

Kurdish Women and Self-Determination: A Feminist Approach to International Law

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In the aftermath of the Persian Gulf War, a number of articles appeared in international law journals discussing the Kurds' right to self-determination, secession, and the response of the international community to their plight.¹ The voices of Kurdish women and their experiences are notably absent from this discourse. Unfortunately, this absence of women's voices prevails in most international legal debates. This chapter will present a feminist perspective on the prevailing international legal principles of self-determination and secession and, in doing so, will raise more difficult questions than it can answer. The goal is to establish the necessity and the legitimacy of a feminist perspective in international law in general and in the Kurdish situation in particular.

The arguments herein are divided into three sections. In the first section, I will briefly review the development of the international legal principles of self-determination and secession highlighting both the tensions inherent within the concept, as well as the interpretative difficulties surrounding its application. I will then present a feminist framework for further discussion of these principles. In the second section, I will outline the criteria currently employed in self-determination claims and develop a feminist approach. In the third section, I will apply these criteria to the Kurdish situation. The concluding remarks will present challenges for future direction and thought for the Kurdish people and for international law.

While writing this chapter, I have been acutely aware that there are many ways in which I am disconnected from the reality of these women's lived experiences. I am not a Kurdish woman, nor do I live near the affected region of Kurdistan. There are many ways in which international law is also disconnected from the realities of these women's lived

experiences. International law employs remote, rational and legalistic language; decisions are made in far away places by people who know little of the people involved. What follows is an attempt to challenge this disconnection which is so prevalent in the dominant discourse of international law.

International Law and the Principles of Self-Determination and Secession

International law, which dates from the Peace of Westphalia in 1648, is the law that governs states' relations. States are the players, subject to a complex body of treaties, customary law and preemptory norms. State sovereignty is the international legal principle that a state can do whatever it wishes within its own borders without being subjected to the scrutiny of the international community. It has traditionally been considered sacred and only states were deemed to have rights and obligations that international law recognized. Within the latter part of this century though, both the International Court of Justice and individual states have recognized that the application of international law does affect individuals and have forwarded this more contemporary view.² It is from this framework of increasing emphasis on human rights that the right of self-determination draws its strength. Self-determination is broadly viewed as the right of all peoples to determine the various elements of their governance. It can be seen on a continuum; its pure realization occurs when sovereign statehood is achieved through secession. Yet an internal dimension can also be realized within the existing state and it is this aspect which will be the focus of this analysis.

Within international law's lengthy history, legal principles have developed slowly and with great resistance to change. The concept of individual self-determination can be traced back to the French revolution (Brownlie 1970: 90-9).

As early as the beginning of this century, American President Woodrow Wilson is credited with advocating the principle of self-determination, most notably in his Fourteen Points speech to Congress of 8 January 1918. Particularly relevant to the Kurdish situation is Point Twelve, where Wilson states that nationals 'now under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development' (Commager 1949: 319).

Wilson saw self-determination as the right of the people to select their own form of government. Inherent in his vision was the idea that self-government would be a continual process synonymous with democratic forms of government (Pomerance 1976). Wilson's idealism, however, was not accompanied by the pragmatics of defining criteria and processes for groups seeking self-determination. This became evident in the peace negotiations following World War I. Michla Pomerance (1976) points out

that the people cannot decide on their own form of government until someone defines *who* the people are, as well as the *what*, *when*, and *how*.

Not only are there such interpretative difficulties surrounding its application, but self-determination itself is also rife with conceptual tensions. Most evident is that while self-determination achieves its apotheosis in statehood, at the same time the principle may be said to undermine the integrity of the state in that it sanctions its disintegration.

Wilson's conception of self-determination is rooted in political liberalism, in which the individual has the liberty to choose. We can see how the determining is, in practice, not done by the self, but by the larger community, and the process results in a tool of political liberalism, primarily that of parliamentary democracy, which has evolved into a universally sanctioned mode of government. It is used to preserve the hegemony of liberal democratic states, yet proponents continue to assert that the concept is incompatible with such hegemonic preservation (Gluckmann 1993).

Socialists have also considered self-determination. Although, nationalism has traditionally been viewed as the enemy of Marxism, the national theories of Lenin and Stalin have also contributed to the development of the principle, specifically with respect to Russia. Stalin presented four features of a nation: common language, territory, economic life and culture, expressing a common 'national character' (Stalin 1975). When these are present, then a group will constitute a nation and have the right of self-determination.

In 1903, the second Congress of the Russian Socialist Democratic Labour Party adopted the right of self-determination for all nations in its program (Cobban 1969: 191). Yet the right to self-determination was clearly subsumed to the interests of socialism and Stalin firmly believed that territorial integrity should always be maintained (Cobban 1969: 193). The Communist government was forced to recognize that, practically, self-determination was incompatible with the economic and military interests of Soviet Russia. Thus, self-determination remained a right only in theory.

After World War II, the principle was specifically enshrined in the United Nations (UN) *Charter* in Article 1(2), which outlines the purposes of the UN as being based on 'respect for the principle of equal rights and self-determination of peoples.'³ These ideals are echoed in Article 55. It is noteworthy that equality rights are included in Article 1(2) as being fundamental to the international community. In the following years, the concept was applied narrowly to those previously colonized nations, called trust and non-self governing territories. Further support for the principle is found in the two human rights *Covenants* which affirm in their common Article 1 that 'all peoples' have the right to 'freely determine their political status and freely pursue their economic, social and cultural development.'⁴ As well, the *Declaration on the Granting of Independence to Colonial Territories and Peoples* and the *Friendly Relations Declaration*⁵ directly

address the subject. Ironically, within these declarations, the right to self-determination is juxtaposed against the principle of territorial integrity.⁶

Territorial integrity is paramount in international law. It promotes both domestic and international political, economic, and social stability and avoids international disruption or civil strife. That territorial integrity is specifically incorporated into the documents is an explicit acknowledgement of the tension inherent within the concept of self-determination.

The formal support for self-determination found in the international documents, in state practice, and in International Court of Justice opinions indicates that the principle has developed into a right under customary international law, which regardless of consent, binds all nations. It does not, however, imply a wide consensus as to the exact criteria or breadth of the right. Further, whether or not self-determination has become a preemptory norm in international law, or *jus cogens*, is currently open to debate. To achieve that status, the right must be universally applicable in practice; self-determination has not reached that stage. For the purposes of this chapter, it is sufficient to note this debate and accept that self-determination has become a right in international customary law.

