

Protection of Refugees under International Law: The Case of Iraqi Kurdistan Region Refugees

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ARTICLE INFO

Keywords:

Refugeehood,
International law,
Kurdistan Regional
Government,
Refugees' rights, Iraq
Federal Government

Doi:

10.25212/lfu.qzj.5.1.9

ABSTRACT

Refugeehood is a state that does not only occur due to political matters. It is a state that can come about as a result of natural disasters – famine, earthquakes, drought and flood. International law principles safeguard the protection of refugees as stated in the 1951 Convention and 1967 Protocol relating to the status of refugees, as well as in other international and regional instruments. The rights of refugees mainly includes non-refoulement, no penalties on the illegal entry of refugees, right to life, right of physical security, life necessities, right of family unity, education, access to justice, employment, and other fundamental freedoms. This paper aims to examine the living situation of refugees in the Iraqi Kurdistan region and whether their rights are provided by the Kurdistan Regional Government (KRG). This paper will also look at whether the financial aid of KRG corresponds with international law standards for protecting the refugees rights. This paper focused on secondary sources to analyze various opinions



and come to conclusions. The study found that refugees' rights have international legal protection and that states and governments have a responsibility to respect those rights. The findings also showed that the aid provided by the KRG corresponds to international law principles.

Article History:

Received: 2/2/2020

Accepted: 10/3/2020

Published: Winter 2020

1. INTRODUCTION

Refugeehood is not a rare and new event faced by many countries of the world. It can be traced back to the 18th, 19th and 20th centuries and during both the First and Second World Wars where a large number of people became refugees and fled to secure and developed countries to save their lives and their families. For example, waves of refugees emigrated from European countries and the Soviet bloc - France, England, the Netherlands, Switzerland, Germany and Prussia - while Muslim people immigrated to Turkey from Europe (McCarthy, 1995). These events caused an international situation where the main issue was getting international consent; hence, many States came together and found a solution by creating an international legal system which included international law principles for protecting refugees' rights in the framework of the refugeehood process. However, in recent years, despite the immigration process taking place live in the eyes of the international community, displacement, homelessness and starvation still prevail, with refugeehood occurring due to various facts that are political, social, religious and ethnical, or caused by civil war and terrorist groups. For example, people from Middle



Eastern countries such as Syria, Iraq, Palestine, Lebanon, Libya, Egypt, and Tunisia have emigrated to Europe and other countries in order to find a suitable life while avoiding any risk on their lives and families ("Migrant crisis," 2016). Likewise, the Iraqi Kurdistan region is not anywhere near these troubled countries, but many people from Iraq and Syria escape there because it is a secure and comfortable region. Hence, these states and governments are accountable to ensure the rights of refugees who flee to their countries due to disagreeable situations in their home nations based on the legal international standards. Accordingly, this paper will firstly focus on the perception of refugees based on the definition of "who is a refuge," and are refugees only people who are persecuted due to political problems, or can people escaping the aftermath of natural disasters also be considered to be refugees? The paper will also explain the basic legal rights of refugees as stipulated in the 1951 Convention and 167 Protocols concerning to the status of refugees, as well as other international and regional instruments which are a source of international law for protecting the refugees' rights. Therefore, it will determine the significant rights of refugees in the framework of international law principles and international and regional instruments that outline the rights of refugeehood and how people become refugees by fleeing a particular country due to a risk to their lives if they remain there. Likewise, the paper will explain the situation of refugees in the Iraqi Kurdistan region who fled from Iraq and Syria due to the ISIS terrorism organization and civil war, as well as the management of their lives under the Kurdistan Regional Government (KRG) in addition to the Iraq Federal Government's inappropriate financial treatment of the KRG.

2. Perception of Refugee

Deciding thoughtfully and not politically who is, or isn't, a refugee would have all the earmarks of being a moderately straightforward issue. A refugee, it may be stated, is an individual escaping dangerous conditions. Typically, in legitimate and political circles, among those authorities who define refugee



strategies for states and universal organizations, the importance is extensively increasingly outlined. The dominating, age old origination progressed by universal instruments, metropolitan resolutions, and insightful treatises recognizes the outcast as, fundamentally, an individual who has crossed a global wilderness as a result of a well-established dread of oppression. Given such wide understanding, the reasonable issue would give off an impression of being settled. In any case, these appearances are tricky (Shacknove, 1985, p.274).

