who was the second son of Hussein, the Grand Sharif of Mecca, was appointed King of Iraq disregarding the will of the rest of the peoples living in the territory.⁸ This built the foundation of a failed country that never saw light. Several requests were submitted by King Faisal to British representative in a bid to gain control over Kurdistan. Churchill defended Kurdish identity by establishing Hamrin Mountains as the Kurdish borderline and “reminded the king of being promised a

8- Edmonds Cecil J., *Kurds, Turks, Arabs* (Excerpt taken from Kurdish translation of the book. Translated by Hamid Gawhari, *Awyar Publishing*, p. 155).

country not an empire.”

In June 1920, Faisal sailed by a British ship from Mecca and reached Basra. On August 23, 1921, he was crowned King.⁹ On November 1, the Ottoman Empire's constitutional monarchy was shifted to Republicanism and the decrepit empire proclaimed the foundation of the Turkish Republic in its place. Mustafa Kemal was appointed as the new president of Turkey.

The Treaty of Lausanne was a peace treaty negotiated during the Lausanne Conference of November 15, 1922 - June 23, 1923 signed in Lausanne, Switzerland. It officially settled the conflict that had originally existed between the Ottoman Empire and the Allied French Republic, the British Empire, the Kingdom of Italy, the Empire of Japan, the Kingdom of Greece, and the Kingdom of Romania. The treaty abolished the earlier Sevres Agreement. It was a defining moment in Kurdish history, which cost Kurdistan its autonomy.

Part two of article three of the treaty reads:

“The frontier between Turkey and Iraq shall be laid down in friendly arrangement to be concluded between Turkey and Great Britain within nine months. In the event of no agreement being reached between the two Governments within the time mentioned, the dispute shall be referred to the Council of the League of Nations. The Turkish and British Governments reciprocally undertake that, pending the decision to be reached on the subject of the frontier, no military or other movement shall take place, which might modify in any way the present state of the territories of which the final fate will depend upon that decision.”¹⁰

9- Edmonds Cecil J., *ibid.* p. 155.

10- Barzani, *ibid.* p.12.

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On May 19, 1924, several meetings were ordered by the UK under the supervision of Sir Percy Cox and R.F. Jardine, who served as Deputy of Mosul Mayor at that time. (The names of the committee members were A. af. Wirsén in Sweden, Count Paul Telcki in Hungary, Colonel A Pauli in Belgium, Signor Roddolo in Italy and Count Horacède Portales in Switzerland.) But the meeting failed to find solutions for how to handle disputes surrounding Mosul after the Treaty. The League of Nations took over the assignment on September 30, 1924 and an international committee consisting of Sweden, Hungary, Brussels, and Italy was tasked to draw the protocols of the committee.

On January 16, 1925, the committee arrived in Baghdad and later visited Mosul. After two months of extensive research carried out by the committee members in the disputed areas, a report was submitted to the League of Nations that highlighted the input of the locals living in the area. The report states handing out the areas under Brussels to Iraq only if Iraq agreed to function under the mandate of the United Kingdom for the coming 25 years. The report also mentions protecting the rights of the Kurds and allowing them to manage their government institutions and recognizing Kurdish language as an official language of the region. Following the Lausanne Treaty, the League of Nations formed a committee in Brussels to draw the borders between Turkey and Iraq. After the creation of this committee, the League of Nations formed another committee consisting of three members: A. af. Wirsén in Sweden, Count Paul Telcki in Hungary and A. Pauli in Belgium. The mission of this committee was to sort out Turkey-Iraq border issues. The report included a survey where Kurds asked to be part of modern Iraq instead of living under the Turkish government.

Kurds rescued Mosul vilayet from Turkey, but Arabs failed to appreciate it. Cecil John Edmonds, the British High Commissar,

has mentioned this in his book, *Kurds, Turks, Arabs*: “Will the Iraqi government open their eyes to this and follow a generous long-term policy towards the Kurds?”¹¹ Nevertheless, the facts tell us otherwise, as the Iraqi state has continuously committed atrocities against the Kurdish people.

The Kurds were offered two choices: either stay with Turkey or tie knots with Iraq. There was no mention of independence for the Kurdish people, only an attempt to protect the least of their rights. The new Iraq failed to treat Kurds as an ally or to provide them with basic rights. It was a foundational flaw, which continues today, denying the legitimate aspirations of the Kurdish people, undermining the authority of the Iraqi state, and unsettling a region that has remained unreconciled over more than a century of flawed attempts to right the historical wrongs of empire.

In 1919, Sheikh Mahmoud Barzinji revolted against the British and declared a Kurdish state in Sulaimaniya. Sheikh Ahmed Barzani sent a letter to ask the tribe leaders to support Sheikh Mahmoud. A Kurdish troop commanded by Mustafa Barzani was formed and convoyed to Sulaymaniya through the Balakayati route and the Biaw Valley. Soon, the troops arrived in Sulaimaniya area after escaping several ambushes on their way. But unfortunately, their efforts were not successful, since the rebellious army of Sheikh Mahmoud was crushed by the British air and land artillery, leaving several of his men injured and many others captured. Later, Sheikh Mahmoud, who was taken prisoner by the English in Baziyan Valley, was exiled to India until 1922, when he was brought back to Sulaimaniya at the request of people.¹²

11- Edmonds Cecil J., *Kurds, Turks, Arabs* (Excerpt taken from Arabic translation of the book. Translated by Jarjis Fathulla, *Aras Publishing*, 2012, p. 574).

12- Barzani, *ibid.* p. 24

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Mosul Vilayet, which was once home to many Kurds, fell under the authority of Iraq. In 1925, the first constitution of the new Iraqi state was issued and was called the constitution of the monarchy period. The British efforts to support Iraq as a state was immense. During the years of 1931 and 1932 Kurds rebelled against the British-supported government of Iraq, the army was commanded by Sheikh Ahmed Barzani and in 1943 and 1945 Mustafa Barzani took over control of the Kurdish forces that were crushed by the British air strikes and the Iraqi army on the ground. On October 11, 1945, the ongoing war forced the Barzani fighters to leave their homes with their families and seek refuge in Shino and Margavar in the Iranian Kurdistan.¹³

I referred to this historical background only to touch upon a simple truth that, unfortunately, large parts of the Iraqi population, including their politicians, are unaware of; or despite their knowledge of it, they seem to forget or overlook its importance whenever the rights of the Kurdish people are concerned. The Kurdish question existed long before the establishment of the Iraqi state. Even before the English founded modern Iraq and appointed its first king, the Kurds in these areas- which later were called the Iraqi state, had their own lands and territories. And it is in the rivalries among these global, regional and local powers, that the fundamental rights of the Kurds were consistently and brutally violated. The purpose of the rebellions of the Kurdish leaders during the monarchy era was to illustrate the dissatisfaction of the Kurds towards their current stand. Promises that were made

13- Following the declaration of the Kurdistan Republic in Iranian Kurdistan, on January 22, 1946, the Barzanis defended the Republic under the leadership of Mustafa Barzani.

during several meetings by the League of Nations' committees remained unimplemented.

The Kurdish revolutions repeatedly broke out with more power and influence despite being weakened by Iraq through the British support. During the Monarchy, the possibility of building a nation that considers the mutual interests of the Kurds and the Arabs was terminated. The question is whether there were any lessons learned from previous mistakes so that the Kurds would enjoy a peaceful life within the Iraqi state?

The Aylul Revolution **(September Revolution)**

The era after the July 14 Revolution was a fresh start. The Kurdish leader Mustafa Barzani returned from his years of exile in the Soviet Union and fresh hope emerged that a time of historical reckoning was upon us. The revolution created an opportunity for Iraq to recognize Kurds as equal partners in the modern country. The newly written constitution in 1958 clearly stated that Kurds and Arabs were equal partners who should cherish coexistence under the Iraqi state.

But this was another false dawn, leaving the Kurds disappointed as the outcomes of the July Revolution were dissolved and the nation descended into turmoil. The achievements of the Revolution steadily faded, and within two and a half years Kurdish homes were being bombarded by the Iraqi Air Force. These events sparked the peaceful uprising of September 1961. This revolution was a clarion call for the

Kurdish people as much as it was for the Iraqis. It championed democracy for Iraq and autonomy for Kurdistan. The revolution was bloodless, and no violent acts were conducted towards civilians. The ultimate aims of Mustafa Barzani were to avoid the bloodshed of civilians and turn to negotiations instead of war.

Multiple meetings were scheduled among Iraqi politicians to reach an agreement on the issues raised by the uprising. The meetings were fruitless and were merely used by Baghdad as a strategy to buy time. On February 8, 1963, a coup against Abdul Kareem Qasim was launched. The war was halted for almost four months between the revolutionists and the government leaving room for negotiations. The talks were pointless as the Baathists' only goal was to build a strong power base instead of resolving disputes. In fact, the Baathists did not believe in settling the disputes. Thus, when they fully realized the magnitude of their growing powers in Iraq, and as the Syrian Baathists started to rule the country, they launched a wide, multi-front war against the Kurds after obtaining regional consent and support.

In November 1963, Abdul-Salam Arif, the Iraqi president led a military coup and overthrew the Baath party. On February 10, 1964, an agreement between Barzani and Abdul-Salam Arif was signed to reach a conclusion on several matters including recognizing the Kurdish rights. The agreement had a short lifespan as nothing changed on the ground. In fact, injustices and persecution against the Kurds continued, and in some cases escalated. Despite this, Barzani and advocates of revolution's objectives tried to avoid war and turn to negotiations. Despite their efforts, the war became inevitable and the Iraqi military forces targeted Kurds on Safeen Mountain, Pira Magrun, Bani Harir, Ranya, Rawandiz and Qaladze. During this attack, the

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Iraqi government used the Scorched Earth Strategy, including demolition of infrastructures. The war obliged Barzani to seek United Nations aid on January 1, 1966 through a letter, explaining the injustices caused to his people.

In April 1966 Abdul-Salam Arif was found dead in his helicopter, leaving the throne to his brother Abdul Rahman. Before the death of Abdul-Salam Arif, a plan was in place to launch attacks against most parts of Kurdistan to end the revolution.

The plan was called “On God We Rely” and masterminded by Abdul Aziz Aqili, the Iraqi Defense Minister. The attack was foiled by the courageous fight of the Kurdish revolution activists, leaving the Iraqi Army with great casualties. The defeat of the Iraqi Army left the government desperate for negotiations with the Kurdish officials following the battles of Zozik and Handren on May 12, 1966.

On June 29, 1966, a treaty consisting of 12 points between the revolution committee and Iraqi government was issued. Later, the treaty was considered more of a ceasefire than a binding contract. Despite a meeting between Barzani and President Abdul Rahman Arif, within four months of the ceasefire, Kurdish homes were attacked and subjected to displacement. But his powers were curtailed by other parts of the Iraqi state that were outside his authority.

Within the space of ten years, seven coups were initiated, each failing to build the foundation of a democratic country that would acknowledge the rights of the citizens. The coup-makers were army officers who promoted the instability of the region killing thousands of people. Billions of dollars were also lost in the war, which in many cases led to the deaths of those who initiated the violence.

There were basically two reasons behind the coups. First, the army was in charge of the government, and second, the coups seemed the only solution to promote a shift within the government.

On July 17, 1968, Abdulrazaq Naif, Ibrahim Dawood and Sadoen Gheidan started another coup to overthrow Abdul Rahman Muhammad Arif. Following this, on July 30, 1968 the Baath Party launched a fresh coup commanded by Ahmed Hassan Bakr to end the era of Abdul Razaq Naif's government and send him away to exile.

The greatest achievement of September Revolution was in 1970, a treaty between Barzani and Saddam Hussein, which created a fresh political era for the Kurdish people. The Kurds were acknowledged by Iraq and offered an opportunity to practice their rights. The positive development of Kurdish status within an Iraqi state gave people hope and a great victory for the revolutionaries, the Kurdistan Democratic Party (KDP) and the courageous Peshmerga fellows who supported Mustafa Barzani. Again, this hope was short-lived; the Iraqi government failed once again at keeping peace with the Kurds; this time by targeting the Feyli Kurds; a community, who lived in the borderlands between Iraq and Iran and in Baghdad.

On September 29, 1971, the Iraqi government attempted to assassinate Mustafa Barzani through Muslim clerics who unknowingly were used in a bombing while visiting Barzani at his compound. This showed the true intention of the regime and broke the already fragile trust between the Kurds and Iraq. In 1974, the government ignored the region's autonomy and launched a campaign against the KDP officials in Baghdad, which led to the death of Layla Qasim, who was the first Kurdish woman to be

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hanged to death by Iraqi government due to her political activities on May 12, 1974. In an international conspiracy against the Kurds in 1975 that came to be known as the Algiers Agreement, the Iraqi government relinquished its claim over parts of its own lands for the benefit of the Iranian Shah. This move led to the halt of the September's Revolution as the Agreement of March 11, 1970 was abrogated.

Following 1975, the Kurdish liberation movement marked a paradigm shift for the Kurds in Iraq. Despite the displacement of hundreds of thousands of people, the movement was resisting on a wider scale, as it opened up to the outer world, taking a step forward in solidifying international relations. The ongoing war between Iraq and Iran lasted for 8 years, creating more opportunities for the Kurds.

Iraq's plan to assimilate Kurds

After the Kurds were split into four different countries, including the part that was ruled by Iraq, a failed state was born with no regard for the Kurdish rights. Iraq has spent tens of years in attempts at ethnic cleansing of the Kurdish people. Several plans were in place to shift the demographic of the region and forcibly relocate people through Arab settlers under a policy known as “Arabization” and forceful displacement of Kurds. In late 19th century, When Medhat Pasha, the Wali of Baghdad, at the end of the 19th century, settled a large number of Arab tribes in the Mandali plains, Baladruz, Qarah Tappah, Kifri, Douz, Hawija, Qaraj, south Makhmour, and the Nineveh Plain. Arabization seemed to be the norm after the establishment of the Iraqi state to promote Iraqi nationalists and prove their sentiment of the Arab identity. In the last century, many Arabs were relocated to new villages in Hawija, Mandali, Gulala (Jalawla), Qaraj, Nineveh plains and Shingal.

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From July 14, 1958 revolution until the Baathists came to power, the Arabization policy continued in Sinjar, Zummar and other borderline territories between Iraq and Syria. As the process of cleansing the Kurds continued, by 1963, nearly 42% of Kurdish people faced displacement from their ancestors' lands. In 1970, Feyili Kurds became victims of forced relocations and witnessed raw brutality from 1974 to 1979, having their villages burnt down to ashes. The villages of Barzan, Balak, Quratou, Krmak, Nawdasht, Halabja, Kareza, and Zakho were destroyed, forcing the displacement of thousands of villagers upon the demolition of their homes. In November 1975 the Iraqi government forced villagers from Barzan to seek refuge in the deserts and camps in the southern parts of Iraq. After enduring 5 years of deprivation, Barzani people were allowed to live in concentration camps in the suburbs of Erbil in 1980.

In an attempt to continue the crimes against Feyili Kurds, 12000 of young Feyilis disappeared in 1980, and tens of thousands exiled to Iran after their Iraqi citizenship was revoked by the Iraqi government. On July 31, 1983, the Iraqi armed forces arrested 8000 men from the Barzan area and years later were found in mass graves in the desert of rural areas in southern Iraq. In 1988 the Anfal genocide killed 182 000 innocent Kurdish souls, in 8 different bloody campaigns, from areas such as Garmian, Qaradagh, Kirkuk, Erbil, Sulaimaniya followed by Halabja massacre, where 5000 people died of chemical attack conducted by the Iraqi regime after the Kurdish villages were pounded by Iraqi war planes and artillery. The poison gas attack reached many parts of Kurdistan, leaving the greatest human casualties in Halabja city.

The Iraqi regime's injustice was constant through destroying almost 4500 Kurdish villages, planting booby traps, displacing

hundreds of families, executing and torturing hundreds of Kurds as part of a cultural annihilation. In addition to all of these crimes, the regime's offenses against Kurdistan included damaging assaults on the environment through mine-laying of forests, mountains and roads, destruction of 4500 villages, demolition of agricultural infrastructures, compulsory relocation in camps, random arresting campaigns, torture, execution and displacing of hundreds of thousands of Kurdish citizens.

On April 24, 1974, the Iraqi regime bombarded Qaladze, and on June 9, 1985 launched multiple air strikes on refugee camps in Zewa areas.

The Kurdish people had lived through a saddening series of strives and atrocious struggles for decades now. The horrific crimes by the former Iraqi regimes were acts of genocide that prove these attacks were committed with the intent to destroy the Kurdish population of Iraq, which they never managed to fulfill.

The Uprising

The Kurdish Uprising in 1991, offered the Kurds and Kurdistan liberation movement another chance to rewrite their history. The intent of the Kurdish people was not vengeance but seeking a fresh start with the Iraqi government in accordance with the existing culture of tolerance and mutual respect. It was demonstrated when thousands of Iraqi soldiers were released and assisted back to their home areas after being captured. Kurdish leadership, including myself and the late Jalal Talabani (Mam Jalal) decided to return to the talks with Iraq to negotiate a settlement with Baghdad at the request of the Iraqi regime. We were obliged to negotiate with the same government, which had committed mass crimes and spilled the nation's blood, only for the sake of a new start and a peaceful conclusion. This was one of the most difficult decisions of my life. But I felt it was necessary

to take this path in the interests of the Kurdish people I have lost 38 family members, 8000 people of my tribe and 182000 of my countrymen through genocide and the ill-famed Anfal campaigns. Traveling to Baghdad and meeting with Saddam was one of the most difficult decisions of my life, but the trip needed to be made for the highest interest of the people of Kurdistan. During the years of liberation movement and resistance, a sea of blood had been made as a result of the conflict, which I had to cross and make the difficult trip to Baghdad.

As the Kurds sustained financial and human casualties during decades of the fights within Iraq, the Iraqi state itself blossomed on the riches of oil taken from the soils of Kurdistan. Oil was always a driver of the insecurity of the Iraqi state, leaving a whole nation destabilized for decades. It was also a factor in the British failure to keep their promise of autonomy to Sheikh Mahmoud after discovering the vast reserves in Kirkuk.

The disappearance of 12000 Feyili Kurds, and the genocide of 8000 people from the Barzan area, the Arabization of thousands of Kurdish villages and areas, the genocide of 182000 innocent Kurds, and the gas poisoning of Halabja were all the results of the life under the roof of the Iraqi state. Despite enduring years of hardships, the spirit of the Kurdish people was never broken. The ongoing talks with the Iraqi Baath regime were unsuccessful as Baghdad repeatedly made clear they considered Kurds as law-breakers and culpable. After the Kurdish uprising and the defeat of the army in Kore Valley, the Kurdish leadership and Baghdad cut all political, economic and administrative ties for 12 years. Kurdistan was virtually under the sanctions of the Iraqi regime and the world following the Gulf War of 1991.

On May 19, 1992, a Kurdish cabinet was formed during a democratic election amid years of internal conflicts and

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economic downfall. The purpose was to show the great spirit of the Kurdish resistance as it became a safe haven for many Iraqi political refugees who are currently in power in Baghdad. Kurdistan Region experienced growth and proved its resilience without becoming a threat to any neighboring country.

The congress of Iraqi opposition and the collapse of Iraqi government

The 2003 US invasion of Iraq was the first stage of the Iraq War, which would topple the Baath regime and liberate the Iraqi people. The Kurdish officials met with Iraqi opposition groups in London to set priorities of the next chapter of the country. The meeting was to ensure no party was interested in vengeance and avoid further political calamities. During the conference, I clearly told the Iraqi parties that, if vengeance is all what they think of, then no one will stay in Iraq.

On 14th and 15th of December 2002, a conference organized by the opposition was arranged with the Kurdish officials to start afresh. The outcome of the meeting promoted the unity and democracy of Iraq considering all different entities of the state. The agreement aimed at stopping the Iraqi efforts consumed in shifting the demographics of the Kurdish city of Kirkuk, and areas around Makhmour, Khanaqin, Shingal,

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Shekhan, Zummar and Mandali. Within this framework, it was decided that all procedures and arrangements taken by the Iraqi governments following 1968, which aimed at producing demographic changes, would be cancelled. The conference recognized the Halabja massacre as an act of genocide and a systematic attempt to exterminate the Kurdish population and vowed to reimburse the affected residents.¹⁴

Before the launch of the US war in Iraq in 2003, the Kurdistan Region had no relations with Baghdad and was a semi-autonomous entity at the time. Following the years of uprising, a Kurdish federal government was possible and approved by the Kurdish parliament. The idea of establishing a federal government was previously initiated in the September Revolution by Mustafa Barzani and commanded by politicians Ebrahim Ahmed and Jerjis Fathulla and a number of scholars. However, Paul Bremer, who ran the Coalition Provisional Authority after the United States 2003-invasion of Iraq, conspired against the Kurdish political establishment and their achievements with no success. Following the fall of the Baath regime, the US President George Bush appointed Paul Bremer as the leader of the Coalition Provisional Authority from May 2003 to June 2004.

In 2005, an Iraqi constitution was drafted that reflected the rights of all communities within Iraq. The Kurds had a major role in the success of the constitution, which was considered a credible document reflecting historical realities, which could offer positive shifts in disputes and credibly share power. If the constitution was implemented as it was written, major post war conflicts in Iraq would have been avoided. During the drafting of the constitution, I spent most of my times in Baghdad, accompanied by the late Nawsherwan Mustafa,

14- See the Final Statement of the Iraqi Opposition Conference, on page 165.

Dr. Rozh Nuri Shawes, Salahadin Bahadeen, Mohamed Haji Mahmoud, Masrour Barzani, Karkhi Alte Brmakh as the representative of Turkish community and Romeo Hakari, as the representative of the Christians community. We all had a significant role in emphasizing the rights of the people of Kurdistan and all components of Iraqi society.

Not all were as invested in a new pluralistic Iraq, would empower the dispossessed. Iraqi Shiites, who took part in the establishment of the Iraqi state, devised a strategy to weaken the Kurdish role within a new Iraq. They were not interested in a constitution that shared power. They saw themselves as benefactors of the ousting of Saddam and, as the country's majority sect, wanted to consolidate their new found power, at the expense of others. They should have respected the free will of the Kurdistan people, following the demise of the Baathist regime, in order for the Kurds to generate their own particular partnership with the new Iraqi state, within the framework of a voluntary union.

The sense of secrecy and dishonesty on the other side was obvious when Iraq violated article 140 of the constitution – the passage that determines the future of the disputed territories between the Kurdistan Region and Iraq. The article states it is the responsibility of the Iraqi government to perform a census and conclude through referenda in Kirkuk and other disputed territories the will of their citizens by 2007.

After the 2005 parliamentary elections in Iraq, the election laws in the country were reformed in a way that the outcome of the elections, a priori, would see to a reduction of the Kurdistan Region's votes and seats in the Iraqi parliament. It is worth mentioning that so far no census has been conducted although there has been a plan to hold a general census in the

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country. However, we continued to take part in the political process and overlooked our lawful entitlements despite the false promises of the US and Iraq.

After the overthrow of Saddam Hussein's regime, Kurds were to be granted the post of the Iraqi president. In 2010, Mam Jalal was elected as the Iraqi president for the second term; but the US did not support a Kurdish presidency at the time. After the elections in 2010, the list of Ayad Allawi won most votes, but Iran and the US backed a potential Sunni leader to take the presidential post and leave the position of the Council of Representatives' Speaker to the Kurds. When the US discussed the issue with me, I asked them whether their plan was to remove Mam Jalal from the presidency or if they simply intended to retake that post from the Kurds. They said: both. I made it clear that it is the right of the Kurdish people to have the post of presidency and that Mam Jalal should be reappointed as president. We could not accept having two major political posts of President and Prime Minister held by the Arab factions. This subject is also mentioned in the book ***The Endgame: The Inside Story of the Struggle for Iraq, From George W. Bush to Barack Obama*** by Michael R. Gordon and Lt. Gen. Bernard E. Trainor.

The Americans failed to understand the main issues within Iraq and Kurds paid heavily for every mistake Washington made in their calculations about the nature of power in Iraq.

This was even more evident when the US later opposed the Kurdish referendum in 2017 which, Washington believed would weaken Prime Minister Haidar al-Abadi's government and increase Iranian influence in Iraq. The Americans were ready to jeopardize the future of a nation over the interest of one person, Abadi.

Disputes over oil and gas started between Iraq and Kurdistan after the central government failed to follow the constitution and became evasive in February 2007. The Kurdish effort to manage oil production was underestimated and openly opposed by an influential Shiite minister in a meeting that was attended by the US diplomat Zalmay Khalilzad. This proved that Iraq had no faith in partnership with Kurdistan. The Kurds started producing oil and planned on exporting without Baghdad's contribution when the Iraqi government decided to cut their budget in February 2014. The budget cut was a violation of the constitution and antagonized Kurds further.

The termination of the funds from Baghdad impacted the whole of the population leaving many fighting for survival in the Kurdistan Region. The Kurds started unilaterally exporting oil to provide revenues for an increasingly desperate people, while Baghdad endeavored to worsen our plight and efforts by refusing to pay our share of the central government budget.

Unfortunately, there was a campaign of lies and distortion of truth and an effort to create an atmosphere in which anyone who opposed the Kurds and their aspirations would gain popular approval, in addition to more votes in the elections.

The ISIS War

By 2014, Iraq had become a dangerous and divided place, where the promise of a decade earlier had retreated and the ghosts of a bloody past had again been unleashed. Rather than opt for constructive steps that would build foundations for all, successive governments had instead led the country into sectarian silos, which had left Iraq at the mercy of regional powers and gangs. The country had been led along the path of destruction, with greed, bias and corruption destroying its foundations and making a mockery of the constitution, which so many of us had seen as a blueprint for coexistence, prosperity and an end to decades of enmity.

Governance was nearly no-existent, and the Iraqi security forces had become microcosm of the failing state; their *raison d'être* being to look after themselves, rather than the people, who had learned to place little trust in them. The national

army was divided and filled with incompetent leaders who did not buy in to the idea of a new Iraq. This was especially obvious in areas, where the Islamic State (ISIS) terror group – the latest incarnation of jihadist organizations that had terrorized Iraq since 2004, had been gathering strength for the past years.

Anbar and Mosul were especially vulnerable. On June 10, 2014 Mosul fell into the hands of ISIS, which then advanced towards Baghdad. Before the ISIS attack, I personally informed Iraqi Shiite leader Ammar Al-Hakim, Dr. Rozh Nuri Shawes who served as Deputy of Iraq's Prime Minister, and Robert Stephen Beecroft, who served as the United States' Ambassador to Iraq of terrorist activities near western Nineveh, and Hazar. I informed them that Mosul was under a direct threat. The then Iraqi Prime Minister Nour al-Maliki underestimated the source of the intelligence as most parts of western Iraq came under ISIS attack. It was before Mosul's fall when Kurdish forces suggested preparing a joint force of Peshmerga and Iraqi army to conduct an operation to prevent the advance. The militants were conducting military activities near southwestern Mosul, when the prime minister refused the advices and chose to overlook the threat.

ISIS advanced towards central Iraq after taking over Mousl. The militants then shifted their sights towards Kurdistan and targeted the Kurdish people. We still try to understand the reasons behind ISIS' shift of strategy. ISIS took the Kurds for an easy target who would surrender quickly, due to the lack of heavy weaponry within the Peshmerga forces and the sanctions imposed on Peshmerga by Baghdad and the international community at large. They seemed to view us as weak. We were not. (Map Number - 1)

The terrorist organization craved the defeat of the Kurds and planned to capture the areas under article 140, that is the disputed territories. During the 2017 referendum and the October 16 events, Kurds realized that those who took part in boosting ISIS push were the same people who had motives to see Kurdistan under the control of a terrorist organization.

ISIS was used as an excuse to halt the boom in Kurdistan and paralyze political and economic advancement within the Region. The budget cut from Baghdad and the downfall of oil prices made Kurds sustain great human and financial casualties in the fight against terrorism. The war and the arrival of 1,600,000 refugees from Iraq and Syria cost the Kurds a fortune. The fight against terrorism killed nearly 1921 Peshmerga fighters, wounding 10757 more in addition to the disappearance of 63 hostages.

Kurdistan was saved by the courageous Peshmerga fighters who sacrificed their lives to protect the Kurdish people from the brutality of terrorists. Many efforts were made in the aim of undermining the morale of the Peshmerga fighters. The lack of appreciation was noticed even among some Kurds who falsely claimed that Peshmerga did not have a decisive role in the fight against the terrorists and that it was mainly the US- led coalition air strikes that brought the Caliphate to its knees. We appreciate the support provided by the coalition in the fight against terrorism, but it was Kurdish forces who fought on the ground and sustained great human casualties. This is the truth that the world and the coming generations also need to acknowledge.

The Islamic militants caused the Kurds misery and great financial casualties leaving the nation in agony for years. ISIS overran Shingal in 2014, a territory claimed by both the

regional government in Erbil and the central government in Baghdad. During the attack hundreds of thousands of people fled their homes and many have not returned, still living in camps in the Kurdistan Region or left Iraq all together. The Kurds were struggling in the fight against terrorism due to the lack of military and artillery support from Baghdad and the US. ISIS managed to possess some heavy weapons and artillery from the Syrian and Iraqi armies, leaving the Kurdish Peshmerga to endure a war against them with smaller and often lower quality weapons.

The Peshmerga were not fully armed when ISIS overran Shingal in August. The city was 70 km away from the Kurdish borders, and the highways that linked Shingal to Kurdistan were partially controlled by Arab tribes that were actively involved with the extremists. Shingal became a vulnerable target for the militants and US- led coalition support was initially missing in the fight. The Peshmerga fighters who were stationed in Shingal fought fiercely against the militants, protecting the innocent lives of civilians from the barbaric organization, but they were ultimately overrun by superior numbers. Many political parties aim to take credit for defending Shingal, but it was the Kurdish Peshmerga forces who fought on the ground and sustained casualties. The Kurdish fighters managed to liberate Sehela, Shingal, Zummar, Shingal Mountain and Shingal city.

Since the beginning of the ISIS war, until September 2014, my greatest concern was to bring back normality to the lives of the Kurdish people and provide the Peshmerga with necessary military equipment to launch an attack on the Islamic militants and force them out of the Kurdish territories. In a turning point of the fight against the Islamic State, an operation to retake Rabia town was launched at the dawn of September 30, 2014, to

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remove the militants from the strategic town that had provided a road link for the jihadists between their strongholds in Syria and Iraq.

The operation was conducted with the participation of 5000 Kurdish Peshmerga fighters. **(Map Number - 2)** The loss of Rabia would be the most significant setback for ISIS forces at the hands of the Kurdish Peshmerga in northern Iraq. The success of the operation had cleared the way for the Kurdish forces' advance towards Shingal Mountain, as it was set as the next strategic point for the Peshmerga. On October 25, 2014, Kurdish forces succeeded in liberating Zummar districts and its nearby villages, leaving ISIS militants with great casualties. **(Map Number - 3)** Following that victory ISIS military locations were destroyed one after another.

The liberation of Rabia town had positive impacts on the Shingal liberation process. On December 17, 2014, which is marked as the Kurdish Flag Day, Shingal liberation operation was launched. **(Map Number - 4)** The Peshmerga attack started from Zummar and advanced towards Hardan, known as one of the militant's strongholds. The Peshmerga fighters who endured 4 months of resistance to disable ISIS advance towards Shingal Mountain, were met by Shingal operation force in Hardan where they both fought against the terrorists. The Peshmerga marked a great victory after seizing Shingal Mountain, which was home to 12000 Yezidis. On November 12, 2015, the Shingal town operation was launched by Kurdish Peshmerga forces backed by the US-led coalition to erase ISIS from the town and the strategic border points between Iraq and Syria. Shingal was announced liberated and free.

The Kurdish forces crushed the extremists' legacy and brought the organization to its knees. The Iraqi government failed to protect the communities within the Region and to provide military support to the Kurdish fighters. The Kurds were denied by the central government the weapons needed to fight such a threat for more than 10 years, in spite of the constitution that acknowledged the Peshmerga as a vital part of the Iraqi Defense Force. The Iraqi forces were unsupportive and discouraged the support of other countries to the Kurdish fighters in the war against terrorism. The question was why Iraq insisted on disarming Kurds in the fight against extremists, and what was the motive behind the government budget cut?

Kirkuk city would see a similar fate as Mosul overrun by terrorists, had it not been for the resistance of the Kurdish Peshmerga forces in the area. The Kurdish forces' aim was to defend the oil fields and protect the lives of civilians in Kirkuk and nearby areas. The Peshmerga fighters scored a great success in the war and significantly helped to erase ISIS from Iraq, handing a region free of extremists to the Prime Minister Abadi.

Kurdistan was under fierce pressure due to the budget cut from Baghdad, the downfall of oil prices and the arrival of 1,600,000 Syrian refugees to Kurdish camps. Amid the war with ISIS, the refugees made up nearly 25% of the Kurdistan Region population. Several humanitarian organizations provided lifesaving assistance to the disadvantaged people affected by the war, in support of the Kurdish government. Baghdad had no major role in handling the refugee crisis or aiding the Sunni displaced people who took asylum in Kurdish camps.

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Why did the Iraqi government fail to allocate a fund in support of the refugees hosted in Kurdistan? Does Kurdistan not fall under the Iraqi state? Or is Iraq refusing to cherish a partnership with Kurds? These questions will need answers.

Baghdad's failure in handling the refugee crises was my foremost talks with foreign delegations. I met with United Nations (UN) Secretary General, Ban Ki-Moon (UN Secretary General 2006-2016) on July 24, 2014, and March 26, 2016 mainly to ask for more help from the organization in dealing with these issues. I told him that Kurdistan is incapable of sheltering that many refugees while Baghdad is failing to deal with the crisis and the suffering of its people. I told the UN Secretary General that Baghdad did not even regard the refugees as Iraqi citizens.

Kurdish desperation of the new Iraq

The new Iraq after 2003 was shifting towards an authoritarian government in 2010 which violated the constitution and failed to properly partner with its different entities. I raised my concerns at the time regarding the shaky situation in Iraq and what that could cost the state. My remarks were underestimated and Iraq - Kurdish relations were suffering from constant troubles. The Kurdish people were seeking an exit strategy that could end disputes with Baghdad and bring a permanent resolution. Kurds suffered under the leaky umbrella of Iraq during the eras of kings and later under the secular Baathist regime. The democratic and federal Iraq after 2003 had a slim chance of providing positive developments on Kurdish affairs within the region, and this window had been steadily closing. The question appeared to be the next step for the Kurdish people. Should another century be wasted on war? War is not the answer; we have not been

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able to erase the state of Iraq, nor were the Iraqi subsequent governments able to erase the Kurds. We should not settle for a broken country filled with agony and misery caused by war and genocide. Has the time come to follow a different strategy to achieve peace between the people of Kurdistan and the Iraqi state?

History proves that division will not break the spirit of a whole nation. Similarly, forced partnership is not a solution. After the defeat of Nazi Germany in World War II, the country was divided between the two global blocs in the East and the West, a period known as the division of Germany. After the fall of the Berlin Wall, West Germany and East Germany ended 45 years of division that had begun in the aftermath of World War II by reuniting and becoming one nation. The circumstances were different with Czechs and Slovaks after being forced into a political union in Eastern Europe. Later, Czechoslovakia separated peacefully into two new countries, the Czech Republic and Slovakia.

During the last century, the imposed unification of Iraq's diverse communities has led to major catastrophes. Even within the same home, siblings may have disputes, but if they separate and reside in different homes, the disputes end and they might remain supportive of each other. This was the crucial solution for the relationship between Kurdistan and other parts of Iraq. Kurdistan people, and even the political centers, were discussing questions like; is it not possible to have a brotherly coexistence and live peacefully as good neighbors? Cannot we become economic, security and strategic partners? Why is it not possible to complete and support each other's growth and development and to eternally end our disputes and crises? We, the Kurdistan people, have tried every way to

freely and peacefully stay within Iraq, but in vain. Discussing such questions only supports this fact.

I spoke about the inequality Kurds endured from Baghdad with several foreign delegations, diplomats and Iraqi officials, demanding a definite solution for the sake of avoiding a possible war. The constitution was meant to serve as a rulebook for administering a government, but in Iraq that contract was violated.

Kurdish liberation movements never struggled with Arabs but with the attitude of politicians of the regime and their governing strategies. We are committed to the notion of the September Revolution that believed in democracy for Iraq and autonomy for Kurdistan. In the last years of military disputes between both nations, Kurds never intended to commit violent acts towards Arab civilians. Kurdish people's concerns were political not personal. The failure to address the issues between both nations can only worsen the situation and increase the level of threat.

Multiple Iraqi political factions conspired against Kurds, motivating people against the Kurdish plight in the aim of personal interests. These were red flags that predicted a horrendous future for Iraqi people. Baghdad felt threatened by the Kurdish development and accused Kurds of stealing oil money when the central government was exporting oil from Kurdish fields to cover its military fund in the fight against Kurds and neighboring countries.

Under these circumstances, it became hopeless for us to continue staying with Iraq. It was inevitable for us to openly stake our claim: freedom and sovereignty. Kurdistan people have every element to enjoy their own state. Practicing this right, however, must be through peaceful means by conducting

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dialogues with Baghdad, regional and world countries; but despite that we were well aware that the rights are taken, not given. So, if Kurdistan waits for its freedom to be served on a golden platter, it will wait forever.

Since 1991 and onwards, we have proved for our neighbors that we do not pose a threat. Our neighbors maintained doubts about federalism. Even within Iraq there was hostility and unease towards this principle. The concept of federalism is very simple; it is about fair distribution of powers and resources among the country's peoples and is practiced in many parts in the world.