The right to self-determination, or recognition, and the right to secession, or statehood, are distinct. Recognition of the former does not imply that the latter claim will be successful. There is an inherent bias against secession for a number of legal, political, and economic reasons. Territorial integrity is a primary reason. Further, the effect of secession on other nations, as well as the effect of establishing a precedent, the impact of armed conflict, or the mass movement of displaced persons, would all be important considerations (*Declaration* 1967: 390-1).

Hence, the international community is wary of embracing outright secession claims beyond the colonial context. UN Resolution 2625 has been interpreted as authorizing secession if a group can show they are governed by a non-representative government or are subject to unequal treatment (UN Res. 2625 1970). Secession is seen as a remedy of last resort, although independence is clearly recognized by the United Nations as a legitimate method by which self-government may be obtained (UN Res. 1541 1960; McGee 1992).

This brief review of the development of self-determination introduces the conceptual tension and the interpretative difficulties surrounding its application. Amidst this, one might surmise that self-determination is suffering from a conceptual crisis. Yet these two difficulties, the conceptual and the applicative, combine to refine each application of the concept and the prescription of application reconciles the tension in such a way as to preserve the concept's coherence. What is glaringly absent in the discourse of self-determination, however, is a feminist analysis.

Feminist Perspectives on International Law and Self-Determination

Most generally, a feminist analysis of international law includes 'searching for the silences of the discipline' (Charlesworth 1994-1995: 1). In doing so, feminist analysis has two roles. The first role is deconstructive with the goal of illustrating the male bias in laws, their application, and institutions. This has been and continues to be well done at the local and national level. At the international level, however, we are at a very early stage and there is a nearly complete absence of literature on self-determination from a feminist perspective.

The second role for feminist analysis is reconstructive. This role raises significant challenges as there is little or no historical foundation upon which to draw for insight into the construction of alternative forms of government and legal principles that would accommodate women's interests and needs. Indeed, feminists themselves differ greatly on defining these interests and needs. A complete reconstruction of the concept of self-determination from a feminist perspective is beyond the scope of this discussion; I will, however, offer some preliminary ideas and observations.

International law is male dominated in all aspects (Charlesworth, Chinkin and Wright 1991: 621). Legal documents have been built on male life experiences and do not reflect or respond to the issues that women face. Western, rationalist language of the law is used. As well, women have long been excluded from the international legal and political arena (the governments, the international organizations, and the courts) where the standards are defined, debated, and implemented. As with this organizational structure, the normative structure of international law ignores or marginalizes women's issues. One example of this is international law's reinforcement of the public/private dichotomy (Charlesworth, Chinkin and Wright 1991: 625).

While feminism is only beginning to influence international law in general, there have been positive changes in the second half of this century. International human rights law, the law that concerns the rights of individuals with respect to the state, has developed slowly since World War II. The UN *Charter*, the *International Covenant on Political and Civil Rights* and the *International Covenant on Economic, Social, and Cultural Rights* introduced a body of law to protect the individual human being. International human rights law is founded upon Western liberal political philosophy and has in more recent years incorporated some feminist perspectives.⁷

International rights discourse has traditionally been divided into generations. The first generation rights are political and civil, the second generation rights are economic, social, and cultural, and the third generation corresponds to group or collective rights. Western states have deemed civil and political rights as the most important to protect, while socialist and developing countries often focus on the second generation. Group rights, of which self-determination is part, have been most important to formerly colonized countries, as well as to indigenous

peoples. No existing set of group rights takes into consideration the needs of women as a people or as part of a specific group described as a people.

Whichever generation one chooses to emphasize, there remain many flaws with the rights discourse. Some question the inherent validity of the rights discourse. For example, when we speak of women's rights, we can refer to the instruments that specifically name and seek to protect rights.⁸ While these instruments are important and their value should not be underestimated, this approach has not been adequate. It lacks, for example, effective enforcement mechanisms and this omission provides no effective check against impunity. Others argue that this rights focus has no meaning where the socio-economic environment, such as exists in many developing countries, demands a basic needs strategy (Ilumoka in Cook 1994: 4). Another critique argues that the rights discourse privileges free, independent women, and as such, cannot play a strong role in those countries where women tend to have fundamental links to their castes, ethnic groups, or communities (Coomaraswamy in Cook 1994: 5). Finally, the use of special language, treaties, committees and structures which distinguish women's rights has also served to marginalize and isolate the discourse from the mainstream.

In general, the rights discourse is criticized because it is indeterminate and can be manipulated. The assertion of rights is, in many ways, a mischaracterization of the social experience. Women's life experiences do not always fit into the neat categories of definitions, criteria, and tests that inform the rights' discourse. This will be evident in the pages that follow as I examine self-determination and the situation of Kurdish women. The emphasis on individualism inherent in the assertion that one's rights have been infringed does not take into consideration the relational basis of life, and as a consequence, limits the possibilities for a complete redress of the injustice claimed (Charlesworth in Cook 1994: 63).

International law professor Hilary Charlesworth has summarized three different feminist approaches—liberal, cultural and radical feminism—that could be utilized to reconceptualize rights so that they are reflective and applicable to women's universal experiences of subordination and injustice.⁹ At the same time, however, Charlesworth cautions a reliance on such categories for they have limited significance in the international context; many women's experiences would not be heard if analysis was limited to a 'streamlined theoretical construct' (Charlesworth 1994-1995: 6). This chapter will adopt an integrated approach that asserts that rights are defined by those who engage in the discourse, the language, and the processes used (Cook 1994: 4-5). It is recognized that the language, processes, and underlying principles of the international legal system derive from and support a patriarchal world system. Although the rights discourse that flows from this patriarchal system is inadequate for its lack of gender perspective, I have chosen to utilize it for several reasons. First of all, the analysis recognizes the structural imbalance of power between

Kurdish men and women on all levels—the home, the community, the region, and the international arena. Secondly, the analysis maintains linkages with the dominant discourse to prevent the marginalization of Kurdish women's issues. Given the immediacy of the situation, this approach attempts to pull women's issues closer to the center of the discourse and away from the periphery where they have traditionally been relegated, if anywhere at all. Thirdly, the analysis draws upon self-determination's short history to provide a background for the development of a feminist approach. Finally, the political and civil rights of women must be recognized so that there are liberating social and economic consequences (Romany in Cook 1994: 88). The right of self-determination must be attainable; it should not be merely illusory. Overall, just as feminist jurisprudence seeks to incorporate women's perspectives into legal analysis, it must also incorporate the different perspectives of women within one country, and of women of both developed and developing countries.