Weis posited that in displaced person approach circles, essential dangers to the individual are generally isolated into three classifications such as oppression, fundamental (monetary) subsistence, and characteristic disasters (Weis, 1961). Accordingly, Shacknove believed that refugeehood is said to result just from demonstrations of oppression. Thus, he contends that for motivations behind characterizing who is a “refugee,” the refinement between them is neither splendid nor clear, that every one of them can similarly disregard the native's unchangeable method of reasoning for entering society and that each may establish an adequate condition for refugeehood (Shacknove, 1985, p.278).

O’Sullivan believed that the definition of refugee by the political republic is to protect the resident "from the attack of outsiders and the wounds of each other" (O’Sullivan, 2019), while Lambert posited that, at the point when a civilian turns into a casualty of a savage sovereign, humanity is undermined by the very foundation made to ensure its survival. In any case, it isn't sufficient that sovereigns cease from forceful activities against their own populaces. Were such limitation adequate, residents would have picked up nothing by the demonstration of association. To be significantly accurate and decent, the republic must diminish the resident's helplessness to other people, all others. The sovereign is subsequently required to give a negligibly mellow condition free from the double limits of oppression and turmoil, the two of which are overflowing with viciousness (Lambert, 2017).



Moreover, abuse is, in this manner, only one indication of the nonattendance of physical security. The sovereign must, at any rate, shield the citizen from remote invasion and the "wounds of each other," which incorporate civil war, genocide, terrorism, torture, and kidnapping, whether perpetrated by state agents or others. Underneath this edge there is no state, and the bonds which establish the ordinary premise of citizenship break down. Subsequently, oppression is an adequate, however not a fundamental, reason for a supported case to refugeehood. On the off chance that oppression sets up a legitimate case to the status of refugees, at that point different dangers to physical security do the same. (Locke, 2017).

According to Shacknove, when figuring out who is, or isn't, qualified for the status of refugee, disastrous events such as floods and dry spells are typically expelled as the bases for defended claims. Not at all like the brutal demonstrations one individual executes against another, such debacles are not considered "political" occasions. They are, as far as anyone knows, wellsprings of powerlessness outside social ability to control which in this manner force no commitment on a legislature to verify a cure.

He maintained that liabilities between the people and the country are shown to last even if the production or supply of the state is destroyed. Even for a state which is theoretically only likely won't save people from hurricanes, disasters, or dying. The country's authority falls squarely from its ownership of human cognition instead of in its ownership of physical forces, and perhaps a state's responsibility extends no farther than the individual capacity domain (Shacknove, 1985, p.280). However, according to Lofchie, Sen, and Shue, the human behaviors are always complex by "natural catastrophes" (Lofchie, 1975, Sen, 1982 & Shue, 1996).

Moreover, Lofchie thought that domestic policies and organizations can reduce or aggravate the destruction of a tsunami or an allegedly natural starvation. He illustrated the refugee's excuse that the starting point for a



political comprehension of African poverty seems to be so evident that it is still ignored: the difference between drought and starvation to the extreme that there can be a link in both drought and starvation is mediated by society's political and financial schemes. These can either reduce or enhance the human impacts of drought (Lofchie, 1975, p. 553).

Similarly, Sen has demonstrated that the atmosphere and other natural variables throughout the Great Bengal Starvation effectively performed relatively small roles. When starvation is not caused by heatwave or tsunami, but by grain stockpiling or corrupt material assistance allocation, malnutrition is no longer the consequence of natural circumstances. The fact is that when a life-threatening scenario happens due to human actions instead of unknown causes, the country has left its fundamental obligation of protecting the people from the actions of others unfulfilled. All other fundamental rights are irrelevant if hunger comes from the local regime's negligence. As with physical security risks, when the government is reluctant to safeguard a resident from many other people's life-risking events, the foundation for a lawful request to refugee status is created (Sen, 1982).

The same logic applies in respect of intimidations to basic subsistence (Shue, 1996, p.13-34), to the degree that such warnings to the population's subsistence are due to human behavior, and they form valid claims to government protection, such as security risks and presumed natural disasters. Nevertheless, when basic necessities are threatened by a real resource shortage such as the lack of sufficient agricultural land, the individual cannot rightfully ask the government for fundamental subsistence. Satisfying basic living requirements, however, is only partly a component of the supply of resources (Shacknove, 1985, p.280).