On February 2, 2015, I met with Angela Merkel, the German Chancellor and Joe Biden, the Vice President of the United States at the Munich Security Conference, where world leaders discuss security, economics, politics and military developments around the world. The leaders praised the role of the Kurdish Peshmerga forces in crushing the Islamic State organization. The conference was a good opportunity for me to raise Kurdish independence to the world countries and demand basic rights for a nation. During the conference, I confronted Abadi and asked to hold talks over Kurdish independence through peaceful dialogue.

A trip to the United States

In May 2015, I paid a visit to the United States and met with President Barack Obama and Vice President Joe Biden to discuss Kurdish independence. Ahead of the visit, I consulted all Kurdish political parties, about whether or not the Kurdish independence ought to be mentioned during my meeting with Obama, and everyone seemed eager to support the idea.

After receiving the approval of the Kurdish parties, I asked Qubad Talabani, the youngest son of the late Mam Jalal, who served as the Kurdistan Region Deputy Prime Minister, Darbaz Kosrat, who is the son of former Vice President of Iraq's Kurdistan Region and PUK leader Kosrat Rasul and Mustafa Sayd Qadir, Peshmerga Minister from Gorran Movement to accompany me to the US.

I had my own reasons to engage them. I wanted the delegation to witness how I spoke about Kurdistan independence and rights

and also to see the US attitude in this regard. I wanted them to reach out to their party members. I wanted them as witnesses so that, later on, no one could say that independence was a personal matter for Masoud Barzani; independence is rather linked to the life and destiny of all Kurdistanis, regardless of their religious, ethnic and political differences.

On May 5, 2015, President Obama received us at the White House where Vice President Joe Biden, and the US ambassador to Iraq were also present.

I openly explained the century-long sufferings of Kurdistan people for President Obama, as well as telling the president that we had tried every way and now we had grown tired of the circumstances. Kurdistan people had been struggling and sacrificing for a century and, in accordance with the teachings of all religions and man-made laws, it had every right for self-determination and to take whatever means it preferred for the realization of this objective. I told the president that we were taking steps towards conducting a referendum, yet the fight against ISIS remained a priority. It was clear that Baghdad would not accept a real partnership, and Kurds refused to continue living with Baghdad's policies, as we could not accept marginalization. I noticed that President Obama was interested in Kurdish history. He said he had read about the sufferings of the Kurdish people and stated: "I understand the Kurdish people's aspirations for independence. I am happy to hear that the priority is elimination of ISIS." The president then referred to Vice President Biden and said the Vice President was in charge of the US policies regarding the Kurdish issues.

On May 6, 2015, I was received by Vice President Biden for breakfast and discussed Kurdish independence and the conflict within the Middle East. During our meeting Biden said, "Both of us will see an independent Kurdistan during our lifetime."

I also managed to meet with Ashton Carter, the Secretary of Defense, several congressmen, academics, journalists and the Kurdish community in the US. In these meetings, no one told us not to go ahead with independence, they only asked about when that would take place.

The US officials showed gratitude for the tolerance of the Kurdish people, hosting the refugees and defeating the terror group, the Islamic State.

Upon my return from the US, I met with Kurdish parties On May 18, 2015 and briefed them on the highlights of my trip. The parties were impressed by the outcome of the visit and showed full support for independence. Ali Bapir, the founder of the Kurdistan Islamic Society, was happy with the accomplishment of the Kurdish delegation and said, “Mr. Barzani, you seem to have returned from the US with great many accomplishments. Independence is a great mission. Do you think you can take full responsibility for it?” My response was, “Yes, I will take full responsibility, only if my efforts are not sabotaged domestically.” Although, I had doubts about the position of some of the Kurdish political parties on independence.

The following month, a series of conflicts emerged in the regional parliament mainly by the political parties who opposed independence, this led to the events of June 23 when there were outright attempts to create chaos in the parliament and block the efforts to hold a referendum. I feared that some of the Kurdish factions would oppose independence, and indeed the events of October 16, 2017, less than a month after the referendum, proved that my fears were not entirely baseless.

One month after that meeting, and instead of working for the fateful matter of independence, Parliament factions

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started to create chaos, which led to the June 23 events. If, since 2015, the parties had honored their promises, we would have been in a completely different situation. In 2017 we saw how some parties opposed the referendum, and the post-referendum events proved my previous fears.

A trip to Baghdad

After the multiple defeats of ISIS in Iraq, on September 29, 2016, I visited Baghdad with a Kurdish delegation to meet the Iraqi Prime Minister, Haider al- Abadi to hold talks on the refugee crisis and challenges within the fight against ISIS. The purpose of the visit was to shed lights on strengthening the bilateral relations between Baghdad and the Kurdistan Region. The goal was to show the good intention of Kurdish parties willing to work on a better future for the sake of the nation. I met with different Iraqi political factions and several political figures to reach a conclusion that put an end to all disputes between both sides.

I had a brief meeting with the Shiite Sadr bloc, and leaders from the Sunni factions, the Dawa Party, and other Iraqi political sides. Then, I was invited to a large meeting at the house of Mr.

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Ammar Al-Hakim with nearly all leaders of the Shiite groups. During that meeting, I gave a speech to emphasize the purpose of the visit and showed our commitment towards solving the long-lasting disputes with Baghdad. ISIS was coming to an end, and we were desperate for a plan to prepare the nation for a fresh start after the terror organization. I talked about my disappointment in the Iraqi constitution after several Shiite groups attempted to conspire against the rights of the Kurdish people.

I said that the relation between Kurds and the Iraqi state brought us the destruction of 4500 villages, disappearance of 12000 Feyili Kurds, the execution of 8000 Barzani people, 180000 more in Anfal genocide, and many others in the deadly chemical attacks. After 1991, the tough reality had left us no choice but to return to negotiations with the Baathist criminals who carried out genocidal acts against our people.

Previously, the government had shown no support for the Kurdish struggle for freedom, and greater rights. Baghdad had turned a blind eye on Kurdish challenges in achieving independence and underestimated the courage of the people through decades of misery.

After 2003, Iraqi Shiite groups, who were once supporters of the Kurds, took part in plots against the rights of the Kurdish people and helped cut the Kurdistan Region's share of the Iraqi budget. I told the Shiite leaders that we had failed to build partnership at both stages and that we should seek another solution, so let us become true neighboring brothers, as we are unable to be partners, all we ask you is to understand us. Many of the Shiite figures agreed that past mistakes must not be repeated in order to avoid bloodshed. Later, it was decided that a committee be formed in Baghdad to meet with the Kurdish

officials in order to hold talks on Kurdistan-Iraq disputes. The committee would also address the question of whether we, Erbil and Baghdad, should become neighbors in two separate countries or equal partners in the same country.

Kurdish Referendum countdown

My last Baghdad visit had no positive outcome and the Iraqi government continued to cut the Kurdish budget, while fighting ISIS with joint forces. Before my trip, I held discussions with an Iraqi Shiite delegation consisting of Hadi Ameri, a militia leader and Khalid Atya, an Iraqi political leader, and Sadiq al-Rekabi, a Shiite leader, on the future relations between Baghdad and Kurdistan. Two options were discussed with the leaders: either cherishing a full partnership between Baghdad and Kurdistan or accepting the birth of a Kurdish independent region in peaceful ways. Iraq needs to sort out the future of the Kurdish people to avoid a possible war that could spill blood in the region. Ameri ruled out the possibility of war and said “God-forbidden, war is not an

option”. Later he recited a verse from the Holy Quran on separation, which reads, “retention with beneficence or release in fairness.”¹⁵

The injustice and constant violations of the constitution along with the budget cut from Baghdad, had made partnership impossible. On July 3, 2014, I gave a speech in the Kurdish parliament addressing the last decade of Kurdish struggles within Iraqi government. The corruption and nepotism within the Iraqi official parties had created unbearable circumstances for the Kurdish cause and promoted divisions within Iraq. It is time now that Kurdistan Region should decide on its fate, the constitution of Iraq has allowed it, since it is stated in the constitution that only the full commitment to the charter will preserve the unity of Iraq.

I requested Kurdistan’s parliament to approve the election law and assign the High Elections and Referendum Commission and any other relevant laws with respect to the legal mechanisms designed for administering the referendum process for Kurdistan’s Right to self-determination.

The Kurds were under fierce pressure from Baghdad and their budget cut, while Kurdish forces were sustaining great casualties in the fight against ISIS and sheltering thousands of refugees. The Shiite clerical authorities had no role in supporting Kurds during the economic crisis and failed to cooperate with Baghdad to help Kurdistan Region.

During the Mosul liberation operation, Kurdish forces defeated ISIS along a border of 107 kilometers. Later, an agreement was issued to withdraw all Kurdish forces back to the areas before October 17, 2016, which also marked

15- The Baqara Sura, Verse 229.

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the success of Mosul operation. (Map Number - 5) After the Peshmerga broke the ISIS defense lines and erased Mosul from radical militants, the Iraqi Prime Minister pledged to allocate 10 billion IQD of financial aid to Kurdish Peshmerga for the enforcement of the new military positions near Mosul. The money was never received by the Peshmerga. Kurds noticed a possible pact between the Popular Mobilization Forces (PMF), known as Hashd al-Shaabi, and Iraqi forces post ISIS against the Kurdish government. Peshmerga were asked to withdraw from the liberated zones after the ISIS defeat and hand out the administration of the region to the Iraqi forces. The Kurdish forces were asked to give up on post ISIS territories and withdrew to the borderline that was set under Baath regime before 2003. This borderline is not a political nor an administrative line between Iraq and the Kurdistan Region, but a border imposed forcefully by the Baath regime. (Map Number - 6)

Kurdish forces fought a fierce fight for the liberation of Shingal and the areas that fell under article 140 while Iraqi forces wanted to claim it back. The Iraqi forces took charge of Tal-Afar after the militants escaped the city with no resistance from the terrorist organization. Tal Afar was the last major urban area in Nineveh province controlled by ISIS ¹⁶. The attack to retake the city of Hawija, captured by ISIS in June 2014, had been repeatedly postponed; a move criticized by the Kurdish leadership who believed delays only increased the threat to the city of Kirkuk. We knew that the ultimate objective in delaying Hawija liberation was that they planned to move great numbers of forces to the vicinity

16- Tal Afar is located west of the province of Nineveh and is 70 km from the city of Mosul, 60 km from the Syrian border. Its inhabitants are mostly Turkmen.

of Kirkuk under the pretext of liberating Hawija. Hawija is located 48 km southwest of the city of Kirkuk with mostly Sunni inhabitants.

The Iraqi government and the Hashd Al-Shaabi forces aimed at taking back Kirkuk after the ISIS war and tried to ban Peshmerga forces from the nearby districts. We were committed to Mosul's liberation and the fight against terrorists, while Iraqi forces conspired against Peshmerga and took full credit for the victory. The Kurdish political factions supported the Iraqi Shiites in strengthening their posts within Iraq but they had taken a turn against us and advocated a fateful conspiracy against the Kurdish nation. Because of our efforts, the US accepted to deal with some Shiite politicians after the fall of the regime, otherwise the US was not ready even to meet with them.

Kurdistan has the makings of a country and is indeed entitled to express its will. The last decade has seen a total violation of 55 articles of the constitution by the Iraqi government.

The principles of partnership in governance, maintaining balance in state institutions including in the army, the principles of consensus in legislation and decision-making were all violated. The dominating logic and will of the majority replaced these principles, which the new Iraqi state had been built upon. Because of this flawed logic, there was no room for the Kurdish participation within this partnership, as the agreements were repeatedly breached. In addition, there were constant attempts to reduce the Kurdistan Region's budget share, until it was frozen completely. Eventually, there were no more motives for us to stay with such political factions who did not believe in partnership. The question was why should Kurds continue being part of a government where its partnership is unappreciated? We

tried to overcome the injustice against our people for the sake of a new Iraq and with the promise of the US; we hoped that could be possible. Years of efforts to be equal partners with Iraq had failed and Kurds were left adrift due to Iraq's implacable sectarian positions.

All these were enough reasons for us to conclude that we either became real partners in Iraq, or we would move with the vicious circle of the past hundred years. And, as Baghdad did not accept us as partners, then we must find our own way.

The Region was suffering internal and political crises; some parties joined the anti-independence front. Nonetheless, it was time for the nation to have its word so that the will of Kurdistan people was known. In order to cancel all pretexts and overcome doubts over considering independence as if it was a personal matter for an individual or a certain party, it was inevitable to refer to the ultimate source of power: the will of the nation.

On June 7, 2017, the Kurdish presidency and political parties held a historic meeting, in which the date September 25 was set as referendum day for Kurdistan. The date of the referendum was decided by the High Referendum Council, which consisted of representatives from most of the Kurdistan Region's political parties. The council had established the end of September a timeline for the referendum to take place. Kurdish political parties suggested the referendum should include Kirkuk and the disputed territories under article 140 of the constitution.

After announcing the date of the Kurdish referendum, the Kurdish political factions promised on working to erase any local disputes and unite for the sake of the Kurdish autonomy. The parliament aimed at setting plans to develop the economic

situation in Kurdistan and to support government employees. The High Referendum Council, chaired by the Kurdistan Region President, asked all Kurdish political parties to start assigning party representatives to take part in the referendum process within 5 days.

The following parties agreed to the meeting contract:

Kurdistan Democratic Party (KDP), Patriotic Union of Kurdistan (PUK), Kurdistan Islamic Union, Kurdistan Socialist Democratic Party, Turkmen Brotherhood Movement, Worker-Communist Party of Kurdistan, Turkmen Reform Party, Erbil Turkmen Party, Armenian list in the parliament, Assyrian Democratic Party, Chaldean Syriac Assyrian Popular Council Party, Kurdistan Toilers' Party, Kurdistan Revolutionary Party, Communist Party of Kurdistan and Islamic Movement of Kurdistan.

The Kurdish people were informed of the referendum date through a statement that reads as follows:

On June 7, 2017, Kurdistan Region President met in Salahadin with all political parties, Region's Vice President, Director of Kurdistan Region's High Referendum Council and his deputy to hold talks on the upcoming referendum.

The meeting highlighted topics as the upcoming Kurdish referendum, internal conflicts within the region and neighboring countries. The political parties' representatives were given the chance to submit their inputs on the future of Kurdistan.

The meeting concluded with the following results:

First / Independence referendum is set to be held on

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September 25 in the provinces that make up the region and areas of Kurdistan outside the region's administration.

Second / Reactivating the parliament in a way that serves the process of a referendum and independence, as well as national unity.

Third / Improving the livelihood of people and providing financial assistance to the disadvantaged families.

Fourth / The High Referendum Council which is chaired by Kurdistan Region President requested all Kurdish parties to cooperate in the referendum process. The political parties will start assigning representatives to be part of the committee.

On June 8, 2017 under the Kurdistan regional order of 106, Kurdistan Region President set September 25, 2017 as the voting date. The High Elections and Referendum Commission designed a questionnaire that read, "Do you want the Kurdistan Region and the Kurdistan areas outside the administration of the Region to become an independent state?" Voters can choose 'Yes' or 'No'. E-voting system is designed to enable eligible Kurds to vote outside Kurdistan. The election commission is an independent organization that supports no political parties. Kurdish party officials have been informed that they have no right to interfere with the management of the commission. The law for the holding of the referendum consists of 13 points, each stating the purpose behind a Kurdish call for independence.

On June 10, 2017, I met with 19 political parties and foreign political figures to discuss the purpose behind the referendum and the major role each party had in the process. They showed

commitment towards the Kurdish cause and promised unity and hard work to enable the birth of a Kurdish state. The attended parties were the following:

Democratic National Union of Kurdistan
 Democratic Patriotic Alliance of Kurdistan
 Kurdistan Peace Movement
 Kurdistan Democratic Development Party
 Kurdistan Democratic Solution Party
 Democratic Mesopotamian Party
 Chaldean Democratic Union Party
 Assyrian National Party
 Mesopotamian National Union
 Chaldean Democratic Platform
 Turkmen Democratic Movement
 Independent Turkmen Movement
 Kurdistan Democratic Turkmen Party
 Kurdistan's Turkmen Cultural Society
 People's Turkmen Party
 Turkmen Liberal Society
 Turkmen National Solution Party

On September 11, 2017, I signed regional order 4 that consisted of six points.¹⁷ The order stated, the Secretary of Region's High Referendum Council was formed to administer the management of the election and document the process, arranging meetings with Iraqi and foreign delegations, and researching the agenda of the meetings. Setting up a committee of journalists and media workers to broadcast the Kurdish referendum in the aim of raising awareness among the Kurdish

¹⁷- See the order on page 199.

voters and updating the world on Kurdish referendum. The third part of the order was appointing Dr. Fuad Hussein as spokesperson of the Region's High Referendum Council. The fourth part included the details of a document drafted by Dr. Khalil Ibrahim that protects the rights of different entities within Kurdish region in the independent Kurdistan.¹⁸ The fifth part included the principles that make up the foundation of establishing a country within the region through a draft document written by Dr. Kawa Mahmoud.¹⁹ The sixth part was to form a delegation in charge of arranging visits to the Arab groups in Kirkuk.

Following the July 8, 2017 meeting, for the purpose of further improvement of the preparations, the structures of the council and the sub-committees were determined. The referendum was chaired by me and a committee consisting of Mala Bakhtiyar, Dr. Rozh Nuri Shawes, Hoshyar Zebari, Saadi Pira, Dr. Fuad Huseein, Dr. Khalil Ibrahim and representatives from Christians and Turkmen components. Some of the meetings were also attended by Kosrat Rasoul, Kurdistan Region Vice President, Nechirvan Barzani, Kurdistan Region's Prime Minister, Masrour Barzani, Chancellor of the Kurdistan Region Security Council, and spokesperson of the Kurdistan Democratic Party (KDP), Kurdistan Socialist Democratic Party, Patriotic Union of Kurdistan (PUK), Kurdistan Islamic Union, the Communist Party of Kurdistan, Kurdistan Toilers' Party and several other parties. The High Referendum Council established an organization consisting of members who oversaw the management of the referendum process. Later, the Kurdistan Region's Referendum Spokesperson was appointed

18- See the memorandum on page 181.

19- See the principles on page 186.

by an order from the Kurdistan Region presidency office in Erbil.

On July 8, 2017, in a meeting with the High Referendum Council and Kurdish Parties, seven committees were formed, including the referendum commission, a committee in charge of negotiations with the representatives in Kirkuk and Nineveh, a committee of media and journalism who broadcast the referendum, a political and economic committee to support internal Kurdish efforts in the voting process, and an international and diplomatic committee who managed foreign relations with the US, EU, Russia, UK, and China, and several other committees dedicated in managing relations with the regional countries, Iraq, Iran and Turkey, and another committee to deal with Baghdad.



Photo: Adnan Muhammed



June 7, 2017 Salahadin

Kurdistan Region Presidency office; committee members of the High Referendum Council voted on holding the referendum.

Pressured international reactions and pressures

Along with setting September as the official date for holding a Kurdish referendum, Kurdish efforts were dedicated towards convincing the Iraqi government, diplomatic representatives, and coalition partners of the just purpose behind the call for independence.

In June and July 2017, I held a meeting with several world delegations and their advisors. In mid-August, a Kurdish delegation visited Baghdad and held meetings with the prime minister and Iraqi Shiite and Sunni factions to talk on key objectives of the referendum.

Ahead of the referendum, I had the chance to visit several Arab countries and Europe. On July 11, 2017, I visited the European parliament to discuss the referendum agenda and introduce the delegation that accompanied me.

The committee consisted of Hoshyar Zebari, member of Kurdistan Democratic Party (KDP)'s politburo, Najmadin Kareem, member of Patriotic Union of Kurdistan (PUK)'s politburo, Muhammad Hawdiani, member of the central committee of Kurdistan Islamic Union, Mouhamed Sad-aladin representative of Turkman group, Wahida Yagu Hurmuz, representative of Christian group, Shiekh Shamo, Advisor to the Kurdistan Regional Government on Yazidi Affairs.

The committee was responsible to deliver Kurds' long-awaited dream of independence to the world. The highlights of the meeting were Kurdish referendum and the fight against terrorism. The people of Kurdistan endured a century of injustice and genocide in the hope of achieving a true partnership with Baghdad. I said emphatically that I hoped for a democratic and federal Iraq, but that had been shattered, as it had no plans for Kurdish people's future.

In my speech, I emphasized on the proud history of the people of Kurdistan and their struggle with Baghdad saying "Kurds lived through two phases with Baghdad, first; the era before World War I to the 2003 Iraq War, and second; from 2003, when the Iraqi Sunnis were ousted from power and later the Shiites took charge." The constant refrain was that the Kurdish referendum was considered a threat to the security of the region and a potential trigger for war. The reality proves otherwise; the call for independence represented a solution to the struggle of the Kurds rather than a risk to the cause, or a threat to its neighbors.

But ultimately, it gave Kurds the right to choose a better destiny rather than remaining with an unstable Iraq. We are proud of the Kurdish principles that promote tolerance and coexistence with other groups. People with different

ethnicities and religions are well treated in Kurdistan. The aim of the Kurdish referendum is to grant the future generations a better opportunity to self-determination. A future that lacks war and violation of rights. We deserve to live freely equal to every nation. It feels as if freedom seems feasible for everyone except for the Kurds.

I demanded international support in the process of calling for independence and eliminating any barriers that would harm the nation's will for greater rights. The role of the international involvement in the Kurdish referendum was critical to promote sympathy towards the long-lasting Kurdish struggle.

After announcing the date of the Kurdish referendum, Iraq and world countries underestimated the perseverance of the Kurds and believed the referendum was a negotiating ploy to place pressure on Baghdad. Those who opposed the timing of the referendum failed to offer "the right time" for a vote on the right to self-determination, yet claimed to have sympathy for what we were aiming to achieve. Much energy was invested in cancelling the referendum and encouraging negotiations between both parties to overcome disputes. But the international community failed to offer credible alternatives. The Kurds were expected to waive the rights of independence and stay with Baghdad, costing people years of sacrifices and depriving them of legitimate aspirations. The referendum would not serve any political agenda but would simply and clearly express the will of a nation.

Sehela meeting

September 2017 saw a series of significant diplomatic developments on the cause of the referendum. The

Sehela meeting, on the border near the Tigris River and the Syrian border-gate of Fishkhabour, was among the major events, along with phone calls with Boris Johnson, Foreign Secretary of the United Kingdom, Emmanuel Macron, the French President, and a letter from the US Secretary of State Rex. W. Tillerson.

I attended several events and campaigns in Dohuk province to show my support to the people of Kurdistan during this historic period. I was asked to attend a meeting with the US and the United Nations delegations to hold talks on referendum and its implications within the region.

On September 14, 2017, I met with the delegation which consisted of Brett McGurk, the US Special Presidential Envoy

for the Global Coalition to Defeat ISIS, Yan Kobish, the Special Representative of the UN Secretary-General, Douglas Suleiman, the US Ambassador to Iraq, and Frank Baker, the UK Ambassador to Iraq. The meeting was held at the Peshmerga military camp in Sehela, the place where Peshmerga launched its first attack in the war against the militants of the Islamic State. In the meeting, the delegation announced that they understood the claim of Kurdistan people, yet they preferred to go back to dialogue and if an agreement was not reached, then they would provide a letter from the US Secretary of State expressing his understanding of the necessity of referendum. The delegation's objective was to delay the process.

My response to the international delegation was that referendum decision was not a personal or individual matter, it was made jointly by all the Kurdistan parties and I could not decide unilaterally. I also explained to them that we would never close the doors to negotiations and dialogue with Baghdad, rather, it was they who did not see us as true partners and we, after all these sufferings, would no more accept to being marginalized. I clearly told them that our goal was to peacefully coexist as two good neighbors, and the referendum was the means towards this goal, if the international community knew of any better way to achieve this goal, then there would be no need to conduct the referendum, but their proposal provided no guarantee or obligation. I told them that whenever you were able to provide an alternative that guaranteed the same goals as the referendum, then the referendum would no longer be a necessity.

Kurds would leave all doors open to hold talks with Baghdad at necessary times, but the failure of the central government to achieve partnership was no longer bearable. Baghdad should

accept Kurdish independence as a solution, not a problem. Kurdistan will be a “partner for peace and stability.” The US pressure on Kurds to cancel the referendum provided no alternative offer and no guarantees that Baghdad would address their grievances.

A letter advising Kurds to give up the referendum and to consider alternative suggestions from the US Secretary of State Rex Tillerson was delivered to me ahead of the referendum and made media headlines. The letter was prepared by Brett McGurk (whom President Trump later claimed not to know) and Douglas Suleiman and several other people. It was not clear why the letter remained unauthorized by Secretary Tillerson. It seemed as if the US diplomats hoped if the referendum was cancelled or postponed, then the US Secretary of State would sign the letter. The content did not mention any guarantees on protecting people’s right to self-determination in the future if referendum was cancelled. Tillerson’s letter affirmed America’s support to the Kurdish officials’ future negotiations with Baghdad as an alternative to the referendum.

The High Referendum Council decided to consider the US alternative proposal to the referendum, but determined that the Kurdish referendum was no longer controlled by the political groups or figures and was in the hands of the people. The US and others had failed to provide guarantees that the Kurdish people would be able to practice their right to self-determination in the coming future. Secretary Tillerson stated that he would rather see the referendum postponed for at least two years and bring both sides to the negotiation table in the near future. He stated that if efforts to overcome conflicts between the two sides had failed, Kurds would be entitled to seek referendum and the US would respect the results.

I requested that the US government provide support to the results of a future Kurdish referendum, instead of only respecting it. But the Americans were unwilling and said that they were not able to use the word support instead of respect. I said, if the US could not provide support for a future referendum, how could we ask Kurds to give up on securing the Kurdish dream?

At the same time, pressures and threats by neighboring countries and Iraqi parties, flavored with Chauvinism, mounted to the extent that they started to assault the will of Kurdistan people. The basic question then was: do we, as a nation, have our own freewill, or our destiny was decided by others? Freezing the rights of the Kurdish people for independence is a great violation committed against Kurdistan. If, within the context of international policies, Kurdistan people are not entitled to the right of self-determination, is it right to deprive them from even discussing their will? After the pressures and threats increased against the freewill of Kurdistan people, we decided that the referendum must be conducted on the agreed date, regardless of the consequences, so that our people's will is not compromised.

The US feared the Kurdish referendum would weaken the Abadi government. It believed the future of the Kurdish people was tied to the administration of Abadi and its success. Their plan was to cancel the referendum so that Abadi would garner the needed support to strengthen his cabinet and Iranian influence in Bagdad and the region would be diluted. Several days ahead of the vote, the opposition from the US and the Iraqi government intensified. More calls to consider alternatives were made. The US, UK, Iran, Turkey, and Iraq united against our collective will. The Kurdish government

knew it was too late - and wrong to bow to the pressure and refused to surrender this unique opportunity. Several attempts were made to exclude Kirkuk and nearby areas that fall under article 140 of the Iraqi constitution from the ballot.

In fact, there was a discussion among the Kurdistan Region leadership before the June 7, 2017 on excluding Kirkuk and the disputed territories from the referendum. The parties that voted in favor of including Kirkuk in the referendum conspired later and withdrew from the oil rich city in October, surrendering it to advancing Shia militias and Iraqi forces.



Photo: Adnan Muhammed



September 22, 2017

A rally in support of Kurdistan referendum in Erbil's Franso Hariri Stadium.

The nation votes

Kurds endured a century of genocide and conflicts under the Iraqi government in which hundreds of thousands of Kurdish people were displaced and many more executed. For too long, Kurds had tried to make Iraq work for all its people based on real partnership, but that had never materialized. This was our moment to define our destiny on our own terms. We had defied the pressure and stood up for what was right and just. This was a decision our people had demanded.

The Kurdistan Region had said they decided to hold the vote only after giving the new Iraq a fair chance to work for all Iraqis, including Kurds, for the past 14 years since it was established following the US-led invasion in 2003. Kurdish people believed in rebuilding a state where its federal and democratic constitution granted people rights.

The time had arrived for Kurdish people to decide whether they preferred staying under Baghdad or creating a country of their own. The historic day of September 25 saw a wave of Kurdish voters marching peacefully across the streets towards the polling stations to freely vote for an independent Kurdistan. The voting appeared more as a celebration uniting all different factions of Kurdistan despite their differences. The referendum day was a special day of celebrating unity, patriotism and independence. An independent state of Kurdistan was the long-awaited aspiration of tens of millions of stateless Kurds around the world for national identity and statehood.

The referendum represented the desire of the Kurdish people to self-determination by choosing to part ways with Baghdad. We were aware that establishing a country requires more than a referendum, but the voting results was to give the Kurdistan Regional Government a mandate in talks with Baghdad and the international community on the issue of the Kurdish rights.

Two days after the referendum, the High Commission Council announced that the 'Yes' votes for independence overwhelmingly prevailed, with 92,7 percent. This was considered a great achievement for the Kurds towards independence. The Kurds were finally ready to overcome the brutal history with Baghdad and set the foundation for their self-government. The aim of the referendum was to inform the world community of the will of the people of Kurdistan.

The referendum represented a great success in the Kurdish areas outside the administration of Kurdistan Regional Government in the so-called disputed territories, where people endured years of Arabization, genocide and violations of the constitution. The areas which were mixed communities including

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Kurds, Arabs, Turkmen, and Christians voted overwhelmingly in favor of independence and life under a democratic state of full Kurdistan self-rule. The true will of minorities was revealed on the day of referendum when they announced their intention to live within a state that believed in religious and ethnic coexistence and was not led by sectarian and racial chauvinism.

Reactions of the Iraqi government

The referendum exacerbated tensions within Iraq's already divided political landscape, proving the chauvinism within Baghdad government. Two days after a disputed referendum by the Kurdish people, the Iraqi parliament held a meeting, in which Kurdish representatives were excluded, to decide on punishing our people amid their appeal for independence. The meeting decided on a series of measures including 13 unlawful points, against the semi-autonomous region of Kurdistan.

The parliament demanded Prime Minister Haider al-Abadi, who was the Commander-in-Chief of Iraqi forces, to send the Iraqi military to the disputed areas outside the Kurdish region. Abadi's move reaffirmed once more just how readily Iraq would violate the 2005 constitution and how redundant the document had become as a safeguard of its peoples' rights.

As part of a series of punitive measures aimed at isolating the Kurdistan government, the parliament also voted on blocking all the border crossing points in all directions, including between the region and the rest of Iraq. This parliamentary session was held without Kurdish representatives for the first time.²⁰

The bias embedded within the Iraqi government structure made a prompt return after a decade of legislative reforms. In the last years, I was convinced that only the faces had changed and not the mentality within the Iraqi administration. These developments confirmed my fears. Baghdad proved that its government never believed in partnership and rejected the idea of a Kurdish independent state without hesitation.

The unlawful decisions and military actions towards Kurds, confirmed Baghdad's dishonesty and the US empty promises in handling the Kurdish plight. The Kurdistan Region accused the international community of having double standards. Iraq imposed a ban on direct international flights to and from the Kurdistan Region in a bid to mount pressure on Kurdistan. Iraq backed by neighboring countries had plans to impose a blockade on Kurdish people as a collective punishment. Prime Minister Abadi boasted that his government enforced the rule of law in the Kurdistan Region, but the reality was that his government was unable to impose the law even in Baghdad's Green Zone, where the government offices were located.

Iraq's actions were a disappointment and showed that no lesson had been learnt from history. In the last centuries, many attempts by the Iraqi regime were in place to break the spirit of Kurdistan and bring down its people to their knees. Kurdish people's sense of resistance kept the nation strong, overcame all the crimes, and refused violent responses during disputes. Iraq honored the Kurdish struggles and sacrifices with genocidal crimes and biased policies. The suffering of the Kurdish people and our wish for a

20- See the legal dimensions on page 108.

peaceful conclusion was on top of my list during many visits and meetings with diplomatic delegations.

Most criticism against the Kurdish referendum was raised by the Iraqi Shiite factions who partly cooperated with the Kurds in supporting a federal Iraqi government after 2003. At the time, the Shiite factions were seeking stronger federalism while the Sunni leaders opposed the separation of the Kurdistan Region. The Iraqi Shiite leaders' positions changed markedly around the time of the war against ISIS. This marked the beginning of a new and entrenched phase of Iraq's sectarian system.

Iraq's social division has a major role in the rise of sectarianism within its political landscape. The denouncing of the referendum, along with the budget cuts and lack of military support in the fight against ISIS, as well as multiple atrocities, amount to clear evidence of constitutional violations against Kurdistan.

The Iraqi government demanded that the results of the vote be revoked. Baghdad knew very well that it was impossible to overturn the will of three million people who cast their votes in a legitimate process under the framework of the constitution. The Kurdish referendum was held upon the request of the nation, representing people's legitimate rights for freedom, as it would happen in any country where its people long for self-determination. The people of Kurdistan had only cast their votes for independence and had not seceded from Iraq and yet their voices had triggered fierce military action by Iraq. Unfortunately, the self-serving international community overlooked the unjust military assault of Iraq against the Kurdistan Region.

The events of October 16

Following the defeat of the Islamic State and the liberation of Mosul, there was limited trust between Kurds and the Iraqi army. Baghdad had tried to assert itself in the disputed areas between Erbil and Iraq and its presence was seen as a threat. The government's dishonesty was noticed after violating the agreement of the Mosul operation, and the sudden withdrawal of ISIS militants in the strongholds of Hawija and Tal-Afar with no prior resistance. The withdrawal from the two ISIS heartlands of Hawija and Tal-Afaar by ISIS without fighting raised serious questions. It showed that there were some levels of cooperation among the regional powers to retake the disputed territories and exert pressure against the Kurdistan Region.

Baghdad deployed groups of Hashd al-Shaabi forces in Tal- Afar and Nineveh plains, violating the constitution and

undermining the role of the Kurdish Peshmerga forces in the fight against terrorism. The budget cut continued to harm the Kurdistan Region, accompanied by military threats from Hashd al-Shaabi on Kurdish lands. The threats and statements of the Hashd leaders were other indicators that Iraq had other plans for the region, although during the fight against ISIS, the region offered the highest level of cooperation and collaboration. The plan to attack the region had previously been in place. This plan was meant to be implemented regardless of the referendum. Thus, the referendum was only a justification for this assault to be accelerated, upon collaboration from a Kurdish party and support from regional and foreign powers.

After the referendum, there were reports on the alleged secret cooperation between the Patriotic Union of Kurdistan (PUK) and Hashd al-Shaabi forces, on surrendering Kirkuk in a secret deal. Iranian General Qassem Suleimani was a significant figure during this period, as he had been in Iraq for much of the 15 years prior. I had viewed him as the most frank and direct of all the Iranian figures that were influential in Iraq. He symbolized the Iranian policy more than anyone else.

On October 16, 2017, he, and another Iranian loyalist figure, Abu Mahdi al-Muhandis, along with the then leader of the Hashd al-Shabi were south of Kirkuk, leading formations of militias and the Iraqi Army. I received news that some of the Peshmerga forces were withdrawing from Kirkuk, without informing the Ministry of Peshmerga, claiming they were no longer needed after the ISIS war. On the same day, Hashd al-Shaabi forces advanced towards the south and eastern borders of Kirkuk. On October 13, 2017, the military forces of the Second

Battalion, under the command of a PUK leader withdrew their forces from Abadat village and enabled the Hashd to take the main road between Khurmatu – Kirkuk. This created a division within the Kurdish forces who were stationed in Khurmatu and Daquq border points. On October 12, 13 and 15, under a secret deal, each district of Sabba Nissan, Daquq, Duz Khurmatu and Mriam Bag were surrendered to the Iranian-backed Hashd al-Shaabi forces. It was the most difficult and bitter time of my life, surpassing the meeting I took with Saddam Hussein nearly two decades earlier.

On October 15, 2017, I attended a meeting at the home of the late Mam Jalal, in Dukan, joined by the PUK and the KDP officials. During the meeting, the PUK leaders suggested forming a joint force consisting of the Peshmerga, the US coalition, and the Iraqi forces in the military base (K1) to protect Kirkuk supported by the presidential guard's brigade. This seemed impossible. While there had been previous cooperation between the Peshmerga, the US coalition and the Iraqi forces, allowing the deployment of the presidential guards' brigade to Kirkuk was a bridge too far and would clearly have changed the balance of power on the ground.

At the early start of the meeting, the PUK delegation members seemed restless and uncomfortable. At that time, Nechirvan Barzani, the then Prime Minister of the Kurdistan Region asked if the PUK had signed any agreements (with the Iraqi sides). The response from both PUK camps- those who were aware and those who had no knowledge about the deal- was no. Later, it was discovered that some of the PUK members signed a secret deal, brokered by Qassem Suleimani, without any permission from the Kurdistan High Political Council or Kurdish Presidency. Even some of the

PUK leading members were unaware of the sealed deal between their party and the Hashd forces that led to the loss of Kirkuk to the Iranian-backed Hashd al-Shaabi and Iraqi forces. At the end of the meeting, it was decided that the then Iraqi President Fuad Maasoum would return to Baghdad for negotiations. The President returned to Baghdad but no one showed interest in holding talks with him. The meeting at Dukan was concluded with the following statement:

On October 15, 2015 a meeting was held by PUK and KDP officials in Lake Dukan, to discuss the current situation in Iraq and the future of the Kurdish areas, the highlights are as follow:

First: Unity among groups and political forces in managing the national responsibilities towards the Kurdistan Region.

Second: Solving the current disputes between Erbil and Baghdad through negotiations and meetings.

Third: The Kurdish forces are still open for negotiations to protect the interests of the Kurds and Baghdad, without any preconditions.

Fourth: All Kurdish and Iraqi factions, with the supervision of international parties should participate in the meetings between both sides to protect the interests of all sides.

Fifth: Any military intervention or violent acts in the Kurdish areas outside Kurdistan administration or anywhere

else within the Region, will impact the security and partnership of Baghdad - Erbil, and will deteriorate any honest efforts to peaceful agreement.