We do know that patriarchy is universal, albeit manifested in different forms in different parts of the world. As MacKinnon (1991: 15) states, women share 'a collective social history of disempowerment, exploitation and subordination, extending to the present.' Overall, international law must be reoriented to reflect and respond to the many levels of oppression in the international community and as a start, women's voices must be heard in a public audience. The goal of this feminist analysis is to challenge the dominant, male discourse of self-determination within the Kurdish context.

The foundations of international law historically have failed to respond to, or have effectively contributed to, women's oppression. Thus, we must begin by questioning those foundations, as well as the assumptions of self-determination. Firstly, international law is not objective, nor value free. It is built on specific historical and cultural interpretations of human behavior as seen by Western men. Secondly, the principle of self-determination assumes that equality exists among groups of people such that all have the freedom to decide. It does not consider that half the population has effectively little, or no, voice in many countries. Finally, despite the support for a broader interpretation of self-determination which exists in international documents, both the theoretical framework and the application of the principle focus on the political component. This focus is consistent with the political liberalism inherent in international law in general, as illustrated by the primacy given first generation rights.

Looking at these assumptions more closely, there must be a recognition that statehood, which is central to international law and self-determination, is male biased in its conception, meaning, and application. The state has its own set of power relations that include gender. This raises the critical question of whether statehood, as an entity, can accommodate women's interests. This tension will be evident throughout this discussion for self-

determination is intricately linked to the concept of statehood. Further, as I apply the criteria for self-determination in this context, the question then becomes, What are the implications of self-determination for Kurdish women?

Historically, there has been an association between gender equality and self-determination. Importantly, as noted earlier, respect for equality rights is fundamental in all international documents. After World War II, the UN established trust territories and non-self governing territories through Chapters 11 and 12 of the *Charter*. These territories were administered by other states, such as Britain, Australia, and France, who were obliged to report to the UN on conditions in the territories they administered. The administering states were required to recognize that the interests of the dependent territories were paramount and to agree to promote social, economic, political, and educational development of the territories. Much of this occurred during the 1950s. Today, only one trust territory, Micronesia, remains.

The UN established criteria that these territories must have achieved before they would be granted full statehood.¹⁰ One of the criteria was gender equality and groups could petition the supporting bodies with their grievances. Given this, we see that there were institutional mechanisms which linked the status of women to the attainment of statehood. The Commission on the Status of Women, a fifteen member body established by the Economic and Social Council in 1946, began to monitor the petitions. The notion of gender equality at this time was premised on a Eurocentric model and there was little understanding of cultural relativism.¹¹

In 1960, hoping to speed the process of decolonization, the General Assembly passed *The UN Declaration on the Granting of Independence to Colonial Countries and Peoples*¹² and much of the criteria required to attain independence was waived. The declaration notes that 'inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence' (UN Res. 1514 1960).

Law professors Chinkin and Wright (1993: 293), in their work on food, women, and self-determination, argue that 'self' must begin with the basic right of existence, beyond the bare minimum of survival. They argue that the needs and rights of the female and child members of the group should be addressed first, not last. Food, shelter, a healthy environment, peace, and stability should be the priorities for the definition of the self in self-determination and not the present definition, which is based on 'masculinist goals of political and economic aggrandizement and aggressive territoriality' (1993: 294).

There appears to be support for such an approach in the international documents. Article 1(2) in the human rights *Covenants* outlines the several strands of self-determination: the right to political freedom; the right to economic and cultural development; the right to deal with one's own

natural resources; and the right not to be deprived of the means of natural sustenance. Read together, Chinkin and Wright suggest that these strands provide the foundation for a right to a secure existence.

Criteria

The criteria for self-determination and secession have been framed in the rational, legal discourse of the international legal system. The language, while it might have the appearance of neutrality, does consider gender. Similarly, the content of the criteria is male biased. Therefore, we need to outline and critique the criteria that the international community examines in assessing self-determination claims, and suggest feminist criteria that would accommodate and value women's needs and interests.

The first criterion required to establish a claim for self-determination is the existence of an identifiable group. Both objective and subjective standards define this criterion (Nanda 1981). There are a number of objective characteristics, such as race, religion, language, and ethnicity, which if commonly held can determine group identity.

Other factors may also serve to demonstrate group identity to the international community. For example, to demonstrate group cohesiveness, group leaders must represent the opinions of the group as a whole. Within this whole are women. Their opinions, interests, and needs are rarely recognized or accommodated. Where the interests of the leaders differ from those of the group, the claim may fail (Suzuki 1976: 816). Again, we must question whether women are considered within this group. Despite the historical links in the UN between status of women and the attainment of statehood, there exists no mechanism to ensure that women's opinions are represented.

The second criterion is the existence of some form of subjugation by a ruling group over a group seeking a right to self-determination (Ofuatey-Kodjoe 1977: 157). In the past, the colonial relationship has easily satisfied this criterion, as has the violation of fundamental human rights. Today, colonialism is considered to be a violation of fundamental human rights. Again, we see evidence of the male bias inherent in the formulation of these criteria. The laws and practices that have subordinated women worldwide (dealing with labor, inheritance, property, violence against women) represent examples of violations of human rights. Yet many of these rights are viewed as social rights, which the international community deems less important than civil and political rights. While these issues are recognized through the discourse of women's human rights, they are rarely addressed in the mainstream discourse. Further, for Kurdish women, the double nature of their oppression—as women and as a minority—is not acknowledged overall.

The degree and nature of the oppression suffered by a group seeking secession becomes the operative test (Buchheit 1978: 220-3). We must question whose standards are applied here. In many societies, women do

not enjoy equality with men and yet their oppression is rarely considered serious in nature or degree. Where group members are fully exercising their rights as citizens, where their human rights are respected by the ruling group, and where their economic, political, and cultural developments are thriving, then there would be no claim for secession.

A group seeking secession must be willing and able to protect the individual rights of its members after receiving independence. A claim could fail for the reason that the new state would deny its members their fundamental human rights. I suggest that this factor should be paramount. The realization of self-determination should not result in the replacement of one oppressive regime for another.