Likewise, there are at least three other criteria that are needed to meet survival requirements; a resource handling technologies, a trade facilitation system, and a production method. In circumstances where survival is

endangered due to insufficiencies in innovation, facilities or production, the State has miscarried to fulfill its fundamental obligation to safeguard its people from the attacks of others (Stepan, 2015). In reality, if one or another of these circumstances threatens subsistence, a justifiable claim to refugee status may be the outcomes (Shacknove, 1985, p.281).

Shue assumed that people could depend on their government to ensure personal security, essential survival, and freedom of political representation and physical motion in return for their loyalty (Shue, 1996, p.19). No equitable individual would have been happy with a smaller amount. Refugees must therefore be individuals whose home state has failed to meet their fundamental necessities. There is no reason to give refugee status to people who do not suffer from the lack of one or more of these necessities, because all these demands seem to be sufficiently crucial for subsistence; a breach of each is an equally legitimate request for refugee status (Shacknove, 1985, p.281).

3. Legal Basic of Refugees Rights

State governments are liable for safeguarding their people's rights. When governments cannot or are reluctant to do this, individual people may experience such severe intimidations as to compel them to displace from their fatherland and try to reach safety somewhere else. When this occurs, another state must move in to assure that somehow the fundamental rights of the refugees are treated with respect. This is referred to as "global legal protection" (Nicholson & Kumin, 2017, p.15).

Therefore, for centuries, State governments have given protection to people escaping persecution; however, the contemporary refugee system is mainly the result of the second half of the twentieth century. For example, international human rights law and modern refugee law emerged in the wake of World War II as well as in the refugee problem that followed it in the postwar years ("Asylum & the Rights of Refugees," n.d.). Likewise, as a matter of



international law, the determination of who is a refugee can be noted in accordance with his legal duties as custodian of the international refugee protection system ("The refugee concept under international law, "2018). For this observation, the paper will explore several international legal documents which compel states and the international community to ensure the rights of refugees.

3.1 Convention Concerning the Standing of Refugees

Article 14(1) of the 1948 Universal Declaration of Human Rights provides for refugees by "recognizing the right of individuals to claim refugee status from persecution in other states." The 1951 Convention concerning the standing of refugees came into effect on 22 April 1954 and constitutes the main legally binding document for identifying the refugee, his rights and the legal responsibilities of the States. The Convention is a tool based on a variety of basic values, particularly anti-discrimination, anti-penalization and anti-refoulement. The Convention states that refugees must not be punished for illegal border crossing or remain subordinate to particular circumstances. There are also numerous provisions in the Convention that protect refugees against deportation. Anti-refoulement is such a vital part of ensuring the best interests of refugees that it cannot be subject to any exemptions. It offers that nobody shall, in any way, deport or send the refugees to a land in which they dread life or their liberty is at risk ("Geneva," 2019).

The Convention also offers certain entry-free travel for owners of identity cards published in accordance with Article 28, which states that "the Contracting States shall issue to refugees lawfully staying in their territory travel documents for the purpose of travel outside their territory unless compelling reasons of national security or public order." Likewise, Article 1 gives a primarily comprehensive meaning of the word "refugee". The phrase refers to any individual who, "because of incidents that took place before 1 January 1951 and because of pretty poorly-founded risk of becoming intimidated on grounds of

ethnicity, religious, nationalities, affiliation of a particular social community or political view, is outside the state of his ethnicity and either unable or reluctant to take advantage of that country's security, or because of such dread ; or who is unable or reluctant, due to such fear, to return to the nation of his previous compulsive residence as a consequence of such occurrences (Convention Relating to the Status of Refugees, 1951).

The Convention establishes the lowest possible refugee protection specifications, namely the fundamental rights which they are allowed. It also sets out the legal standing of refugees and includes clauses on their jobs and welfare rights, the problem of entry cards and passports, the validity of tax fees and the right to pass their property for another state in which it was accepted for emigration reasons ("Human Rights and Refugees," n.d.).

However, the meaning of refugee specified in the 1951 Convention relates to individuals who were refugees as a consequence of incidents that took place before 1 January 1951, and States were obliged to state whether that definition could only conform to incidents that occur in Europe or incidents in other areas of the globe. Between the 1950s and early 1960s, as different refugee problems arose around the globe, it became apparent that the spatial and geographical range of the 1951 Convention had to be extended. Therefore, the 1967 Protocol to the Convention was embraced to do this as discussed below (Nicholson & Kumin, 2017, p.16).