While I was still at the Dukan meeting, King Abdullah II of Jordan called me. He invited Prime Minister Abadi and myself to travel to Jordan and settle the differences between Baghdad and Erbil. I told the King that I was ready to accept his offer and would travel to Amman, but the problem was that the airports in Kurdistan were closed because of the sanctions imposed by Baghdad. The King replied that he would send me a plane to travel to Jordan. Abadi, however, had told the King in response, that he would only agree to the meeting, if Masoud Barzani canceled the result of the referendum on TV. This was of course an enormously inappropriate precondition, since Abadi knew that no one had the authority to cancel the vote of millions of people. Abadi's precondition showed his immaturity, his arrogance and his mentality.

With the cooperation of some Kurdish factions and the blessings of regional and international forces, the Iraqi government started to seize Kurdistan areas after the referendum. The Kurdish parties were divided following the subsequent loss of the disputed areas. Kurds believed that Baghdad had used the referendum results as an excuse to implement its military plans against the Region.

I understood of a possible military conspiracy by the Iraqi government towards Kurds in the disputed areas that are outside of the administration of Kurdistan. During several meetings, I notified the US and European delegations, as well as the Kurdish parties of these plots. The referendum, opposed by Baghdad, was an alternative to avoid war between the two sides. As we saw the day after the meeting in Dukan, on October 16, 2017 in a conspiracy

led by the regional powers, the Iraqi forces, armed with the US weaponry and US made Abrams tanks and supported by the Iranian- Shiite Hashd al-Shaabi under the command of an Iranian military called Eqbalpour, began an attack on Peshmerga-controlled areas of Kirkuk. The attack against Kurds, which was a betrayal, had an enormously negative impact on the morale of the Peshmerga, leaving them in despair and disarray. The Hashd al-Shaabi were militarily supported after being equipped with US guns and tanks, during their attack on the Kurdish areas. Decades of Kurdish sacrifices turned into ashes after the cooperation between some of the Kurdish forces and the Hashd al -Shaabi in the disputed areas. **(Maps Number - 7 & 8)**

The Peshmerga's morale was devastated by this disloyalty, which caused conflicts and divisions within its ranks. Some Peshmerga forces chose to withdraw and clear the way for enemy troops. The Kurdish fighters who had a major role in defeating the militants of Islamic State were left confused and helpless. My greatest concern was to avoid a possible war among Kurdish factions or with the Iraqi forces that would lead to more bloodshed.

The Hashd al-Shaabi managed to promote its military agenda in Shingal by gaining the trust of Yezidi supporters to encourage the elimination of Kurdish forces in the area. Following Hashd al-Shaabi's spiteful efforts, the Yezidi tribe leaders asked Kurds to remove their forces from Shingal fearing bloody street battles. The Yezidi community informed Kurds that war should be avoided because Yezidi people had their share of suffering at the hands of the terrorist organizations and would not bear another conflict. I ordered the Kurdish forces to leave Shingal and hand over the administration to

the Yezidi people, to avoid further conflicts in the town. Upon the withdrawal of the Peshmerga, the Yezidis were falsely promised self-rule by the Iraqi authorities, but in reality Shingal is still administered by outside forces and not the Yezidi people while the people of Shingal still wait to return to their home areas.

Here I would like to shed light on the negative influences of two diplomats from the UK and the US in this regard. Following the announcement of the referendum date on June 7, 2017, the UK Ambassador to Iraq Frank Baker, showed his country's willingness to provide support for the future Kurdistan. The Ambassador contradicted himself by failing to address the planned treason and plots against Kurdish people in the disputed areas and even he himself took part in other plots against the Kurdistan Region. Douglas Suleiman, the US Ambassador to Iraq conspired against Kurdistan by deliberately handing out false information and intelligence reports on Kurds to Washington. Gen. Paul Friedrichs, who served as the US Military Operation Commander in Iraq, also had a major role in opposing and discouraging Kurdish referendum. The US opposed the Kurdish referendum and turned against Kurds when they provided military support to the Iraqi Hashd al-Shaabi in the fight against Peshmerga. The weapons and the tanks that the US provided to Iraq in the fight against ISIS, were used against the Peshmerga and the Kurds. The US could have hindered this, but they chose not to. This position and the position of the US ambassador further encouraged the opponents of the Kurdish people to intensify their assaults on Kurds.

The US stance against the referendum helped trigger even a harsher response from the Iraqi-led forces against

Kurdistan. On October 17, the US Ambassador Douglas Suleiman sent a message to us that read, "The world has changed. Today is not yesterday, and you need to reconsider your positions." Following the demoralizing loss of Kirkuk and displacement of thousands of people, different acts of violence were performed towards the people of Kirkuk and Duz. The selfishness and false pride of the Iraqi forces after their military gains knew no boundaries now, as they made fresh threats to seize Erbil and Duhok.

Hashd al-Shaabi took part in the threats and hoped to achieve former Iraqi rulers' long dream of capturing and punishing Kurdistan. My role was to defend the morale of the Kurds and the Peshmerga forces. On October 20, 2017, Kurdish Peshmerga successfully managed to defeat the Iraqi forces and Hashd al-Shaabi following their advance towards the town of Perde.

For the first time, Peshmerga forces managed to destroy US tanks that were used in the fight against the Kurdish people by the Iraqi-led forces. Following the great success of the Kurdish forces, I sent a follow up letter to Douglas Suleiman, the US Ambassador to Iraq that read: "Today is not yesterday. And tomorrow will not be like today."

On October 26, Kurdish forces fought fiercely against the Iraqi and Hashd al-Shaabi troops that were backed by the Iranian military and the Lebanese Hezbollah in Sehela and Mahmoudiya. The fight, which was aimed at controlling Peshmerga borders, resulted in wounding an Iranian military officer called Sayid Mukhtar, who also was the commander of the Iraqi troops. The Sehela War is considered one of the greatest battles fought by the courageous Kurdish Peshmerga in history. This victory changed the situation completely. Amid the defeat of the Iraqi forces, Abadi still refused to directly

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hold talks with Kurds and proposed talks among the military commanders of the Iraqi forces and the Peshmerga.

He went into negotiations with representatives from the Army of the Guardians of the Islamic Revolution known as Pasdaran, and Lebanon's Hezbollah to discuss regional politics. This was the ultimate insult from Prime Minister Abadi to the sovereignty of Iraq allowing outside forces to dictate the terms of the negotiations with the Kurds, at which point I decided not to continue the negotiations.

Conclusions

The events of October 16 were designed to erase the identity of the people of Kurdistan and crush their spirit. The Kurdish popular resistance and the Peshmerga forces foiled the attempts that intended to bring down a whole nation. The practice of chauvinistic policies within the Iraqi government structures will continue to pose a threat to the rights of the people of Kurdistan. The claims of the people of Kurdistan are backed by history, a constitution and their national aspirations. There are no powers that can undermine the pride of the Kurdish people and their confidence to rise above all obstacles.

The Kurds have suffered a series of crimes and acts of genocide at the hands of the Iraqi governments. The Kurdistan liberation movement has a history of revolution against the Iraqi governments and their regimes. The conflicts between both sides have stayed political and have

not triggered divisions based on sectarianism between Iraq and the people of Kurdistan, who have always cherished the bond of brotherhood between the Arabs and the Kurds.

The Iraqi government after 2003 failed to recognize the bloody history of its nation and the struggles it caused. The events that resulted in the misery of thousands of Iraqis should be used as lessons to build the foundation of a new Iraq. The failure of Baghdad, in avoiding past mistakes, triggered conflicts and sectarianism within Iraq. This helped prompt divisions within the country, leaving its people to suffer over many decades.

The rulers of post-2003 Iraq, unfortunately, strived to transfer the political disputes and conflicts to the level of citizens in the form of sectarian disputes. This was a grave mistake that led to disintegration within the Iraqi society. It was a strike that hit coexistence in Iraq leaving it with deep scars, from which recovery would be difficult. Previous regimes of Iraq were not successful in converting political disputes into social conflicts, but the post-2003 rulers have managed to accomplish that.

Harassment of Kurds has become the agenda of the Iraqi government, which encourages the Iraqi people to oppose the rights of their fellow citizens in Kurdistan through campaigns and rallies. Kurds' legitimate rights have been undermined and their constitutional right to the Iraqi budget has been violated, although the oil from Kurdistan makes up the larger parts of the Iraqi revenues. Successive Iraqi governments have perpetrated crimes of historic magnitude against the people of Kurdistan. Genocide, forceful displacement and destruction of their habitat, to mention a few.

The Kurdistan Region has taken great steps towards stability, security and economic development despite setbacks in many areas. Baghdad was not able to bring about positive change in Iraq and lagged behind the Kurdistan Region in many aspects. In reality, it was the envy of the boom in the Kurdistan Region that led Baghdad to block our economic developments. The Kurdish share of Iraqi budget was around 17 percent, which never was fully received by the Kurdistan Regional Government. Instead only 10 to 12 percent of the national revenues were sent to Erbil, far below the constitutional norm. The Kurdistan Region's economy suffered enormously due to the budget cut and the fall of the oil prices. Yet the Iraqi government received nearly 800 billion dollars in revenues in the past few years.

Stark questions remain surrounding the transparency of the Iraqi government's expenditure and the enormous revenues it has received over the past years. Instead of spending it on public services, Iraq's grand budget was wasted in corruption and obvious theft. It is unfortunate that some of the Iraqi rulers intend to blame Kurdistan for their outrageous economic policies and corruption.

In 2019 the residents of Basra and Musanna paid a visit to Erbil where we held a meeting. They told me that despite Iraq's enormous budget, the residents live in utter poverty. This is a main reason for solidarity between us in the Kurdistan Region and our Arab brothers in the south and middle of Iraq. No doubt, the political disagreements and the misuse of power by the Iraqi rulers will have no impact on relations between the people of the Kurdistan Region and the people of Iraq.

While many Iraqi officials conspired against the people of Kurdistan, many other Iraqis tried to support the Kurds and their struggles in the last decades. Iraq needs to accept the Kurds and terminate the sectarian attitude against them by returning to negotiations to end both parties' disputes. If Iraq continues the policies of denial and suppression, the country as a whole will not see peace.

The only path that Iraq could take to overcome its crises and resolve its lingering disputes with the Kurdistan Region is through abandoning its racist mentality and recognizing other people's fundamental rights.

The Kurdish referendum was a landmark achievement for the people of Kurdistan and their struggles throughout history. The process would have failed if the 'No' voters exceeded the supporters. The Kurds managed to convey their voice and the world witnessed the will of the Kurdish people. The referendum is a great lesson of Kurdish faith and resistance that will be cherished by the coming generations. The lesson to be learnt from referendum is, if you do not depend on your own distinctive efforts and rely on your own actions, you will be disregarded.

The response of the international community towards the Kurdish referendum is a plain example of the superiority of power of oppression over the practice of human rights. The international community disregarded human rights and chose power and self-interest over Kurdish referendum results.

The world community, which stood against the Kurdish people on the voting day, failed to respond when Kurds were attacked by the Iraqi military forces. Some of the world's powerful countries showed little or no support to

the Kurdish struggles, while a small number of the countries had a relatively balanced stance.

My advice for every Kurd and Kurdish politician is to never depend on anyone when it comes to the struggle for their national identity and rights. The world revolves on self-interest. Those who had political interest in dealing with Kurds, managed to cherish partnership, while others who saw no value in dealing with the Kurds, turned a blind eye to the people's struggle. If we manage to maintain unity among us, no force could even attempt to defeat the Kurdish Peshmerga forces.

Unity and cooperation have no value among dishonest people. The Kurdish referendum was not a sin, but an answer to the will of the people of Kurdistan. Kurds are not traitors, those who used military power against the vote of the people, are the genuine criminals. Those who stood against the will of the Kurdish people, repeated history as they turned to violence to deny us freedom.

I would like to express my deepest gratitude to Kurds in other parts of Kurdistan and all those outside Kurdistan who encouraged us through their support and assistance. There are perhaps people outside Kurdistan Region who think their money and propaganda can manipulate Kurdish opinion away from independence. But I want to assure them that there are millions of Kurds who believe in their values and principles and would not trade their independence and dignity.

The referendum was in no ways against the constitution of Iraq. In the constitution it is clearly stated that the people of Kurdistan enjoy the right to hold a referendum. In the introduction of the constitution it reads: "Abiding by this

constitution is the precondition to the unity of Iraq, in terms of its people, its territory and its sovereignty.”

To deny the Kurds their rights and to wage wars will not solve the long-standing problems. Mutual respect should prevail whether we live in the same country or are divided.

Kurdistan’s referendum is a legitimate political, geographical, national and historical cause of a century long struggle. For decades, all powers had been invested in crushing the Kurdish identity, yet the courageous people of Kurdistan managed to resist. They had no power to destroy the Kurds and neither the Kurds had the power to eliminate them. We have always chosen negotiations over war and bloodshed to end disputes. We hoped to see the country flourish. But the Kurdish determination to solve the issues through negotiations has repeatedly been undermined while the Iraqi government’s efforts to trigger instability have increased. This is a colossal error that threatens the security and integrity within the country. The Kurdish fight will continue, and humanity will prevail over bigotry. The people of Kurdistan intend to be part of humanity, which is the sole reason why it continues to stand up against oppression.

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Constitutional and Legal Dimensions of KRI Referendum

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Preface

The Kurdistan people's referendum in Iraq, conducted on September 25, 2017, for the right of self-determination for the Kurdistan nation, was a historical and magnificent step for Kurdistanis all over the world. It also created regional and international reactions from the highest political and diplomatic levels, inspiring intellectual and scientific debates and questions about the principle of who has the right to self-determination. Does this principle apply for any nation or only for the ones who have been ruled by occupiers? When can this right be practised? And many other questions. On the Iraqi side, it intensified the arguments about conformity

to the Constitution and triggered queries like: was there any constitutional basis for the referendum? How is following or breaching the Constitution related to this right?

Moreover, the consequences and retorts by federal legislative, executive and judicial institutions towards the people of Kurdistan, followed by a military operation on October 16 of the same year, require a legal assessment to indicate whether they were legal actions or merely unreasonable reactions.

Within this framework, the following three chapters in this report aim to highlight those three main aspects stated above.

Part I

The right of self-determination for the Kurdish people within the framework of public international law

Chapter I: *The concept and development of the right to self-determination*

Throughout the eighteenth and nineteenth centuries, the right to self-determination, as a right permitting peoples and nations to freely decide their political status, had a tremendous impact on the international community. The United States' Declaration of Independence demonstrated this principle. The French Revolution's the Declaration of the Rights of Man and the Citizen, i.e. (*Déclaration des droits de l'homme et du citoyen*), also came to reiterate the right of nations to self-determination. The French National Constituent Assembly issued this declaration in 1789.¹

1- د.مسعد عبدالرحمن زيدان قاسم: تدخل الأمم المتحدة في النزاعات المسلحة غير ذات الطابع الدولي، دار الجامعة الجديدة للنشر: الاسكندرية، ٢٠٠٣، ص ٣٠١.

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At the beginning of the nineteenth century, several German writers defined a “nation” as a natural proportion or group that has the right to develop its political systems (institutions) without obstructing others, and that it is entitled to express its unique national character in the world of politics. Therefore, every nation must possess separate nation-state.²

In terms of international relations; US president, Woodrow Wilson, mentioned the principle of self-determination for the first time by the in his Fourteen Principles, in January 1918. Treaties following WWI did not include the principle of people’s right to self-determination until after WWII, when an international document as part of the United Nations’ Charter mentioned it for the first time, stipulating it in the second paragraph of Article (I), Article (55) and Article (56).

It is worth mentioning, here, that the principle of the right to self-determination has gradually been strengthened and entrenched through several resolutions, declarations, and international treaties. The United Nations’ General Assembly issued Resolution No. 1514 (XV) (Declaration on Granting Independence to Colonial Countries and Peoples) in 1960 (AKA the Declaration on Decolonization). Furthermore, the first Articles of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) have given the principle of the right to self-determination significant importance.

Based on the previous data, the principle of the right to self-determination changed after 1945 from a mere political principle to a legal one. The overwhelming opinion in jurisprudence confirms that the right to self-determination of peoples has become one of the “peremptory norms” in international law, whereby local and

2- See: Thomas D. Musgrave. Self-Determination and National Minorities. Oxford University Press: New York, First Published 1997, First Issued In Paperback: 2000. p. 5.

international legal demands and obligations arise. Likewise, it is not permissible to agree to violate it except by another rule of the same nature.³

Regarding the core contents of right to self-determination, they have undergone several changes over time in terms of meaning and content. It can refer to the ability of a nation or a minority to freely choose the option of independence or union with another country in the field of international relations, or it can refer to the right of the country's citizens to participate in the decision-making process in their country.

Is the right to self-determination practiced only once by people?

We have to note that implementing one of the meanings by a people, such as choosing to remain within a country, does not prejudice its right to practice another meaning of it. Including, but not limited to, secession. The reason is that the right to self-determination is an imprescriptible right that is not forfeited by having been practised previously. For example, choices of East Timor's people; They practised the right to self-determination, in 1974, through a referendum observed by the United Nations. Although they chose to determine their destiny by joining Indonesia⁴, they practised it once again in 1999, and this time it resulted in a different decision: Independence from Indonesia. Likewise, the Kurdish people in Iraq had chosen autonomy within the borders of a democratic Iraqi state at the beginning of the glorious Aylul Revolution in 1961. Failure of

3- الدكتور إبراهيم محمد العناني، القانون الدولي العام، ط5، دار النهضة العربية: القاهرة، ٢٠٠٤-٢٠٠٥، ص٤١٤.
4- الدكتورة بدرية عبدالله العوضي: موقف القانون من الاحداث المحلية والدولية، جامعة الكويت: الكويت، ١٩٨٠، ص ١١٨-١١٩.

the arrangements to achieve its rights and aspirations, however, they shifted their demands to federalism, a demand that was approved by the elected Kurdistan Parliament in 1992.

Chapter II: *The candidates for the right to self-determination (people who are entitled to the right to self-determination).*

The treaties, covenants, and documents mentioned above did not accurately specify who has the right to claim the right to self-determination (whether a group, a people, or a nation). The reason is that the principle refers to the right of peoples to determine their destiny, and this means that only peoples are entitled to practice this right; and thus, determine their political destiny. This term makes it inevitable to define: what is meant by “peoples”?

It seems that jurists have differed in defining the meaning of (peoples mentioned in principle, and there are three main trends in this regard:

Followers of the first trend believe that the term peoples mentioned in the United Nations Charter mean “states”, therefore the term peoples refer to the same meaning of states.⁵

However, this opinion contradicts the concept of the right to self-determination and empties its content and meanings. It disagrees with the spirit of the United Nations Charter, and it is an opinion that has been criticized by the majority of jurisprudence. They indicate that when drafting the second paragraph of Article (1) of the United Nations Charter, the Belgian delegate preferred

5- See: Thomas D. Musgrave. Op. Cit. p. 148.

the word states as more appropriate than the word peoples, but the drafting committee rejected his proposal. Besides, paragraph (1) of United Nations General Assembly Resolution No. (XXV) 2625 reiterates that “All Peoples” have the right to self-determination, and that “Every State” is obliged to respect this right.⁶

On the other hand, we find that the United Nations Charter distinguishes between many terms (such as Nations, Peoples, States, Members of the United Nations, Non-Member States, Non-Self-Governing Territories, etc.) and uses each of them by its distinct concept.

As for the followers of the second trend, they believe that the term people stated in the principle of the right to self-determination is used to mean the peoples of colonized regions.⁷ A closer look at the United Nations’ decisions, however, especially during the last two decades of the 20th century, can show that they contradict the opinion of this trend even if they come within the context of decolonization, but its expressions include all peoples. Furthermore, some United Nations resolutions recognize the right to self-determination for some peoples who are not colonized, peoples. Examples include the Palestinian people, the case of approving the independence of Bangladesh and recognizing the new states that emerged as a result of the fragmentation of the Soviet Union and Yugoslavia at the end of the last century.⁸

The followers of the third trend see that those who are addressed with the right to self-determination are the Peoples, not the States, as all colonized and non-colonized peoples

6- See: Thomas D. Musgrave. Op. Cit. p. 149.

7- أنظر إدمون جوف: علاقات دولية، ترجمة: منصور القاضي، ط ١، المؤسسة الجامعية: بيروت، ١٩٩٣، ص ٢٥٣-٢٥٤.

8- See: Michael Akehurst. A Modern Introduction to International Law, London: The ACADEMIC Division of Unwin Hyman Ltd, Sixth Edition, Second Impression, 1988. p. 300.

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have a legal right to freely decide their political futures and form their independent states.⁹ This last trend - which is in contradiction with the first and second trends - is the most correct one in terms of jurisprudence. It is consistent with the spirit of the United Nations Charter, the logic of the right to self-determination, the attitudes of international organizations, and the developments that have happened within international relations and international law.

Chapter III: *The right of national minorities to separate from the parent country:*

Does the term “peoples” also include minorities, so that we can claim their right to self-determination and thus to separate from their parent country?

The term “nation” refers to a group of people who share several important characteristics, such as ethnic origin, religion, political belief, fear of a common enemy. Therefore, jurisprudence began to believe that there is no distinction between the terms “Nations, Nationalities, Peoples, and Indigenous Peoples”; rather, they all essentially include the same notion.¹⁰ The international *de facto* also confirms that a “minority” can be described as a “people” to practice the right to self-determination, and thus separated from the parent country if they meet the following conditions:¹¹

A) The minority must enjoy the characteristics of a nation and assume the responsibility of an independent people.

9- د. حكمت شبر: الجوانب القانونية لنضال الشعب العربي من أجل الإستقلال، إصدارات وزارة الاعلام: بغداد، ١٩٧٤، ص ٣٤-٣٥.

10- Thomas D. Musgrave, Op. Cit P.169.

11- د. عبدالفتاح عبدالرزاق محمود، الإعلان عن الدولة، دار الكتب القانونية ودار شتات للنشر: القاهرة، ٢٠٠٩، ص ٤٤٤.

B) The existence of a common desire among members of the minority to form an independent political entity.

C) The minority occupies a specific region.

D) Availability of one of the justifications for practising the right to self-determination (the last chapter of this part shall address these justifications.)

Chapter IV: *The right of regions of a federal state to secede.*

When it comes to the field of constitutional law, we can notice that some federal constitutions explicitly recognize the right of their states constituting the federal state to self-determination and secession. Examples include the former Soviet Union and the former Yugoslavia. The constitution may recognize this right, not only for its regional components but also for its ethnic components, including the Ethiopian Federal Constitution of 1994.¹² Moreover, in some federal states, even some ethnic groups were able to activate the right to self-determination and secession. For instance, at the beginning of the 1830s, Venezuela managed to secede from the Federation of Gran Colombia, and in 1965 Singapore managed to peacefully secede and become independent from the Federal State of Malaysia. Meanwhile, an armed conflict was the way for Bangladesh to secede from Pakistan.

The federal constitution's failure to state the right of regions to secede, even if internally depriving the region of enjoying a legal basis for secession, but it does not mean depriving it

12- أنظر الدكتور فلاح إسماعيل حاجم: مبدأ السيادة وحق انفصال الاقاليم في الدولة الفيدرالية، مقال منشور في: <http://www.iraqcp.org/members40061022/wwz18.htm>

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of practising this right from the international point of view, especially when it represents a people and complies with the legal requirements and justifications. The general international law does not prevent secession because there is no international rule prohibiting secession from an existing state. There is nothing in international law that prevents regions from seceding from the federal state. The attempts and experiences of separation confirm that the issue of regions' secession from the federal state is internal. Thus, it can be settled using peaceful means like referring to the constitutional articles that guarantee the right to secede, to the opinion of the courts or to let the people decide through a referendum. Otherwise, the issue may be decided by non-peaceful means, such as the use of force by both sides; and in this latter case, regardless to the nature of the result, it would be legitimate in international law.¹³

So, from the legal point of view, a group that forms a region within the federal state has the right to claim the right to self-determination if it meets the description of “a people” and fulfils the conditions required for practising this right.

Chapter V: *Conditions and mechanisms for implementing the right to self-determination.*

It must be reiterated here that, although the right to self-determination is a legally established right for all peoples, nations, and minorities who categorize themselves as peoples, but an ultimate implementation of this without appropriate international conditions and mechanisms may lead to chaos and instability in international relations. Furthermore, it may even lead to a violation of the right to self-determination itself.

¹³- Michael Akehurst. Op. Cit. Pp. 53 - 54.

Therefore, some jurisprudents assert that there must be some preconditions which have to be met under the observation of the United Nations before everything is to permit peoples to practice the right to self-determination. For this purpose, the report published by the United Nations in 1981 (known as the Critescu Report) indicates the conditions that must be met by a people or a group to be eligible to claim the right to self-determination. The conditions are:¹⁴

- A)** That the group has a distinct language, culture, or religion.
- B)** That there is a sense of shared history among the group.
- C)** That there is an undertaking on the part of the members of the group to preserve their self-identity.
- D)** That the group is associated with a specific region.

In most cases, ascertaining the availability of these conditions is not difficult, as is the case, for example, with the people of Tibet, the Kurds, and the Yanomami people. It is also possible to identify the identity of many peoples by referring to public documents or the public administration of a country, as in the case of the Slovaks who were privileged with special protection under the Czechoslovak constitution, and the Scots who enjoy judicial and educational systems different from those applied in England. Additionally, actions of the state against a particular group may help to identify this group as a people.¹⁵

In cases of claims using non-peaceful means, that is, in the case of armed struggle, some have set other additional conditions for national liberation movements so that they can be included and recognized for practising the right to self-determination. These additional conditions are:¹⁶

14- Critescu Report, UN Doc. E/CN. 4/sub. 2404// Rev. I. 1981.

15- روبرت ماك كوركوديل: حقوق الانسان وتقرير المصير، بحث منشور في مؤلف: مورتمر سيلرز: مصدر سابق، ص ٣٤.

16- مورتمر سيلرز: المصدر السابق، ص ١٨٩.

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A) That the struggle is against colonial domination, foreign occupation, or racist regimes.

B) The liberation movement must be an organized force under a responsible leadership with an internal disciplinary and interrelation system and obliged, among other things to implementing compliance with humanitarian law.

C) The liberation movement must practice control over a part of the national territory.

Some jurisprudence argues that there should be mechanisms for the realization and achieving of the right to self-determination, and these mechanisms must be established in the United Nations system with the formation of a committee to determine this right.

Chapter VI: *Obstacles and restrictions on practising the right to self-determination:*

Although the right to self-determination - subject to the preconditions above - is a universally recognized right for all peoples. Still, implementation of this right raises legal problems and obstacles as a result of its contradiction with some recognized, applicable legal principles and rules. in addition to the collision of the application of the principle with political, historical and geographical barriers, or with expansionist ambitions and policies (as in the case of with the issues of Kashmir, Kurdistan, Armenia, Palestine, Cyprus, Quebec, Vietnam, Western Sahara, etc.).¹⁷

17- زهير شكر، الوسيط في القانون الدستوري، ج ١، القانون الدستوري والمؤسسات السياسية، ط ٣، المؤسسة الجامعية للدراسات والنشر والتوزيع: بيروت، ١٩٩٤، ص ٤٠.

Legal obstacles that may hinder the implementation of the principle of right to self-determination are the situations in which implementation violates one of the basic principles in international law, specifically the ones characterized as a peremptory norm. such cases require us to either achieve compatibility between both, or sacrifice and waive one of them. The question here is: which one to sacrifice? We will discuss it below while studying the principles and rules:

A) The Principle of Territorial Integrity's Restrictions

on Practising the Right to Self-Determination:

The first problem facing a group that intends to practice its right to self-determination, in cases of secession and disintegration, is the problem of choosing the land on which to establish its independent state¹⁸. From the legal standpoint, it must belong to a country and must have been recognized as the land of this state. Each of the Covenant of the League of Nations in Article (10), and the Charter of the United Nations in Article (2) paragraph (4) have approved the principle of territorial integrity and political independence for all states: in fact, the Charter obligates all states to this legal principle.

In practice, realistic observations of world conditions clearly show that the territorial integrity of states has not been respected. The emergence of a large number of states as a result of secession from, or disintegration of, other states after the establishment of the United Nations, and the fact that they have been recognized by the

18- أنظر الدكتور مسعد عبدالرحمن زيدان قاسم: مصدر سابق، ص ٣٧٣.

international community and accepted as members of the organization (such as the dissolution of the Soviet Union and Yugoslavia, the secession of Eritrea from Ethiopia, the secession of East Timor from Indonesia and South Sudan from Sudan, etc.) show that this principle was not a real restriction to the principle of the right of peoples to self-determination.

B) Restrictions by the International Law's Principle of (Uti Possidetis)

The practice of the right of self-determination for liberation from colonialism, or for independence and secession from an independent state, can be restricted by the principle of uti possidetis, which aims to preserve the borders drawn by colonialism; assuming that practising the right to self-determination in these cases leads to regional instability and thus threatens the maintenance of international peace and security.¹⁹

It is necessary, however, to emphasize that this principle was an act of colonialism which imposed territorial borders according to their interests without taking into account the interests of the peoples living within these borders²⁰. Moreover, if the justification for denial of the right to self-determination for a people was to respect the principle of uti possidetis, which already was imposed under the pretext of a de facto policy, then this cannot be a legal restriction to a principle approved by law and

19- See: Uti possidetis. From Wikipedia, the free encyclopedia. Available at: http://www.Wikipedia.org/wiki/Uti_possidetis.

20- See: Raul R. Hensel, Michael E. Allison and Ahmed Khanani: The Colonial Legacy and Border Stability: Uti Possdeties and Territorial Claims in the Americas. p. 7.

considered one of its peremptory rules. Therefore, it is not permissible to recognize borders imposed by de facto in contravention of a recognized legal principle, especially if they do not respond to the desires of the peoples living within these boundaries.²¹

C) Restrictions by Principle of Prohibiting the Use of Force in Foreign Relations

A state may emerge as a result of the use of force, such as a region's separation from the parent state by means of violence or as a result of external military support or military occupation, or a new state may emerge as a result of a union between two states through the use of force or under an international treaty imposed by threatening the use of force. In these cases, the measures taken for the establishment of that new state violate one of the most stable principles of international law, which is the principle of prohibiting the use of force in international relations as stated in Article (2), Paragraph (4) of the United Nations Charter.

The majority of jurists see that it is unlawful to create regional situations by the use of force²², but it should not be understood that the use of military force constitutes an absolute restriction to the realization of the right to self-determination in all cases. Priorly, we must distinguish between the use of force in the domestic scope and its use in international relations.²³

In fact, Paragraph (4), Article (2) of the United Nations Charter solely prohibits the threat to use force and its

21- د.عبدالفتاح عبدالرزاق محمود: مصدر سابق، ص ٤٦٤.

22- د.محمد عزيز شكري: المدخل الى القانون الدولي العام وقت السلم، ط٢، دار الفكر: دمشق، ١٩٧٣، ص ١٣٢.

23- د.عبدالفتاح عبدالرزاق محمود: مصدر سابق، ص ٤٧٠.

use in international relations. As for the use of force between the parent country and the separating region, it falls under the concept of civil wars and is not covered by the provisions of the said paragraph²⁴. It is considered an internal matter, provided that there is no international rule prohibiting it. Numerous international resolutions and United Nations General Assembly resolutions have affirmed the legitimacy of the armed struggle of peoples fighting for their freedom and independence against colonial rule, including Paragraph (10) of General Assembly Resolution No. 2105 (XX) of December 20, 1965, and Article (7) of the United Nations definition of aggression.²⁵

D) Restrictions by the Principle of Individual and Group Human Rights:

The right to self-determination could not be relied upon as a basis for secession and declaration of state if there was a serious violation of human rights due to the emergence of the new state, especially group rights such as the right to self-determination.²⁶ The establishment of the state in violation of the right to self-determination is illegal insofar as the international law is concerned. The League of Nations had previously set preconditions to protect the rights of minorities when states practising the right to self-determination were made up of multiple nationalities and sects. An example of this is the conditional acceptance of Iraq's membership of the League of Nations, subject to its declaration to respect

24- See: Thomas D. Musgrave. Op. Cit. P. 282

25- د.عبدالفتاح عبدالرزاق محمود: مصدر سابق، ص ٤٧٠.

26- Michael Akehurst. Op. Cit. p. 298.

the rights of the Kurds and other nationalities that are considered minorities in Iraq.²⁷

Chapter VII: *the motives and justifications for practising the right to self-determination.*

The situations considered sufficient motives and justifications for any people to practice their right to self-determination are as follows:

A) Maintenance of international peace and security

Maintaining international peace and security is one of the most important and supreme purposes of the United Nations, and is the primary goal of establishing this organization. Therefore, if the conflict is related to the demand for the right to self-determination, and was likely to endanger international peace and security, then the United Nations must intervene to settle it, and is entitled to take all means in this regard, including issuing decisions that facilitate practising the right to self-determination.²⁸

B) Vulnerability to Oppression

The oppression theory is one of the most famous theories that justify secession to practice the right to self-determination. According to this theory, the secession of a part of the population of the state (or a minority in it) and their independence from the parent country practising the

27- د.عبدالفتاح عبدالرزاق محمود: مصدر سابق، ص ٤٧٣.

28- د.عبدالفتاح عبدالرزاق محمود: مصدر سابق، ص ٤٧٧.

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right to self-determination is justifiable if it suffers from persecution by the majority.²⁹

This theory is one of the remedial theories of secession, which is based on the logic that government must protect the basic rights of its citizens, and as long as it does, it deserves obedience on their part. However, if the government systematically and continuously violates these rights, then citizens are entitled to rebel and separate from the state when there is no other remedy. Therefore, the state cannot invoke the principle of territorial integrity and political independence against requests for the right to self-determination (even if they were about secession),³⁰ because in this case, the separatists depend on the presumption that "even if the state obtained legitimacy under international law and even if its territorial claims are legitimate, but such claims can be overridden and nullified towards permanent patterns of serious injustice against groups within the state".³¹

Oppression as a justification for self-determination has broad concepts, such as subjugation, domination, and exploitation. Some jurisprudence believes that deprivation from participation in the representative government can also be a justification for implementing the right to self-determination.³²

29- See: Y. N. Kly and D. Kly: In Pursuit of The Right to Self-Determination, Collected Papers & Proceedings of the FIRST International Conference on the Right to Self-Determination & the United Nation , Geneva 2000. P. 1.

30- الحاكم عبدالرحمن سليمان الزبياري: الوضع القانوني لإقليم كردستان العراق في ظل قواعد القانون الدولي العام، ط ١، مؤسسة موكراني للطباعة: اربيل، ٢٠٠٢، ص ٣٥٥.

31- See: Brilmayer, L. 1991, "Secession And Self-Determination. A Territorial Interpretation, Yale Journal of International Law 16. 177- 202. And Moore, m. 1998, Introduction in Secession and National Self-Determination. M. Moore (ed) oxford: oxford university press. Quoted from: Stanford Encyclopedia of Philosophy. <http://plato.stanford.edu/entries/secession/>.

32- Thomas D. Musgrave. Op. Cit. P. 182.

The Canadian Supreme Court has also approved this theory when considering the case of Quebec's claim to its right to secede based on self-determination. It referred to two exceptional cases in which the right to self-determination could include the right to secession. These two cases were the case of the vulnerability of a part of the state's population to oppression, and a case of depriving a group of people of accessibility to the government to continue their political, economic, social, and cultural development. In a similar case, the United Nations Sub-Committee on the Prevention of Racial Discrimination and the Protection of Minorities considered in 1981 that cases of human rights violations were an exception to the principle of the illegality of secession by a part of a region from an independent and sovereign state.

For the theory of oppression to be considered as a justification for the practice of the right to self-determination, the members of the seceding group must demonstrate that they can no longer live in peace and security or achieve their legitimate aspirations within the larger political community, and demonstrate that all other political arrangements that could guarantee their rights have been rejected by the dominating majority. In this case, the following conditions must be met:³³

1-That this part of the population proves that they constitute people because only peoples are candidates for the principle of self-determination.

2-They must have been oppressed by the majority (by subjugation, domination, and exploitation), whereby they are denied access to, and representation in, the government.

3- To demonstrate that they can no longer live in peace and security within the state that includes them.

33- د.عبدالفتاح عبدالرزاق محمود: مصدر سابق، ص ٤٨٤.

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4- The state refuses, or is incapable of putting in place, other political arrangements that could guarantee their rights.

The example of the Kurdish people after the exodus in 1991, after all the oppression, persecution, and displacement that these people suffered for nearly seven decades, and the Iraqi government's rejection of all political arrangements that possibly could guarantee their rights as a distinct free people was a sufficient and convincing justification for declaring the Kurdish state at the time. In our opinion, the Kurdish people could obtain international recognition as an exemplary case of unparalleled persecution as was admitted by the Security Council in its famous resolution No. 688 of April 5, 1991.

As stated in the Federalism Declaration by the National Council of Iraqi Kurdistan on October 4, 1992, the crimes committed by the Iraqi government included:

- Arresting in the night more than 8,000 innocent Barzanis in 1983, whose fate remains unknown.

- The extermination of more than five thousand innocent women, children, and old people with chemical weapons and toxic gases in the martyr city of Halabja on March 16, 1988, and other people in Balisan, Bahdinan, Garmiyān, and other areas of Kurdistan.

- A barbaric campaign that exceeded all records of injustice, abuse, and brutality in what was called the notorious Anfal Campaigns, which killed more than 180,000 innocent people who were victims of torture, defamation, rape, and mass burials of the living.

- Destruction of more than 4,500 villages, representing 90% of the countryside of Iraqi Kurdistan.

-In addition to the killing, displacement, and deportation of the Faili Kurds, hundreds of them were forfeited their Iraqi nationality for political and racist reasons, as well as confiscation of their movable and immovable properties.

