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Editorial

Dear Readers,

Enormous Thanks to Allah SWT the Master of the Whole Universe and the Creator of All; the Pakistan Institute for Parliamentary Services (PIPS) continues its progress as an internationally recognized Centre of Excellence in parliamentary learning that offers capacity building, legislative, research and outreach services to individual Members of Parliament, committees and caucuses of National and Provincial Legislatures.

The year 2024 commences at a critical time as world witnesses Israel's blatant war crimes and genocide of Palestinians in Gaza. Israeli attacks since October 07, 2023 have killed over 22,000 Palestinians, 70% of them unarmed civilians, including 8,697 children and 4410 women. Moreover, the number of injured people due to ruthless air strikes have risen to 4000. To add insult to injury, a United Nations Resolution calling for "humanitarian pause" was vetoed by the United States of America on October 18, 2023. Since 1945, it is the 34th resolution vetoed by USA to back the defeatist Zionist-fascism unleashed by Israel.

The detailed analysis of the imbroglio is given in an opinion piece in this issue of the PIPS Parliamentary Research Digest that also covers an investigative article on the illegal decision of Indian Supreme Court violating the longstanding status of disputed territory recognized by the United Nations for Illegally Indian Occupied Kashmir. Last but not the least, a set of infographics is presented on Elections 2024.

Please do not hesitate to send your feedback or contact for any of our services at research@pips.gov.pk

May Allah swt exalt us all with a blissful, contented and happier 2024, amin.

Muhammad Rashid Mafzool Zaka
Director General (Research)



OPINION

Israel's War Crimes and Genocide in Gaza

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Assistant Director Research, PIPS

1. Background:

Gaza is referred to as a narrow strip of Palestine, between the Mediterranean Sea and Israel, and is one of the most densely populated areas in the world, with the population around 2.2 million people¹. Gaza is a forcefully occupied territory in Palestine, been occupied by Israeli Forces in 1967. Since 1967, Israel has violated human rights in the occupied Palestinian territory. The Israeli forces stayed there until 2005, still retaining the control over Gaza's air space, shoreline as well as borders.² Since 2007, it has imposed a siege on hundreds of thousands of Palestinians living in the Gaza Strip.



Figure 1: Source UNOCHA Gaza Strip Access and Movement, September 2023³

2. October 2023 Hostilities between Israel and Hamas:

The recent war between Israel and Palestine started on October 7th, 2023, when the Hamas attacked on Israel as a reply to Israel's years long cruelty and brutality on Gaza Strip.⁴ The Israeli forces attacked on Gaza with full-fledged air strikes, announcing that it has started war against Palestine especially Gaza. Since then, the electricity, water, food, internet and fuel are been cut

¹ "Gaza Strip in maps: How life has changed in two months", *BBC News*, December 15, 2023.

<<https://www.bbc.com/news/world-middle-east-20415675>, Browsed on December 18, 2023.

² "Israel Gaza war: History of the conflict explained", *BBC*, November 15, 2023.

<<https://www.bbc.com/news/newsbeat-44124396>, Browsed on December 12, 2023.

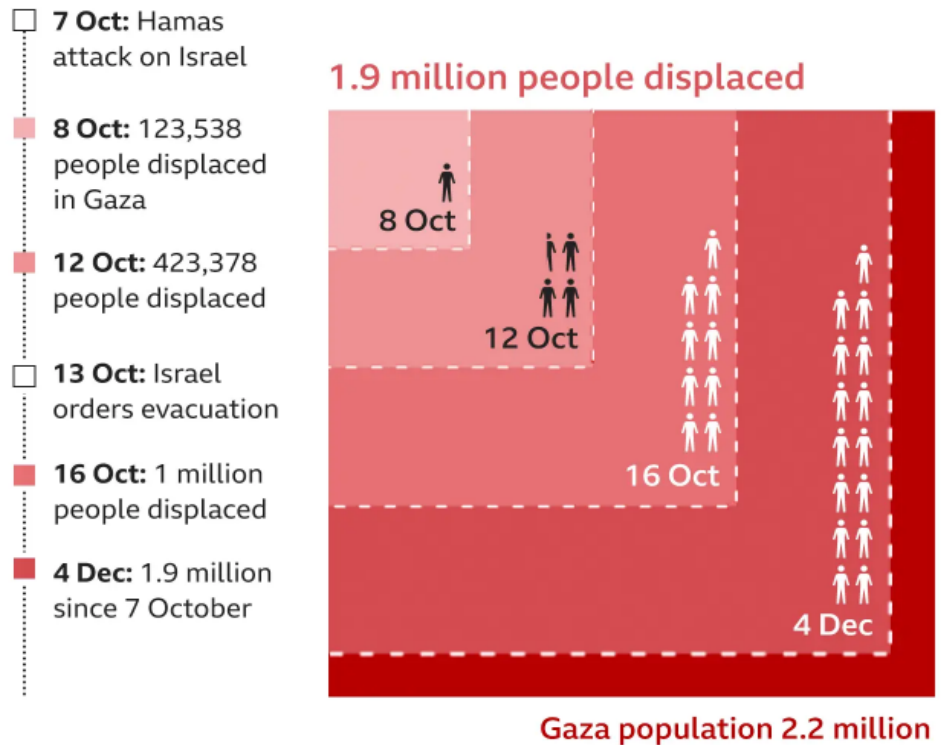
³ "Gaza Strip Access and Movement, September 2023", *UNOCHA*, September 18, 2023.