3.2 Protocol Concerning the Standing of Refugees

The Refugee Status Protocol of 1967 is a global and main declaration on refugee position. It took effect on October 4, 1967, and as of today, 146 nations are participants. Different refugee circumstances have emerged since 1951, and as explained above, these different refugees were not inside the framework of the Refugee Convention. Accordingly, this security difference resulted in the establishment of the 1967 Protocol because they deemed it reasonable that all

refugees covered by the Convention's definition should receive equal standing regardless of the date of 1 January 1951. Consequently, the 1967 Protocol abolished the spatial and geographical limitations of the Refugee Convention so that the Convention could be widely implemented (UNHCR, 2001).

According to the Protocol, countries that approve the Refugee Convention agree to abide by it, even when they are not a participant to it. The United States, for example, did not ratify the Refugee Convention, but approved the Protocol of 1967. This implies that it can be bound to fulfill the clauses of the Convention which undertakes to address refugees under globally acknowledged legitimate and humanitarian demands. These comprise enforcing the basis of anti-refoulement – which is, not moving refugees to a location where they are at danger of being intimidated or to a state where they might be sent to such a location; offering lawful standing for refugees, containing privileges such as right to employment, education and social safety, and also not penalizing refugees for exiting 'unlawfully,' that is, without a identification or pass (“What is the 1967 Protocol?” 2018).

In addition, many of the states comprising the largest number of refugees such as Lebanon, Pakistan and Jordan, have not signed the Refugee Convention yet. Similarly, several states in the Asia-Pacific region are still not parties to the Refugee Convention or the 1967 Protocol, such as Indonesia, Malaysia, India and Bangladesh (Asylum Insight, 2016).

Apart from the above, there are several other international and regional instruments which confirm the provisions of the 1967 Protocol concerning the standing of refugees relative to the protection of refugee’s rights such as the 1949 Fourth Geneva Convention Relative to the Protection of Civilian Persons in time of War, the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, the 1967 United Nations Declaration on Territorial Asylum, the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, the European Agreement on the Abolition

of Visas for Refugees 1959, the International Economic, Social and Cultural Covenant, the 1966 d International Covenant on Civil and Political Rights, 1 and the European Agreement on Transfer of Responsibility for Refugees (1980)(International Instruments, 2004).

3.3 The Significant Rights of Refugees under International Law

Although there are many fundamental rights of refugees stated in the international and regional instruments which are a source of international law, each of the instruments have their own special place for protecting the rights of refugees. Therefore, this section will discuss the rights of refugees by mainly discussing anti-refoulement, no punishments for the illegal border crossing of refugees, the right to life and its necessities, the right to physical security, union of family, improvement, access to the courts, jobs and other basic liberties.

The fundamental principle of the 1951 Convention concerning the refugees standing is anti-refoulement by virtue of Article 33 which provides that “no state shall expel or return ('refouler' in French) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.” Therefore, refugees ought to move to a land under which they are protected from the danger of oppression.

This basic consideration should therefore be reasoned with the reality that almost all regions of the earth have been regulated or acquired by authorities that limit entry of non-citizens to a higher or similar scope. (Burton, 1987, p.307). However, such alternatives have been prohibited by a restricted global power and possessions from exchanging external accession as one of the most reasonable tools of protection for security. The situation is dire; refugees refused entrance to a foreign state are probably either to be transferred to their home country's danger of oppression or pushed into permanent pursuit of a state ready to permit admission (Hathaway, 2005, p.279).



Article 31 of the Convention provides that “First, the contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of Article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence; second, the contracting States shall not apply to the movements of such refugees restrictions other than those which are necessary and such restrictions shall only be applied until their status in the country is regularized or they obtain admission into another country. The contracting States shall allow such refugees a reasonable period and all the necessary facilities to obtain admission into another country.” Thus, this Article does not ban the imposition of entry sanctions on all refugees whilst granting them the right to free themselves from illegal arrest and to punish illegal border crossing. (Hathaway, 2005, p.388 -389).

Article 6(1) of the Civil and Political Covenant 1966 gives refugees the right to life, where it states “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.” Accordingly, As determined in Article 6, ' ' intrinsic right ' ' implies that one's right to life cannot be abolished or revoked by the government, abandoned or disavowed by the person concerned, since a living person being would not be availed of his life, nor would he strip himself of it (Jayawickrama, 2002, p.256). Likewise, the right to life was said to be part of "the immutable heart of human rights" by the International Court of Justice ("Legality of the Threat or Use of Nuclear Weapons," 1996).