C) Impossibility of peaceful coexistence within the borders of one state

There are cases in which bloody incidents that occurred throughout the political history of a particular country have caused pain and wounds to different groups, resulting in the emergence of a feeling of hostility and hatred, to the extent that neither group accepts the other group, and peaceful coexistence among them becomes impossible. In this case, the international standards for the rights of individuals and the rights of minorities included in many international agreements and declarations, as well as other constitutional solutions such as autonomy and federalism, can justify the practice of the right to self-determination if it was the only remedy that may guarantee the rights of different groups.³⁴

D) Historical rights

The historical rights of a group, if to be practised as a justification for the right to self-determination, are those rights originating from historical facts that prove that a group had previously ruled itself and then, for some reason, been included within the geographical borders of another country. Some studies indicate

34- See: David A. Lake And Donald Rothchild. *The International Spread of Ethnic Conflict, Fear, Diffusion, And Escalation*. Princeton University Press: Princeton, Newjersey, 1998. P. 315.

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that more than half of sectarian groups expressed demands for autonomy in the 1980s, and the common point for all demands for autonomy is the historical fact or the belief that each group ruled itself in the past.³⁵

It should be noted that the Kurdish people, who in the past enjoyed a kind of independence, and who descend from ancestors who enjoyed autonomy, often relied on their historical rights in their projects to build their nation-state as a justification for their claim of the right to self-determination. For example, when Sharif Pasha presented the demands of Kurdistan in 1919 at the request of the Allies, these demands confirmed that Mosul Vilayet (or Mosul Division) is separate from Iraq and that its residents did not consider themselves - even for one day - as part of Iraq and subject to its sovereignty.³⁶

It is noted that the international committee formed by the League of Nations to settle the problem of Mosul has confirmed this fact after studying many books of ancient Arab historians and geographers, a large number of Arab maps, and hundreds of European maps drawn between the sixteenth and twentieth centuries, travel books for all periods, geographical references and books of educational curriculums which were studied in Arabic secondary schools in Egypt. The committee concluded that there are three regions: Iraq Al-Arabi, Al-Jazira, and Kurdistan; and that Iraq does not extend to the north farther than Heet-Tikrit or Hamrin Mount region. The committee reiterated, through referencing all geographical sources from the Islamic-

35- تيد روبرت جار: أقاليم في خطر - ٢٣٠ أقلية في دراسة إحصائية وسياسية وإجتماعية، مراجعة وتقديم: د. رفعت

سيد أحمد، تعريب: مجدي عبدالحكيم وسامية الشامي، ط١، مكتبة مدبولي: القاهرة، ١٩٩٥، ص١١٩.

36- أنظر حول هذه المطالبات: الدكتور فاضل حسين: مشكلة الموصل، دراسة في الدبلوماسية العراقية - الانكليزية - التركية وفي الرأي العام، ط٣، مطبعة أشبيلية: بغداد، ١٩٧٧، ص٧٦-٧٧.

Arabian conquests up to the date when the committee was formed in 1925, that the disputed territories never appeared, considered or described themselves as parts of Iraq, and in the past the name Iraq was not familiar to the residents of Mosul Vilayet Province as a name for their country.³⁷

It seems that the decision of the investigative committee to annex the Mosul Vilayet to Iraq was based on a purely economic point of view, as the committee decided explicitly that the best settlement for Mosul Vilayet was to annex it to Iraq, while it believed that from an ethnic point of view (if the ethnic argument to be considered a decisive factor in resolving the problem), then an independent Kurdish state should be created because the Kurds used to represent five-eighths of the state's population. Concerning the committee's proposal on annexing Mosul Vilayet to Iraq, it could not deny the ethnic and geographical distinction of that territory from Arab Iraq. In its proposal, which was approved by the League of Nations, it confirmed the British government's commitment to give guarantees to protect the rights of Kurds in the new Iraq after annexing Mosul state to it.³⁸

E) If people of a region were not asked about their annexation to the territory of another state.

The principle of the right to self-determination requires that the annexation of a people to the territory of another state may not take place before a referendum of the peoples living in the region that is intended to be separated and annexed to another state.³⁹ Otherwise, it will be considered null and void because it has violated the principle of the right

37- الدكتور فاضل حسين ، المصدر السابق، ص ٧٨.

38- أنظر المصدر السابق، ص ١٧٣-١٧٤.

39- د. عصام العطية: القانون الدولي العام، ط ٦، وزارة التعليم العالي والبحث العلمي: بغداد، ٢٠٠١، ص ٣٠٣.

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to self-determination. Therefore, the lack of a referendum for the people of a region when it is annexed or attached to another country may constitute a legal justification for the claim of the right to self-determination.⁴⁰

While considering this legal justification for practising the right to self-determination, we see that it is necessary to point out that Southern Kurdistan (the Mosul Province) was annexed to the new Iraq in 1926 following the decision of the International Committee formed by the League of Nations, without a formal referendum of the predominantly Kurdish residents of this state. This constitutes a legal justification that can be added to other justifications in the event of a request for the practice of the right to self-determination.

F) Violating the charter or constitution establishing the federal union

Federalism is a free union between states, statelets, or regions on the basis and conditions priorly agreed upon and included in the charter of the constitution establishing the federation. Therefore, a substantial violation of these principles and conditions may represent a strong justification for the federal states to withdraw from the union and separate from it.

It is necessary to point out that the preamble to the federal constitution of Iraq, which was approved by the Iraqi people in the referendum held in 2005, came with a ruling implicitly stating that the survival of the Iraqi federation and the unity and sovereignty of the Iraqi people depends on respecting the federal constitution and adhering to its provisions, as the Iraqi constitutional legislator concluded this preamble with the text "...the adherence to this constitution preserves for Iraq its free

union of people, land and sovereignty." Accordingly, failure to abide by the provisions of the Iraqi federal constitution, and a gross violation of them, maybe a constitutional justification for the demand to dissolve the federation by the party or parties affected by this violation.

Furthermore, it was proven in a special report prepared by a group of specialists in constitutional and public law in 2017, that the Iraqi government and federal authorities had, directly and indirectly, violated more than 60 constitutional articles related to the rights of the Kurdish people in Iraq. The political leadership in the Kurdistan Region has indicated this fact on several occasions.

At the end of this part, we see it is necessary to refer to the advisory opinion of the International Court of Justice of July 22, 2010, regarding the unilateral declaration of Kosovo's independence from Serbia on February 17, 2008, which is an important international precedent and a great victory for the principle of the right to self-determination and settled many different opinions concerning this principle. The International Court of Justice, in its opinion, recognized the following facts:

- 1- The unilateral declaration of Kosovo's independence from Serbia does not violate the provisions of international law.
- 2- The right to self-determination as a principle is the right of all peoples, and it is not related only to colonized peoples.
- 3- The right to self-determination is higher than the principle of the territorial integrity of the state.

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4- The principle of territorial integrity, which is used as a justification to prevent separation from the parent state, according to the opinion of the court, is a principle that concerns only the relationship between states, not between the state and one of the components of its people.

5- The declaration of independence in the federal state can be made unilaterally without the approval of the federal government in the centre.

6- The court recognized the principle of remedial secession when coexistence within one country becomes impossible.

Part II

Violations of the Constitution of Iraq (Article 140, KRI's budget cut, oil, and gas)

Chapter I: Article (140)

In this context, we will highlight the legal status of the Kurdish territories outside the administration of the region and Article 140 of the constitution. We will also explain the actions and steps that the Committee for the Implementation of Article 140 of the Permanent Constitution of Iraq has accomplished since it began its work until the end of 2012, in addition to explaining the factors and obstacles that prevented the Article 140 Committee from carrying out its

tasks, which is itself one of the most important violations of the permanent constitution of Iraq and emptied the concept of partnership with the new Iraq of any real meaning.

Forming the committee to implement Article 140

The committee was formed upon decree No. (46) dated August 9, 2006, headed by Mr. Hashim Al-Shibli, who was replaced later by Dr. Muhammad Ihsan, former Minister of Kurdistan Territories Outside the Region's Administration-KRG and head of the Kurdish Territories, while Minister of Environment of the Iraqi Government, Narmin Othman, was appointed as vice-president of the Article 140 Implementation Committee. She was at the same time Chairperson of the Finance Committee of the Article 140 Implementation Committee.

The Committee for the Implementation of Article 140 issued seven decisions, among which four decisions are very crucial for dealing with the issue of the disputed territories. Likewise, among the important decisions issued by the Committee to normalize the situation in the Kurdish territories were those approved by the Iraqi Council of Ministers under Order No. (Q2/I/27/6756) dated April 19, 2007, as follows::

1- To return all the employees dismissed, deported, or transferred during the period between July 17, 1968, to April 9, 2003, to their jobs and their original areas of residence or places close to their original areas.

2- To compensate and return all families who left or were displaced from their areas during the period between July 17, 1968, to April 9, 2003, due to the policies of the former regime, to their original areas.

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3- To compensate and return all immigrant Arab families, who came during the period between July 17, 1968, to April 9, 2003, to their original areas.

4- To nullify all agricultural contracts that were concluded to cause a demographic change in the disputed territories, and to restore their conditions of such properties to what they were before the conclusion of these contracts.

Upon the expiry of the period stated by Article 140, which was set to be December 31, 2007, the UNAMI Committee took part as a third party between the governments of Baghdad and Erbil, intending to participate in and address the problem of these territories, under Resolution 1770 issued by the UN Security Council in 2007. The Security Council established a committee headed by Mr. Staffan de Mistura and started its work in this regard. The UNAMI committee relied on four principles: the civil census of 1957, the decisions of the defunct Command Council of the Revolution, and the annulled Office of the Northern Affairs Committee, as well as the results of the 2005 elections. The work of the UNAMI committee resulted in three reports that were accepted by the parties of the case.

In 2011, the head of the Article 140 Implementation Committee was changed and this time Mr. Hadi Al-Amiri, the former Minister of Communications, was appointed as its head, according to Decree of Council of Ministers No. 78. As a result of this change, all work done before 2011 was diverted in another direction.

Work progress of Article 140 Implementation Committee

Phase 1: Normalization, which includes:

- Deportees, exiled, displaced, and emigrants.**
- Arabs and immigrants.**

I – regarding the return of the deportees and relocating the Arabs to their original areas, and compensating them under the funds allocated to implement Article 140. Where it was necessary to allocate \$2.4 bn, we find that from 2006 to 2012, the budget allocated to the committee was spent and distributed even though it was less than originally allocated and necessary to complete the normalization phase. This, as a result, increased the likelihood of not completing this stage, as follows:

Kirkuk:

A - The total number of deported families, whose ID card registries and ration cards have been re-registered to Kirkuk, was 89,634 families.

B - The total number of Arab immigrant families, whose ID card registries and ration cards have been re-registered from Kirkuk to their former areas of origin, was 25,634 families.

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Khanaqeen:

A - The total number of deported families, whose ID card registries and ration cards have been re-registered to Khanaqeen, was 15,792 families.

B - The total number of Arab immigrant families, whose ID card registries and ration cards have been re-registered from Khanaqeen to their former areas of origin, was 1,547 families.

Shingal (Sinjar):

A - The total number of families displaced within the boundaries of the Shingal office (Shingal office includes all Kurdistan territories located within the borders of Mosul governorate), whose ID card registries and ration cards have been re-registered to Shingal was 91,977 families.

B - The total of Arab immigrant families was 1,386 families.

2- Agricultural contracts and annulment of the defunct Command Council of Revolution's decisions and all other decisions issued by the cancelled Office of Northern Affairs Committee.

Regarding the Resolution No. 358 issued by the Presidency of the Council of Ministers of Iraq in its regular session No. 47 on September 27, 2011, it required the Article 140 Implementation Committee to prepare a report through cooperation with the general secretariat of the Council of Ministers and representatives of the ministries of Defense, Oil, Interior, Finance, Agriculture, and the Board of Property Disputes' Claims, and then to submit the report to the Council of Ministers to make a final decision on the subject of Article 140 of the permanent Iraqi constitution. After the issuance of this decision, several meetings were held, as well as preparing a report on addressing the following problems. The report

was then submitted to the Iraqi Council of Ministers. The summary of this report was as follows:

- Resolution No. (29) of 2012, according to which all the decisions issued by the cancelled Northern Affairs Committee related to extinguishing the disposal titles to the agricultural lands belonging to non-Arabs and cancelling the agricultural contracts executed with them.

- Resolution No. (30) of 2012, which recommended the Council of Ministers to cancel the decisions of the defunct Revolutionary Command Council, RCC and to instruct the State's Consultative (Shura) Council to prepare legislation in this regard.

A- A- The decisions of the (cancelled) Northern Affairs Committee

In the fourth regular session of the Iraqi Council of Ministers, which was held on January 24, 2012, Resolution No. (29) of 2012 was issued, which concerns the annulment of all the decisions of the cancelled Northern Affairs Committee. By its virtue, the General Secretariat of the Council of Ministers issued the official letter No. (3129) on January 25, 2012, which was circulated to all relevant parties to implement this resolution of the Council of Ministers.

B- The decisions of the defunct Command Council of the Revolution

In the fourth regular session of the Iraqi Council of Ministers, which was held on January 24, 2012, Resolution No. (30) of 2012 was issued regarding mandating the Council of Ministers to cancel the decisions of the defunct Command Council of the Revolution. The State Shura Council was tasked with drafting a bill. This decision was circulated by

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the General Secretariat of the Council of Ministers upon its letter No.3101 on January 25, 2012, and was circulated to all relevant parties to act accordingly.

In light of this, 1,250,000 acres of agricultural lands in the disputed territories were returned to their original owners, but since the Iraqi government did not complete the details related to the legal return of these lands, and due to political interference in the affairs of concerned ministries and institutions, the implementation of this decision was delayed and has not been fully implemented. Up to this moment, the owners of these agricultural lands are still seeking to legally address their problems, but to no avail.

3-To return all the employees dismissed, deported, or transferred due to political reasons to their original areas.

- Official transfer orders were issued for more than 1,626 displaced employees of these areas as phase 1.

- The total number of employees for whom the administrative transfer orders must be issued was 2,262.

- The total number of employees for whom the administrative transfer orders were issued and whose names were submitted to the Iraqi Council of Ministers was 1,626.

- The total number of employees for whom the administrative transfer orders were issued was 518.

- The total number of employees who had their ready-to-follow administrative transfer files was 634.

However, this process was also not fully completed because the central government did not accept to pay their salaries, but rather agreed to work in the Kurdish territories outside the administration of the region with their salaries

to be paid from the budget of Kurdistan region, as the Committee for the Implementation of Article 140 had requested the Council of Ministers to do in 2011.

4-Recommendations related to making changes in administrative borders for political reasons in the disputed territories

In 2007, a draft law was prepared by the Committee for the Implementation of Article 140. The draft law has been submitted to the President of the Republic of Iraq by the committee via two official letters categorized as confidential and private, the first of which was No. 362 dated December 31, 2007, and the second was No. 312 issued on June 16, 2011. The President of the Republic directed them later in the form of a bill to the Iraqi Council of Representatives through Letter No. 2379 on November 3, 2011, for approval by the council.

The Committee for the Implementation of Article 140 of the permanent Iraqi constitution asked the Iraqi parliament in 2011 to discuss and decide on the bill proposed by the President of the Republic regarding the cancellation of changes which were made due to political reasons in administrative borders of the disputed territories. However, no practical steps have been taken yet regarding issuing the aforementioned law.

Phase 2: **Census in the disputed areas**

The central government was supposed, upon completing the normalization phase, to conduct a population census in these territories to facilitate and prepare for the completion of the third phase of the implementation of Article 140, which is the referendum. (Provided that this census had nothing to do with the general census of the population of Iraq.) In this regard, the Iraqi government did not take any steps related to the census, justifying this with non-completion of the normalization phase, which had made significant strides until 2012.

In the final report of the Committee for the Implementation of Article 140, the committee requested the following in 2011 from the Presidency of the Iraqi Council of Ministers and the Iraqi Council of Representatives:

A- The aforementioned law to be passed, as well as taking appropriate measures and arrangements in this regard by the Presidency of the Iraqi Council of Ministers and the Iraqi Council of Representatives, in addition to allocating the necessary budget to conduct the population census in Kirkuk and other disputed territories.

B- Conducting a census in Kirkuk and other disputed territories with a vision to implementing Article 140 of the constitution, to facilitate and prepare for a referendum in these territories.

Phase 3: **Conducting a referendum in the disputed territories**

At the end of 2007, and to implement Article 140 of the Iraqi Constitution, the concerned committee performed its works with the influence and follow-up of the Kurdish members of the committee. As a result, cooperation was made with the Independent High Elections and Referendum Commission, to prepare and provide the requirements for the completion of the referendum process in the disputed territories. However, political reasons, again, prevented the implementation of the referendum process.

In this context, we find that the Committee for the Implementation of Article 140 requested the Presidency of the Iraqi Council of Ministers and the Iraqi Council of Representatives to prepare a draft law and take appropriate measures to hold a referendum in Kirkuk and the disputed territories, to demonstrate the desire and will of the residents of these territories. However, no practical steps have yet been taken in this regard.

The level of commitment by successive post-2003 Iraqi governments to address the issue of the Kurdish Territories:

- Government of Ayad Allawi:

During the period of this government, Order No. 15 was issued in 2005 by the Presidency of the Council of Ministers, to form a supreme committee to normalize the situation in Kirkuk and other Kurdish territories. But what happened, in reality, did not go beyond the formation of the committee, which was

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formed without the membership of any representative from Kurdistan, and which did not take any measures due to the short office period of Mr. Allawi.

2- The government of Ibrahim Al-Jafari

This government only created obstacles to prevent the implementation of Article 140. Regional interference also prevented the government from implementing this article in practice. Nevertheless, Article (58) of the State Administration Law for the Transitional Period has been confirmed, which was incorporated and asserted later in the form of Article (140) into the permanent Iraqi constitution of 2005.

3- Nuri Al-Maliki government's first policy between 2006 and 2010

Paragraph (22) of the Nuri al-Maliki government's 2006 program stated the following:

The government is obligated to implement Article 140 of the Constitution, based on Article 58 of the Transitional Administration Law, which is represented by defining three phases: normalization, census, and referendum in Kirkuk and other disputed territories. After its formation, the government shall begin to take the necessary steps for normalization measures, including restoring districts and sub-districts originally affiliated with Kirkuk. This phase was planned to end on March 29, 2007, then the census phase begins on July 31, 2007, after which the final phase of the referendum shall start on November 15, 2007.

4- Nuri Al-Maliki government's first policy between 2010 and 2014

Paragraph (1) of the program of the National Partnership Government headed by Nuri Al-Maliki stated, on December 22, 2010, the following:

To preserve the constitution of Iraq, to adhere to it and to act accordingly with all that it has approved, and that any subsequent amendments are only made under Article 142 of the constitution, and to activate all its articles and clauses without selectivity, to follow up the work of the committees formed under the constitution, especially Article 140, and adopt the legal contexts as the main reference for the government's work. To settle all the outstanding disputes and problems thereto, all the political forces and members of the Council of Ministers must adhere to the constitution and the government program as it is the common reference for the powers and parties participating in the political process.

Hadi al-Ameri's role as Chairman of the Article 140 Implementation Committee in Nouri al-Maliki's second office

Hadi Al-Ameri tried to change all the instructions related to those included by the provisions of Article 140, aiming to include the Arab families migrated to disputed territories from central and southern Iraq into the compensations. Therefore, he proceeded to issue new instructions at the end of 2011. According to the categories of those affected by the crimes of the former Iraqi regime (1968-2003), i.e. dismissed, displaced,

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migrants, and exiled, which began to include compensation for those affected in Kurdistan Region as well. According to these new instructions since 2012, the transactions of the Kurds affected in each of the three governorates were collected by the Article 140 Implementation Committee. In Erbil, there were 130,000 transactions, Sulaymaniyah had 250,000 and Duhok had 139,000. The total number of transactions reached 519,000, but the reality reveals that Nuri al-Maliki, the former prime minister, refrained from compensating the affected residents of the Kurdistan Region, as per an official letter in which he stated that these crimes did not occur in Duhok, Erbil, and Sulaymaniyah. As a result, the head of the Article 140 Implementation Committee prevented compensation for the affected citizens in the Kurdistan Region.

- Likewise Hadi Al-Ameri, on his part, made a unilateral decision to close the offices related to the implementation of Article 140 which were located in Erbil, including the sub-committees of accounting, auditing, data and information, so that all employees who were working in Erbil were fired, as well as transferring all files, data and related information to Baghdad.

- Additionally, Hadi al-Ameri did not retain any effective authority for the Kurdish representatives in the Committee for the Implementation of Article 140. Instead, he cancelled the actions that the committee had decided based on consensus, in a manner that made Hadi al-Ameri have the final word in this committee.

5- Policies of Haider al-Abadi's government (2014-2018)

- A-** In the context of Haider al-Abadi's government program, an agreement was concluded titled as "Political Agreement of

Political Blocs”. Article (18) of this agreement stresses: finding appropriate solutions to the problem of Kirkuk and other disputed territories within the framework of Article (140) of the constitution, in a manner that preserves civil peace and harmony between the components of the population of those territories. The deadline for this measure was one year.

B- According to this paragraph, Al-Abadi's government was supposed to implement the works of Article 140 within one year, but the reality is that it did not take any significant steps in this regard.

C- The ISIS attacks in 2014 on Kurdish territories outside the region's administration represented a major reason for the displacement of the residents of those territories once again, not to mention the human genocide, human rights and war crimes committed by ISIS, along with the destruction and burning of residents' property and assets in these areas, especially in Shingal and the Nineveh Plains.

D- In addition, changes were made in the conditions of the Kurdish territories once again, especially after the attacks of the Popular Mobilization Forces (Al-Hashd Al-Sha'abi) and the Iraqi army as part of the betrayal of October 16, 2017, which caused severe harm to the residents of these areas, and caused more crimes against humanity and war crimes, as well as the destruction and burning of property and assets of indigenous people, especially in Tuz Khurmatu and Kirkuk, as well as the attempt to re-Arabize Kirkuk and other Kurdish areas.

Chapter II: Kurdistan Region's Budget by the Federal Government

According to modern concepts, one of the most important constitutional obligations of the state is to provide decent living conditions for all of its citizens without exclusion, by providing the necessary revenues to cover its expenditures within a general budget prepared by the government before a fiscal year starts. The budget should be approved by the legislative authority as a representative of the people who are the source of authority and the basis of its legislation.

Since the units constituting a federal state (regions, states, or cantons) usually enjoy financial independence, parts of the federal public revenues are allocated to these areas. Since the constitution of the Republic of Iraq in 2005 came into effect, it was agreed to allocate the share of the Kurdistan Region at a rate of 17% of the total actual expenditures (ruling expenditures) and 17% of the total actual expenditures (current expenditures, "operating expenditures" and investment project expenditures) of the approved federal budget of the Republic of Iraq after the deduction of sovereign expenditures. All of the annual federal budget laws stipulated this percentage, and the federal government (particularly the Iraqi Ministry of Finance) was obligated to approve it.

However, successive Iraqi governments since 2005 have violated their constitutional obligations and began practising a subjective and systematic economic policy to restrict the Kurdistan Region, through:

1- Reducing the percentage allocated to the region, as the region's share did not exceed 11% to 12% in the best cases.

2- Excluding the sovereign expenditures from the public expenditures when deciding the region's share, and the exaggeration in allocating these expenditures and adding new types of sovereign expenditures. The number of these categories was determined in 2006 as 16 categories of expenditure according to Paragraph (b), Article 13 of the Federal General Budget Law No. 1 of 2006. These categories have constantly been increasing to reach 33 categories of sovereign expenditures in addition to the interest of loans, transfers, and 34 loan instalments, per Paragraph Two, Article 18 of the Federal Budget Law of the Republic of Iraq No. 44 of 2017.

3- Reducing the region's share of medicine, which has not exceeded 60-65% of the needs in the best cases since 2005. Since the beginning of October 2016, the percentages have been reduced to 25-30%.

4- Refraining from disbursing Kurdistan Region's dues from the sovereign expenditures that the region deserves, which are allocated to the Ministry of Defense (by depriving Peshmerga forces of their salaries) and to dams and public benefit projects.

Cutting the region's share of the general budget and these arbitrary, subjective policies are flagrant violations of the provisions of the Iraqi constitution and have led to the waste of many economic and social rights for the citizens of the region, which were stipulated in the Iraqi constitution. Such policies were the major reason to lose any hope in the feasibility of remaining within the state of Iraq, especially after the federal government failed to make the constitution a tool to promote

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and maintain national unity and a guarantor of the Kurdish people's rights as genuine Iraqi citizens.

The most important constitutional articles that have been violated due to the Iraqi government's pursuit of that policy can be summarized as follows:

1- **Article 5:** As this article emphasized the rule of law, a law that has frequently been violated by the Iraqi government through breaching its provisions related to the region's share of the general budget in federal budget laws since February 2014 (provided that the decision to cut the budget was made unilaterally by the President of the Council of Ministers).

2- **Article 14:** The Iraqi government made a distinction between the citizens of the region and the citizens of the rest of Iraq by cutting their salaries and the source of their livelihood in violation of this article, which stipulates that Iraqis are equal before the law without discrimination based on gender, race, nationality or origin.

3- **Articles 25 and 26:** The federal government, in contrast to these two articles which ensured that the "Iraqi state to reform the Iraqi economy according to modern economic principles, in a manner that guarantees the full investment of its resources, diversifies its sources, encourages and develops the private sector, and encourages investment", has damaged the economy of the region, which caused creating a real crisis through the policy of cutting the region's share of the general budget. This affected commercial dealings, because the majority of transactions in the region depend on the monthly

instalments system, especially construction and reconstruction projects, and banks and commercial markets. Most of them depend on monthly instalments or advances, whether it is from the government, commercial enterprises, or individuals. Failure to pay these instalments and advances, or delaying them, led to the disruption of commercial transactions, and thus the disruption of construction projects, and eventually the collapse of the labour market. Because the vast majority of the region's citizens depend on public employment for their livelihood, this led to a paralysis of the private sector and the reluctance of national and foreign capital to invest in the region.

4- The first paragraph of Article 29 and the first and second paragraphs of Article 30: where these paragraphs obligated the state to fulfil its duty towards "family", being the basis of society, by preserving its religious, moral, and national entity and values, also obligated it to protect motherhood, childhood and the elderly, to take care of the youth through the provision of required conditions for the development of their talents and capabilities, and to secure adequate income for every Iraqi individual and family, along with adequate housing, care, social and health security. These obligations are basic social and economic rights for Iraqi individuals and families, but they were wasted by the Iraqi government through cutting the region's share of the general budget that resulted in:

A- Depriving most of the families in the region, as most of them work in the public service and their salaries are their only source of living. This deprivation is a flagrant violation of the first paragraph of Article 30, which emphasized that the

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state guarantees the basic requirements for living a free and decent life and securing adequate income and appropriate housing for every Iraqi individual and family.

B - Major social problems as a result of breaking the ties of many families through divorce, separation, the emigration of family heads. In some cases, suicides occurred, or people took illegal ways to provide a living for their families.

C- Increased rates of unemployment among individuals and household heads due to the suspension of business in many companies and factories or the reduction of production or commercial transactions due to the economic recession and failure to provide job opportunities, especially for young people and university graduates. According to official statistics of the KRG, the unemployment rate did not exceed 7% before 2014, but this percentage increased to 15% in 2017.

D - The reluctance of young people to marry and start families due to their poor living conditions, especially after the KRG suspended the granting of marriage advances due to the reduction of its share of the general budget by the central government.

E - Depriving the destitute and the unemployed from social and health security guaranteed by Paragraph Two, Article 30 of the Iraqi Constitution.

5 - The first paragraph of Article 31: The right to public health care is among the constitutional rights guaranteed by this paragraph for every Iraqi, which has been violated by the Iraqi government due to the inability of the Ministry of Health

in the region to provide medicines and medical supplies as a result of the region's budget share cut on the one hand, and reduction of the region's share of medicines that did not exceed 65% of the region's needs in the best cases on the other hand. The government was expected to increase the region's share of medicines for the arrival of more than 1.8 million displaced people and refugees to the region, who constituted a great burden on the health sector in the region. According to official statistics from the KRG's Ministry of Health, medical services - including treatments and surgical operations - were provided to more than 35,000 displaced individuals, refugees, and members of the Iraqi army for the period between October 2016 and June 2017. The federal government decided to reduce the region's share of medicines to 25-30% in October 2016. Moreover, there has recently been a new trend to cause a health and humanitarian catastrophe in the region, and that trend was evident when the Iraqi Minister of Health, in March 2017, asked the Council of Ministers to cut the Kurdistan Region's share of medicine, although the expenses for providing medicine are part of the ruling expenses in the general budget.

6- Article 32: The federal government violated its constitutional obligation regarding the care of the handicapped and those with special needs to ensure their rehabilitation to integrate them into society, which was stipulated in this article. As a result, the KRG was forced to reduce their salaries. Its inability to provide the requirements for its rehabilitation was due to the financial crisis that it suffered because of the budget cut.

7- The whole three paragraphs of Article 106: Where it requires the formation of a public body to monitor the

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allocation of federal revenues to verify a fair distribution of grants, aid, and international loans according to the entitlement of the regions and governorates not affiliated to a region (first paragraph); and to verify the optimal use and distribution of federal financial resources (second paragraph); and ensuring transparency and fairness when allocating funds to the governments of the regions or governorates not affiliated to a region in accordance with the established percentages (third paragraph). However, this article has been suspended, and no law has so far been issued to form this body, and none of the principles stipulated in this article have been implemented.

8 - Finally, cutting the region's share of the general budget has negatively affected the region's citizens' practice of many constitutional rights that, by their nature, require the state to provide the necessary expenditures for their practice or enjoyment, that includes:

A - Article 33: Rights of every citizen to live in safe environmental conditions (first paragraph of Article 33); and the state's obligation to protect and preserve the environment and biological diversity (second paragraph of Article 33).

B- Article 34: Concerning the right to education, literacy, encouraging scientific research and fostering excellence, creativity, innovation, and various aspects of creativity and innovativeness.

C - Article 36: Concerning the right of the individual to practice sport and the obligation of the state to encourage and sponsor its activities and provide its requirements.

D- Article 132: Concerning the right of the families of martyrs, political prisoners, and those affected by the arbitrary practices of the defunct dictatorial regime to be provided with appropriate care (the first paragraph of Article 132); and the right of the families of martyrs and those injured as a result of terrorist acts to receive compensation (second paragraph of Article 132).

Chapter III: the failure of the federal government to manage the oil file

Oil enjoys an important status in the Iraqi economy, a fact that led to the insertion of special, detailed articles in the permanent Iraqi constitution of 2005, namely Articles 111 and 112.

Article 111 affirmed the people's ownership of this significant important treasure, while Article 112 is the national document that embodies the distribution of treasure in the new Iraq which was supposed to be based on the partnership in power and assets as a fundamental pillar of any federal state where its lands contain natural resources.

It was necessary to implement this article, especially the first paragraph, through a complete and integrated law, especially since the new phase was demanding a competent law for three reasons:

The first reason: There was no unified oil and gas law in Iraq before the fall of the previous regime. Rather, there was a set of scattered laws interspersed by long periods.

The second reason: That the old economic system was based on the philosophy of a State-directed economy and under the control of a totalitarian regime and that the oil laws in force were expressing this totalitarian rule. The new economic system after the implementation of the permanent constitution of 2005 was based on the philosophy of free economy and openness for foreign investments; this means that the previous laws are not fit for the new situation, which necessitates the issuance of a new oil and gas law.

The third reason: The constitution stipulates partnership in oil and gas management between the federal government and regional governments, equitable distribution of oil revenues, and the allocation of a quota for the affected regions. These matters are not regulated by previous laws, and it is necessary to regulate them with a new law.

However, the successive governments have become a stumbling block in the way of issuing an oil and gas law since the federal oil and gas bill was submitted to the Council of Representatives on July 4, 2007. This bill reiterates the principle of recognizing the powers of the regional authorities in managing and developing the oil and gas sector. This project was previously submitted to the Iraqi state's Shura Council on February 26, 2007. The federal government allowed the Shura Council to intervene - whose powers do not go beyond legal redrafting and linguistic revising - and to suspend the first paragraph of Article 112 of the Iraqi constitution, which recognizes the principle of full partnership in the oil and gas sector between the federal government and the regional governments.

Since the issuance of the permanent Iraqi constitution in 2005, federal Iraq is still in a state of legal void for the most important sector of the Iraqi national economy due to the

reluctance of successive Iraqi governments, and their refusal to acknowledge the principle of partnership for Kurdistan Regional Government (the only region in Iraq), to legislate the Iraqi oil and gas law. This means that the federal government is responsible for all the legal problems due to its oil contracts with foreign parties, and carrying out all other oil operations, without the presence of a law that draws the scope of these contracts and operations, all in order not to recognize the right of the Kurdistan Region to participate in a treasure owned by the people of this region under Article 111 of the Iraqi Constitution, which can be deemed as a title deed for this purpose.

Part III

A review of the resolution of the Iraqi Council of Representatives and the judgment of the Federal Supreme Court on the referendum of the people of Kurdistan

Chapter I: Evaluation of the decision of the Iraqi Council of Representatives

The people of Kurdistan voted for independence on a memorable day, September 25, 2017, through a free, democratic mass popular referendum. In a regular session, the Iraqi Council of Representatives issued Resolution No. 23 on September 27, 2017, which unlawfully described this referendum as a violation of the constitution, it also provided

several "recommendations" allegedly based on Article 1 of the permanent Iraqi constitution.

Upon careful consideration of the entirety of the resolution and the recommendations that were included in it, we conclude that this resolution does not rise to the level of a resolution issued by a council of representatives in a federal state in which many peoples, nationalities, religions, and sects live. Those who formulated the resolution and then issued it were unable to preserve neutrality and stay away from intolerance in terms of its content and form.

Upon study and analysis of the resolution from a legal and constitutional point of view, we can find no legal justification or basis, explicitly or implicitly, in paragraphs of Article 61 of the permanent Iraqi constitution which defines the powers and competencies of the Iraqi Council of Representatives to stipulate that this council is entitled to issue "resolutions". In addition., the council has no authority to define the legal nature and/or legal compatibility of an incident that occurred in previous periods.

If we study the resolution and its recommendations, we conclude that the resolution is contrary to the articles of the permanent Iraqi constitution, as follows:

I) The second paragraph of the resolution reads: obligating the Commander-in-Chief of the Armed Forces to take all constitutional and legal measures to preserve the unity of Iraq. This recommendation gives the Prime Minister a green light to use military force against the Kurdistan Region. The evidence for this was what happened on October 16, when military forces from the Iraqi army and militias of Al-Hashd Al-Sha'abi moved

towards Kirkuk and other areas. These forces did not stop attacking the disputed territories “as they are described in the Iraqi constitution” but rather moved towards Erbil, the capital of the Kurdistan Region, as well as towards the districts of Duhok Governorate. Had it not been for the heroic response of the Peshmerga forces, they would have entered these two cities. This military action is completely in contradiction to what was stated in the first paragraph of Article 9 of the constitution, which prohibits the use of armed forces as a tool to oppress the Iraqi people.

II) In the third paragraph of the resolution, a constitutional principle known as the principle of separation of powers was violated when the legislative authority placed itself in the place of the judicial authority, by demanding that Kurdistan Region officials be brought to trial. It forgot that conducting the referendum is not a criminal act, and no one can be brought to criminal courts because of it. This would be a violation of the principle of the legitimacy of punishment for crimes known, as conducting a referendum is not a crime and has not been mentioned in any punitive text in Iraqi laws.

III) What was stated in the fourth paragraph of this resolution is far from the principles covering religious, humanitarian, and ethical issues. The fourth paragraph stressed the closure of border crossings, prohibited food and medicine for children, women, and sick people, and considered the goods that entered the region as “smuggled” goods. The question that arises here is how a parliament can declare a siege against the people of its

own country, and with what conscience the individuals who issued this resolution will face their countrymen after they embarked on this inhuman act.

IV) In the seventh paragraph of the resolution, the Council of Representatives obliges the government to summon ambassadors and representatives of countries that have representations and offices in the region to ask them to close these representations and consulates and transfer them to governorates outside the Kurdistan region. With this recommendation, the Iraqi parliament recorded its worst history of diplomatic relations, as that attitude is far from the diplomatic norms and principles. Besides, this recommendation exposes the lives of the diplomatic staff of foreign countries that have consulates and representations in Erbil to danger, because the Kurdistan Region is one of the most secure and safe regions. This number of diplomatic personnel cannot be transferred to other locations, as their safety cannot be guaranteed.

V) In the tenth paragraph of this resolution, the Iraqi Council of Representatives calls on the federal government to return the displaced people, living in the Kurdistan Region, to their original areas. This is a dangerous indication that if this process was completed, it would be by forcing those IDPs who chose the Kurdistan Region as a haven and a model to be followed concerning the coexistence and acceptance of others. The testimony of most of the staff belonging to international organizations and NGOs, after the Iraqi federal governments failed to

provide decent living and safety in the areas controlled by it, indicated that they resorted to the Kurdistan Region, where they could enjoy a safe environment, especially after the emergence of terrorist organizations as Al-Qaeda and ISIS. As a result, hundreds of thousands of Iraqi families sought refuge in the cities of Kurdistan Region. Forcing these displaced citizens of the provinces that fall under the authority of the federal government and returning them to their areas without providing them with a decent living is inconsistent with the simplest principles of citizenship and human rights.

VI) The simplest foundations of citizenship have been violated in the 13th paragraph of this resolution, as it contradicts all civil and political rights contained in Article 14 of the permanent Iraqi constitution. The resolution rejects all forms of dialogue with what it describes as the "Kurdish side". This statement violates Article 117 of the constitution, which recognizes the Kurdistan Region and its powers as a region within federal Iraq.