<<https://www.unocha.org/publications/map/occupied-palestinian-territory/gaza-strip-access-and-movement-september-2023>, Browsed on December 12, 2023.

⁴ Linah Alsaafin and Zena Al Tahhan, "One month of Israel's war: What's happening to Palestinians outside Gaza?", *Al Jazeera*, November 7, 2023. <<https://www.aljazeera.com/news/2023/11/7/one-month-of-israels-war-whats-happening-to-palestinians-outside-gaza>, Accessed on December 20, 2023.

off from Gaza as a part of complete blockade, as announced by Israeli Defense Minister, Yoav Gallant, then.⁵

Due to the continuous war of 2023, millions of people are displaced from the Gaza Strip and are seeking refuge in different places. Many have to leave their houses behind, either in proper house condition or in the condition of debris. According to the reports, around 1.9 million out of 2.2 million people have fled Gaza till now.



Source: UNRWA

BBC

The war crimes by Israeli Forces on Palestine especially Gaza Strip are not only a matter of human rights violation but also against the International Laws, especially Humanitarian Laws. The brutal airstrikes and destructive bombardments coupled with blockade of food and water supply, internet, and electricity have raised many questions on the credibility of international laws. People all around the world have started protests against the Israeli violence and demanded immediate ceasefire. They have also undergone with the boycott of Israeli products all around the world, in order to pressurize the Israeli government to stop the cruelty in Palestine. But Israel is still carrying on airstrikes on Palestine.

The most important rule of war is to protect the non-fighters from the war as well as other acts of war, which are civilians, prisoners, the sick and wounded. The rule applies to every state involved in the armed conflict.⁶ But the Israeli forces have taken this opportunity to fulfill the fascist designs of Zionism, turning the war more into attacks on non-military targets such as hospitals, mosques, schools and public places, aimed at complete annihilation of Palestine. The tyranny is clearly staring in the eyes of Middle Eastern Muslim States who have been day dreaming for years of a two-state solution to the Palestine-Israel imbroglio.

⁵ "Israel announces 'total' blockade on Gaza", *Al Jazeera*, October 9, 2023. See at:

<<https://www.aljazeera.com/news/2023/10/9/israel-announces-total-blockade-on-gaza>, Browsed on December 21, 2023.

⁶ Yucel Aser, "Israel's Crimes in Gaza", *SETA Analysis*, No. 85, November 2023. See at:

<https://setav.org/en/assets/uploads/2023/11/A85En.pdf>, Accessed on December 21, 2023.

5. Targeting Public Hospitals:

Israeli forces attacked the hospitals of Palestine, where the already affected people from the airstrikes of Israel were admitted. On the 17th October 2023, air strikes were launched at the Al Ahli Hospital area in Gaza. Approximately 450 people died in those air strikes¹¹, in which many were there for their loved ones admitted in the hospital.

Al Shifa Hospital, the largest medical center of Gaza, was targeted multiple times during these two months of war, killing hundreds of wounded Palestinians, the attendants, doctors and nurses.¹² Moreover, the Nasser Medical Complex was also bombarded repeatedly, targeted at the maternity center by the Israeli tank shells, resulting in the killing of 13-year-old girl, and wounding several people.¹³

6. Starvation:

Gaza being sandwiched between Mediterranean Sea and Israel, depends majorly on Israel for its water and food supplies. After 7th October, Israel has stopped the water and food supply to Gaza, as well as not allowing other countries to help the Gaza people with these supplies. According to Human Rights Watch, Israel is using the tactic of starvation as warfare, which is a clear war crime.¹⁴ Starvation of civilians as a means of warfare is forbidden under International Humanitarian Law.