Also, Article 9 of the Covenant gives refugees the right of physical security, where it states that “First, everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. Second, anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.”



Accordingly, everyone has the right to freedom and personal security, while the second section of the Article lays down methods wherein the right to "liberty" guides the conduct of individuals who have been arrested. However, Sieghart claims that the assurance of "personal safety" should be provided autonomous significance (Sieghart, 1983, p.139).

Regarding life's necessities, Article 20 of the 1951 Convention concerning refugees standing states that "Where a rationing system exists, which applies to the population at large and regulates the general distribution of products in short supply, refugees shall be accorded the same treatment as nationals." Accordingly, this means that in times of product shortages, it must be ensured that refugees are included in the distribution scheme with no more or less than the local citizens ("Status of Refugees and Stateless Persons," 1950).

Article 11(1) of the Economic, Social and Cultural Covenant, 1966 provides that "The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent." Likewise, Article 12(1) provides that "The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health" (International Covenant on Economic, Social and Cultural Rights, 1966). Thus, These Articles establish what is regarded as an immediate dedication to reduce starvation, and an expanding responsibility for the global community to provide an appropriate living standard for refugees.

In respect to right of family union to refugees, Article 17 of the Civil and Political Covenant states that "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, or to unlawful attacks on his honour and reputation. Everyone has the right to the protection

of the law against such interference or attacks.” Further, Article 23(1 and 2) states that “The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. The right of men and women of marriageable age to marry and to found a family shall be recognized (International Covenant on Civil and Political Rights, 1966). Article 10(1) of the Economic, Social and Cultural Covenant states that “the States Parties to the present Covenant recognize that: The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses” (International Covenant on Economic, Social and Cultural Rights, 1966).

Accordingly, the High Commissioner of the United Nations for Refugees has noted that "relatives altogether have further power than all those apart to confront challenges in life" (United Nations, 1995). Meanwhile, Williams observed that family relationships are significant tools of meeting physically and mental desires in ordinary situations, and they are even more essential once unwanted migration impedes refugees of their utility support channels (Williams, 1990, p.103).

The rights which were explained above concern basic necessities; however, while, there are a number of other refugee’s rights under the 1951 Convention and basic rights conventions, such as the right to teaching and instruction, equality before the law, jobs and other basic liberties and protections likewise embodied in global and territorial human rights conventions. Refugees should be given the same treatment as citizens in their enjoyment of certain freedoms, such as access to the judiciary, while others, such as salary-earning jobs and property ownership, should be given the same handling as overseas citizens (Human Rights Education Associates (HREA), 2003).

Generally, this section showed that the rights of refugees are protected under international law whereby the states or governments must respect them and submit to international law.

4. Situation of Iraqi Kurdistan Region's Refugees

This section discussed refugees statistics and KRG' aid for Refugees under International Law as elaborated below.

4.1 Refugees Statistics

A big amount of individuals who belong to different minority groups escaped to the Iraqi Kurdistan region, such as Sunni Arabs, Turkmen, Christians, and Yezidis and Kurds, due to armed conflict and ethnic violence from both Syria and Iraq. However, there are different statistics regarding the number of refugees based on a multitude of sources of information and lack of a proper census.

According to the Kurdish Project, which was co-created by Farhad Khosravi, a Kurdish-American entrepreneur, more than 2 million individuals were expatriated to Iraqi Kurdistan and left their homes from Syria and Iraq, many of whom were exiled individuals ("Kurds & the Refugee Crisis," n.d.). A report published on 29 May 2017 by Amin in the Vocal website mentioned that 339,639 refugees were exiled from Syria to IKR and they are protected and live freely in security; they could even get equal employment opportunities from the Kurdistan Regional Government (KRG) through the "Refugees Welcome" policy (Amin, 2017).

Furthermore, the Barzani Charity Foundation in its humanitarian activities report which was issued between 1st June 2016 and 30th June 2016 mentioned that it provided aid to over 1500 refugees who are residing in IKR. The aid provided included art and cultural activities, food distribution, household and individual items, health equipment and provisions for people-with-special-



needs (Barzani Charity Foundation, 2006). The Emirates News Agency report published on 13 February 2019, declared that it provided aid to about 75,000 refugees from Iraq and Syria residing in camps in the Kurdistan region. The aid consisted of winter necessities such as heaters, blankets, clothes, children's supplies and food parcels (Emirates News Agency, 2019).