In addition to the above, and as per the legal rule (*nemo dat quod non habet*), the Iraqi Council of Representatives does not have the authority to issue resolutions to grant all these powers to the federal government. Issuing resolutions is not within the powers of the Iraqi Council of Representatives. Because no text is included in this chapter devoted to the powers of the Iraqi parliament, the Iraqi constitution states that it has such powers. Also, Resolution No. 140/141 of 2018 issued by the Federal Supreme Court, states that the Council of Representatives has no jurisdiction to issue resolutions.

Chapter II: - Evaluation of the Judgment of the Federal Supreme Court

Kurdistan's independence referendum was held on September 25, 2017, and obtained popular legitimacy, which was backed by the desire and will of a people demanding its self-determination, and approved by all international charters, covenants, and global declarations. Subsequently, four cases were filed at the Federal Supreme Court by a group of people who were known to show racism and hostility towards the Kurds. The Supreme Federal Court issued judgments No. 89, 91, 92 and 93 on November 20, 2017, in which it stated: The regional decree No. 106 issued on June 9, 2017, included a decision to conduct a referendum on September 25, 2017, in the Kurdistan Region and other territories outside the region. This decree violates Article 1 of the Iraqi Constitution. Accordingly, the referendum that was held on September 25, 2017, in the Kurdistan Region and other territories outside the region, has no basis in the constitution and contravenes its provisions, and thus this referendum is unconstitutional.

Upon closer consideration of this judgment issued by the Federal Supreme Court, we can find that it was based on Article 1 and Article 109 of the permanent constitution as a legal guide. By returning to the content of these two constitutional articles, we find that they deal with the sovereignty of Iraq and the territorial integrity of the Iraqi state. Therefore, the legal reasoning of this judicial ruling was in an implicit and indirect way of these two articles. Their contents as understood by the President and members of the Federal Supreme Court were “the concept means that it is not permissible to separate apart from the lands of the Iraqi state as determined through the borders drawn upon the establishment of the Iraqi state”. However,

neither of these two articles states explicitly that secession from Iraq or the division of Iraqi lands is a forbidden act. This interpretation solely exists in the minds of the president and members of the Federal Supreme Court without having any expressions supporting this understanding and interpretation.

If the rulings of the Federal Supreme Court were not final and were not in the way they are now, it would have been possible to appeal based on the fact that the constitutional articles on which the Federal Supreme Court relied do not prevent the conduct of the referendum process. Rather, the interpretations provided by the ruling are merely one among many other possibilities covering these two articles.

In addition, the preamble to the permanent Iraqi constitution indicates that the territorial integrity of Iraq is subject to the implementation of the provisions of this constitution, and as it is known that the Iraqi federal authorities have been and are still delaying the implementation of the constitution's provisions with flimsy and unrealistic arguments. The KRG has proved to the Iraqi federal authorities (as well as consulates and embassies of foreign countries) through a constitutional legal memorandum, that the Iraqi federal authorities committed constitutional violations. The memorandum has shown that those authorities have specifically violated 63 constitutional articles of the permanent Iraqi constitution against the rights of the people of Kurdistan.

It should also be borne in mind that although this ruling was issued as a result of political pressures and influences of the federal government at the time, the Federal Court needed to avoid falling under these pressures and influences. Instead, the Federal Court should be committed to remaining as a neutral authority in maintaining justice without discrimination. It should have remained an independent judicial authority that is subject to no authority but the law.

Conclusion

From the foregoing, it becomes clear that the right to self-determination is an affirmed right for all groups who meet the conditions of being a people, whether these people have gained independence within the borders of a state or not. Likewise, the regions in federal states have the right to determine their destiny by secession from the parent state if such regions also meet the conditions for being a people.

People may practice the right to self-determination peacefully, the best of which is to conduct a referendum. Or, if their situations and conditions deprive them of peaceful means, the people may resort to the use of force and armed struggle to secure their right to self-determination.

It also became clear that the right to self-determination has become at the present time an international peremptory norm, and that the advisory opinion of the International Court

of Justice on July 22, 2010, regarding Kosovo's unilateral declaration of independence from Serbia on February 17, 2008, is considered one of the international precedents. This must be considered a great victory for the right to self-determination, as it recognized the fact that the unilateral declaration of independence by people is not a violation of the provisions of international law; and that the right to self-determination as a principle is a right of all peoples and not exclusively for peoples colonized by colonial regimes. Furthermore, the right to self-determination is greater and higher than the principle of territorial integrity. The principle of territorial integrity which is used as a justification to obstruct secession - according to the opinion of the aforementioned court - is related only to the relationship between states and not the relationship between the state and a part of its people. Independence within a federal state may be declared by one party without the need for the approval of the federal government in the centre, and that the court has approved the principle of remedial secession at a time when co-existence is impossible.

With regard to the constitution, we have seen that Article 140 of the Iraqi constitution was approved to address the issues of the Kurdish territories outside the administration of the KRG through three phases: the normalization of conditions, the census, and the referendum, which are all responsibilities to be undertaken by the federal government. However, despite attempting to address the effects of Arabization and demographic change and altering the administrative borders of those Kurdish territories as well as returning the displaced, the works of Article 140 Committee were suspended by a political decision in 2012. To make matters even worse, the

processes of Arabization and displacement against Kurds resumed again, including the occupation of agricultural lands by the Iraqi army and the Popular Mobilization Forces.

In addition to those aforesaid cases, the Kurdistan Region's share of the federal budget in 2014 was affected by a political decision that eventually led to a blockade against Kurdistan's people. The federal government has not tried to secure the foundations of coexistence, stability, and building the homeland through equitable distribution of the country's revenues and treasures. It has ignored all the principles of providing legal foundations within the federal system to address the issues of oil and gas, as well as relations and partnerships between the regions and the federal government.

It is also clear, upon studying the resolution of the Council of Representatives and the ruling of the Federal Supreme Court regarding the Kurdistan Region referendum, that these two resolutions are not free from legal gaps and mistakes. If there was a specialized authority to appeal to, then such an authority would nullify these two resolutions due to their substantial mistakes and deficiencies in addition to their legal incompetence. Both resolutions are biased towards the central government, and they lack neutrality in terms of dealing with the referendum, a fact that reveals the political incentives of the two authorities that issued them.

The Final Statement of the Iraqi Opposition Conference

17-12-2002

The Iraqi opposition conference agreed on a 10-page political blueprint entitled Final statement of the Iraqi opposition conference on Tuesday in London.

The statement reads as follows:

In the name of God, the compassionate and the merciful
The final statement of the Iraqi opposition conference
14-15 December 2002

Due to the oppressions of the suppressing, dictatorial and racist system and its terroristic acts, including its internal and externals wars and assaults, Iraq has been experiencing its worst historical times since more than three decades.

Throughout this period, Iraqi people kept rebelling and holding revolutions to bring the oppressing regime to an end. Large divisions of honourable national military forces, along with national and political movements, despite their different ethnic and religious affiliations, took part in revolutions aiming at ending dictatorship, this struggle eventually led to the Uprising of March 1991. Participants of the uprising were a diverse mix of ethnic, religious, and political affiliations, including military mutineers, Shiite and Sunni Arabs, Kurds, Turkmen and Assyrians. The revolution was held back due to the external factors despite the significant sacrifices. The Iraqi people were let down once more, after helpless efforts to build a democratic government that promotes justice and peace among its different factions.

With the support of the international coalition here we stand again in the hope of conducting reforms within the government and destroying the fascist regime, hoping to offer a new opportunity for the Iraqi people. The reforms aim at putting the interest of the Iraqi people as a top priority, with consideration to the shared partnership with Arabic, Islamic and European countries.

The Iraqi opposition conference was attended by delegates from all sections of Iraqi society, including Shia and Sunni Muslims, Kurds, Turkmen, and Assyrians. The meeting aimed to unite Iraqi opposition around a common platform to achieve democracy. The conference (with its slogan “to liberate Iraq and achieve democracy”) was held between 14 -15 of December 2002 in London. It held talks on the principles and results of previous opposition meetings, such as the conference in Salahadin in 2002 and the Iraqi opposition group meeting in Washington during August 2002.

Key takings from the conference read as follows:

1-Role of the Iraqi opposition in political reforms

The opposition is a partner in the liberation of Iraq and in the process of building a new democratic Iraq. The Iraqi opposition will contribute to the restoration of stability and the prevention of potential anarchy and chaos. The opposition included representatives from a mix of ethnic, religious, and political sentiments of all major Iraqi groups.

2- Future of a democratic Iraq

A democratic Iraq with a federal parliamentary system is home to everyone without any distinction of race, religion, or gender. The conference emphasized the significant role of each group and its commitment towards respecting freedom and securing human rights for every individual. The conference

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acknowledged the need for a constitution that works in favour of all Iraqi groups and protects the sovereignty of civil society and private institutions.

3- Islam is the State Religion

Islam is the basic foundation of the state of Iraq government, and the Shari'a (Islamic Law) is the foundation for legislation. The conference emphasizes the need to follow the values and ethics of Islam and incorporate them into culture and education. The need to respect and accept other religious beliefs within the region is crucial for the stability of Iraq.

4- State of law

The attendees of the conference agreed on eliminating political attempts for political vengeance, and no violations of law will be tolerated. The courts should take measures to punish the violators of the law regardless of any excuses or motivation behind their misconduct, and necessary steps should be taken under the local and international principles of justice. Civil and political violators will be judged equally. Investigations will be conducted into every violation of civil rights, which is considered as gross misconduct against human rights. All violations need to be backed up by evidence, and no tolerance will be shown towards gender cleansing, genocide, and war crimes perpetrators.

5-Political promise

The conference agreed on the participation of each Iraqi group of Arabs, Kurds, Turkmen, Chaldo-Assyrian and others, including Shiite and Sunni Muslims, in the process of political decision-making.

6-Foiling any attempts that could disrupt the Will of Iraqi people in implementation of political reforms

The conference agreed on asking for international support in a bid to help the Iraqi people escape dictatorship. The government will reject any form of internal and international military intervention that could promote conflicts in the country. Iraq's sovereignty will be respected, together with the autonomy of neighbouring countries, and no attempt should be made to intervene with their local governments. The conference will acknowledge and follow international statements and laws, among them the UN charter and the Universal Declaration of Human Rights, as well as adherence to the Arab League and the Organisation of Islamic Cooperation.

7- Eliminating traces of sectarianism

The Iraqi Shiite group, just like any other political faction, had their share of oppression and isolation from the Baath regime. The sectarianism towards Iraqi Shiites had political, economic, cultural, and social impacts on the unity, brotherhood bond, and sympathy among Iraqi fellow. Suppression policies by private institutions were invested in deceiving, lying to, and manoeuvring the Iraqi community, targeting the Shiite group specifically. This triggered sectarianism, bigotry, and racism in the Iraqi government, and troubled the Iraqi community and its defence policy in protecting their relationships with each other.

The committee has set sectarianism as a top priority of the conference, and all measures should be taken to erase any practices or motives that promote it within the community.

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There should be a review of all the cases of human rights violations against the Shiite group. The conference protests any dirty policies that are invested in damaging the dignity of Shiite Marja, and secularism hubs and any imposed rules that interfere with its management. The conference condemns any terrorist acts towards the Marja leaders and their families, and the execution of several other religious leaders, who ought to stay unknown here.

The committee secures the rights of the religious seminaries and sites in Najaf, prohibiting any attempts in demolishing mosques, Islamic centres, and Shiite holy places. It also prevents censorship, and restrictions on carrying out religious activities, destroying villages and displacements of Shiite families, and relocating foreigners into their homes. The committee rejects any allegations that claim the disloyalty of Shiite groups and their belonging to Iraq. The committee protests against the relocation of non-Arab Shiites, which deny their Iraqi belonging and depriving them of Iraqi citizenship. The committee stands against any violent acts towards the homes and families of Shiite groups. The Iraqi constitution should guarantee that these incidents will not befall again and that all the components of Iraqi society must be protected.

8- Genocide, and Anfal campaigns

The conference protests the brutal genocide act towards the Kurdish people that was carried out by the racist regime of Saddam Hussein. Anfal led to the disappearance of more than 180,000 Kurdish people, the execution of 8,000 Barzani

people, 5,000 Feyili Kurds, and 5,000 Halabja residents, along with the destruction of thousands of villages and towns. The conference aims at drawing the endpoint for this brutality and asks to honour the souls of the martyrs and compensate their families. There is a proposal for setting up a fund to launch construction projects in the war-wrecked areas and representing the cases of genocide to the international courts.

9- Relocation, ethnic cleansing, and traumatizing the national reality

The conference protested the forced relocation and ethnic cleansing and the use of chemical weapons and changing identity in Kirkuk, Makhmour, Khanqin, Shingal, Sheikhan, Zummar, and Mndali. The following attempts can be taken into erasing the policy of ethnic cleansing:

A- Returning the deported families to their homes, giving them back their owned property in their place of origin, and providing financial compensation as a settlement to the damage they have endured.

B- Returning the other peoples who were brought to be settled in those places.

C- Returning the Feyili Kurds and Iraqis who were deported to Iran and giving back Iraqi citizenship to those who were withdrawn from it, and returning their homes and properties, and offering compensation. Also, revealing the destiny of the Feyili Kurds who went missing in April 1980.

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D- Canceling all demographic shifts that were set by the regime, that aimed at changing the demography of Iraqi Kurdistan.

10- Federalism and solving the Kurdish cause

To review the situation of Kurds and offer a solution to its conflicts, the conference recognizes the national diversity within the region and the need to strengthen relationships between the groups to attain equality. The decisions of the Salahadin conference, the Iraqi opposition, and the political meeting of the opposition presidency in Washington in August 2002 voted on the complete project of granting the Kurdish parliament federalism in governing their region.

The respects the Kurdish plight for autonomy and supported having a federal Kurdish parliament as the right choice to solve Kurdish disputes after the fall of Saddam Hussein's regime. The conference insisted on the significance of promoting a united Iraq, and coexistence based on mutual understanding and acceptance.

The meeting emphasized fulfilling the legitimate demands of Kurds and eliminating all acts of oppression. The meeting also admitted the right of Kurds to determine their fate and support the partnership of different nations in a country, following international law set by the United Nations Charter and the Universal Declaration of Human Rights.

11- The rights of Turkmen

The conference went over the oppression and sectarian violence the Turkmen group has endured in the region. It acknowledged their national rights and their need to receive equal treatment, backed by the Iraqi constitution.

12- The rights of Assyrians

The conference went over the oppression and sectarian violence the Assyrian group has endured in the region. It acknowledged their national rights and their need to receive equal treatment, backed by the Iraqi constitution.

13- Iraqi marshes crisis

Iraq's famed marshes are facing a human and environmental disaster after they were drained, and they face destruction and elimination of their resources. The draining of the marshes was undertaken primarily for political ends, namely to force the Marsh Arabs out of the area through water diversion tactics. The Marsh Arabs have been forced from their homes; their economy and their environment are were devastated. The new government should bring back the villagers and continued financial and political support must be provided to restore its ecosystem.

14- Unlawful decisions

The conference calls on freezing -and eventually cancelling- all laws and political decisions that were carried out by the regime and had sectarianism and racist motives towards Kurds, Turkmen, Assyrians, and Iraqi Shiites.

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15- The Kurdistan region's experience in Iraq

The conference appreciates the experience and contribution of the Kurdistan region in building a democratic Iraq and its cooperation in ending the dictatorship system. The mutual partnership is honoured and can help solve regional conflicts and avoid future political disputes. The conference asks for Iraq's support in the establishment of a governmental institution that follows a democratic federal system and engages Kurdistan region. Both Iraqi and Kurdish forces should be integrated to form a united force to defend the security of the country.

16- Security agencies

The conference protests the regime's policy of mass murdering thousands of Iraqi people and the execution of political figures, academics, and military officers. The committee has asked for confidential information and the truth about war crimes that were carried out by the regime to be revealed, to hold the perpetrators accountable.

All institutions and organizations that carried out violent acts to oppress and intimidate civilians should be destroyed and replaced with law offices that consider the dignity and rights of people.

17- Army and military forces

The conference emphasized the need to re-establish the court and military offices and perform amendments within Iraqi forces. Military projects should be implemented that develop the level of national defence within Iraqi forces professionally and equally without any distinction made among different Iraqi groups. Any military projects that

produce deadly weapons that are banned from production under international law should be rejected. Any military intervention that motives local violence and triggers external hostility should be excluded. The committee supports the efforts of the army in building a united country.

18- Economic situation and eliminating the traces of two vicious wars

The conference blames the current regime for the instability of the economic and security situations in the country, and the displacement of millions from their homes. It acknowledges the countries that provided humanitarian relief and welcomed refugees. It also blames Saddam Hussein's regime for triggering war and conflicts within neighbouring countries such as Iran and Kuwait. The conference requested neighbouring countries to free political detainees who were arrested in the heat of conflicts with Iraq. It also hopes to erase the traces of war and its impact on the people and stop the use of Iraq as a strategic location in triggering a war with other neighbouring countries.

The conference agreed on blaming the regime for the economic crisis the country is experiencing and seeking the international community to consider negotiations with the new Iraqi cabinet. The meeting suggested cooperation between Iraq and international efforts in helping Iraq overcome this era and start a new political government that secures people's rights for a peaceful life. The conference aimed at launching a multi-party project which could be supported by an international coalition, partnerships, and groups, to participate in helping Iraqi people pass this difficult phase that history has brought upon them.

The conference agreed on taking the following measures:

A- Collecting a large number of funds in Iraq and regional and international countries.

B- Enabling Iraq to reach the highest level of oil exports.

C-To solve Iraq's debt problem with other countries and hold talks to decide how to pay these debts.

D-Asking the international community and world countries with whom we share a close relationship to remove the ban on Iraqi government money in international banks, as well as to transfer the net worth of Saddam Hussein, as it is considered public money of the Iraqis.

E- The conference asks the new authority to reconsider previously issued contracts with other countries and international companies in August 1990, to discuss Iraq's gains in these contracts.

F- The conference asks the new government to cooperate in the process of freeing military prisoners and eliminating any negative feelings towards Iran and Kuwait.

19- Oil for food program

The conference insists on the significant oil for food program that allows Iraq to sell oil on the world market in exchange for food, medicine, and other humanitarian needs for ordinary Iraqi citizens, as well as rebuilding Iraq and solving the political disputes within the region until a new program is introduced by the new government that provides

comfortable lifestyles. The program should mainly consider citizens with low incomes, and should be inclusive, covering all regions within Iraq.

20- New Law for granting citizenship

The committee decided on issuing a new decision on the right of granting Iraqi citizenship to all those who were deprived of it, so they can regain their identities. The deportees who were forced to flee due to the brutality of the regime should be welcomed back in Iraq.

21- Easy resettlement of deportees and displaced refugees

The committee has decided to make resettlement arrangements for the return of one million deported and displaced Iraqi refugees who were forced to flee their homes. The government should take the necessary measures for an easy return for these families and provide them with the necessities to start a fresh life in Iraq and take part in rebuilding the nation.

22- Role of academic and scientific expertise

The conference calls on rebuilding the academic and scientific research centres that were abolished under the rule of the Iraqi regime. Major efforts should be conducted into bringing back academics, researchers, and high-level intellectuals to utilize their experience in the process of rebuilding Iraq.

The conference honours the martyrs of Iraqi freedom and supports the hundreds of political prisoners who are still locked up with their family members in the cells of the Iraqi regime.

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The conference insists on respecting all Iraqi people living inside and outside the country and takes pride in protecting the nation from the regime's brutality and bullying policies.

The following is the list of members of Observation and Coordination Committee who approved the aforesaid key articles at the end of the third day of Iraqi opposition conference that was held in London. This list includes 65 names, and later the names of 10 other attendees were added:

- 1- Ibrahim Hamudi
- 2- Ahmed Al-Calabi
- 3- Col. Ahmed Ali Muhsin
- 4- Akram Al-Hakem
- 5- Albert Yalda
- 6- Ayad Al-Samarayi
- 7- Ayad Allawi
- 8- Ayham Al-Smarayi
- 9- Ms Bayan Al-Aaraji
- 10- Bayan Jabr
- 11- Tawfeq Al-Yaseri
- 12- Jalal Talabani
- 13- Jwnaid Manko
- 14- Jawad Al-Attar
- 15- Jawhar Namiq
- 16- Hateem Muhklis
- 17- Hateem Shaalan Abu-Lajun
- 18- Hajm Al-Husseini
- 19- Hameed Al-Bayati
- 20- Hussein Al-Jburi
- 21- Hussein- Al-Shaalan
- 22- Hussein Al-Shami

- 23- Raza Jawad Taqi
- 24- Ms Suad Al-Kareemawi
- 25- Saad Al-Bazaz
- 26- Saad Jawad
- 27- Saad Salih Jabr
- 28- Sa'dwn al-Dlemi
- 29- Sinan Al-Shbebi
- 30- Sadiq Al- Musawi
- 31- Ms Safya Al-Suhel
- 32- Slahadin Baha-Al-Din
- 33- Salah Al-Shiekli
- 34- Sanan Ahmed Agha
- 35- Tariq Al-Azami
- 36- Adil Abdul- Almahdi
- 37- Abbas Al-Bayti
- 38- Abdulaziz Al- Hakeem
- 39- Abdulsatar Al-Jumaili
- 40- Abdulmajeed Al-Khuei
- 41- Ezzaddin Salim
- 42- Ali bin Al-Hussein
- 43- Ghassan Al-Atya
- 44- Farwq Raza
- 45- Fuad Ma'sum
- 46- Qadir Aziz
- 47- Kareem Ahmed
- 48- Kanan Makiya
- 49- Kosrat Rasul Ali
- 50- Gorran Talabani
- 51- Muhamed Bahr Al-Alwm
- 52- Muhamed Taqi Al-Mawla

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- 53- Muhamed Al-Haideri
- 54- Muhamed Abdul-Jabar
- 55- Muhamed Haji Mahmoud
- 56- Masoud Barzani
- 57- Mishan Al-Jburi
- 58- Muzr Shawkat
- 59- Mofaq Al-Rubayei
- 60- Naji Hielmi
- 61- Najmadin Kareem
- 62- Hoshyar Zebary
- 63- Maj. Gen. Wafiq Al-Samaryai
- 64- Waleed Muhamed Saleh
- 65- Yonadm Yousef Kanna

Political Memorandum on Guaranteeing the Rights of Kurdistan's Ethnic and Religious Communities

The promotion of coexistence and sympathy towards each other's different religious faiths is a great achievement of the people of Kurdistan. Throughout history, the people of Kurdistan have promoted peace and eliminated national and religious biases among diverse minorities. One of the most significant resolutions of the Higher Referendum Council in Kurdistan was the issuance of a memorandum to equalize the rights of the Kurdistan Region's ethnic and religious groups. The memorandum would have served as a rulebook in protecting and developing the rights of diverse communities in an independent Kurdistan. The memorandum aimed to prove that an independent Kurdistan will guarantee the rights and integrity of all groups and to ensure everyone will feel at home in Kurdistan. The following text is the script of the aforesaid memorandum:

**Political Memorandum on Guaranteeing the Rights of
Kurdistan's ethnic and religious communities**

In an attempt to secure the rights of ethnic and religious communities in Kurdistan, we as the High Referendum Council, representing the majority of Kurdistan's political parties, believe that Kurdistan is home to every group: Kurds, Turkmens, Arabs, Armenians, Chaldo-Assyrians, Yezidis, Jews, and Kaka'is. We all suffered through the struggles and tragedies that history brought upon us. We managed to overcome decades of hardship through unity and sympathy towards each other. We take pride in accepting each other despite language, religion, and sectarian differences, as a tribute to the martyrs of freedom.

We are inspired by the amount of grace and tolerance we show towards each other. We foster the spirit of brotherhood to meet the universal human rights declarations in protecting the integrity of religious and ethnic minorities. Kurdistan has followed international guidelines on protecting and developing minority rights within the region and around the world to achieve stability and equality. The relationship between different Kurdish ethnic and religious groups should be based on the following articles:

Article (I)

Acknowledging the ethnic, religious, sectarian and cultural rights and freedoms of Kurdistan's components and communities based on sovereignty and equality, as well as preserving the worship places.

Article (2)

A. Securing the rights of Turkmens, Arabs, Armenians, and Chaldo-Assyrians through local administration and self-administration, or through decentralization or imposing a federal system in the most populated historical areas where the groups are located, according to the census carried out in 1957.

B. Securing the right of self-administration, autonomy or even federalism for Yezidis in areas where the Yezidis constitute the majority; this process must be bound by law.

Article (3)

Appointing representatives of Kurdistan's different minority groups in the elected legal, administrative, diplomatic and independent institutions. This process must be bound by law.

Article (4)

Appointing representatives of Kurdistan's minority groups in the higher constitutional court of law in accordance with the general rules.

Article (5)

Allowing the participation of Kurdistan's minority groups in government institutions, and the military forces of Asayesh, Interior, and Peshmerga. This process must be bound by law.

Article (6)

Recognizing Kurdish, Turkish, Arabic, Assyrian, and Armenian as official languages. This process must be bound by law.

Article (7)

The Kurdish national anthem and flag should represent all groups in Kurdistan. This process must be bound by law.

Article (8)

Religious holidays and events shall be organized by Law.

Article (9)

The state the freedom and rights of practising different cultural and religious beliefs for every ethnic or religious group of Kurdistan.

Article (10)

Followers of all different religious groups, except followers of Islam, are entitled to practice their own religious laws through establishing special courts, the rulings of no religion will be imposed on the followers of another religion.

Article (11)

Cancelling the demographic shifts that occurred in historic sites of Kurdistan's groups, based on a census carried out in 1957 in Iraq. Compensating the Kurdish Yezidis, Chaldo-Assyrians, Turkmens, after decades of suffering genocide and displacements, through development of the areas that have been affected and to compensate the victims.

Article (12)

Securing the rights of all minority groups for establishing their own councils, committees, and organizations.

Article (13)

The state has the responsibility of protecting and rehabilitation of all religious and cultural landmarks for all different minorities and components.

Article (14)

Teaching the history of Kurdistan components, coexistence and tolerance among the different groups of Kurdish people, and focusing on refusal of hatred and bigotry.

Article (15)

All representatives from different minority groups should take part in drafting the constitution.

Article (16)

Within the launch of the first parliamentary session and during the publishing of the memorandum, all articles will come into effect.

This memorandum is drafted by a committee headed by Dr. Khalil Ibrahim, with membership of Romeo Hakari, Shiekh Shamo, Muna Qahwaji, Vian Dakhil, Dr. Talib Kakyi, Kareem Sulaiman, Halan Hurmuz, and Muhammad Saad Al-Din, on Sunday, September 24, 2017, and was unanimously approved during the last meeting of the Higher Referendum Council.

Declaration of Constitutional Principles ¹

Introduction

Based on Article (1) Paragraph (2) of the Charter of the United Nations, respecting the right to self-determination of peoples leads to realization of people's rights. One of the purposes of the United Nations, as stated in this paragraph, is "To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to take other appropriate measures to strengthen universal peace". The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by equivalent free voting procedures. Every nation is entitled to decide its own future.

1- Drafting a project of Constitutional declarations on the suggestion of President Masoud Barzani, and declarations of high referendum council by Dr. Kawa Mahmoud, secretary of the Communist Party of Kurdistan.

Article (55) of the Charter of the United Nations mandates the universal respect for, and observance of, human rights and fundamental freedoms for all. This involves promoting stability and well-being, which are necessary for peaceful and friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples.

Concerning the Declaration on Granting of Independence to Colonial Countries and Peoples, the United Nations General Assembly declared Resolution 1514 in December 1960, which affirmed granting independence to colonial countries and peoples. The resolution states: "All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

According to the first Article of both (The International Covenant on Civil and Political Rights) and (The International Covenant on Economic, Social and Cultural Rights) approved in 1966, all the peoples have the right to decide on their political status, and freely seek their economic, social and cultural development.

According to the Declaration on Principles of International Law which was issued through the United Nations General Assembly Resolution 26/25(XXV) in 1970, equality of peoples in rights is enshrined, it states: "By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter"

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Referring to the script of Universal Declaration on Rights of Peoples 1976, as well as Article 8 of Helsinki Accords which resulted from the Conference on Security Co-operation in Europe 1975, in addition to World Conference of Human Rights held in Vienna in 1993 under supervision of the United Nations, it is repeatedly reiterated that “all the peoples have the right to self-determination”.

Furthermore, the International Court of Justice has frequently issued resolution backing the principle of self-determination, including its resolutions on Namibia on 21 June 1971, Western Sahara on 16 October 1975, East Timor on 30 June 1995 and Kosovo in 2008.

The precedent examples of International Law affirm the right to self-determination, a fact supported by the international community's resolutions regarding to Senegal's secession from Mali in 1960, Singapore's secession Malaysia in 1960, Bangladesh's secession from Pakistan in 1974 and Eritrea's secession from Ethiopia in 1993, in addition to eastern European countries independence in early 90s, emerge of the republics from the former Soviet Union and Yugoslavia's breakup into 6 states.

Also, referring to the Iraqi constitution of 2005, which states in its preamble and article 1 that this constitution guarantees the unity and integrity of Iraq. However, now after 13 years since the constitution was approved, nearly 50 articles of the constitution remain unimplemented. The lack of executing a federal system in Iraq has put the different communities within the region in danger and has promoted bigotry. It is impossible to create a country by force. In an attempt to avoid political conflicts, discrimination, and sectarianism, the Kurdistan nation decided on holding a referendum to

define the region's relationship with Iraq, a decision that was based on the Self-determination principle and the will of Kurdistanis.

The decision of conducting the referendum would be the basis for settling disputes between Kurdistan and Iraq in a peaceful, democratic way and would result in creating an appropriate neighbouring relationship that leads to cooperation, mutual work and preserving the interests of Iraqi peoples.

The decision of conducting the referendum based on a presidential decree of the region, is the conclusion of struggles of all components of Kurdistan people and Kurdistan's liberty movement as well as all the sacrifices this nation has given during Anfal campaigns, chemical bombarding and genocide campaigns. It is also a commemoration for Kurdistan people's struggle throughout the history that has always aimed to freedom, justice, equality, national independence, peace and humanity.

While we are well aware of the challenges the we may face, we confirm here that the people are the people are the source of authority. Due to the significance of the referendum and its role in deciding the future of Kurdistan, we've decided to announce these constitutional principles that resemble the basis a Free Kurdistan State. This declaration is a political statement to be shared with Kurdistan and regional audiences and the international community, and acts as an accredited document for the constitutional principle that the new state will embrace. It reiterates compliance with the nature of political systems recognized by the United Nations, as well as commitment to the principles of human rights to build a state of the law including all civil, modern and democratic institutions.

The aim of setting these fundamental principles of a constitution, which is not an alternative to the constitution, is to have different

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Kurdistani groups' input in drafting the final copy of the constitution, then it will be subject to public referendum.

In respect for decades of Kurdish struggle and respect to the martyrs of revolutions, the fundamental principles of a Kurdish constitutional government read as follows:

1-The Republic of Kurdistan, is a civil democratic state, relies on the sovereignty of people and applying the law above everyone in respect to the freedom and integrity of every individual. It provides equal opportunities for all individuals without distinction of race, religion, and gender. Kurdistan is the home of Kurds, Arabs, Turkmens, Chaldo-Assyrians and Armenians, and the state will respect the rights and national cultures of each group. The national anthem and flag should represent the diversity within the region.

2- The people are in power and have their say during a voting process managed by an independent council and governed by a judge. The voting system will deliver justice in equal representation of each Kurdish group in the region. The constitution will include the rights of everyone without excluding any groups.

3- The state will follow a republican, democratic, parliamentary system and will balance between the legislative, executive and judicial authorities and will separate them. There will be peaceful transition of power and its distribution among different parties in a way that does not violate the rights and freedom of people.

4- The state will guarantee the rights of different Kurdistani communities and components considering

their diversity, and will support democracy, decentralization, autonomy and self-governance. This will be completed through different frameworks that consider the demands of each component in achieving the required federal level in self-administration.

5- The state protects freedom of different religious activities of Muslims, Yezidis, Christians, Kaka'is, Jews and Zardashties.

6- The State of Kurdistan is part of the Middle East, considers itself to be part of the international community, and attempts to promote partnerships in both fields. It works to accomplish stability and peace, respecting the sovereignty of each nation and cooperating in the fight against terrorism. It supports others to foster partnerships and develop human rights principles. The State of Kurdistan will also commit to the international covenants and treaties including those related to borderlines between states, through which the state of Kurdistan shall commit to the historical and geographical borders of southern Kurdistan with Iraq. It will aim to solve disputes through negotiations and communication to achieve the integrity and stability. The state will also contribute in building the human civilization.

7- The Peshmerga are the Kurdistan Region's army and are considered a national force. The force needs to be acknowledged as the national force of the people, defending all groups in Kurdistan. We oppose the establishment of any militia force in the region, irrespective of the reason.

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8- The state will function on the sovereignty of law and judicial independence, to secure justice for all.

9- Everyone is equal before the law. The dignity of people is protected without any discrimination on the basis of race, language, gender, religion, social class, or political preferences. The state will secure the rights of women and their role in key decision-making centers, the state will also provide the needs of the vulnerable communities.

10- No crime or punishment without Law. All suspects will be presumed innocent until proven guilty according to law. Military courts will not be responsible for carrying out public and civil session courts. No civil people should be arrested unless there is a warrant issued by a judge. No-one's freedom should be questioned. The state is accountable to secure the freedom of movement for everyone.

11- Kurdistan's citizenship is granted to all the citizens of the state, and under no circumstances should that right be withdrawn. No citizen should be subjected to deportation or barred from returning to the country.

12- The state will guarantee the freedom of practising different religious beliefs and performing religious ceremonies in secured places.

13- Guaranteeing the freedom of speech, journalism, and media in a way that will not have negative impacts on private life of individuals or coexistence of different Kurdistan's components. No media outlet will be

censored or closed unless there is a warrant from a judge with a specific end date.

14- Securing the right to establish parties, unions, councils, and private institutions and granting the nation to hold peaceful rallies, without violating any principles of human rights.

15- The state policy will depend on inclusive sustainable development, good governance principles, transparency and active citizenship to preserve the history and culture of ethnic and religious groups, as well as protecting the natural resources (oil and gas and minerals) and using them in developing of the country and enhancing the livelihood of its people, in this regard, the state will encourage investments and will protect the consumer rights as well as guaranteeing equal opportunities and eliminating monopoly.

16- Public properties will be protected, they will be put at disposal only through court's resolution and in return of fair compensation.

17- Everyone is entitled to work in public institutions, the work opportunities will be guaranteed. The state shall commit to identify the minimum possible wages in a way that guarantees a decent life for the citizens.

18- Elementary school certificate completion will be mandatory, and the government will supervise public and private schools and universities to ensure education will be provided in a way that ensures national belonging, identity and culture of Kurdistan. The state will guarantee the right to education and freedom of academic and scientific research in science and invention, in addition to promoting educational

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and art festivals to exchange ideas and create room for creativity. The government will secure the freedom of research centres and universities, as well as providing free learning opportunities in schools and universities.

19- Respecting the privacy of every individual, including all digital correspondences and other communication methods, with no access to them unless by a court order.

20- Providing the right to a peaceful life in a healthy environment as well as providing high-quality food, medical insurance, and sports facilities to encourage people to follow a healthy lifestyle. Supporting the elderly, the sick, and fighting unemployment through assistance in accordance with the regulations in terms of social support.



Documents ■

Document - 1

Kurdistan Regional Presidency
Presidential Decree

Number (106), 2017



Republic of Iraq
Kurdistan Region
 President

Presidential Decree

Number (106)

Following Kurdistan regional presidency law of article (1) that was issued in 2005, and consideration of public interest, as well as depending on the human rights declarations and international law for the nations within the world countries, and the fact Kurds have their own language, culture, history and other characteristics that form the foundation of a country, and with the support of international laws, Kurds will decide on its future and lifestyle.

For decades, Kurdish people have worked enormously to achieve their rights and create a peaceful partnership with other nations in Iraq. During the last decades, and through the revolutions of Kurdistan's liberation movement, several promises were made by Iraqi officials to Kurds and its cause. Some of the promises failed to meet the expectations of Kurdish people and its struggle through the years. In the aim of supporting this regional order, some of the failed promises that were made to Kurds are as following:

British -Iraqi agreement in 1922, to support the establishment of a Kurdish state. Local language law- article (74) 1931, Iraqi official promises to international union. Iraq's law to acknowledge education in Kurdish language. Article (3) of Iraq's

temporary constitution in 1958, processing self-administration in Iraqi government in 1963, the agreement of June 29, 1966, the treaty of March 11, 1970, Kurdish autonomy law article (33) in 1974, article (58) of government's reform law in 2004.

The Iraqi government violated each law and ignored the Kurdish plight for referendum, and used war as an answer to the Kurdish rights, that lead to the destruction of Kurdish homes, genocide acts, Anfal, Chemical attack, and forced displacement of the civilians.

After the liberation of Iraq and the fall of Baath regime in 2003, an opportunity of building a democratic Iraq that secure the rights of each groups become possible. The decades of Kurdish struggle and its experience played a vital role in rebuilding Iraq and drafting a new constitution that considers the rights of each groups and provide a peaceful solution to all political disputes within the region. Years after the issue date of the constitution, Baghdad is still violating the principles were set as foundation of a new Iraq and constitution in 2005.

One of the significant roles of having a federal system in Iraq is to grant equal distribution of government budget and setting Kurdish borders. Kurdish budget was cut from Baghdad. The Kurdish areas that are outside the administration of Kurdistan region were supposed to go through a voting process based on article (140). The referendum that was set to be held in 2007, would grant the locals the choice of being governed by Kurdish government. The Kurdish officials agreed to the terms of the referendum and promised to accept the results, no matter what. The central government refused to implement the referendum and violated article (65) of the constitution that supported self-administration.

It is mentioned in the Iraqi constitution, that a united Iraq is the result of a collective positive voice from all Iraqi group, and “committing to the constitution will protect the unity and stability of the Iraqi nation” and violating it will only lead to division.