According to the Rome Statute of the International Criminal Court, it is a war crime to purposefully starve civilians by "depriving them of things necessary for their survival, including deliberately obstructing relief goods."¹⁵ Yet Israel is nakedly and deliberately hindering food and water supplies to Gaza. Here international laws of any nature seem to be failing as most of international community is silent especially after the cold-hearted and shameless veto of the United States on October 18, 2023 in favour of Israel in UNSC to a resolution that called for "humanitarian pauses," of the conflict.

Since 1945, a total of 36 UNSC draft resolutions related to Israel-Palestine have been vetoed by one of the five permanent members – the US, Russia, China, the United Kingdom, and France. Out of these, 34 were vetoed by the US and two by Russia and China.

7. Use of Illegal Chemical Weapons:

Artillery fired White Phosphorus were bombarded over Gaza and border areas of Lebanon, posing great threat to the lives of people of Gaza.¹⁶ The use of chemical weapons in any kind of war is prohibited under the Chemical Weapons Convention CWC.

According to World Health Organization, White Phosphorus causes severe burns on skin which are extremely painful, and cause thermal as well as chemical injuries to the skin. The process of healing of such burns is very slow.¹⁷

¹¹ Anthony H. Cordesman, "The Hospital Attack and the Gaza War", *CSIS*, October 18, 2023. See at: <https://www.csis.org/analysis/hospital-attack-and-gaza-war>, Accessed on December 20, 2023

¹² Ikrame Imane Kouachi, "Israel bombs Al-Shifa Hospital's ICU as senior doctor reports several injuries to on-duty staffers", *Anadolu Ajansi*, November 11, 2023. See: <https://www.aa.com.tr/en/middle-east/israel-bombs-al-shifa-hospitals-icu-as-senior-doctor-reports-several-injuries-to-on-duty-staffers/3050983>, Accessed on December 21, 2023

¹³ "Bloodbath: Israel continues to target Gaza hospitals and civilians", *Al Jazeera*, December 18, 2023. See at: <https://www.aljazeera.com/news/2023/12/18/bloodbath-israel-keeps-hitting-gaza-hospitals-amid-international-uproar>, Accessed on December 22, 2023

¹⁴ "Israel: Starvation Used as Weapon of War in Gaza", *Human Rights Watch*, December 18, 2023.

¹⁵ Ibid.

¹⁶ Mohammed Adeb, "Israel: White Phosphorus Used in Gaza, Lebanon", *Human Rights Watch*, October 12, 2023. See at: <https://www.hrw.org/news/2023/10/12/israel-white-phosphorus-used-gaza-lebanon>, Accessed on December 21, 2023.

¹⁷ "White Phosphorus", *WHO*, October 20, 2023. See at: <https://www.who.int/news-room/fact-sheets/detail/whitephosphorus#:~:text=Exposure%20to%20white%20phosphorus%20can,burns%20surrounded%20by%20sloughed%20tissue>. Browsed on December 22, 2023

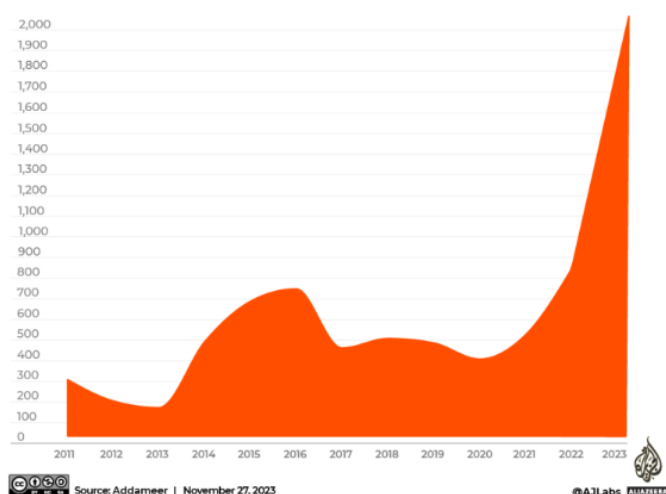
The use of white phosphorus is restricted by the International Law, but Israel is clearly violating the International Humanitarian Law, and is evidently a war crime, as the fire caused by white phosphorus can spread rapidly indiscriminately around the military and civil objects.¹⁸

8. Prisoners' Rights Violated:

According to the Charter of Geneva Convention on Treatment of Prisoners of War (PoWs), the prisoners must be treated humanely and protected against any kind of violence and torture.¹⁹

Administrative detainees in Israeli prisons

Israel is holding at least **2,070 Palestinian detainees** without being charged or allowed to stand trial. The detainees, **including women and children**, can be held by the military for renewable periods based on "secret evidence" that neither the detainee nor their lawyer is allowed to see.