Additionally, the telegraph report published on 29 November 2014 by Williams, reported that due to ISIS terrorist group entering some Iraqi cities, particularly Mosul, 700,000 Iraqis were displaced internally, and they fled to the Kurdistan region for its security and stability (Williams, 2014). In relation to the latest updated report of UNHCR published on 31 July 2019, the total number of Syrian refugees in the Iraqi Kurdistan region is 228,851 of individuals and 68,561 households (Refugees Operational Portal, 2019).

What is more, A Report of the Director General of Development, Coordination and Cooperation at the Ministry of Planning, Kurdistan Regional Government, Iraq presented by Mustafa Saaid and published through the LSE Middle East Centre in June 2016, stated that about 250,000 Syrian refugees in addition to 1.5 million internally displaced persons are in the Kurdistan Region of Iraq (KRI). This is mainly because of the point they come from different religious and ethnic backgrounds – Christians, Yezidis, Sunni Arabs and Kurds who were rendered homeless and with no life security because of the Civil War in Syria and ISIS terrorism from Iraq. They account for 28 percent of the increase in the population of the Region (Mustafa Saaid, 2016).

The last updated statistic of the total number of refugees given by the Kurdistan Regional Government(KRG) declared that, from the time of the occurrence of the Syria crisis in 2011 and the ISIS terrorism group entering Iraq in June 2014, numerous refugees and internally expatriated people have been seeking refuge in Kurdistan Region. Presently, the receiving of internally displaced people is still continuing. The Kurdistan Region is now accommodating 1,411,314 internally expatriated persons and 216,860 Syrian refugees in the

governorates of Erbil, Duhok and Sulaymaniyah (Kurdistan Regional Government, 2018).

It is noteworthy to mention that the refugees' statistics in IKR were as mentioned above at the time this paper was being written; however, they are subject to change based on the security situation of both Syria and Iraq.

4.2 Analysis of KRG' Aid for Refugees under International Law

Although the KRG initially had a welcoming policy to refugees, it involved several challenges, most pertinent of which was the lack of the international community's support, which pressed them to limit assistance in various ways (Abu Sa'Da & Serafini, 2013, p.70). Another challenge was IKR's status as a federal region in Iraq and not an independent state that has its own independent economic sources in order to provide the refugees a high quality service based on international standards of refugee-protection. In other words, its budget is a part of the Iraqi national budget, thus resulting in the KRG's budget usually being determined and given by the Iraqi Federal Government.

On the other hand, the slash of the budget for the KRG by the Iraqi Federal Government through a political decision in 2014 ("KRG Blasts Baghdad over Budget Freeze," 2014) was another challenge which led to several hard economic problems in the Kurdistan region. The outstanding problem was being unable to provide salaries for its public employees, hence the reduction in wages of all public employees in a bid to reduce costs between 15 and 75 percent based on their positions and pay grade (Hasan Hama, 2017).

As a result of the above, the KRG has been unable to provide in excess for its refugees; however, it did not neglect the international standards of refugee protection, despite facing these challenges in providing aid to the refugees. Hence, this paper will analyze the KRG's aid for the refugees who have



lived in the Kurdistan region and those who currently live there under the principles of international law.

According to the formal KRG website, the KRG provides its aid based on several divisions which include; Managerial, Financial, Logistical and Educational needs. These necessities are confirmed in the international treaties and legal instruments as explained earlier.

In regard to the managerial gap, the KRG has been providing the refugees with food, decent housing, integrated services (water and electricity connections), meeting the needs for sewage services, paving the streets in the camps, constructing schools, health centers, and offices of communication, transport services, collecting garbage and transferring waste out of the camps. This aid provided by the KRG corresponds to Article 20 of the 1951 Convention that states that refugees have the right to receive certain life necessities based on the rationing system, while Article 11(1) , 12(1) and 6(1) of the Economic, Social and Cultural Covenant 1966 emphasises that everyone deserves to have an adequate standard life by including suitable food, housing, and to the continuous improvement of living conditions and enjoy the uppermost achievable standard of physical and mental health as well as an inherent right to life. Likewise, none of the refugees' families have been separated, but they have been placed in specified area in order for the family members to be aware of each other. Therefore, the aid provided by the KRG also matches Articles 17 and 23 of the Civil and Political Covenant, which emphasizes the right of family unity and to not be subordinated to unlawful interference.

