

Kurdistan referendum is legitimate

by Dr. Walid Phares



Since the Kurdish Regional Government of Northern [Iraq](#), backed by its local legislative assembly, decided to organize a referendum on self-determination, both positive and negative reactions were fielded in [Iraq](#), the Middle East and internationally. [Baghdad](#) and the two main neighbors of Iraq – Iran and Turkey – expressed opposition to the Kurdish popular consultation, each one for different political reasons. Beyond the region, Western European governments expressed concerns yet not irreversible opposition. Europe's major powers have at the same time opposed separatism within their own borders (as in Northern Ireland, Basque and Corsica) yet have supported it in the former Yugoslavia twice.

In the United States, many members of Congress support the Kurdish referendum and a few openly support the rise of a

separate Kurdish state in northern [Iraq](#) for historic reasons. As during the presidential campaign, the Trump administration continues to commit to solidarity with the Kurds fighting [ISIS](#), but has not yet developed a direct policy regarding the referendum or separation.

The most recent polls do show that a majority of Kurdish political parties in northern [Iraq](#) support the move while non-Kurdish communities are divided on the issue. These are the present geopolitical realities engulfing the projected vote in September. Such complex positioning is not unique. In every similar past ethnic territorial crises, all parties involved reacted to self-determination requests based on their own interests, the geopolitical context and negotiating abilities. And each case dealt with its own particular conditions within the country and region.

The right for self-determination has been consecrated in the founding charter of the United Nations, and since its founding in 1945, via several General Assembly resolutions recognizing that right for nations to decide their future. However, international law during the Cold War narrowed self-determination to decolonization for realpolitik reasons. Separatism, especially violent separatism, was not encouraged. Hence, long or catastrophic civil wars, such as seen in South Sudan, Nigeria, Eritrea or Kashmir – or even in the case of the Kurdish uprising in Iraq – never ended happily with an emergence of a new state.

With the end of the Cold War, however, international relations allowed for wider acceptance of the principle of separatism, as long as they were peaceful or presented as a solution to human tragedies. Czechoslovakia split smoothly into two republics, both welcomed by the U.N., and later into NATO and the European Union. The disbanding of Yugoslavia into several independent countries was endorsed by the West, though

criticized by Russia. South Sudan got its own state in 2011, and around the globe a number of national and ethnic communities have been striving to achieve statehood. Sovereign statehood is not illegal. Many countries we know, including ours in America, somehow separated from another power in order to exist. But in other cases, instead of separation, nations like Germany reconstituted their national identity by reuniting in 1989. Most countries want to maintain intact borders, and very understandably. Reconstructing frontiers is dangerous and could trigger chaos if not well organized and accepted by all parties concerned.

Separatism has traditionally been seen as a last resort, and thus the world has always demanded justification. The party seeking separation has always been asked to demonstrate that it is indeed different and seeking an identity of its own and that it is suppressed or has experienced tragic and cataclysmic events. But what has become a relatively new accepted procedure, a *sine qua non* condition, is the necessity of holding a referendum. Regardless of the outcome, a referendum is a license to claim statehood. The international community must see the will of the people before recognizing any outcome. Hence we've seen many referendums taking place and not always leading to new borders: Quebec in Canada, Scotland in the United Kingdom, East Timor, Southern Sudan – and requests for such exercises in other countries such as Belgium. In short, referendums are a form of a democratic expression. They are legal, legitimate, and a peaceful tool to help a people move forward or affirm the status quo.

Iraqi Kurdistan has long presented many conditions justifying its right to hold a referendum, even if the results may not automatically lead to a state. The painful history of oppression under Saddam, and the most recent bloody campaign by [ISIS](#) against the Kurds and other minorities in northern [Iraq](#) since 2014, constitute the tragic elements of the equation. The Kurds of [Iraq](#) have already obtained, from their

own co-citizens, Arab Sunnis and Shia, a right to form a federative entity in the north, demonstrating the country's recognition of local self-determination for the Kurds. Iraqis have agreed that they are diverse in their constitution, and referendum is not an alien concept to them. In short, the Kurds have a perfect right to organize a referendum to consult their own population regarding their future. But that right is not theirs alone. The new norm of acceptance is to then engage in negotiations with [Baghdad](#) after the vote. Scotland and Quebec, for example, were ready for that international norm and prepared to negotiate with their central governments.

The U.S. and the international community know all too well that the Kurds have suffered and that they wish to move forward with their destiny. But four conditions should be met in order for the referendum to be accepted by the outside world:

(1) It must be peaceful and transparent.

(2) Non-Kurdish communities, such as Assyrians, Yazidis, Chaldeans, Syriacs, Turkomen, Shabak and Mandeans, should be granted full minorities rights within Iraqi Kurdistan.

(3) Should the outcome lead to full separation, the new entity should vow not to serve as a springboard for destabilizing neighboring countries by supporting guerillas in these countries, including (primarily) Turkey.

(4) Representatives of the northern

Iraqi entity should be prepared to engage in full-scale negotiations with the Iraqi government regarding what comes next. Any negotiated and agreed upon settlement between the two parties will be the real guarantee for future stability.

The results of this referendum could simply maintain the status quo, set up a modified and more advanced federal system

in [Iraq](#), develop a confederal system of two states within one Iraqi country, or may lead to a Czechoslovak-like peaceful model. What is important for the populations of [Iraq](#) and for the Kurds and other minorities is that any move be peaceful, democratic and civilized. After [ISIS](#), [Iraq](#) needs calm and stability, secured against a new [ISIS](#), and freed from Iranian domination. The referendum in northern [Iraq](#) will be one benchmark in [Iraq](#)'s evolution. It will demonstrate a political maturity in which ethnic communities can exercise their fundamental right to express themselves without endangering their partners in the state, the minorities among them, or their neighbors in the region. The Kurds of [Iraq](#) will exercise that right and the world will watch them move forward into a more tolerant 21st century.

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