Several other factors are also considered. Firstly, the use of force or violence becomes important. While the use of force is prohibited under international law, in many cases, it may be inevitable. Some suggest that the willingness to enter into an armed struggle demonstrates group identity and resolve (Valentine 1980). I suggest that this indicates a lack of respect for human life. It is most often civilians—women, children, and the elderly—who suffer disproportionately during violent conflicts. The use of violence, however, will affect the legitimacy of a claim for secession and the claim will be judged based on the necessity and proportionality of the violence used (UN Charter 1945, Article 51). While the international community does not reward the use of violence, it is slow to condemn it outright.

A second factor is that the group must attempt a less drastic remedy than secession. For example, the group could use negotiations sponsored by the United Nations. This type of approach would encourage creative alternatives other than the focus on territorial gain.

Thirdly, where secession is the desired outcome, there should be a territorial claim, especially where the claim arises from a historical grievance involving a wrongful acquisition of territory (Brilmayer 1991: 192). The remedy required to redress the grievance will be in direct proportion to the damage inflicted. Territorial integrity remains paramount in the international arena.

A final factor is that a new state must be able to survive independently and to abide by international law. It must be politically and economically viable. With this factor, the UN could consider the international community's overall willingness to recognize the new state. The group seeking secession must demonstrate viability through de facto control (Frankel 1992: 534). Again, we must question what that control looks like, its impact on women, and whether gender inequality will be tolerated.

These are the criteria as currently formulated for assessing self-determination and secession claims. Thus far I have presented a brief overview of the principles in general and have also introduced a feminist perspective. While there is a virtual absence of writing on a feminist

perspective of self-determination, at this point I will offer some preliminary ideas for feminist criteria.

I suggest that a feminist formulation of criteria for self-determination should stress the internal dimension and not the current one based on territorial and political gain. I recommend a framework that draws from the current paradigm with its two overall criteria, rather than the drastic reconceptualization envisioned by Chinkin and Wright. The analysis would begin with the existence of an identifiable group. While common language, ethnicity, ancestry, and religion would be used in the characterization of the group, other factors would be employed to ensure that women's needs and interests were accommodated. Thus, after the group had been identified, a feminist approach would focus on the issue of whether the group leadership was, in reality, representative of women's opinions. As well, we would question to what extent women are expected to maintain traditions. The issue of traditional roles is one fraught with tension; while serving the nationalist cause by forging group identity and cohesiveness, many of these traditions also perpetuate women's oppression.

A feminist analysis would then turn to the second primary criterion as currently formulated, the subjugation of the identifiable group by the ruling group. The *prima facie* existence of external oppression would not, however, ensure a claim for self-determination. As discussed, there is historical precedent for the linking of statehood with the status of women within the UN. The analysis would focus on the group's ability to promote and protect the fundamental human rights of women, children, and minorities. Within these rights, fundamental equality rights would be stressed, which although guaranteed in international law have not been realized in many countries. As well, the analysis would question whether the group could guarantee the right to a healthy environment, safety, peace, and stability. Where the group could not demonstrate its commitment and ability to advance these rights, the claim could be denied. The implications of this will be explored in the following section.

When President Wilson spoke of the principle of self-determination almost a century ago, the ideals he so eloquently presented were noble and worthy. The difficulties of application and the tension inherent within these ideals became evident in the aftermath of World War I and remain today. The UN has yet to clarify the concept or implement acceptable mechanisms to facilitate the realization of self-determination in practice, and not just in theory. As I formulate these feminist criteria, I realize that in theory, they are indeed worthy. In practice, however, their application is similarly problematic, for gender equality does not exist in the international community any more than it does in the Kurdish community.

Application

The issue of Kurdish self-determination has been much discussed in the popular press and amongst international lawyers. Having presented preliminary remarks regarding the development of a feminist perspective for self-determination, it is now my task to apply the criteria, taking into consideration the perspectives of Kurdish women.

In this application, I will employ the criteria for a feminist approach, and highlight two factors. The first is the issue of leadership and I will consider primarily the groups in Iraqi Kurdistan and in Turkey. The second is the issue of respect for and promotion of equality rights and I will focus on the circumstances in the safe haven in Iraq. I will also briefly consider the other criteria.

The first criterion, then, is the existence of an identifiable group. It is clear that the Kurds constitute an identifiable group (Ewald 1994). Despite the fact that the Kurds are divided among four nations, they have a common ancestry, have distinct physical features, speak a distinct language of the Indo-European group, and are, in the majority, Sunni Muslims.

A feminist analysis, however, must look beyond such objective criteria, for these descriptions present the Kurdish population as if it were genderless to the international community. Given the structural imbalances of social, economic, and political power endemic in Kurdish society, this genderless portrayal is understandable, but not acceptable. This portrayal is very common wherever there has been a struggle for ethnic or national recognition, as in Western Sahara, Ethiopia and Eritrea, Algeria, and Palestine (Fanon 1986). Women have been active in struggles for equality in the developing world since the end of the nineteenth or early in the twentieth century.¹³ Fighting against an oppressive ruling regime has taken precedence over these struggles. Within the colonial setting, where there has always existed a strong need to develop a nationalist identity, the conflict between these two objectives has been evident. Women are asked to stand united with men in their common ethnicity and to set aside questions of gender equality. As Sara Akan, a representative of the Patriotic Women's Association (YKD), a women's group in Turkey, stated in an interview, 'The process of our people's liberation determines the process of our women' (Akan1992: 22).

This tension is further illustrated in that women have been keepers of the traditions, which strengthen the community's sense of common history and culture. Yet many of these traditions, specifically relating to family and education, have served to subordinate women. To serve the nationalist cause, they must not question their subordinated position. Overall, there appears to be little feminist consciousness within Kurdish society. In the material that does exist, there is the sense that women feel their national identity is primary and that being a woman comes second.¹⁴ Nationalism is overwhelmingly the greatest source of cohesion. A feminist analysis looks critically at a group's leadership to assess whether it truly represents and can accommodate the needs and interests of women. In the case of the

Iraqi Kurds, after the Persian Gulf War, an internationally designated region was secured for the Kurds living in northern Iraq on humanitarian grounds. After a second Kurdish uprising in the autumn of 1991, the Iraqi army pulled out of the north and blockaded access, and these actions created a de facto independent Kurdish entity. In May 1992, elections were held and a Kurdish Parliament established. Although the United States and Europe supported the elections, they emphasized that this step would not be considered part of establishing a claim for self-determination or secession. The neighboring states, seeing this as a move toward Kurdish secession, protested vociferously (Cook 1995).