In respect of financial needs, the KRG provided a special budget for refugees who cannot work, or who cannot find work. The right to work and employment was confirmed by the State parties to the 1951 Convention. The KRG also ensured the best protection for the refugee's camps, securing transportation and communications for refugees, registering refugees, and

providing residence documents as well as presenting to them a professional management cadre for the refugee camps and in the area of refugee reception (Kurdistan Regional Government, 2019).

In addition, KRG has given residency cards to refugees that provide freedom of movement freedom in all of the Kurdistan region's provinces (Migration Policy Centre, n.d.) Likewise, not one of the refugees has been penalized by the KRG for their illegal entry into the Kurdistan region, and so far a large number of refugees have been residing there without being made to return to their countries. This is in line with Articles 31 and 33 of the Refugees Convention and Article 9 of the Civil and Political Covenant of 1966 which are relevant to ensuring the security of refugees. In regards to education aids, the KRG has provided the refugee children with access to education and right to education free of charge in public schools as required by the 1951 Refugees Convention (Kurdistan Regional Government, 2019).

Another form of aid provided by the KRG for refugees was allowing the humanitarian aid to be given to the refugees from other agencies and organizations, especially programmes of livelihood and housing aid in order to reduce the vulnerability of refugees (UN Women's and other international and national agencies, 2014). For example, the UNHCR has started to work strictly with the KRG to harmonize the humanitarian response to the situation with other related UN Agencies.

Accordingly, the KRG has facilitated many international agencies to provide aid for refugees such as Action contre la faim, L'agence d'aide a la cooperation technique et au developpement, Danish Refugee Council, French Red Cross, Intersos, International Rescue Committee, Islamic Relief World Wide, Norwegian Refugee Council, Peace Winds Japan, Première Urgence Aide Médicale Internationale, Qandil Sweden NGO, Un Pontae Per Organisation,



Mine Advisory Group, MERCY CORPS, Médecins Sans Frontières (France), Qatar Red Crescent Society, Relief International, Samaritans's Purse, Save Children International, STEP, Organisation de Solidarité International, UIMS and War Child UK (Kurdistan Regional Government, 2014). However, the Iraqi Federal Government is a consistent obstacle in the way of international aid for refugees due to their dealing with the KRG "Refugee problem in northern Iraq," 2013).

Generally, it can be said that the aid the KRG provides for refugees is correspondent with international law principles and international Conventions which are a legal base for refugees' rights.

5. Conclusion

This section will summarize the essence of the paper' sections which include perception of refugees, legal basic rights of refugees , what are the significant refugees' rights under International law and the situation of Refugees in Iraqi Kurdistan region. Accordingly, the paper explained the concept of refugees or who is a refugee. Refugees may be political but their situation also involves refugeehood through persecution (bodily security), natural disasters (starvation and natural catastrophes). Therefore, refugees should be protected by the States from any risk on their lives.

The paper also showed the international legal basic rights of refugees by referring to the 1951 Convention and 1967 Protocol relating to refugees status which are considered a source of the protection of refugee rights. Subsequently, other international and regional instruments followed both the 1951 Convention and 1967 Protocol. However, the Convention restricts the refugees' rights whereby only European refugees or those who were refugees before 1951 benefit from it which is why the 1967 Protocol was added to the Convention in order to give a comprehensive status for all refugees without any limitation. Furthermore, the paper highlighted several significant rights of refugees which are stated in the international Conventions of refugees' protection and other

international instruments such as the right of non-refoulement, right to no penalties on the illegal entry of refugees, right to life of refugees, right of physical security, life necessities, family unity, and right to education, access to justice, employment, and other fundamental freedoms.

Finally, this paper used the situation of refugees who have lived in the Iraqi Kurdistan region and those who currently live there as a case study. It analyzed the life of refugees under the management of the KRG and whether KRG's aid corresponds to the requirement of international law principles. The aid provided by the KRG was divided into four main parts; managerial, financial, logistical and educational needs. As a result, all the aid by the KRG fit with international law principles. Likewise, the KRG let international actors to come to the region to provide aid to the refugees. However, in addition to the Iraqi Federal Government posing a problem in allowing international aid to enter the Kurdistan region, the KRG also faces several financial problems such as budget slashes by the Iraqi Federal Government because of a political decision, lack of international legal personality which would help the KRG to call upon the international community in order to get financial assistance for refugees as well as to have independent strong financial sources to provide refugees the best service they can.