After incessant violation of the constitution by Iraqi officials in Baghdad, and neglecting the rights of Kurdish people, the need for a permanent solution had become vital to decide on the future and demands of Kurdish people. After several meetings of Kurdish advisors and political parties, on June 7, 2017, the announcement for a Kurdish referendum was made public. The Kurdish people will decide their future based on the following:

1 / Holding Kurdish referendum on 25/9/2017 in Kurdistan and other Kurdish areas that are outside the administration of Kurdistan region.

2 / The referendum will be a public voice to honour people's struggle to freedom. The voting will start at 8am and will continue until 6pm.

3/ To decide on the future and achieve autonomy, the voters will answer the question with a YES OR NO to the following question:

Do you want the Kurdistan Region and the Kurdistan areas outside the Region to become an independent state?

YES

NO

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4 / Those who vote need to make sure they have the rights to participate in the referendum

5 / The voting card will be written in fluent and clear format and in different languages of Kurdish, Arabic, Turkish, and Assyrian.

6 / The people will decide the winner based on the results of the voting.

7 / Regarding the confidentiality of the voters and setting electoral campaign rules, the court will follow the Kurdistan's parliament electoral law of article (1) 1992.

8 / The high referendum council will be responsible for the management of the voting process and announcing the results. The council will promise to follow standard international law of elections.

9 / The high referendum council will cooperate with the commission's high council in Kurdistan to ensure the smooth run of the voting process.

10 / No governmental institution, or Kurdish party has the right to interfere with the management of the referendum or decide on behalf of the committee of the high referendum council who are ought to carry out their work independently and with honesty.

11 / The related parties will allow the freedom of opinion in the referendum in the aim of granting the nation a chance to express their thoughts on the Kurdish cause. Social gatherings and rallies will be allowed only if no government guidelines are being violated to ensure the success of the voting process.

12 / Allowing the participation of international parties, civil society organizations and media in covering the voting process and announcements of the results.

13 / The high referendum council will work to integrate the Kurds who are in exile by enabling them to participate in the Kurdish call for autonomy.

Masoud Barzani
President of Kurdistan Region

ERBIL
8/6/2017

جمهورية العراق
 إقليم كوردستان
 الرئيس



گۆساری عێراق
 هه‌ڕه‌می کوردستان
 سه‌رۆک

شه‌رمانی هه‌رێمی

ژماره (١٠٦)

پاڤڤشت به ياسای سه‌رۆکایه‌تی هه‌رێمی کوردستان ژماره (١) ی سالی ٢٠٠٥ ی هه‌موارکرا، و به له‌به‌رچاوه‌گرته‌ی به‌رژه‌وه‌ندی گشتی و پشت به‌ست به‌ به‌نه‌مای مافی چاره‌ی خۆنوسین که مافیکی دانپێنراوه له‌لایه‌ن کۆمه‌له‌ی گشتی نه‌توه‌یه‌که‌رتووهمان و ياسا ئێوده‌وله‌تییه‌کان بۆ گهلانی جیهان و نه‌توه‌کان، و به‌و پێیه‌ی گهل کوردستان گهلێکی خاوه‌ن هه‌موو تایبه‌تعه‌ندییه‌کانی خۆیه‌تی له‌ رووی خاک و زمان و کلتور و میژوو و شوناس و گشت به‌نه‌ماکانی پێناساندنی وه‌کو گهلێک به‌ هه‌موو پێکهاته‌کانییه‌وه، به‌ هه‌موو پێوه‌ره‌ مرۆیی و ئێوده‌وله‌تییه‌کان مافی هه‌یه‌ به‌ بێر بادت له‌سه‌ر دیاریکردنی جۆری ژيان و داهاتوی خۆی.

گهل کوردستان هه‌ر له‌ دروستبوونی ده‌وله‌تی عێراقه‌وه‌ خه‌بات و تیکۆشانی کردوه‌ بۆ چه‌سپاندنی مافه‌کانی و بۆ پێکه‌وه‌ ژيانێکی ئاشتیانه‌ له‌گه‌ڵ گهلانی تری عێراقی، بۆ ئه‌وه‌ی بوونی وه‌کو گهلێک پارێزراو بێت. له‌ نه‌تجای خه‌باتی ده‌یان ساله‌ی بزوته‌وه‌ی رزگاریخوازی گهل کوردستان، له‌ چه‌ندین قۆناغه‌دا هه‌ندێک پرۆژه و به‌لێنی پێدراون له‌لایه‌ن ده‌سه‌لاتدارانی عێراقه‌وه، هه‌رچه‌نده‌ ئه‌و ماف و به‌لێنه‌ به‌ ته‌واوی نه‌ده‌گونجان له‌گه‌ڵ ئامانجه‌کان و قوربانیدانی گه‌له‌که‌مان. نموونه‌ بۆ ئه‌م پرۆژه و به‌لێنه‌ ده‌که‌رت ئاماژه‌ بده‌ری به‌ یانی به‌ریقانی - عێراقی له‌ سالی ١٩٢٢ ده‌ریاره‌ی دامه‌زراندنی حکومه‌تیکی کوردی، ياسای زمانه‌ خۆجێیه‌کان ژماره (٧٤) ی سالی ١٩٣١، لێدوانی فه‌رمی عێراق ده‌ریاره‌ی به‌لێنه‌کانی عێراق بۆ کۆمه‌له‌ی نه‌توه‌کان، په‌یوه‌ستبوونی عێراق به‌ جێبه‌جێکردنی خۆی‌ندنی کوردی له‌ کوردستاندا، ماده‌دی (٣) له‌ ده‌ستووری کاتی عێراقی سالی ١٩٥٨، پرۆژه‌ی ئیداره‌ی لامه‌رکه‌زی له‌ عێراق له‌ سالی ١٩٦٣، به‌یانی ٢٩ ی حوزه‌یرانی سالی ١٩٦٦، رێککه‌وتنه‌مه‌ی ١١ ی ئازاری سالی ١٩٧٠، ياسای ئۆتۆنۆمی ژماره (٢٣) بۆ

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كوردستان - عێراق سالێ ١٩٧٤ ، ماددهی ٥٨ له یاسای به‌ریوه‌بردنی ده‌وله‌ت له قۇناعی گواستنه‌وه سالێ ٢٠٠٤ .

حكومه‌ته یه‌ك له‌ده‌وای یه‌كه‌كانی عێراق نه‌ك هه‌ر به‌لگه‌نامه‌كانیان پێشیل كردووه و پشتگۆی خستووه، به‌لكو وه‌لامی داواكاریه‌كانی گه‌لی كورد بۆ مافه ره‌واكانیان به‌ ناگه‌ر و ئاسن داوه‌ته‌وه ، و نه‌بجامة‌كی كاره‌سات و مالدێرانی بووه بۆ كوردستان، وه‌ك جینۆسایدكردنی گه‌لی كورد له‌ژێر ناوی نه‌نفال، راگواستنه‌وه‌ی و نیشته‌جێكردنی زۆره‌ملی، خاپووركردنی گوند و ئاوییه‌كان و ژێرخانی ئابووری، و به‌كارهێنانی گازی ژه‌هراوی قه‌ده‌غه‌كراو له‌سه‌ر ئاستی نیو‌ده‌وله‌تی له‌ دژی خه‌لكی سیفیل.

هه‌روه‌ها دوا‌به‌ده‌وای پرۆسه‌ی رزگارکردنی عێراق له‌ سالێ ٢٠٠٢ و روخانی رژیمی پێشووی به‌عس، و ها‌ته‌ پێشه‌وه‌ی ده‌ره‌فتێکی نوێ بۆ بنیادنانی عێراق له‌سه‌ر بنه‌مای دیموکراتی و دامه‌زراوه‌یی و ها‌ولاتی‌بوون كه‌ مافی هه‌موو پێكهاته‌كان تییدا پارێزراو بێت، گه‌لی كوردستان سه‌ره‌پای هه‌موو نه‌هامه‌تی و قوربانیدانی، به‌شدارییه‌كی كارای كرد له‌ رێگه‌ی نوێنه‌ره‌كانیه‌وه بۆ بنیاتنانی عێراقی نوێ و دارشتنی ده‌ستووری عێراقی له‌ سالێ ٢٠٠٥ كه‌ بووه بناغه‌یه‌ك بۆ دروستکردنی ده‌وله‌تی دیموکراتی فیدرالی په‌رله‌مانی فره‌جیزی له‌سه‌ر بنه‌مای پرهنسیپی یه‌كێتی ئاره‌زومه‌ندانه، و دیاریکردنی بنه‌ما‌كانی پاراستنی مافی پێكهاته‌كان و چاره‌سه‌ركردنی كێشه میژوویه‌كانی وولات، به‌لام له‌ده‌وای تیپه‌پوونی چه‌ندین سال له‌ ته‌مه‌نی ئه‌م ده‌ستووره ، عێراق هێشتا په‌ر له‌ پێشیلکاری زه‌قی یاسایی و ده‌ستووری و ئه‌و بنه‌مایانه‌ی كه‌ ده‌وله‌تی نوێی عێراقی له‌سه‌ری دامه‌زرا له‌ دابه‌شکردنی ماف و ده‌سه‌لاته‌كان له‌ نێوان ناوه‌ند و هه‌ریێم.

گه‌رنه‌گه‌رین پایه‌كانی سیسته‌می فیدرالی دابه‌شکردنی دا‌هات و دیاریکردنی ستووری هه‌ریێمی كوردستانه . له‌رووی داراییه‌وه بودجه‌ی هه‌ریێم به‌ردرا . له‌رووی دیاریکردنی سنووره‌وه، هه‌رچه‌نده ناوچه كوردستانیه‌كانی ده‌ره‌وه‌ی ئیداره‌ی هه‌ریێم له‌رووی میژوو و جوگرافیا و دیموگرافیه‌وه

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به‌شێك له كوردستان، به‌لام سه‌ركرده‌یه‌تی سیاسیی كوردستان بۆ سه‌لماندنی ئیه‌تپاکی و چاره‌سه‌ركردنی ئاشتیاكه‌ی پرۆسه‌كه‌ ره‌زامه‌ند بوون له‌سه‌ر ناوه‌ڕۆکی مادده‌ی (١٤٠) ی ده‌ستوور كه‌ نه‌خشه‌ رێگایه‌کی دانا و ده‌یوایه‌ تا كۆتایی ساڵی ٢٠٠٧ پرۆسه‌ی راپرسی گشتی ئه‌نجام بدرێت، تاوه‌كو دانیشتووانی ئه‌و ده‌قهرانه‌ به‌ ویستی نازادانه‌ی خۆیان بپار له‌سه‌ر داهااتووی خۆیان به‌د. و سه‌ركرده‌یه‌تی كوردستان چه‌ندین جار دووپاتیان كرده‌وه‌ كه‌ پابه‌ندن به‌ ئه‌نجامی راپرسیه‌كه‌ هه‌رچه‌یه‌ك بێت، به‌لام ه‌كومه‌تی عێراقی جێبه‌جێ نه‌كرد. هه‌روه‌ها دروستكردنی ئه‌نجومه‌نی فیدرالی‌ش به‌پێی مادده‌ی (٦٥) ی ده‌ستوور پشتگۆی خرا.

هه‌روه‌ك له‌ دیباچه‌ی ده‌ستووردا ها‌توو ده‌گه‌لانی عێراق به‌ نازادی و ئاره‌زوومه‌ندانه‌ ئه‌م یه‌كێتییه‌یان هه‌لبژاردوه‌، و "پابه‌ندیون به‌م ده‌ستووره‌ یه‌كێتی ئاره‌زوومه‌ندانه‌ی عێراق و گه‌له‌كه‌ی و خا‌كه‌كه‌ی و سه‌ره‌وه‌رییه‌كه‌ی ده‌پاریزی". به‌ پێچه‌وانه‌وه‌ پێشێل‌كردنی به‌نده‌كانی ده‌بیته‌ ه‌وكاری لێك‌ت‌را‌زان.

به‌ه‌ۆی به‌رده‌وامبوونی ه‌كومه‌ت و سه‌ركرده‌یه‌تی سیاسیی عێراقی له‌سه‌ر سیاسه‌تی پێشێل‌كردن و پابه‌ندنه‌بوون به‌ ناوه‌ڕۆکی ده‌ستوور، و پشتگۆی‌خستنی ماف و داواكاریه‌كانی گه‌ل كوردستان، و به‌ پێیه‌ی باروودۆخی ناوچه‌كه‌ و جیهان به‌ گشتی و عێراق به‌ تایبه‌تی واده‌خواریت بپاریزگی یه‌ك‌لاكه‌ره‌وه‌ بدرێت بۆ داهااتووی ئه‌م گه‌له‌، و دوابه‌دوای كۆبوونه‌وه‌ و راوێژ له‌گه‌ڵ لایه‌نه‌ سیاسیه‌كانی كوردستان به‌ گشت پێكهاته‌كانیه‌وه‌ له‌ رۆژی ٢٠١٧/٦/٧، گه‌یشتینه‌ ئه‌و ده‌ره‌ئه‌نجامه‌ی كه‌ پێویسته‌ بگه‌ڕێنه‌وه‌ بۆ را و ئهراده‌ی گه‌له‌كه‌مان بۆ بپاریاردان له‌سه‌ر چاره‌نووس و داهااتووی خۆیان، و له‌سه‌ر ئه‌و بنه‌مایانه‌ بپاریاماندا به‌:

١. ئه‌نجامدانی راپرسی گشتی له‌ رۆژی (٢٠١٧/٩/٢٥) له‌ سه‌رتاسه‌ری هه‌ری ئێه‌ی كوردستان و ناوچه‌ كوردستانیه‌كانی ده‌ره‌وه‌ی ئیداره‌ی هه‌رێم.
٢. پرۆسه‌ی راپرسی به‌ ده‌نگدانیه‌کی گشتی نه‌ینی راسته‌وخۆی نازاد ئه‌نجام ده‌درێت. پرۆسه‌كه‌ له‌ كاتژمێر هه‌شتی به‌یانی ده‌ستپێده‌كات و تا شه‌شی ئیواره‌ به‌رده‌وام ده‌بێت

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٣. به مه‌به‌ستی جێبه‌جێ کردنی مافی چاره‌نوس، به‌شداربوونی پرۆسه‌که به به‌ئێ یان نه‌خێر وه‌لامی ئهم پرسیاره‌ی لای خواره‌وه ده‌ده‌وه، ئه‌ویش به دانانی هێمای راست به‌رامبه‌ری.

• ئایه ده‌ته‌وی هه‌ریجی کوردستان و ناوچه کوردستانییه‌کانی ده‌روه‌ی ئیداره‌ی هه‌ریج بێته ده‌وله‌تیکی سه‌ربه‌خۆ؟

- به‌ئێ ☒
- نه‌خێر ☒

٤. پێویسته ده‌نگده‌ر شیاوی ده‌نگدانی تێدا بێت به‌پێی یاسا و رێنماییه‌ په‌یره‌وکاره‌کان.

٥. کارتی ده‌نگدان به‌ زمانه‌کانی کوردی و عه‌ره‌بی و تورکمانی و سهربانی به‌ شیوه‌ی چاپکراو به‌ روونی ده‌نوسرێت.

٦. ئهو بژارده‌یه‌ی که زۆریه‌ی ده‌نگ وهرده‌گرێت به‌ براوه ئه‌ژمار ده‌کرێت، و ده‌بێته ئیراده‌ی گشتی گه‌لی کوردستان به‌ گشت پێکهاته‌کانییه‌وه.

٧. سه‌باره‌ت به‌ تۆماری ده‌نگده‌ران و ریکلام و ده‌نگدان و تاوانی هه‌لبژاردن ئهو ئه‌حکامانه‌ی له یاسای هه‌لبژاردنی په‌رله‌مانی کوردستان ژماره (١) ی سالی ١٩٩٢ ی هه‌موارکراو و یاسا په‌یوه‌ندیده‌ره‌کاندا هاتوون جێبه‌جێ ده‌کرێن.

٨. کۆمسیۆنی بالای سه‌ربه‌خۆی هه‌لبژاردن و راپرسی له کوردستان هه‌لده‌ستێت به‌ ئه‌نجامدان و سه‌ره‌رشتی کردنی راپرسیه‌که و ئاماده‌کردنی تۆماری ده‌نگده‌ران و جیاکردنه‌وه و ژماردنی ده‌نگه‌کان و بلا‌وکردنه‌وه‌ی ئه‌نجامه‌کانی. له‌م باره‌یشه‌وه په‌یره‌وی رێنمایی و ئه‌حکامی یاسا په‌یوه‌ندیده‌ره‌کان و ستانده‌ره جیهانییه‌کان ده‌کات.

٩. کۆمسیۆنی بالای سه‌ربه‌خۆی هه‌لبژاردن و راپرسی هه‌ماهه‌نگی ده‌کات له‌گه‌ڵ ئه‌نجومه‌نی بالای راپرسی له کوردستان بۆ جێبه‌جێکردنی پرۆسه‌که.

١٠. دامه‌زراوه حکومه‌یه‌کان و حیزبییه‌کان بۆیان نییه به‌هیچ شیوه‌یه‌ک له شیوه‌یه‌کان ده‌ستبۆمه‌ردان بکه‌ن له کاروباری به‌رپرسیان و سه‌ره‌رشتیاران و ئه‌نجامده‌رانی پرۆسه‌ی راپرسی، و ریکا ئادریته‌ هێچ که‌س و لایه‌نێک ده‌ستبۆخاته ناو کاروبار و ده‌سه‌لاته‌کانی کۆمسیۆنی بالای

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سه‌ربه‌خۆی هه‌لبژاردن و راپرسی له کاتی ئه‌نجامدانی ئه‌ركه‌كانی به‌ بێلایه‌نه‌ و سه‌ربه‌خۆیی و ده‌ستپاکی و ئاشکرای ته‌واو به‌ پێی یاساکان.

١١. لایه‌نه‌ په‌یوه‌ندیده‌رمان بوا‌ری پێویست ده‌رئه‌خسێن بۆ به‌شداری کردنی تێکرای ئه‌ندامانی گه‌ل و گه‌رنتی ئازادی راده‌ربهرین و گه‌ردبونه‌وه‌ و ها‌تو‌چۆ و ده‌نگدان به‌ پێی یاسا په‌یره‌وه‌کروده‌کان ده‌کهن ، و ئاسانکاری و هه‌ماهه‌نگی ده‌کهن له‌گه‌ڵ کۆمسیۆنی با‌لای سه‌ربه‌خۆی هه‌لبژاردن و راپرسی بۆ به‌ریوه‌چوونی پرۆسه‌که‌.

١٢. مسۆگه‌رکردنی به‌شداریکردنی لایه‌نه‌ په‌یوه‌ندیده‌ره‌ بیانییه‌ فه‌رمی و ناهه‌رمیه‌کان و رێکخه‌راوه‌کانی کۆمه‌لگه‌ی مه‌ده‌نی و میدیا له‌ چا‌ودێریکردنی گه‌شت کاروباری ریکلام و به‌ریوه‌چوونی ده‌نگدان و جیا‌کردنه‌وه‌ و ژماردنی ده‌نگه‌کان و بلا‌وکرده‌وه‌ی ئه‌نجامه‌کان.

١٣. کۆمسیۆنی با‌لای سه‌ربه‌خۆی هه‌لبژاردن و راپرسی کار ده‌کات بۆ ره‌خساندنی بوا‌ر بۆ به‌شداری ره‌وه‌ندی کوردستانی له‌ ده‌ره‌وه‌ له‌م راپرسیه‌دا.


مسعود بارزانی

سه‌رۆکی هه‌ریه‌می کوردستان

هه‌ولیه‌

٢٠١٧/٦/٨

Document - 2

Kurdistan Regional Presidency
High Referendum Council

Article

Number (4), 2017



Republic of Iraq
Kurdistan Region
President

Article

Number (4)

Based on the recent meetings of Kurdistan's High Referendum Council, in 23/08/2017 and 27/08/2017 and to enable smooth management of the referendum process, the committee has decided on the followings:

First: Establishing a secretary committee

A- Establishing a secretary committee to manage Kurdistan's high referendum council, that will be led by Fuad Hussein, chief of staff to the Kurdistan Presidency, accompanied by each of the following:

- 1- Hoshyar Zebari
- 2- Saadi Ahmed Pira
- 3- Khalil Ibrahim
- 4- Abdul- Rahmana Fares (Abu Karwan)
- 5- Bahman Hussein
- 6- Representatives of Kurdish groups
- 7- Dilshad Shahab/ council ministers' representative
- 8- Kurdish parliament representative

B- Duties of the committee:

- 1- Managing Kurdistan's high referendum council meetings and recording them.
- 2- Planning the agenda of the meetings
- 3- Reviewing the decisions that are issued by the referendum council and update the committee on the results
- 4- Cooperating with Iraqi government, neighbouring and world countries and managing the delegation's visits.

Second: Establishing a media committee

A- Establish a media committee under the supervision of Mala Bakhtiyar and the following members:

- 1/ Mahmoud Muhamed/ Kurdistan Democratic Party's (KDP) spokesperson.
- 2 / Yahya Reshway/ Islamic Union Group spokesperson.
- 3 / Handreen Ahmed/ Kurdistan's communist party spokesperson.
- 4 / Hiwa Sayed Salim/ Kurdistan Toilers' Party spokesperson.
- 5 / Representative of Kurdish groups in Kurdistan.
- 6 / Abdulla Anwar Abdulla/ presidency of the Kurdistan region office.
- 7 / Zkri Musa Wsou/ presidency of the Kurdistan region office.

B- The media committee will manage the following duties:

1/ Preparing Tv programs and activities for Kurdish, Arabic and international audience.

2/Educating the world about Kurdish referendum.

3/Encouraging Kurds to take part in the voting process.

Third: Appointing Dr.Fuad Hussein Kurdistan President's Chief as spokesperson of the high referendum council.

Fourth: Preparing a document that acknowledge the rights of different Kurdish groups in an independent Kurdistan, supervised by (Khalil Ibrahim).

Fifth: Drafting a document entitled (The core principles of forming of a country) by the supervision of Dr (Kawa Mahmoud).

Sixth: Sending a delegation to Kirkuk, to meet with the Arab groups.

This decisions will be effective upon its release.

Masoud Barzani
President of High Referendum Council

ERBIL

11/9/2017

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كوردستان عيراق
هه رتعي كوردستان
سه روک

بـريـار

ژماره (٤) ساني ٢٠١٧

له سهه رۆشتايي كۆبوونه وه كانى ئه نجومه نى بالاي ريفراندۆم له ٢٢/٨/٢٠١٧ و
له ٢٧/٨/٢٠١٧ و به مهبه ستى زياتر ريگخستنى كاروبارى ئه نجومه ن ، برياردرا به :

يه كه م : پيگه ينانى سكرتاريه تى ئه نجومه ن

أ. پيگه ينانى (سكرتاريه ت) بۆ ئه نجومه نى بالاي ريفراندۆم به سه ره رشتى به پيژ

(فؤاد حسين) سه روكى ديوانى سه روكا يه تى هه ريم، و به شدارى ئه م به ريژانه ي خواره وه

١. هوشيار زيبارى

٢. سه عدى ئه حمه د پيژه

٣. خليل ابراهيم

٤. عبدالرحمن فارس (ابوكاروان)

٥. به مهن حسين

٦. نوينه رانى پيگه اته كان له هه ري مى كوردستان

٧. دلشاد شه هاب/ نوينه رى ئه نجومه نى وه زيран

٨. نوينه رى په رله مانى كوردستان

ب. ئه رك و كاره كانى سكرتاريه ت به م شيوه ي خواره وه ده بيت

١. ريگخستنى كۆبوونه وه كانى ئه نجومه نى بالاي ريفراندۆم و دۆكيۆمينت كردنيان.

٢. ئاماده كردنى ئه جيئداي كۆبوونه وه كانى ئه نجومه نى بالاي ريفراندۆم.

جمهورية العراق
إقليم كوردستان
الرئيس



گۆماری عێراق
هه‌ریمی کوردستان
سه‌رۆک

٣. به‌دواداچوون بۆ بریاره‌کانی ئه‌نجومه‌نی باڵای ریفرااندۆم و ئاگاداریکردنی ئه‌ندامانی ئه‌نجومه‌نی بالا له‌ ده‌رئه‌نجامه‌کان.

٤. هه‌ماهه‌نگی له‌گه‌ڵ حکومه‌تی عێراقی فیدراڵ، و وولاتانی بیانی و دراوسێی هه‌ریمی کوردستان و ریکخستنی سه‌ردانه‌کانی شاندی دانوساندن.

دوهم : پێکهێنانی لیژنه‌ی راگه‌یاندن

١. پێکهێنانی (لیژنه‌ی راگه‌یاندن) به‌ سه‌رپه‌رشتی به‌ پێز (هه‌لا به‌ خقیار) و به‌ شدارێ ئه‌م به‌ پێزانه‌ی خواره‌وه

١. محمود محمد/ به‌رپرسی مه‌کته‌بی راگه‌یاندنی پارته‌ی دیموکراتی کوردستان
٢. یه‌حیا رێشاوه‌یی/ به‌رپرسی راگه‌یاندنی یه‌کگرتووی ئیسلامی کوردستان
٣. هندریڤ ئه‌حمه‌د/ به‌رپرسی راگه‌یاندنی حیزبی شیوعی کوردستان
٤. هیوا سید سلیم/ به‌رپرسی راگه‌یاندنی حیزبی زه‌حمه‌تکێشانی کوردستان
٥. نوینه‌رانی پێکهاته‌کان له‌ هه‌ریمی کوردستان
٦. عبدالله انور عبدالله/ سه‌رۆکایه‌تی هه‌رێم
٧. زکری موسی وسو/ سه‌رۆکایه‌تی هه‌رێم

ب. لیژنه‌ی راگه‌یاندن هه‌لده‌ستت به‌م ئه‌رکانه‌ی خواره‌وه:

١. ئاماده‌کردنی پرۆگرام و چالاکیه‌کانی راگه‌یاندنی ناوخۆ و عه‌ره‌بی و جیهانی
٢. ئاشناکردنی هاولاتیان ده‌ریاره‌ی پرۆسه‌ی ریفرااندۆم.
٣. هاندانی هاولاتیانی کوردستان بۆ به‌شداریکردن له‌ پرۆسه‌ی ریفرااندۆم

جمهورية العراق
إقليم كورستان
الرئيس



گوماری عیلاق
 ھەریعی گوروستان
 سەرۆک

سَيِّيَه: هه لېږاردنی به پيژ (د. فؤاد حسين) سه رڼكايه تي هه ريم به
(ووته پيژي) ئه نجومه نې بالاى ريغراندم.

چوارهم: ناماده‌کردنی ره‌شنووسی به‌لگه‌نامه‌ی (وثیقه) تاییب به مافی پیکهاته‌کان له ده‌وله‌تی داهاتووی کوردستان به سه‌ره‌رشتی به‌ریز (خه‌لیل ئیبراهیم).

پینجهم: ناماده کردنی ره شنووسی (راگه یاندنی بنما سهره کییه کانی دهولت) له دهولتی داهاتووی کوردستان به سهره رشتی به پیز (د. کاوه محمود).

شەشەم : ناردنى شاندېك بۆ سەردانکردنى لايەنە غەربىيەكان لە كەركوك.

ئەم بېرىارە جىبەجى دەكرىت لە رۆژى دەرچوونىيەو.

مسعود بارزانی
سه رۆکی ئه نهمه ئی بالای ریفاراندۆم

ههولير
٢٠١٧/٩/١١

Document - 3

Independent High Elections and Referendum Commission

**Respond to the
Presidential Decree**

Number (69), 2017



Kurdistan Region - Iraq
Independent High Elections and Referendum
Commission

Number/ 69

Date/ 14/8/2017

**Dear/ Presidency of the Kurdistan Region and its
administration, the Diwan
Subject/ Respond to the Presidential Decree**

The commission council send its warmest greetings.

Based on regional order number (106) issued in 8/6/2017 in regards to executing Kurdish referendum, the commission made preparations for holding the referendum on 25/9/2017, and hopes parliament will be activated and will provide its support to hold the referendum in time.

Best Regards,

Handren Muhamed Salih
head of the Independent High Elections and Referendum
Commission



ژماره: ٦٩
پهرواره: ٨/٢٠١٧

کۆمیسۆنی ناڕێک و بێهێڵداری هەرێمی کوردستان
کۆمیسۆنی ناڕێک و بێهێڵداری هەرێمی کوردستان
کۆمیسۆنی ناڕێک و بێهێڵداری هەرێمی کوردستان
ژماره: ٢٠١ / /
پهرواره:

پهڕێز / سه‌رۆکایه‌تی هەرێمی کوردستان - سه‌رۆکایه‌تی دێوان

بایه‌ت / وه‌لامی هەرمانی هەرێمی

ئه‌نجومهنی کۆمیساریان گه‌رمترین سه‌لۆتان ئاراسته‌ ده‌کات.
ئاماژه‌ به‌ هەرمانی هەرێمی ژماره‌ (١٠٦) له‌ ٢٠١٧/٦/٨، سه‌باره‌ت به‌ ئه‌نجامدانی پرۆسه‌ی پاڤرسی، کۆمیسۆن
ئاماده‌کاری کردوه‌ بۆ ئه‌نجامدانی پاڤرسی له‌ ٢٠١٧/٩/٢٥، هه‌روه‌ها هه‌واخوازه‌ گه‌یه‌رله‌مانی کوردستان
ئاسایی بکێتیه‌وه‌ بۆ پاڤه‌شتی پێکاره‌ یاساییه‌کانی پرۆسه‌که‌، بۆ به‌پێوه‌چوونی پاڤرسی له‌کاتی خۆیدا.

له‌گه‌ڵ پێژدا...

هه‌ڵه‌ڵه‌ڵه‌ محمد صالح
سه‌رۆکی ئه‌نجومهنی کۆمیساریان
٢٠١٧ / /

وه‌ بۆ:

- په‌ڕێز سه‌رۆکایه‌تی په‌رله‌مانی کوردستان... بۆ ئاگاداریان له‌ گه‌ڵ پێژدا.
- دۆسه‌ی تاپه‌ت

Document - 4

Independent High Elections and Referendum Commission

**Commission reply to Kurdistan
Parliamnet**

Number (71), 2017



Kurdistan Region - Iraq
Independent High Elections and
Referendum Commission

Number/ 71
Date/ 14/8/2017

Dear/ **Speaker of Parliament**
Subject/ **Response**

The commission council send its warmest greetings.

Based on issued letter number (30) in 25/9/2017 regarding the possibility of holding a Kurdish referendum, the commission has agreed and taken necessary measures for holding the referendum on 25/9/2017, and hopes parliament will be activated and will provide its support to hold the referendum in time. Also, preparations had been made for the presidential elections and fifth round of Kurdish parliament elections in 1/11/2017.

Best Regards,

Handren Muhamed Salih
Head of the Independent High Elections and Referendum
Commission



Kurdistan Region - Iraq
The Independent High Elections and Referendum Commission
Board of Commissioners



هه‌ڕێگی کوردستان عێراق
کۆمیسۆنی باڵای سەر بۆ هه‌ڵبژاردن و راپرسی
هه‌نجۆمه‌نی کۆمسیاران

ژماره: ٧٨
په‌ڕاوه: ٢٠١٧/٨/٤

کۆمیسۆنی باڵای سەر بۆ هه‌ڵبژاردن و راپرسی
له‌ ئه‌نجومه‌نی کۆمسیاران
هه‌نجۆمه‌نی
ژماره: / /
په‌ڕاوه: ٢٠١٦ / /

به‌ڕێزی/ سه‌رۆکی په‌رله‌مانی کوردستان

پایته‌/ وه‌لام

ئه‌نجومه‌نی کۆمسیاران گه‌رمترین ساقوتان ئاراسته‌ ده‌کات.

ئاماژه‌ به‌ ئوسراوتان ژماره‌ (٣٠) له‌ ٢٠١٧/٥/٢٩، سه‌باره‌ت به‌ ئه‌نجامدانی پرۆسه‌ی راپرسی، کۆمیسۆن ئاماده‌کاری کردووه‌ بۆ ئه‌نجامدانی راپرسی له‌ ٢٠١٧/٩/٢٥، هه‌روه‌ها هه‌واخوازه‌ که‌ په‌رله‌مانی کوردستان ئاسایی بکۆتێته‌وه‌ بۆ پالێشتی پێکاره‌ یاساییه‌کانی پرۆسه‌که‌، بۆ به‌ڕێوه‌چوونی راپرسی له‌کاتی خۆیدا. هه‌روه‌ها ئاماده‌کاری کردووه‌ بۆ ئه‌نجامدانی پرۆسه‌ی هه‌ڵبژاردنی سه‌رۆکیه‌تی هه‌رمێ و خۆی پێنجه‌می په‌رله‌مانی کوردستان له‌ ٢٠١٧/١١/١.

له‌گه‌ڵ پێژدا..

هه‌ڵبژێن محمد صالح
سه‌رۆکی ئه‌نجومه‌نی کۆمسیاران
٢٠١٧/ /

وه‌له‌ بۆ:

— به‌ڕێزی سه‌رۆکیه‌تی په‌رله‌مانی کوردستان... بۆ ئاگاداریان له‌ گه‌ڵان رێژدا.

— دۆسه‌ی ئایه‌ت

Document - 5

Presidency of Kurdistan Parliament

Referendum Proposal

Number (4/3/1813)), 2017



Kurdistan Parliament Iraqi
Kurdistan - Erbil
Directorate of Parliament Affairs

Number: 4/3/1813

Date: 17/9/2017

Dear/ **Kurdistan Region Presidency –
Iraq**
Subject/ **Referendum Proposal**

We have attached a proposal letter to your excellency that is issued for implementation by (Kurdistan region parliament – Iraq) during a parliament session held on 15/9/2017.

Best Regards,

Jaafar Ibrahim Eminki
Deputy speaker of Kurdish parliament

Proposal of high referendum council for holding a Kurdish referendum

First: The Kurdish parliament has called on the high referendum council to issue a proposal on setting Monday 25/09/2017 as the official date for holding a referendum in Kurdistan and the Kurdish areas that are outside the region's administration.

Second: The Kurdish parliament confirms all measures that are taken by the high referendum council and related committees to hold the Kurdish referendum.

Third: The high referendum council will follow Kurdish parliament voting rules - Iraq article (1) that was issued in 1992, in the process of asking for Kurdish independence. As well as following article (4) of high referendum council regulation that was issued in 2014, as well as any other related law.

Fourth: The Kurdish parliament considers any suggestions or decisions that could grant Kurdish independence, only after consulting the decisions with Kurdish parliament and high referendum council.

Fifth: The mentioned recommendations are apart of the proposal that is set for the referendum that is set to be hold in 25/9/2017

Kurdistan parliament Iraqi
Kurdistan - Erbil
Directorate Of
Parliament Affairs

NO:
DATE:



بەرله مانى كوردستان - عيراق

کوردستان = ههولیر

بهرتودبهرابهتسی کاروباری بهرله مان و لیژنه مکان

ژماره:

روڈ:

1A14 / 2 / E
C-24, 9 / 14



بۆ/سەرۆكايه‌تى هه‌رىمى كوردستان - عىراق

بابہ ت / ناردنی راسپارده

پەرله مانى كوردستان - عىراق
ناره
ژماره:

100

دۇڭ:

هەلەبەشە ھەم ئۆز سەراۋەندە ۋەتەنەك لە راسپاردەي (پەرلەمانى كوردستان - عێراق)، بۆ بەرپەرئەتەن

ره‌آوانه ده‌کەین کە لە دانیشتنی ئاناسایی رۆژی ۲۰۱۷/۹/۱۵ دەنگی لەسەر داوه، بۆ جێبه‌جێکردنی.

تہ گہن ویزدا

جعفر ابراہیم ٹیمینگی

جینگری سەرۆکی پەرلەمانی کوردستان - عێراق

ولننبهك بو/

نورسینگہی ہریئر جیگری سرورکی ہرلہمان۔

نورمینگه‌ی بهر یز مکر تیری پدر لعلمان.

میریوہ ہر ایہی کاروباری پورلیمان و لیژنہ کان/ ہشی کاروباری پورلیمان۔

پاسپاردنی کۆمسیۆنی بالای سەربەخۆی هەلبژاردن و راپرسی بۆ ئەنجامدانی راپرسی سەربەخۆیی کوردستان

یەکەم: پەرلەمانی کوردستان کۆمسیۆنی بالای سەربەخۆی هەلبژاردن و راپرسی رادەسپێرێت کە رۆژی دووشەممە بەرواری (٢٥/٩/٢٠١٧) لە هەرمێی کوردستان و سەرەجەم ناوچە کوردستانیەکانی دەروەهی نێداری هەرمێ راپرسی بۆ پرسی سەربەخۆیی کوردستان ئەنجام بدات.

دووەم: پەرلەمانی کوردستان هەموو ئەو رێکارانە پەسەند دەکات کە کۆمسیۆنی بالای سەربەخۆی هەلبژاردن و راپرسی و گشت لایەنە پەیوەندیدارەکان گرتوووانە بەر بۆ سەرخستنی پرۆسەی رێفراندۆم.

سێهەم: کۆمسیۆنی سەربەخۆی هەلبژاردن و راپرسی، سەبارەت بە میکانیزمە یاساییەکانی بەرپێوەبردنی پرۆسەی رێفراندۆم بۆ سەربەخۆیی کوردستان پشت دەبەستێت بە یاسای هەلبژاردنی پەرلەمانی کوردستان - عێراق ژمارە (١)ی سالی ١٩٩٢ هەموارکراو، هەروەها یاسای کۆمسیۆنی بالای سەربەخۆی هەلبژاردن و راپرسی ژمارە (٤)ی سالی ٢٠١٤ و، هەر یاساییکی دیکەی پەیوەندیدار.