These elections were carefully organized to comply with the 1974 Iraqi law, which had provided for a regional parliament in northern Iraq. The two principal parties, the Kurdish Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), each won 45 percent of the vote in relatively fair and free elections. Six women were elected as Members of Parliament out of 105 seats. This rather qualified triumph would appear to indicate that women are fully exercising their political and civil rights.¹⁵

This was a historic moment for Kurdish nationalism and it was seen as an opportunity for the autonomy and freedom long sought from the oppressive Iraqi regime. The credibility of this autonomous body was weakened, however, by the absence of international recognition. The regional government was not acknowledged in any way by the international community, whether by states or humanitarian organizations, as the legitimate representative of the region.

Historically, the international community has played an often misguided and ineffective role in the affairs of the region.¹⁶ This international role cannot be ignored, whether it has manifested itself through foreign intervention, imperialism, or most recently, the failure of the international community to see the situation as a political problem that required political solutions and not simply a humanitarian one. Yet internal factors must be acknowledged as contributing significantly to the current situation in Kurdistan (Sheikhmous 1996: 35-8).

The political parties' practice of continuing some of the tribal patronage patterns, as well as internal corruption and mutual distrust, while not unique to the Kurds, have all seriously weakened the prospects for a strong democracy. These structural flaws must be recognized and remedied if there is any chance for a truly representative and inclusive democracy, a democracy in which women's fundamental human rights are protected. The KDP, which has a broad tribal-rural base, rules as if it has an all encompassing power over its feudal fiefdom. It refuses to incorporate any new movement. The PUK, which is more urban and middle-class based, and has formed western alliances, has used many of the same archaic methods of governance. Human rights violations and corruption have marked their politics (Sheikhmous 1996). Since May 1994, the two parties have been in armed conflict. A ceasefire, signed in October 1996, fell apart

in the fall of 1997. The fighting has seriously damaged the international credibility of the Kurds in northern Iraq. The fighting will continue, as do the struggles for scarce resources, as each neighboring state seeks to exploit the conflict to enhance its own power base.

In Turkey, which is home to 10 to 15 million Kurds, the Kurdistan Workers' Party (PKK) began a guerrilla war against the government in 1984 to win 'national self-determination' (Kurkcu 1996: 38). The original demand for sovereign statehood has moderated over the years and in March 1994, the PKK leader, Abdullah Öcalan, stated in an interview that he was not convinced that secession from Turkey was the best solution for the Kurds (Kurkcu 1996). By the mid-1990s, the PKK was unrivalled and its influence extended beyond Turkey to Syria, Iran, and Iraq, as well as the former Soviet member states and Western Europe. This has caused concern with the PUK and KDP in northern Iraq. One author suggests that Öcalan's one-man rule, his self-styled 'concentrated collective leadership' (Kurkcu 1996: 39) has created an authoritarian regime, which is incapable of accommodating the diverse social structure of Turkey's Kurds.¹⁷ Further, Öcalan's methods of eliminating dissent have been condemned by international observers, as well as by his adversaries. These methods include terror and murder (Kurkcu 1996).

As van Bruinessen notes in his chapter in this volume, Öcalan's former wife, Kesire Yıldırım, was the only female among the founding members of the PKK, and was a member of the Politbureau until 1988. At this time, while details are not clear, she attempted a takeover of Öcalan's position and was nearly successful. This and a legacy of female leaders suggest that female leadership is acceptable to the Kurdish people.

The PKK has great appeal to many women who view it as the driving force for nationalism. The status of women figures in the party's public discourse; Öcalan has compared oppression of women in Kurdish society to the national oppression of Kurdistan and called for a double liberation. The PKK has actively recruited women and by the late 1990s, thirty percent of its new recruits were young women. In the camps, they worked, trained, and fought on equal terms with the Kurdish men, sometimes becoming camp commanders. While women remain largely absent in the upper echelons of party power, their equal participation in the rank and file appears to challenge the male dominated power structures so present in the rest of Kurdish society. There is awareness, but it is difficult to assess how successfully this transcends into practice.

The male leaders of the PKK, the Kurdistan Democratic Party, the Patriotic Union of Kurdistan, and other parties, claim to speak on behalf of the Kurdish people. Men have defined the goals and have negotiated with the states. The women's organizations that do exist are not independent from the political parties with which they are affiliated. Indeed, the women's organizations are most often extensions of the parties' platforms, in which parties jostle to gain women's votes. While there are few women

in leadership roles, of great significance also is the dearth of feminist consciousness among Kurdish women.

These male leaders, who could be working together towards a viable solution, are instead waging armed conflict, committing grave abuses, and resorting to ruthless tactics to consolidate their own power. This perpetuation of the patriarchal power base has serious implications for the well-being of the Kurdish population, a great proportion being the women and children who suffer the consequences of these struggles.

Secondly, a feminist analysis must examine the existence of some form of subjugation by the ruling group over the group seeking a right to self-determination. Applying this criterion to the situation of the Kurds, there is no question that they have suffered oppression historically, as well as today. The Shaykh Said 1925 movement, the 1937 Dersim rebellion, the destruction of the Kurdish Republic in late 1946, and the use of chemical weapons against the people of Halajba in 1988, are all examples of the violence used to quash public and political expressions of Kurdish identity.

Today, the Turkish government systematically represses any expression of Kurdish nationalism. Since 1984, between 300,000 and 2 million people have lost their homes due to the fighting, while some 3,185 villages have been razed or evacuated. The official number of deaths is 26,000, though this could be higher. In April and May 1997, the Turkish army launched offences in Tunceli province and 160,000 troops crossed into Iraq to attack PKK bases there. The army claimed it had killed 2,500 PKK guerrillas in these offences (*The Economist* 1997: 58).

Reports, such as Amnesty International's *Human Rights Abuses in Iraqi Kurdistan Since 1991*, clearly document the atrocities committed by the many players in the ongoing saga.¹⁸ Information, however, is limited as the UN Special Rapporteur for Human Rights in Iraq, Mr. Max Van der Stoep, as well as Amnesty International and Human Rights Watch/Middle East are unable to visit government controlled areas in the region. Information is often limited to the reports of those who are able to leave the area.

