

KURDS AND THE NOTION OF SELF DETERMINATION PER THE INTERNATIONAL LAW

SUMMARY

This study deals with the Kurds issue in Iraq and the relevance of the self determination according to the international law .

The principles of selfdetermination have been debated and a historical review from their inception to their implementation as a well know element in the international law at the present .

The study has overlooked the political and constitutional implications of having the Kurdish people located among several countries, namely: Iraq, Iran, Syria and Turkey .

The importance of this study is based on the fact that an proper solutions to resolve the problems due to the presence of various minorities in a multiculture nation such as Iraq as well as the aforementioned neighbouring countries. The ideal solution is only through the means of international law.

The study is divided into four chapters. The first chapter dealt with the notion and development of the self determination principle. The second chapter dealt with the selfdetermination from international treaty view point. The third dealt with the constitutional basis of Kurdish self determination Finally.

The fourth chapter dealt with the political claims of Kurdish self determination.

The study concluded the following :

- Kurds could have achieved national status according to the 1919 Treaty of Sèvres and Wilson's declarations at the Paris Conference 1919, but the poor Kurdish representation and inner divisions were counterproductive .
- The international and internal conditions impacted the failure to recognize the need for a Kurdish state. Whereas smaller minorities such as Armenians, Moldavians and Lithuanians were given a national status .
- The self determination which appeared as political inspiration following the American revolution 1776, French revolution 1789, and Bolshevik revolution 1917. As a result, it surfaced later as an international concept adopted by the United Nations 1945 followed by 1960 resolution on liquidating imperialism and other important resolutions as those of 1966 .

Recommendations

1- Regarding The Kurds in Iraq .

- Kurds should change their political programs and focus on what helps Kurds in Iraq and stops the collisions among the various feuding Kurdish groups .
- They must lower the benchmark of their demands and aspirations to make their goals more realistic .