چوارەم: پەرلەمانی کوردستان لایەنە پەیوەندیدارەکان سەر پشک دەکات بۆ گرتەبەری هەر رێکار و بریارێکی دیکە بۆ دەستەبەری مافی چارەنووس و تەواوی مافەکانی گەلی کوردستان، بەجۆرێک لە پرسە چارەنوسسازەکاندا بگەڕێنێوە بۆ پەرلەمانی کوردستان، کۆمسیۆنی بالای سەربەخۆی هەلبژاردن و راپرسیش رادەسپێردرێت بۆ هەماهەنگی لە گەڵ ئەم لایەنانە.

پنجەم: ئەو راسپاردانە کە لە خاتەکانی سەرەویدا هاتوون تایبەتن بە رێفراندۆمی راکەیاندرای لە ٢٥/٩/٢٠١٧.

توصية المفوضية العليا المستقلة للانتخابات والاستفتاء

بإجراء استفتاء استقلال كوردستان

أولاً: يوصي برلمان كوردستان المفوضية العليا المستقلة للانتخابات والاستفتاء بإجراء الاستفتاء على مسألة استقلال كوردستان في يوم الاثنين المصادف (٢٠١٧/٩/٢٥) في إقليم كوردستان وجميع المناطق الكوردستانية خارج إدارة الإقليم.

ثانياً: يصادق برلمان كوردستان على جميع الإجراءات المتخذة من قبل المفوضية العليا المستقلة للانتخابات والاستفتاء وكافة الجهات ذات العلاقة من أجل إنجاح عملية الاستفتاء.

ثالثاً: تستند المفوضية العليا المستقلة للانتخابات والاستفتاء، بخصوص الآليات القانونية لإدارة عملية الاستفتاء لاستقلال كوردستان، إلى قانون انتخاب برلمان كوردستان رقم (١) لسنة ١٩٩٢ المعدل، وكذلك قانون المفوضية العليا المستقلة للانتخابات والاستفتاء رقم (٤) لسنة ٢٠١٤، وأي قانون آخر معني.

وأخيراً: يخير برلمان كوردستان الجهات المعنية في اتخاذ أي إجراء وقرار آخر لضمان حق تقرير المصير وجميع حقوق شعب كوردستان، على أن يرجعوا إلى برلمان كوردستان في القضايا المصرية، ويوصي المفوضية العليا المستقلة للانتخابات والاستفتاء بالتنسيق مع تلك الجهات.

خامساً: التوصيات الواردة في النقاط أعلاه خاصة بالاستفتاء المعلن في ٢٠١٧/٩/٢٥.

Document - 6

The Presidency of the Council of Ministers
Holding Referendum

Number (435), 2017



Kurdistan Region-Iraq
The Presidency of the Council of Ministers

Number: 435

Date: June 18, 2017

To: All ministries
Issue: Holding Referendum

Attached is a copy of the Regional Decree, number of 106, year of 2017, which will be shared with you. The decree has been issued by His Excellency the President of the Kurdistan Region, and sent to us from the Office of the Kurdistan Region Presidency, with the issuance number of 369 and the date number of June 1, 2017. The decree is issued with regards to holding the referendum in the Kurdistan Region and the Kurdistan Areas Outside the Regional Administration, on September 25, 2017. This copy is available at the disposal of relevant sides.

With Regards,

Attached: A copy of the above decree

Nechirvan Ahmad Abdulla
Chief of Staff of Council of Minister

إقليم كوردستان - العراق

رئاسة مجلس الوزراء

رئاسة الديوان

دائرة الشؤون الإدارية والمالية

مديرية الادارة



Kurdistan Regional Government
Council of Ministers

هه‌ریمی کوردستان - عێراق

سەرۆکایەتی ئەنجومه‌نی وه‌زیران

سەرۆكايه‌تى ديوان

فهرمانگهی کاروباری کارگیری و دارایی

به ریو به رایه تی کارگیری

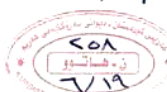
ژماره: ٤٣٥

ریکھوت ۲۸! ۱۷۶ کوربی

5.12, 7, 1A

بۆ / گشت وەزارەتەکان

ب/ٹہ نجامدانی راپرسی



هاوینچ وینهیک له فهرمانی ههریمی ژماره (۱۰)ی سالی ۲۰۱۷ ټۆتان دهترین، که له لایهن ټنژدار
جهانی سه‌ره‌وکی ههریمی کوردستان ده‌رک‌راوه و به نه‌وسواری دیوانی سه‌ره‌وکایه‌تی ههریم ژماره (۳۱۹) له
۲۰۱۷/۶/۱ ټۆمان هاتوه، تایه‌ت به نه‌نجامدانی راپرسی له ههریمی کوردستان و ناوچه کوردستانیه‌کانی
ده‌ره‌وه‌ی ئیداره‌ی ههریم له پرۆژی ۲۰۱۷/۹/۲۵، بۆ کاری یوئیس به پیتی په‌یوه‌ندی.
له‌گه‌ل ریزدا...

هاوینج:

... و ننه به کله قه زمانه سه رده

نیچیرقان احمد عبداللہ
سہ روکی دیوان

سہرؤ کی دیوار

وَيَنْهَىٰ عَنْ يَمِينِهِ يَدَا:

سەرۆکایەتی هەزیمی کوردستان/دیوان/نووسراوتان لە سەرەوه بۆ ناگاداری لەگەڵ رێزدا...

- په‌رلمانی کوردستان/ ناهازه به نووسراوی دیوانی سرۆکاڤه‌تی هه‌رێم ژماره له سه‌روهه له‌گه‌ڵ پێژدا...
- نه‌خۆمه‌نی دادیو، ناهازه به نووسراوی به‌وانی سه‌رۆکاڤه‌تی هه‌رێم ژماره له سه‌روهه له‌گه‌ڵ پێژدا...
- نه‌خۆمه‌نی ناساڤشی هه‌رێمی کوردستان/ له‌گه‌ڵ وێنه‌یه‌ک له‌ فه‌رمانی هه‌رێمی ژماره له سه‌روهه له‌گه‌ڵ پێژدا...
- کشت دهنسه و فه‌رمانه‌گه‌ داموهدزگانه‌ به‌هه‌ستاره‌ به‌ وه‌زاره‌ته‌ له‌گه‌ڵ وێنه‌یه‌کی له‌ فه‌رمانی سه‌روهه له‌گه‌ڵ پێژدا...
- فه‌رمانه‌گه‌ی مه‌ییدا و ژانرا/ له‌گه‌ڵ وێنه‌یه‌ک له‌ فه‌رمانی سه‌روهه له‌گه‌ڵ پێژدا...
- فه‌رمانه‌گه‌ی کاروباری کارگێڕ و داوایی
- خاصه‌ی نه‌هێن:

• ئەنجۈمەنى دادۋەرى / ئامازە بە نووسراوى دىۋانى سەرۇكاپەتى ھەزىم ژمارە لە سەرەوھە لەگەل رىزدا...

- نه‌نجومه‌نی ناسایشی هه‌رنمی کوردستان / له‌گه‌ل وێنه‌یه‌ک له‌ فه‌رمانی هه‌رنمی ژماره‌ له‌ سه‌ره‌وه‌ له‌ گه‌ل ریزدا...

• گشت دهسته و فرمانده و دامودرگاکانی نه به ستر او به وزارت/له گهل وېنه په ک له فرمانی سرده ده له گهل پړدا...

- غەرمالگەي مېدىيا و زانىبارى / لەگەڭ و ڤېنەبەك لە فەرمانى سەرەو دە لە گەڭ پښدا...

- **فهرمانگه‌ی کاروباری کارگینپی و دارایی**

• حامدی نھونی

The background of the entire page is a stylized fingerprint pattern in a light beige color. The pattern is composed of concentric, wavy lines that form a central core, with the lines radiating outwards. The top half of the page has a darker, more pronounced pattern, while the bottom half is lighter and more subtle.

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Document - 7

Independent High Elections and Referendum Commission

Announcing the final figures of Referendum

Number (116), 2017



Kurdistan Region - Iraq
Independent High Elections and
Referendum Commission

Number: 116

Date: 10/10/2017

Dear/ **Kurdistan Region's Presidency office - Diwan**
Subject/ **Announcing the final figures of
Referendum**

The High referendum council sends its warmest greetings.

Based on part (nine) of article (4) of law order (4) of 2014, the high referendum council send the final figures of the referendum that was held in Kurdistan and the Kurdish areas that is outside the administration of Kurdistan region in 25/09/2017.

With respect...

Handren Muhamed Salih
head of the Independent High Elections and Referendum
Commission

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Kurdistan Region - Iraq
 Independent High Elections and Referendum Commission

١١٦: ژماره
 ٢٠١٧/٩/٨٠: په‌رواز



به‌پێژ/ دیوانی سه‌روکایه‌تی هه‌ریمی کوردستان
بایه‌ت/ راگه‌یاندنێ نه‌نجامی کۆتایی را پرسی

کۆمیسۆنی ناای سهره‌خۆی هه‌ڵبژاردن و راپرسی
 له‌ ئۆپهره‌تی کۆمیساریان
ده‌ر بێسوو
 ژماره:
 په‌رواز: ٢٠١ / /

ئه‌نجومه‌نی کۆمیساریان گه‌رمترین سه‌لۆتان ئاراسته‌ ده‌کات.

پالێشت به‌ یه‌رگه‌ی (نۆیه‌م) له‌ ماده‌ده‌ی (چوارهم) له‌ یاسای ژماره‌ (٤)ی سالی (٢٠١٤)ی یاسای کۆمیسۆنی ناای سه‌ریه‌خۆی هه‌ڵبژاردن و راپرسی، هاوپیچ ده‌قی راگه‌یاندنێ ئه‌نجامی کۆتایی و په‌سه‌ندگراوی پڕۆسه‌ی راپرسی سه‌ریه‌خۆی هه‌ریمی کوردستان و ناوچه‌کوردستانیه‌کانی دهره‌وه‌ی ئیداره‌ی هه‌ریمی کوردستان له‌ ٢٠١٧/٩/٢٥ ڕه‌وانه‌ ده‌که‌ین. له‌مه‌ل پێژدا..

هاوپیچ/

- ده‌قی په‌لگه‌نامه‌ی ڤه‌لایاندنێ ئه‌نجامی کۆتایی و په‌سه‌ندگراوی پڕۆسه‌ی راپرسی.
 - نوسراوی ژماره‌ (١)/ده‌سته‌ی داده‌وه‌ری هه‌ڵبژاردن و راپرسی/٢٠١٧

هه‌ڵبژێرین محمد صالح
 سه‌روکی ئه‌نجومه‌نی کۆمیساریان
 ٢٠١٧/٩/١٠

وێنه‌ بۆ:

- ئه‌نجومه‌نی ئه‌نجومه‌نی داده‌وه‌ری/سه‌روکایه‌تی دادگه‌ی پێنج‌ه‌نجه‌می هه‌ریمی کوردستان/ده‌سته‌ی داده‌وه‌ری هه‌ڵبژاردن و راپرسی. له‌مه‌ل پێژدا...
 - دۆسه‌ی تاپه‌ت.

ئاونیشان: هه‌ولێر- شه‌قامی ١٠٠ مەتری- به‌رامبەر بازاری هه‌ولێری هاوچه‌رخ
 mail: kurdiherc@gmail.com

**Announcing the results of Kurdish
referendum
Publishing the latest figures of Kurdish
referendum in Kurdistan and the areas
outside Kurdish administration in**

25/9/2017

Based on part (nine) of article (4) of law order (4) of 2014, the high referendum council has shared the results of the referendum with the Judicial Council, presidency of Kurdistan's Judicial Review, and Kurdish court of Appeals in order to confirm the results on 28/09/2017.

The results of the Kurdish referendum in Kurdistan and the areas outside the administration of Kurdistan region were confirmed under the order of (1/ Kurdish Court of Appeals/2017) in 04/10/2017 and sent to the high referendum council.

Based on point (6) first part of article (6) of law order (4) of high referendum council law in 2014, the referendum commission confirm the final results of the Kurdish referendum in Kurdistan and the areas outside the administration of Kurdistan region as following:

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Number of eligible voters	Number of people who voted	Invalid votes	Valid votes
4,581,255	3,305,925	219,990	3,085,935

The number of participants in the voting process came to
(72.16%)

Valid voices	YES voters	NO voters	YES ratio	NO ratio	Total
3,085,935	2,861,471	224,468	92.73%	7.27%	100%

This statement was signed on Wednesday 04/10/2017 by each of the following:

Rezan Hama Rasheed / Head of HR department

Ismael Hama Ali Qadir / General director of the referendum council

Sleman Mustafa Hussein / Chief deputy of referendum council

Handren Muhamed Slaih Saeed / Head of referendum council

Sherwan Zrar Nabi / Spokesperson of council

Jutyar Adil Mahmoud / Member

Abdlulsamad Khdir Abdull / member

Nahro Selem Hanna / Member

Sayah Abdulla Qasim / Member

Documents - 8 and 9

Judicial Council of Electoral Commission

To: Independent High Elections and Referendum Commission

Delivering a Verdict

Number (1), 2017



Kurdistan Region - Iraq

Judiciary Council

Presidency of the Kurdistan Region Court of Appeals

Judicial Council of Electoral Commission

Number 1 - 4/10/2017

To / **Independent High Elections and Referendum
Commission**

Subject / **Delivering a Verdict**

Based on your two files numbered (108) issued in (28/9/2017) and (109) issued in (02/10/2017) the judicial council of electoral commission and Kurdish Court of Appeals will send the drafted document (1/judicial council of electoral commission/2017) issued in (04/10/2017) to implement its decisions, with respect.

Director

Assad Hussein Aziz

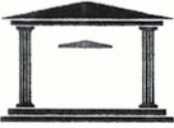



<p>هەرێمی کوردستان / عێراق</p> <p>مجلس القضاء</p> <p>رئاسة محكمة تمييز إقليم كوردستان</p> <p>«الهيئة القضائية للإنتخابات و لإستفتاء»</p>	 <p>Kurdistan Region - Iraq Judicial Council</p>	<p>هەرێمی کوردستان / عێراق</p> <p>ئەنجومەنی دادوەری</p> <p>سەرۆکایەتی دادگای پێداچوونەوهی هەرێمی کوردستان</p> <p>﴿ دەستەی دادوەری هەلبژاردن و راپرسی ﴾</p>
<p>ژماره/١/ دەستەي دادوەري هەلبژاردن و راپرسی/٢٠١٧</p> <p>بەروار ٢٠١٧ /١٠/٤</p>		
<p>بۆ/ کۆمسیۆنی بالای سەر بە خۆی هەلبژاردن و راپرسی له هەرێمی کوردستان</p> <p>بابەت/ ناردنی بڕیار</p> <p>ناماژه به هەردوو نوسراوتان به ژماره کانی (١٠٨) له (٢٠١٧/٩/٢٨) و (١٠٩) له (٢٠١٧/١٠/٢)</p> <p>هاوێچ بڕیاری دەستەي دادوەري هەلبژاردن و راپرسی له دادگای پێداچوونەوهی هەرێمی کوردستان به</p> <p>ژماره (١/ دەستەي دادوەري هەلبژاردن و راپرسی/٢٠١٧) له (٢٠١٧/١٠/٤) تان بۆ دەنێرین بۆ جێ به جێ</p> <p>کردنی ناوهێڵکەکی له گەڵ رێزدا .</p> <div style="text-align: center; margin-top: 50px;">  <p>سەرۆک</p> <p>أسعد حسين عزيز</p> </div>		
<p>(پاڤان)</p>		

On (04/10/2017) high referendum council committee members were announced in Kurdish Court of Appeals by assigning Judge (Assad Hussein Aziz) as the director, and judge (Haji Muhamed Tahir Akreyi) and (Dr. Muhamed Omer Maowlud) as a members of the committee to rule on behalf of the nation.

Court order

After receiving the results of the Kurdish referendum by the high referendum council and reviewing it, under the order of (109) in (28/9/2017) the results were published after three days in (28/9/2017) based on part three of article number 9 of commission law for Kurdish referendum in Kurdistan in 2014, and because there was no appeal towards the results, and based on the power we are given in part four, five, six, of article number (9) we decided to vote on confirming the results of the referendum on (04/10/2017).

Director	Member	Member
Assad Hussein Aziz	Haji Muhamed Tahir Akreyi	DR. Muhamed Omer Mawoloud

إقليم كوردستان / العراق مجلس القضاء رئاسة محكمة تمييز إقليم كوردستان (الهيئة القضائية للإختصاصات و الإستفتاء)	 Kurdistan Region - Iraq Judicial Council	هه‌ڕێمی کوردستان / عێراق ئەنجومه‌نی دادوهری سه‌رۆکایه‌تی دادگای پێداچوونه‌وه‌ی هه‌ڕێمی کوردستان (ده‌سته‌ی دادوهری هه‌لبژاردن و راپرسی)
به‌روار ٢٠١٧ / ١٠ / ٤	ژماره‌ ١ / ده‌سته‌ی دادوهری هه‌لبژاردن و راپرسی / ٢٠١٧	
<p>له‌ پۆڵی (٢٠١٧/١٠/٤) ده‌سته‌ی دادوهری هه‌لبژاردن و راپرسی له‌ دادگای پێداچوونه‌وه‌ی هه‌ڕێمی کوردستان پێکهات به‌ سه‌رۆکایه‌تی چێگری سه‌رۆک به‌رێز دادوهر (أسعد حسين عزيز) و ئەندامیه‌تی هه‌ریه‌ك له‌ به‌رێزان دادوهران (حاجی محمد طاهر ئاكره‌یی) و (د. محمد عمر مولود) كه‌ رێیان پێدراوه‌ به‌ ناوی گه‌له‌وه‌ حوكم بكهن و ئەو بڕیاره‌ی خواره‌وه‌یان ده‌ركرد .</p> <p style="text-align: center;">بـرـیار</p> <p>پاش ووردبێتی و تێڕوانینی ئەنجامه‌ به‌راییه‌كانی راپرسی بۆ سه‌ربه‌خۆیی كوردستان كه‌ له‌لایه‌ن كۆمسیۆنی بالای سه‌ربه‌خۆیی هه‌لبژاردن و راپرسی له‌ هه‌ڕێمی كوردستان پێمان گه‌یشتوووه‌ به‌ پێی ناوه‌رۆکی نوسراویان ژماره‌ (١٠٩) له‌ (٢٠١٧/٩/٢٨) و دوا‌ی ئەوه‌ی كه‌ ئەو ئەنجامه‌ به‌راییه‌انه‌ له‌ سن‌ رۆژنامه‌ له‌ به‌رواری (٢٠١٧/٩/٢٨) بڵاوكرانه‌وه‌ به‌ پێی برگه‌ی سێیه‌م له‌ مادده‌ی نۆیه‌م له‌ یاسای كۆمسیۆنی بالای سه‌ربه‌خۆیی هه‌لبژاردن و راپرسی له‌ هه‌ڕێمی كوردستان ژماره‌ چواری سالی (٢٠١٤) و له‌ به‌رنه‌بوونی هه‌یچ تانه‌یه‌ك له‌و ئەنجامانه‌ له‌ ماوه‌ی یاسایی خۆیدا بۆیه‌ به‌ پێی ئەو ده‌سه‌لاته‌ی كه‌ به‌ پێی برگه‌كانی چوارهم و پێنجهم و شه‌شم له‌ مادده‌ی نۆیه‌م له‌ یاسای سه‌ره‌وه‌ پێمان دراوه‌ بڕیارمان دا به‌ په‌سه‌ندكرنی ئەو ئەنجامانه‌ و ئەو بڕیاره‌ش به‌ تێكرای ده‌نگ له‌ رۆژی (٢٠١٧/١٠/٤) ده‌رچوو .</p>		
 سه‌رۆك اسعد حسين عزيز	 ئەندام حاجی محمد طاهر ئاكره‌یی	 ئەندام د. محمد عمر مولود
(پاڤان)		



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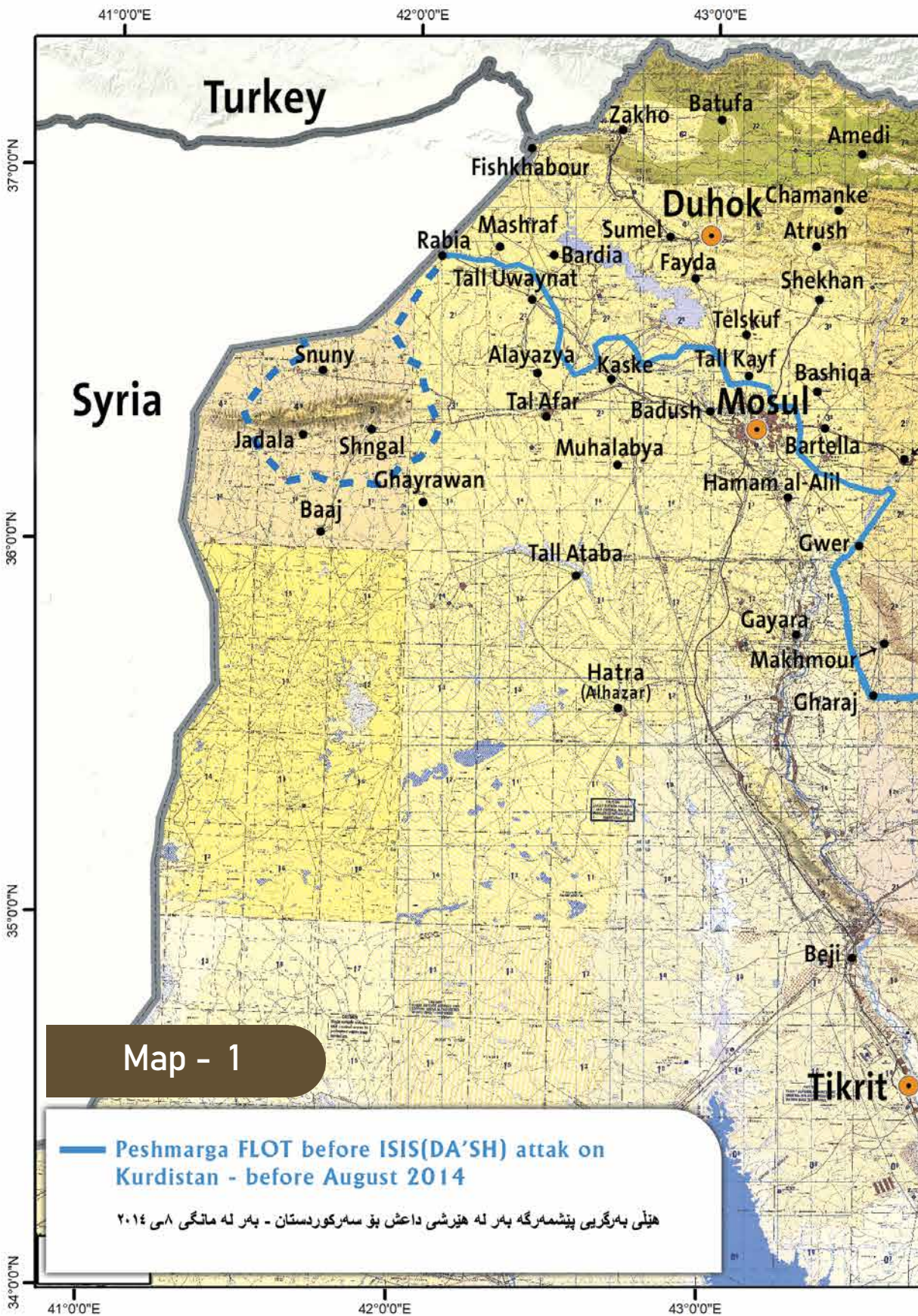
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Maps ■



44°0'0"E

45°0'0"E

46°0'0"E



37°0'0"N

36°0'0"N

35°0'0"N

Iran

Shiladze

Barzan

Sidakan

Akre Bujal

Bekhma

Soran

Choman

Rufia

Harir

Rawandiz

Pirmam

Khabat

Erbil

Hiran

Ranya

Qaladze

Koya

Dukan

TaqTaq

Mawat

Dibaga

Dubz

Kirkuk

Chamchamal

Sleman

Penjwen

Khurmali

Halabja

Gharadakh

Ghadirkaram

Darbandikhan

Daquq

Khurmatou

Bawanour

Kifri

Kalar

Aldour

Gharatapa

Gulala

(Jalawla)

Khanaghi

Sadia

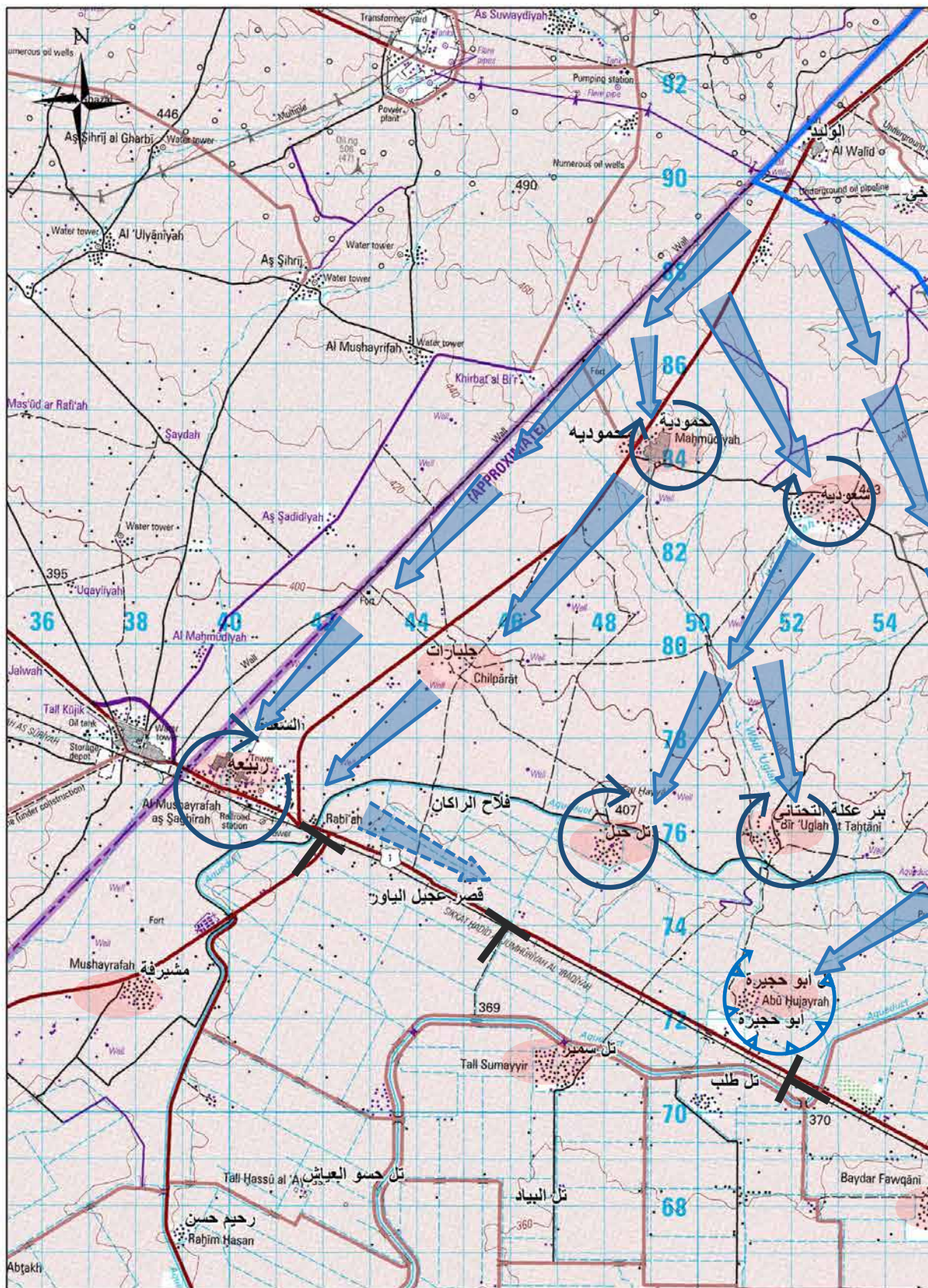
Al Mansouria

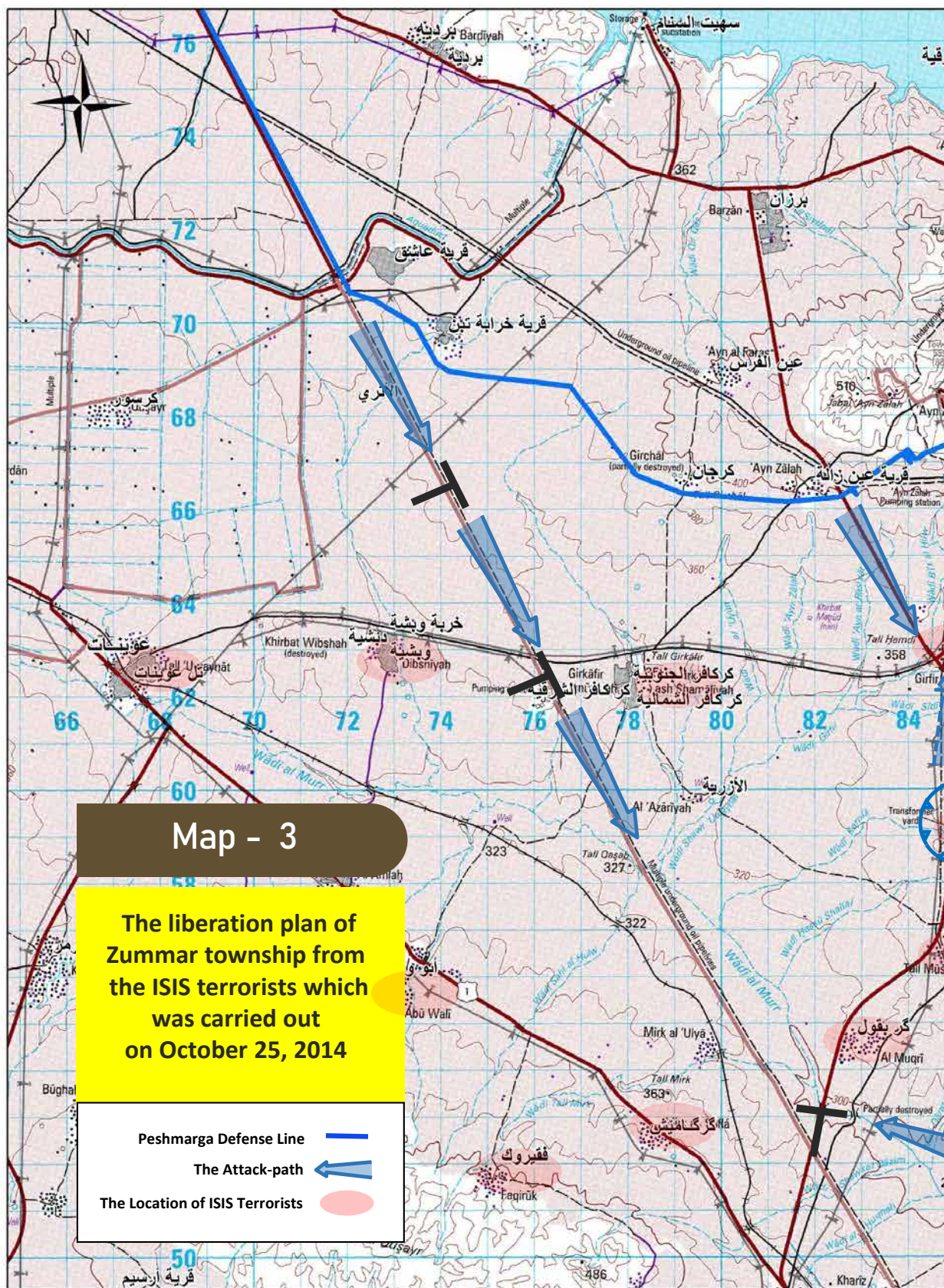
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45°0'0"E

46°0'0"E









Map - 4

The plan to clear the road to Shingal Mountain and its liberation from the ISIS terrorists which was carried out on December 16-19, 2014

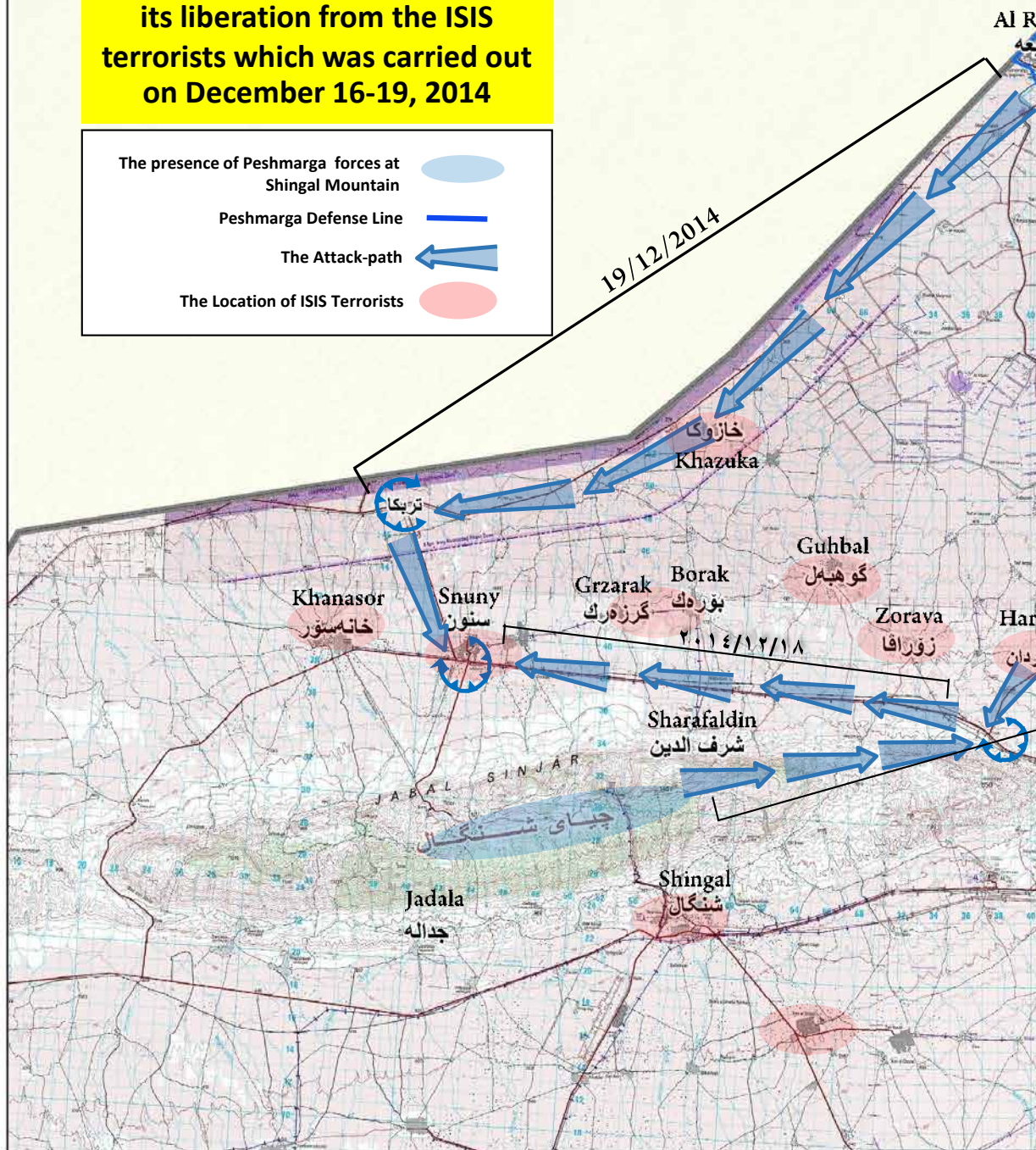
The presence of Peshmarga forces at Shingal Mountain