International law does not effectively address the multiple layers of oppression that are present in women's lives. Kurdish women, like Kurdish men, suffer from gross human rights violations in Turkey where they are barred from speaking their own language in public contexts, expressing their ethnic identity, and voicing their opinions. Western feminists have not had to endure this overt political repression. Kurdish women are raped in the prisons as a form of torture¹⁴ and subjected to virginity tests when arrested.

Yet women also suffer a more subtle form of oppression in their daily lives. Historically and today, Kurdish women have suffered and continue to suffer from 'internal intervention' (Charlesworth, Chinkin and Wright 1991: 643). Resistance to the oppression of the Kurdish people for hundreds of years has been expressed by the reassertion of men's power over women. In this way, Kurdish men, although they may be dominated

and powerless in many aspects of their lives, can feel powerful in their own homes. Kurdish women have been treated as objects, subservient to men, and at times traded for money or goods. Neither in the public nor private domain have women been entitled to authority or self-expression. They have been captive to hundreds of years of traditions that have confined women within the structural boundaries of the family. Women have been extremely limited in their ability to determine their social, economic, and cultural development.²⁰

Today, some Kurdish nationalist movements have objectives that sound laudable: the restructuring of power, the creation of a society based on equality and non-exploitation, the freedoms of speech, religion, and association. Yet the feminist objective of change towards gender equality challenges is subsumed by the nationalist agenda (Charlesworth, Chinkin and Wright 1991: 619). While the publications of these organizations invoke a mandate of peace and development, the authors engage in an armed struggle for power. Examples of this are abundant: the absence of women in leadership roles; the lack of independence of women's organizations; and the primacy of the nationalist cause over equality rights.

In a feminist analysis, the group seeking statehood must be willing and able to protect the fundamental human rights of its women, children, and minorities. This argument has been called paternalistic (Buchanan 1991: 335-6), but I suggest that it should be paramount in any deliberation and I will present examples from Iraqi Kurdistan where the fundamental human rights of women have not been promoted under the relatively autonomous, regional government.

The ruling KDP and PUK political parties in the Regional Government of Iraqi Kurdistan refused to rescind the personal status and penal laws of the Iraqi government, which, among other things, allowed polygyny, gave men the power to divorce at will, and allowed them to kill their wives, daughters and sisters on charges of 'adultery.' Women activists organized to demand legal reform by lobbying and collecting about fifteen thousand petitions. While the female deputies supported the petition, the parliament refused to listen. Although there is increased participation, women have little or no actual political power. Despite women's ability to vote and to be elected, the hallmarks of a democratic society, these political rights have not resulted in corresponding social and economic equality.

When war erupted between the two major Kurdish parties, PUK and KDP, which shared power in the Regional Government of Iraqi Kurdistan in 1994, women strongly protested the 'suicidal war' by organizing a 200 kilometer peace march from Sulaimaniya to Arbil. In front of the Parliament, the protestors demanded the immediate end of the war and called upon their respective Members of Parliament to take full action to normalize the situation. The march was well publicized, but the political leaders failed to respond. This is not surprising. People without political power are rarely listened to; they are seen as having no effect on the

system or on outcomes. Similar actions met with similar responses during the Persian Gulf War (Mojab 1997: 61-82).

A second example is the lack of independence of women's organizations. Formal women's organizations do not exist outside the political arena and women for the most part have been excluded from political discussion and decisions. The military and political agenda has co-opted any opportunities for social change. In particular, the Kurdistan Women's Union (*Yekêti Afretani Kurdistan*) (KWU) is linked to the KDP and the Women's Union of Kurdistan (*Yekêti Jinani Kurdistan*) is linked to the PUK.

In Turkey, the Women's Association of Kurdistan (YJWK) is linked to the PKK. It advocates a free Kurdistan first, and then women's liberation. It takes the position that no Kurdish woman can talk about freedom while Kurds remain colonized. The Patriotic Women's Association (YKD) is open to all women, Kurds and Turks alike, and is not linked to one specific party. Yet the YKD leadership is against feminism and asserts the view that national liberation will be the basis for the liberation of women (Akan 1992: 23).

These examples raise fundamental questions as to the importance of effective political participation in any democracy. While there is no clear right to popular participation in international law, there is clarity regarding the right to equality. Equality is a fundamental human right and the Kurdish Parliament's refusal to address issues such as polygamy, inheritance, divorce rights, and violence against women is a clear abrogation of their international legal responsibilities.

At the same time, the nationalist movement has created momentum and space for women's liberation as women move beyond their traditional roles. The movement could provide the framework for women to advance their equality within Kurdish society and give them control of their issues.

Yet the goals of social equality are themselves being undermined or subjugated to the goals of autonomy. This is illustrated by the 1994 petition, the women's march for peace, and the current conflict in northern Iraq. Another contributing factor is that the media does not cover women's issues (Begikhani 1996: 51). Nationalism makes better news than the fundamental principle of equality.

Thus far, I have suggested a focus on two issues: whether the Kurdish leadership can truly accommodate women's needs and whether the Kurds can promote and protect the fundamental human rights of women, children, and minorities. I have outlined several examples in Iraqi Kurdistan that indicate that while the nationalist movement has created a space in which women do exercise some political rights, they have little power to effectively challenge the status quo and work towards gender equality. In a similar way, the regional parliament in Iraqi Kurdistan has not promoted fundamental equality rights. I have also suggested that a feminist analysis would examine the group's ability to provide a healthy

environment, security, stability, and peace. The evidence in this regard is not promising.

Conclusion

International law and rights discourse has traditionally excluded women's voices from the arena. I have suggested that the development of a feminist approach, which encompasses a number of strategies, could serve to give women's issues the public audience and appropriate response that is required and deserved.

In doing so, I have noted that the women's movement has long been active in the Middle East. Historically, the women's movement has been subsumed by the forces of nationalism. One level of oppression has been or is still being replaced by or reinforced by another level. Given this history of multiple oppression, the current situation for Kurdish women demands a response. International law has done little to redress the multiple layers of oppression; the international community's response has marginalized women's issues and as such, we see the past repeating. Despite advancements in international human rights law and lip service paid to greater respect for individuals, these advancements have not trickled down to impact the lives of women.