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پوخته:

په نابهري بریتیه له حاله تیک تنها به هوی پرسه رامیاریه کانه وه رووندات به لکو حاله تیکه ده کریت روویدات له نهنجامی کاره ساته سروشتیه کان، بوه مهله رزه، وشکسهالی، لافو. بنه ماکانی یاسای نیوده وه له گشتی جهخت له پاراستنی په نابهريان ده کانه وه ههروه که له ریکه تنامه ی نیوده وه له تی سالی 1951 وه پرۆتوکۆلی سالی 1967 تاییه تن به دۆخی په نابهريان دا هاتووه، له گهل نه وه شدا له چه ندین نامرزی تری ههریمی ونیوده وه له تیشدا هاتووه. مافه کانی په نابهريان به شپوه یکی سه ره کی بریتین له به زور نه نارنده وه بیان بو نه و ولاته ی که به هوی چه وساندنه وه کۆچیان لئوه کردووه، نه بوونی سزای کۆچی په نابهريانی نایاسایی، مافی ژیان، مافی ناسایشی جهسته یی، پیوستیه کانی ژیان، مافی جیانه کردنه وه ی نه نداماتی خیزان له یه کتری، مافی په روره یی و گه یشتن به دادگا و دامه زانندن، وه نازادیه بنچینه ییه کان. بو نه مهبه سته نه م توژی نه وه یه مهبه سته یی لیکۆلینه وه یکی بارودۆخی ژیانی په نابهريان له ههریمی کوردستانی عیراق بکات و وه نایه مافه کانیان له لایهن حکومتی ههریمی کوردستان دابینکراون؟. وه ههروه ها نه م توژی نه وه یه جهخت ده کاته وه نایه نه یارمه تیه داراییاته ی حکومتی ههریمی کوردستان بو په نابهريان ده گونجین له گهل پیوه ره نیوده وه له تیه کان بو پاراستنی مافه کانی په نابهريان؟. وه نه م توژی نه وه یه ش سه رچاوه دووه میه کان (ناسه ره کی) به کاره یناوه بو شیکردنه وه ی رایه جیاوازه کان و بو گه یشتن به دهره نجامه کان. له کۆتایدا نه م توژی نه وه یه گه یشته نه وه نه نجامه ی که مافه کانی په نابهريان پاریزه ندی یکی یاسایی نیوده وه له تیان هه یه وه ده وه له تان و حکومته کان به رپه رسیاران له ریزگرتنیان، وه له م رووانگه وه یارمه تیه کانی حکومتی ههریمی کوردستان ده گونجین له گهل بنه ماکانی یاسای نیوده وه له تی.

حماية اللاجئين بموجب القانون الدولي: حالة لاجئي إقليم كردستان العراق

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ملخص:

اللجوء لا يحدث بسبب المسائل السياسية فقط. ولكنه يمكن أن يحدث نتيجة للكوارث الطبيعية- المجاعة والزلازل والجفاف والفيضانات. مبادئ القانون الدولي تحمي اللاجئين على النحو المنصوص عليه في اتفاقية عام 1951 وبروتوكول عام 1967 المتعلقين بوضع اللاجئين ، وكذلك في المعاهدات الدولية والإقليمية الأخرى. تشمل حقوق اللاجئين بشكل أساسي على عدم الإعادة القسرية ، ولا توجد عقوبات على الدخول غير القانوني للاجئين ، والحق في الحياة ، وحق الأمن الطبيعي ، وضروريات الحياة ، وحق وحدة الأسرة ، والتعليم ، والوصول إلى العدالة ، والعمل ، والحريات الأساسية الأخرى. تهدف هذه الدراسة إلى دراسة الوضع المعيشي للاجئين في إقليم كردستان العراق وما إذا كانت حكومة إقليم كردستان تستوفي بالالتزاماتها إتجاههم؟. وتحاول الدراسة أيضا إلى النظر فيما إذا كانت المساعدات المالية لحكومة إقليم كردستان تتوافق مع معايير القانون الدولي لحماية حقوق اللاجئين؟ ركزت هذه الدراسة على المصادر الثانوية لتحليل الآراء المختلفة والتوصل إلى استنتاجات. وجدت الدراسة أن حقوق اللاجئين تتمتع بحماية قانونية دولية وأن على الدول والحكومات مسؤولية احترام تلك الحقوق. أظهرت النتائج أيضًا أن المساعدات التي تقدمها حكومة إقليم كردستان تتوافق مع مبادئ القانون الدولي.