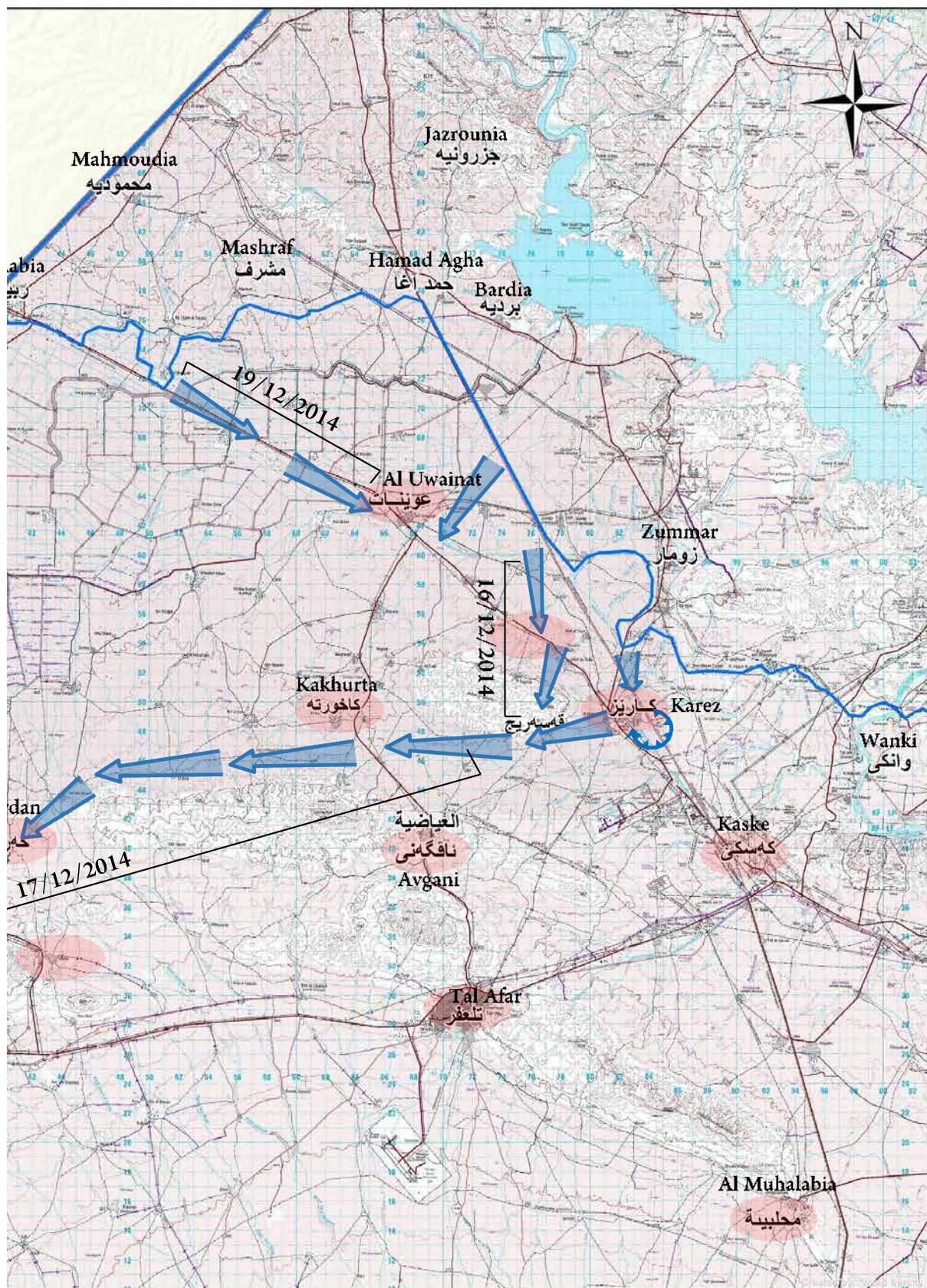
Peshmarga Defense Line

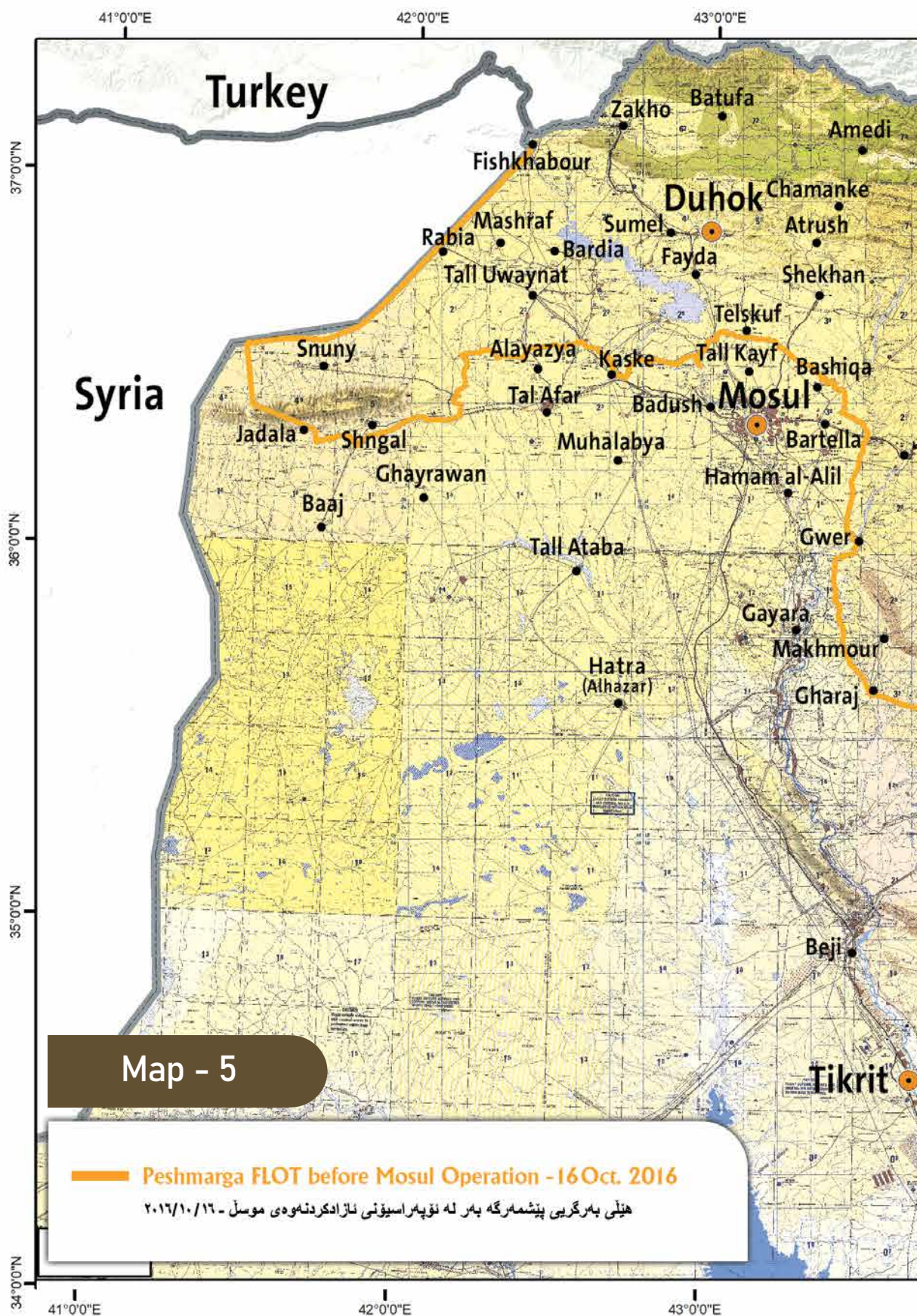
The Attack-path

The Location of ISIS Terrorists

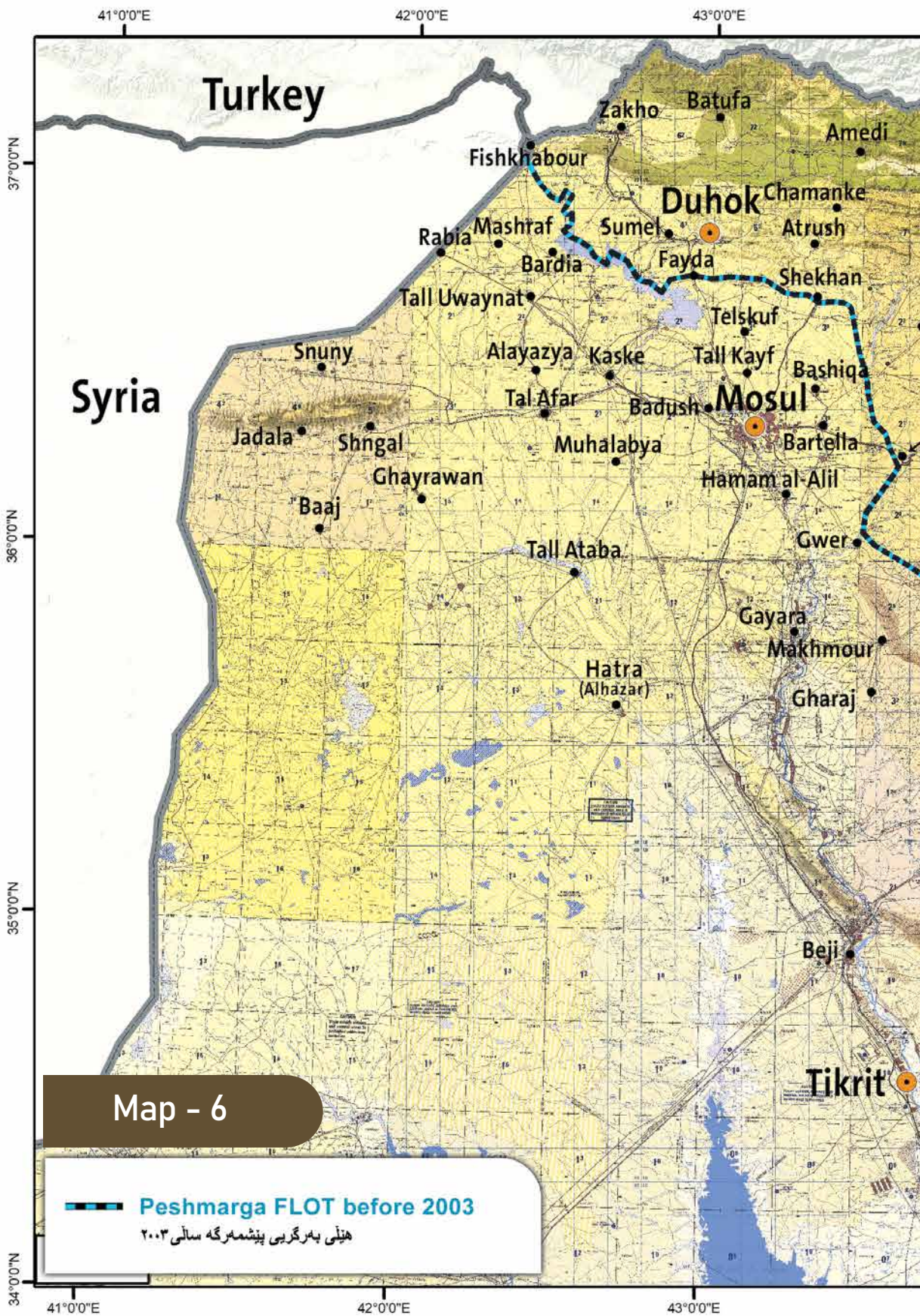
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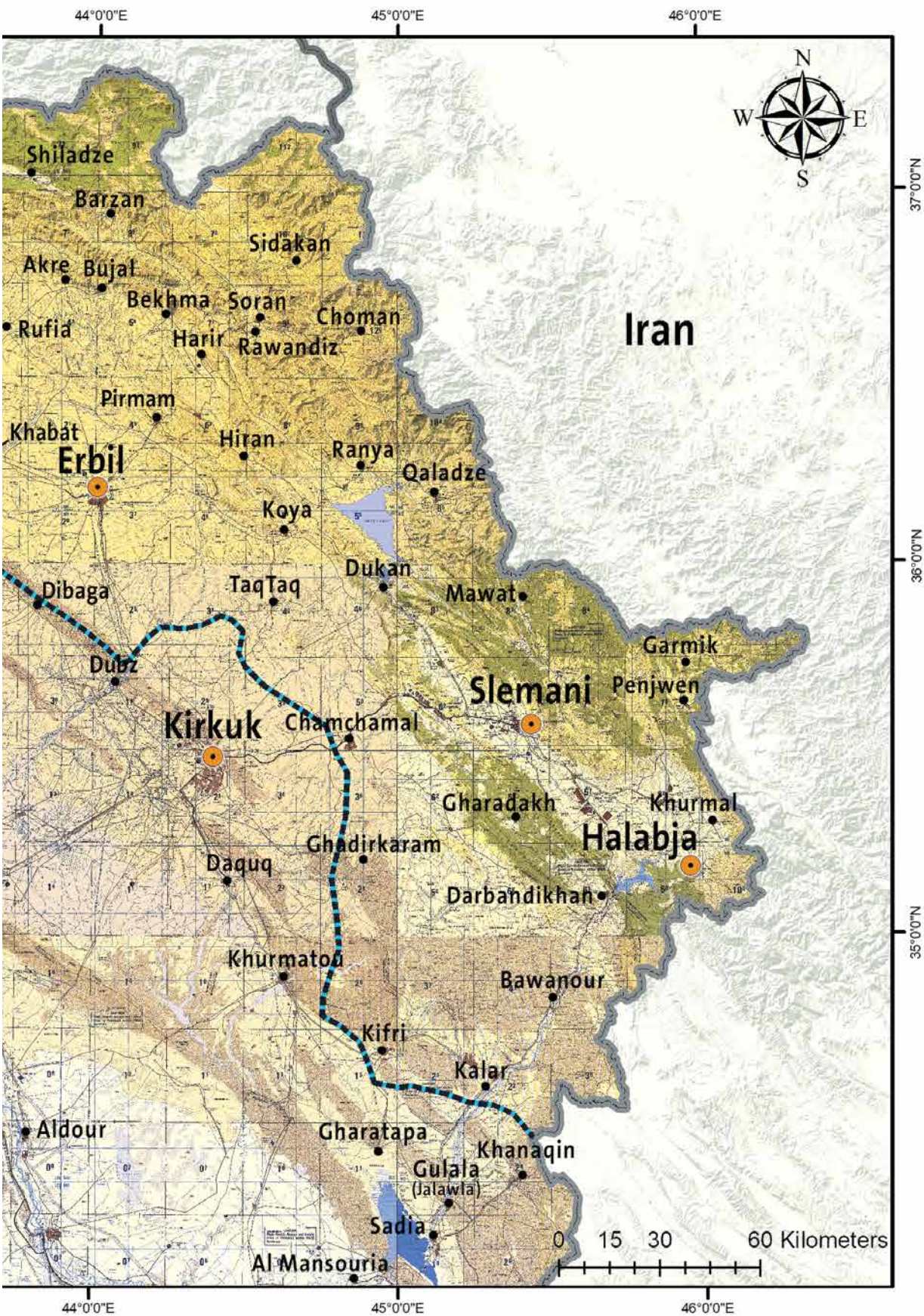


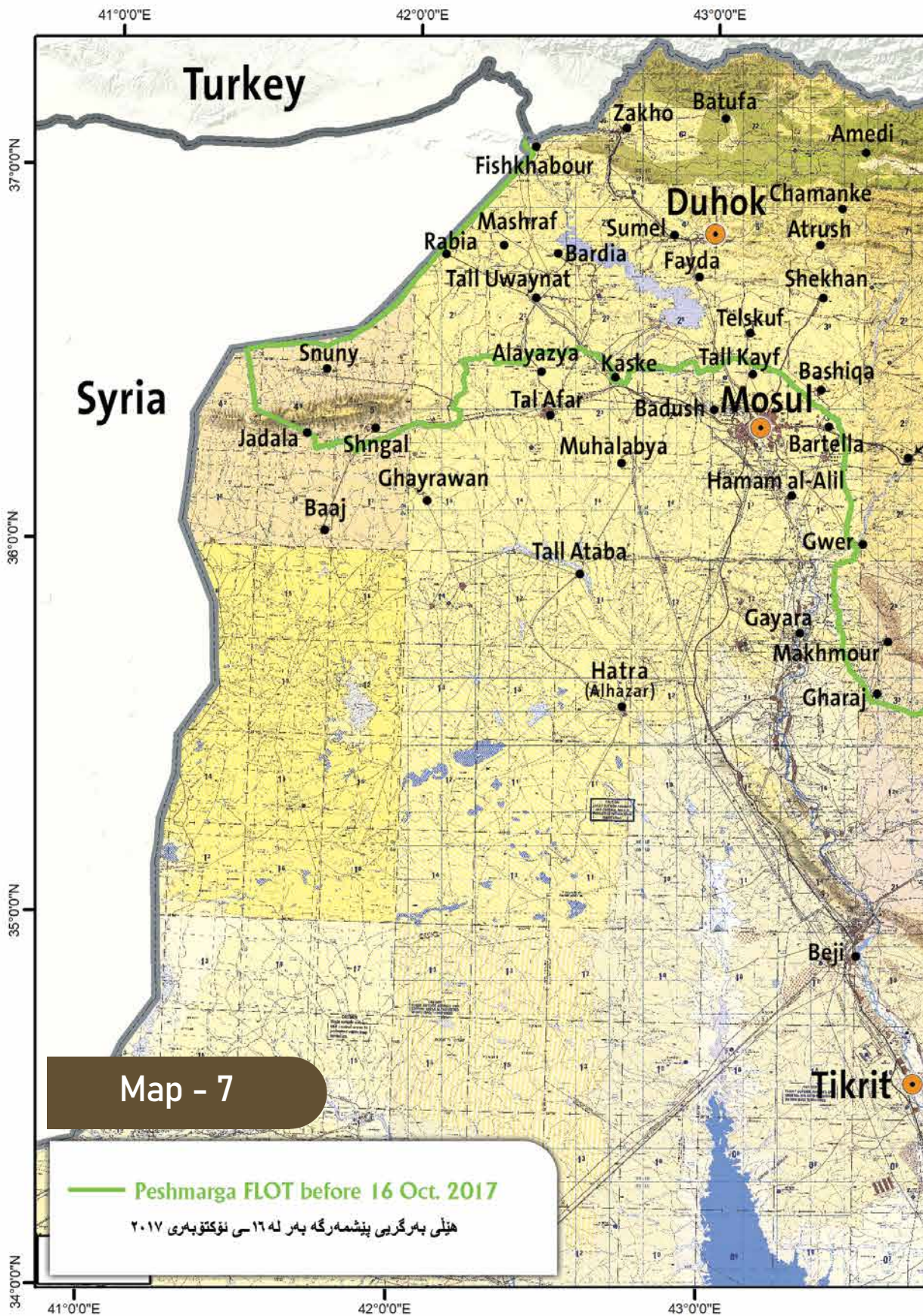


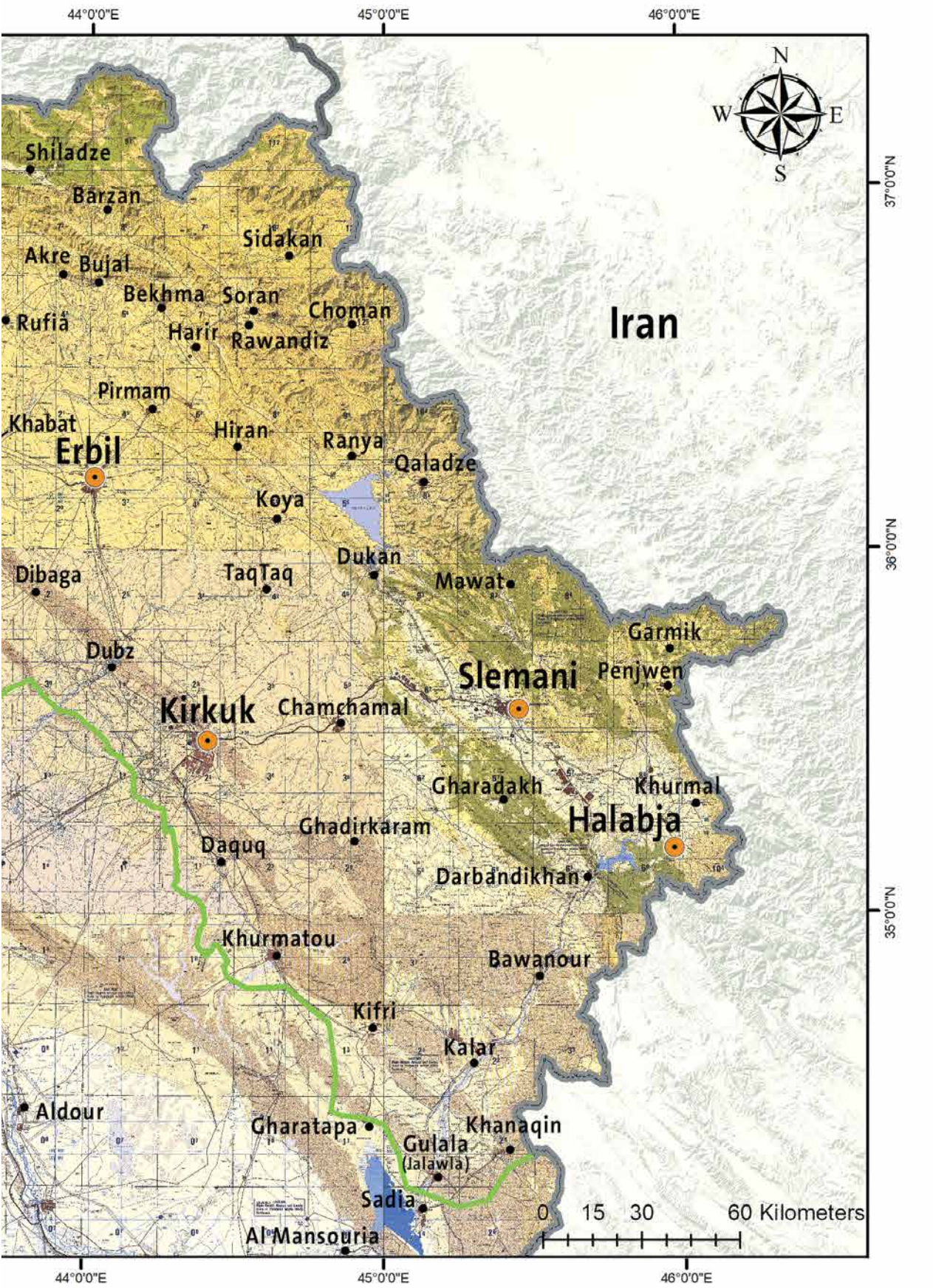












44°0'0"E

45°0'0"E

46°0'0"E



37°0'0"N

36°0'0"N

35°0'0"N

Iran

Shiladze

Barzan

Sidakan

Akre Bujal

Bekhma

Soran

Choman

Rufia

Harir

Rawandiz

Pirmam

Khabat

Erbil

Hiran

Ranya

Qaladze

Koya

Dukan

Mawat

TaqTaq

Dibaga

Dubz

Kirkuk

Chamchamal

Slemani

Penjwen

Gharadakh

Khurmal

Halabja

Daquq

Ghadirkaram

Darbāndikhan

Khurmatou

Bawanour

Kifri

Kalar

Aldour

Gharatapa

Gulala (Jalawla)

Khanaqin

Sadia

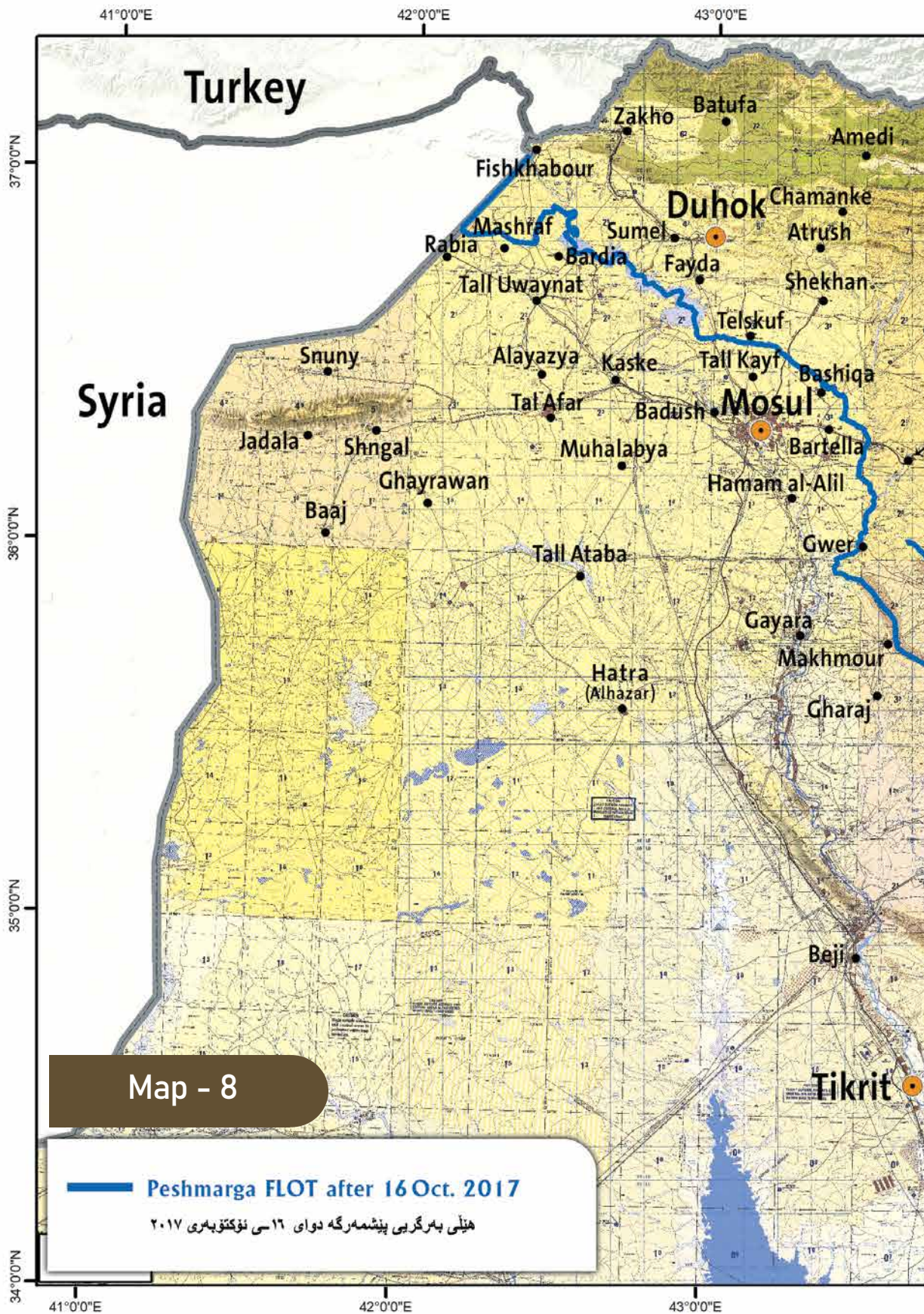
Al Mansouria

0 15 30 60 Kilometers

44°0'0"E

45°0'0"E

46°0'0"E



44°0'0"E

45°0'0"E

46°0'0"E

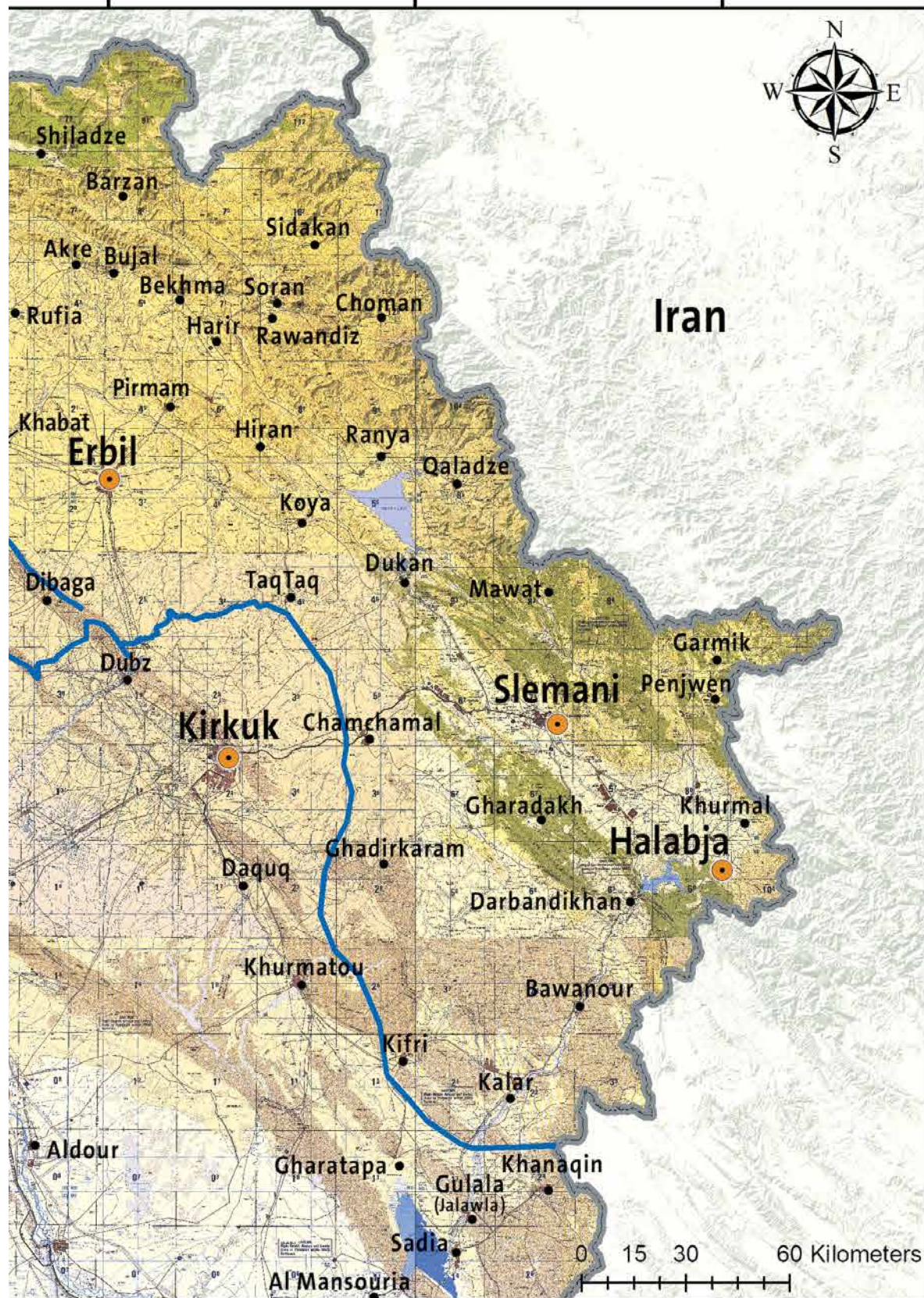


37°0'0"N

36°0'0"N

35°0'0"N

Iran

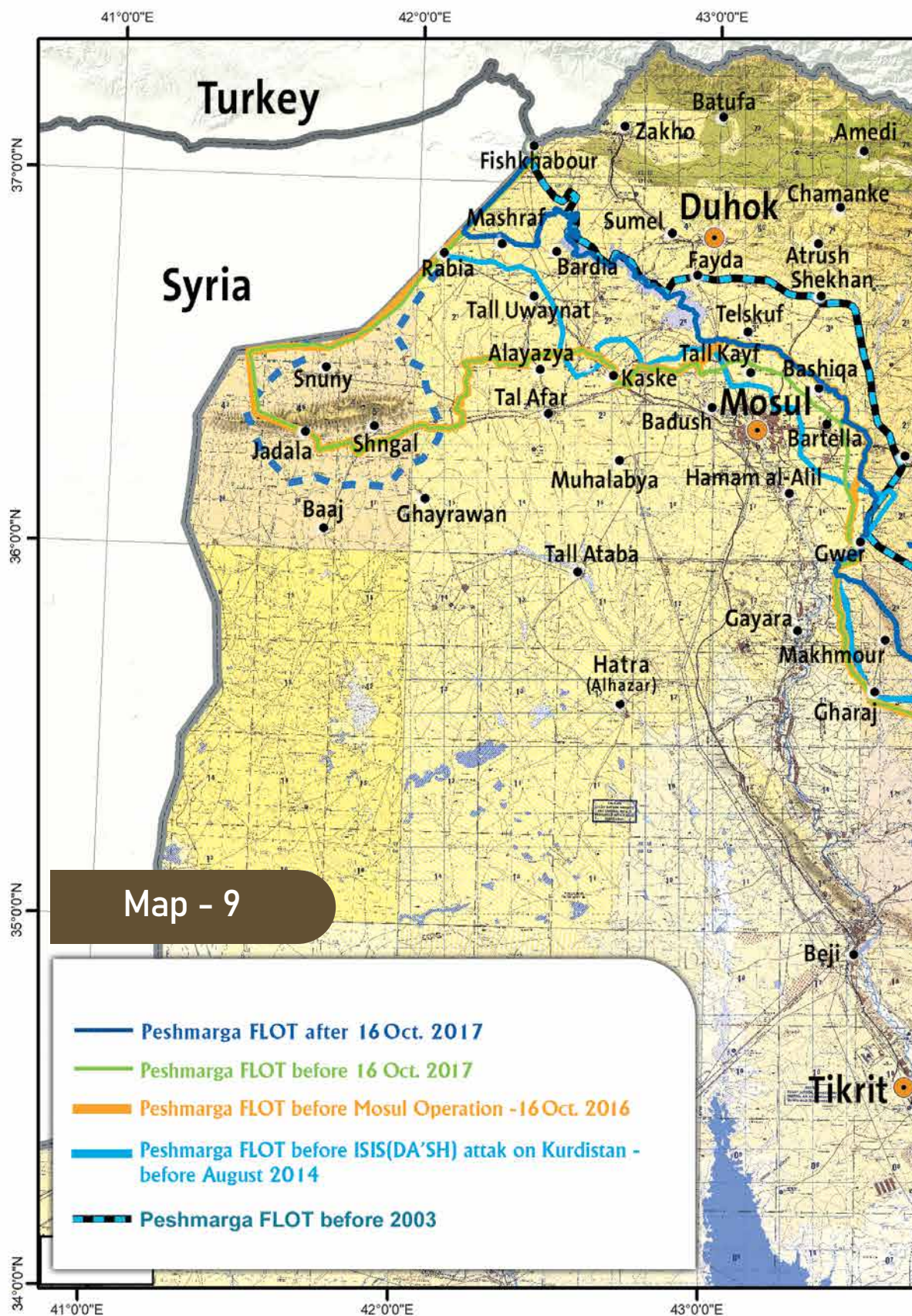


44°0'0"E

45°0'0"E

46°0'0"E

0 15 30 60 Kilometers



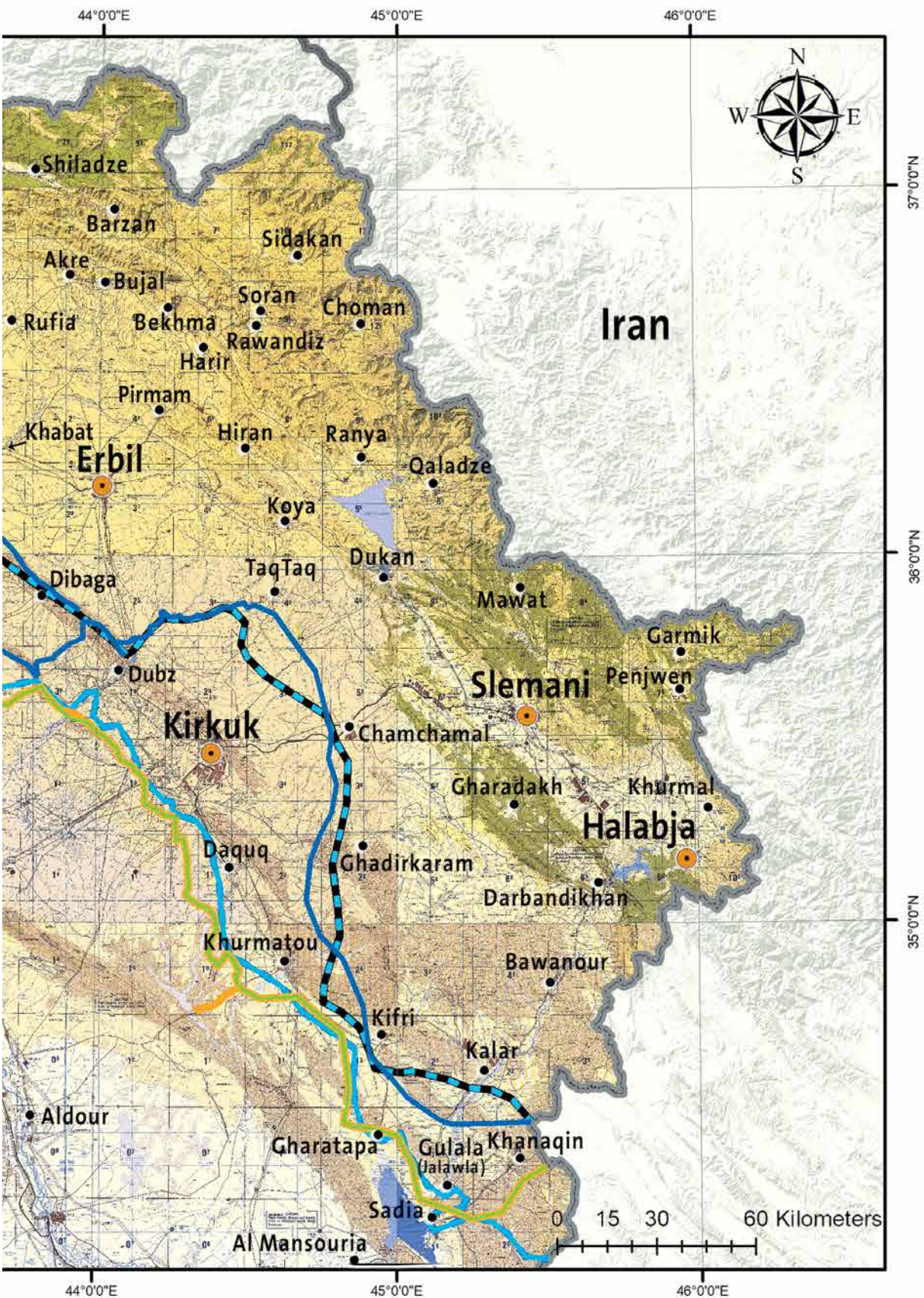


Photo: Adnan Muhammed





November 13, 2015

Shinagl Mountain – Declaring victory after
Shingal liberation operation

Staking Our Claim

Masoud Barzani

In the past hundred years, the people of Kurdistan have tried every path in order to live side by side with the Iraqi state in peace and equality. In response, the successive Iraqi governments have done their utmost to use the power of the state's institutions in the direction of fanaticism and sectarian ideologies. They resorted to genocide, Arabization, alienization, denial and economic sanctions.

This is the reason why the people of Kurdistan, following their repeated disappointments, held their referendum. The referendum demonstrated the complete maturity of the people of Kurdistan and their belief in resolving the hundred year question with peaceful and contemporary means. But the response to the legitimate and peaceful voice of the people of Kurdistan was once again intimidation, racism and the barrel of guns. The only path that Iraq could take to overcome its crises and resolve its lingering disputes with the Kurdistan Region is through abandoning its racist mentality and recognizing the other people's fundamental rights.

Erbil
December
2020

Erbil
December
2020