I have presented the criteria for self-determination as currently formulated in international law discourse. These criteria have been adapted to reflect feminist concerns and have been applied in a general way, given the limited resources available, to reflect the situation of Kurdish women. Importantly, the Kurdish women are experiencing very different worlds. A *pêşmerge* in Turkey may experience equality in the army as the guerrillas fight for autonomy. A woman in Kurdistan, under the Kurdistan Regional Government, may feel her social and economic subordination on a daily basis. This difference of experience occurs all over the world.

I recognize the nature of the external oppression that the Kurdish people face daily and am not advocating that women and men should stand apart. Yet I do question the legitimacy of the international model, and the criteria for self-determination claims, which leave little room for the multiple layers of oppression that pervade the lives of Kurdish women. The nationalist movement, while creating spaces for women's participation, has also worked to silence their voices when seeking gender and social equality. National liberation takes precedent. Women need their own platform, organizations, and networks. If not, any independence gained from external oppressors will fail to deliver any substantive liberation for Kurdish women.

My intent has been to highlight the problems of international legal discourse in reflecting the reality of women's lives. The international community should not engage in these debates without accommodating women's voices. Without a feminist perspective, which takes a critical historical perspective and incorporates the real, lived experiences of

women, the principles, criteria, and tests are flawed. Their application will only lead to the tacit, if not overt, acceptance and subsequent reinforcement of oppression of women by men in the world.

Notes

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1. See for example Ewald (1994), Falk (1994) and Whitesall (1993).
2. See for example the Anglo-Norwegian Fisheries case (UK vs. Nor. 1951); Fisheries Jurisdiction (UK vs. Ice. 1974), where the impact of changed fishing zones on the livelihood of people in the various sites who engaged in fishing was taken into account by the Court. Individual states signed the *International Bill of Human Rights: A Universal Declaration of Human Rights* in 1948 which recognized the responsibility of states for actions against individuals.
3. *United Nations Charter* (1948), Article 1(2): The purposes of the UN are 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,' and Article 55: 'With a view to the creation of conditions of 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....'
4. *International Covenant on Civil and Political Rights* (1966) Article 1; *International Covenant on Social, Economic and Cultural Rights* (1966), Article 1.
5. For example, *The Universal Declaration of Human Rights* (1948) makes the will of the people the basis of government authority.
6. See Article 6 of the *Declaration on the Granting of Independence to Colonial Territories and Peoples* and the elaboration of 'The principle of equal rights and self-determination of peoples' of the *Friendly Relations Declaration* which states: 'Nothing in the foregoing paragraphs shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour.'
7. See Holmes (in Gould 1983: 250); Neuwirth (1987) and Bunch (1990).
8. *Convention on the Elimination of All Forms of Discrimination against Women* (1979); *Declaration of the Elimination of Discrimination against Women* (1967). For a list of International Labour Organization conventions which focus on women, see Hevener (1986).
9. 'Liberal feminism attempts to realize the equal treatment guaranteed by existing law, and thereby discounts intrinsic differences between men and women. A problem with

this approach is that it fails to understand the structural imbalance of power between men and women and the systemic nature of discrimination.

‘The goal of cultural feminism is to celebrate the differences between masculine and feminine ways of reasoning. This approach may lead to marginalization of women’s rights because presenting them as different from men’s needs may induce the response that they are less worthy of resources.

‘The purpose of radical feminism is to transform the masculine world where inequality is based on systemic domination and subordination of women by men. This approach is problematic strategically when it requires revolutionary change in a conservative community that is ready at most for evolutionary change’ (Charlesworth 1994: 5).

10. See ‘Factors which should be taken into account in deciding whether a territory is or is not a territory whose people have not yet attained a full measure of self-government,’ Res. 742 (VIII) of the General Assembly, 27 Nov. 1953, GAOR, VIII, Supp. 17 (A/2630). In the Second Part, Internal Government, the UN looked for universal and equal suffrage, and asked questions such as, ‘Has each adult inhabitant equal power (subject to special safeguards for minorities) to determine the government of the territory?’

11. Professor Karen Knop at the University of Toronto, Faculty of Law, is currently researching this area.

12. UN Res. 1514 1960 reaffirms fundamental human rights based on the principles of equal rights and self-determination of all peoples and the desire to end colonialism in all its manifestations. Further, a second resolution passed in 1960 states that self-government could be obtained by any of three means, including independence, association, or integration. G.A. Res. 1541 (1960).

13. Jayawardena (1986) gives accounts of feminist movements in Turkey, Egypt, Iran, Afghanistan, India, Sri Lanka, Indonesia, the Philippines, China, Vietnam, Korea and Japan. See also Enloe (1989) and Chafetz and Dworkin (1986), especially chapter 4. See also accounts of women in the United States in the 1960s in Morgan (1977).

14. See, for example, Wedel’s chapter in this volume.

15. In 1980, in Iraq, there were twelve out of 250 women deputies which is a noteworthy number in relative terms for Arab states.

16. Ove Bring outlines relevant historical events (160-163).

17. An example of Öcalan’s rule was illustrated during a convention of the People’s Democracy Party (HADEP), when PKK sympathizers pulled down the official Turkish symbols and, hoisting Öcalan’s poster instead, destroyed HADEP’s legitimacy (Kurkcu 1996).

18. See the US State Department Country Reports, Human Rights Watch Reports, and Amnesty International Reports.

19. See Jayawardena (1986) and Copelon (1994). The *Beijing Declaration and Platform for Action* recognizes rape as a war crime, as do certain parts of the Statutes for the International Criminal Tribunals for the Former Yugoslavia (ICTY) and Rwanda

(ICTR). Only in 1996 did ICTY recognize that rape is a form of torture (in its Gagovic and Delalic indictments). The ICTR has not recognized this yet and have charged rape in two cases thus far, but not as torture. At the ICTR, the problem is that prosecutors are not recognizing the gravity of rape as a war crime and are instead viewing it as a crime of honor; this is similar to the 'virginity checks' of Kurdish women in the Turkish police stations. Comments from V. Oosterveld. See generally, *Brooklyn Journal of International Law* (1996 Volume 1).

20. See, generally, *Resistance: Women in Kurdistan* (1995). The chapters in this publication provide analyses on the situation of Kurdish women, both historical and contemporary.