Quite the contrary Israel is openly violating the said Geneva Convention for Prisoners Rights. Israel had been detaining Palestinians without charge since its occupation in 1967, but since 7th October 2023, Israel had detained around 2100 Palestinians, most of them are detained without any charge, including women and children.²⁰

The Palestinian prisoners are been treated very inhumanely. There are human right reports which indicate that they prisoners were beaten up, and strip off their clothes. There are also certain reports claiming that the physical as well as mental torture to Palestinian prisoners is also happening.²¹

There was an agreement between Hamas and Israel to release some

prisoners from both sides in a recent four-day ceasefire.²² The released Palestinian PoWs were in extremely distressing condition. They couldn't walk, their mental health was disturbed and tortured, they were beaten up and they had bruises on their bodies. They told their stories to the media persons of how inhumanely they were kept in Israeli jail.²³

¹⁸ "Lebanon: Evidence of Israel's unlawful use of white phosphorus in southern Lebanon as cross-border hostilities escalate", *Amnesty International*, October 31, 2023.

¹⁹ "Geneva Convention relative to the Treatment of Prisoners of War", *UNHR*, August 12, 1949. See at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/geneva-convention-relative-treatment-prisoners-war#:~:text=Prisoners%20of%20war%20must%20at,breach%20of%20the%20present%20Convention>. Browsed on December 21, 2023.

²⁰ Maziar Motamedi, "Jailed without charge: How Israel holds thousands of Palestinian prisoners", *Al Jazeera*, November 29, 2023. See at: <https://www.aljazeera.com/news/2023/11/29/jailed-without-charge-how-israel-holds-thousands-of-palestinian-prisoners> Accessed on December 21, 2023.

²¹ "Israel/OPT: Horrifying cases of torture and degrading treatment of Palestinian detainees amid spike in arbitrary arrests", *Amnesty International*, October 8, 2023. See: <https://www.amnesty.org/en/latest/news/2023/11/israel-opt-horrifying-cases-of-torture-and-degrading-treatment-of-palestinian-detainees-amid-spike-in-arbitrary-arrests/> Browsed on December 20, 2023.

²² Tia Goldenberg, "What does the cease-fire between Israel and Hamas look like?", *AP News*, November 24, 2023. See at: <https://apnews.com/article/israel-hamas-war-ceasefire-what-to-know-af1cfbc9dcaa1485ed7a9efaca7ec2b7> Accessed on December 18, 2023.

²³ Ahmed Asmar, "Palestinian detainee appears in very poor health after release from Israeli jail", *Anadolu Ajansi*, December 21, 2023. See at: <https://www.aa.com.tr/en/middle-east/palestinian-detainee-appears-in-very-poor-health-after-release-from-israeli-jail/3089352> Accessed on December 22, 2023.

9. Communication Blackout:

The internet and telephone connection, in short communication, had been blacked out from Palestine mainly Gaza by the Israeli Government since the start of war. The connection with the world was cut off, and due to this the Palestinian couldn't inform the world, that what they need and what they are going through.

The medical facilities and ambulances cannot reach the ones who need these due to lost communication. Moreover, experts believe that blacking out is one kind of war crime, as the communication is been made impossible with the Gaza people and hence, they cannot inform the world about what kind of Human Rights violation they are going through.²⁴ The communication shutdown is inhumane also in the aspect, that the friends and families of affected people cannot be informed of whether their loved ones are alive or dead.

10. Journalists and Doctors Killed:

The journalists are the last hope to get information about the condition of Palestinians. But they were also not left alone. Till now, 68 journalists and media workers have been killed by the Israeli airstrikes, out of which 61 were Palestinians. Reportedly, 3 journalists are missing, 20 are arrested and there are threats, censorship, cyberattacks as well as killing of journalists' family members.²⁵