Bibliography

- Akan, Sara (1992). 'We take our strength from our people....' Interview with Sara Akan in *Kurdish Women: The Struggle for National Liberation and Women's Rights*. London: KSC-KIC (Kurdistan Solidarity Committee-Kurdistan Information Centre) Publications.
- Amnesty International Report (n.d.). *Human Rights Abuses in Iraqi Kurdistan since 1991*. London, Amnesty International (AI Index: ME 14/01/95).
- Anglo-Norwegian Fisheries Case (UK vs. Nor.) (1951). ICJ Rep. 116 (Judgement of Dec. 18).
- Begikhani, N. (1996). 'Divided Interests in Northern Iraq.' *War Report* (November/December) 47: 50-52.
- Brilmayer, L. (1991). 'Secession and Self-determination: A Territorial Interpretation.' *Yale International Law Journal* 16(1): 177-202.
- Brownlie, I. (1970). 'An Essay in the History of the Principle of Self-determination.' In C.H. Alexandrowicz (ed.). *Grotian Society Papers 1968*. The Hague: Praeger.
- Bruinessen, M. (1996). 'Diversity and Division among the Kurds.' *War Report* (November/December) 47: 29-32.
- Buchanan, A. (1991). 'Toward a Theory of Secession.' *Ethics* 101(1): 322-45.
- Buchheit, L. C. (1978). *Secession: The Legitimacy of Self-Determination*. New Haven: Yale University Press.
- Bunch, C. (1990) 'Women' Rights as Human Rights: Toward a Re-vision of Human Rights.' *Human Rights Quarterly* 12(4): 486-98.
- Chafetz, J. and A. Dworkin (1986). *Feminist Revolt: Women's Movements in the World and Historical Perspective*. Totowa, NJ: Rowman and Allanheld.
- Charlesworth, H. (1994-1995). 'Feminist Critiques of International Law and their Critics.' *Third World Legal Studies* 1-16.

- Charlesworth, H., C. Chinkin and S. Wright (1991). 'Feminist Approaches to International Law.' *American Journal of International Law* 85(4): 613-45.
- Chinkin, C. and S. Wright (1993). 'The Hunger Trap: Women, Food, and Self-determination.' *Michigan Journal of International Law* 14: 262-321.
- Cobban, A. (1969). *The Nation State and National Self-Determination* (rev. ed.). New York: Thomas Y. Crowell.
- Commager, R.S. (ed.) (1949). 'The Fourteen Points.' In: *Documents of American History*, New York: Appleton-Century-Crofts.
- Cook, R. (ed.) (1994). *Human Rights of Women*. Philadelphia: University of Pennsylvania Press.
- Cook, Helena. (1995). *The Safe Haven in Northern Iraq: International Responsibility for Iraqi Kurdistan*. Colchester: U.K.
- Copelon, R. (1994). 'Surfacing Gender.' *Hastings Women's Law Journal* 5(1): 243-66.
- Declaration of the Elimination of Discrimination Against Women* (1967). GA Res. 2263 (XXII) (Nov. 7).
- The Economist* (1999). 'Unsolved Kurdistan' (July 13): 44.
- Enloe, Cynthia. (1989). *Bananas, Beaches and Bases: Making Feminist Sense of International Politics*. London: Pandora.
- Ewald, G. (1994). 'The Kurds' Right to Secede under International Law: Self-determination Prevails over Political Manipulation.' *Denver Journal of International Law and Policy* 22.
- Falk, R. (1994). 'Problems and Prospects for the Kurdish Struggle for Self-determination after the End of the Persian Gulf and Cold Wars.' *Michigan Journal of International Law* 15(2) (Winter): 591-603.
- Fisheries Jurisdiction (UK vs. Ice.) (1974). Merits, 1974 ICJ Rep. 3 (Judgement of July 25).
- Frankel, L. (1992). 'International Law of Secession: New Rules for a New Era.' *Houston Journal of International Law* 14(3).
- Gabel, P. and P. Harris (1982-83). 'Building Power and Breaking Images: Critical Legal Theory and the Practice of Law.' *New York Review of Law and Social Change* 11: 369-411.
- General Assembly Resolution 1541 (1960). UN GAOR, 15th Session., Supp. No. 16, UN Doc. A/4684.
- 2625, (1970). UN GAOR, 25th Session, Supp. No. 28, UN Doc. A/8028.
- 742 (1953). UN GAOR, 8th Session, Supp. No. 17, UN Doc. A/2630.

- Gluckmann, D. (1993). Unpublished paper for the Faculty of Law, University of Toronto. Cited with permission of the author.
- Gould, C. (ed.) (1983). *Beyond Domination: New Perspectives on Women and Philosophy*. Totowa, NJ: Rowman and Allanheld.
- Hevener, N.K. (1986). 'An Analysis of Gender Based Treaty Law: Contemporary Developments in Historical Perspective.' *Human Rights Quarterly* 8.
- International Bill of Human Rights* (1948). 3 UNGAOR 71, UN Doc. A/810 (Dec. 10).
- International Covenant on Civil and Political Rights* (1966). *United Nations Treaty Series*, 999 (Dec. 16)
- International Covenant on Social, Economic and Cultural Rights* (1966). *United Nations Treaty Series*, 993 (Dec 16).
- Jayawardena, K. (1986). *Feminism and Nationalism in the Third World*. London: Zed Books.
- Kurkcu, E. (1996). 'Turkish Kurds' New Political Crossroads.' *War Report* (November/December) 47: 38-9.
- MacKinnon, C. (1991). 'From Practice to Theory, Or What is a White Woman Anyway?' *Yale Journal of Law and Feminism* 4(1): 13-22.
- McGee, R. (1992). 'The Theory of Secession and Emerging Democracies: A Constitutional Solution.' *Stanford Journal of International Law* 28: 451-76.
- Mojab, S. (1997). 'Women and the Gulf War: A Critique of Feminist Responses.' In: T.D. Sharpley-Whiting and R.T. White (eds.). *Spoils of War: Women of Color, Cultures, and Revolutions*, 61-82. New York: Rowman and Littlefield.
- Morgan, R. (1977). *Going Too Far: The Personal Chronicle of a Feminist*. New York: Random House.
- Nanda, V.P. (1981). 'Self-determination under International Law: Validity of Claims to Secede.' *Case Western Reserve Journal of International Law* 13: 257-80.
- Neuwirth (1987). 'Towards a Gender-based Approach to Human Rights Violations.' *Whittier Law Review*, 9.
- Sheikhmous, O. (1996). 'Compounding the Tragedy.' *War Report* (November-December) 47: 35-37.
- Whitesall, S. (1993). 'The Kurdish Crisis.' *Denver Journal of International Law and Policy*. 21.