According to International Committee of Red Cross, the journalists are civilians and not actively participating in an armed conflict, thus must be protected under the International Humanitarian Law.²⁶ But Israeli government is nowhere to be seen following any provision of International Humanitarian Law, including the protection of journalists. In fact they have been involved in injuring and killing of journalists in Palestine, especially Gaza, hence committing war crime. Doctors and para medic staff are also been targeted by Israeli airstrikes, in order to halt the process of medical treatment of the wounded. Reportedly, three doctors and two para medic staff of Al Awda Hospital were killed in Israeli bombardment.²⁷ Moreover, in order to hinder the medical treatments of the injured, Israeli forces have detained many doctors in Gaza, including the director of Al Shifa Hospital.²⁸ In addition to that, four people from Red Crescent para medic staff were killed in Gaza while they were performing their duties in treating the wounded.²⁹

11. Fuel Shortage:

The fuel shortage in Palestine is creating many hurdles for the Palestinians in order to access to the basic needs. As the electricity in Palestine was cut off on the 7th October 2023, Palestinians were majorly completing their daily chores through generators operational by fuel. But now the fuel is not accessible as import of fuel is completely blocked by Israel. Moreover, the hospitals in Gaza were also functioning on the fuel generators, where many injured by the Israeli brutality are admitted. Due to fuel shortage, now the hospitals in Gaza are in dark, and no medical emergency

²⁴ "Gaza's communications blackout raises concerns of Israeli war crimes", *Al Jazeera*, October 28, 2023.

²⁵ "Journalist casualties in the Israel-Gaza war", *CPJ*, December 21, 2023. See at:

<https://cpj.org/2023/12/journalist-casualties-in-the-israel-gaza-conflict/#:~:text=Journalist%20casualties%20in%20the%20Israel%20Gaza%20war>, Browsed on December 22, 2023.

²⁶ "How does international humanitarian law protect journalists in armed-conflict situations?", *ICRC*, September 27, 2010. See at: <https://www.icrc.org/en/doc/resources/documents/interview/protection-journalists-interview-270710.htm>, Browsed on December 22, 2023

²⁷ "Official: 3 doctors, 2 paramedics killed in direct attack in Gaza", *Middle East Monitor*, December 4, 2023. See at: <https://www.middleeastmonitor.com/20231204-official-3-doctors-2-paramedics-killed-in-direct-attack-in-gaza/>. Accessed on December 20, 2023.

²⁸ "Israeli army arrests al-Shifa Hospital director, other doctors in Gaza", *Al Jazeera*, November 23, 2023.

²⁹ "Four Palestine Red Crescent Paramedics Killed in Gaza", *JEMS*, December 10, 2023. See at: <https://www.jems.com/international/four-palestine-red-crescent-paramedics-killed-in-gaza/> Browsed on December 22, 2023.

appliances are working.³⁰ This again is considered as war crime, as the civilians are directly affected, most importantly the wounded ones.

12. Bombardment on Refugee Camps:

The International Human Rights of life, liberty and security, right of freedom of opinion and expression, right to asylum and right of freedom from torture or degrading treatment are closely linked with the rights of refugees,³¹ but Israel is consistent in committing human rights violation and war crimes. Many Palestinians have left their houses and took refuge in the refugee camps, set up by different organizations, especially UN. In the early November, Israeli forces bombarded the UN based Jabalia Refugee Camp, in which 195 people died including women and children and many are missing.³² After this, the refugee camp at Jabalia was hit by Israeli airstrikes multiple times.³³

13. World Response to the Israeli War Crimes in Gaza:

Most countries have shown deep concerns on this Israel-Palestine war, and demanded immediate ceasefire. They have asked Israel to stop the brutality in Gaza and come to negotiations. People worldwide have started boycotting Israeli products. Moreover, huge protests in solidarity with Palestine and against Israel have been seen in majority of the countries. But question arose on the big powers who remained silent on this catastrophe, besides being in a position to stop Israel from its brutality in Palestine. In a nutshell, Israel's naked war crimes aimed at breaking the will of Palestinians by blatant attacks on civilian population, killing women and children, doctors and journalists and destroying hospitals and places of worship, is clear manifestation of a desperate fascist mindset. The genocide of Muslim-Majority Palestinians by Israel stares in the eyes of whole human race, which continues its slumber and disgraceful apathy. However, history testifies the fact that such genocide and tyranny cannot endure. Israeli dream of acceptance by the world at large and Muslim majority regions in particular will now remain futile forever. It is beginning of the end for the Zionist fascism and Israel, who are destined to be perished in a similar way.

³⁰ Paddy Dowling, "Why Israel's ban on fuel to Gaza isn't about stopping Hamas", *Al Jazeera*, October 25, 2023. See at: <https://www.aljazeera.com/news/2023/10/25/gaza-is-out-of-fuel-out-of-time-under-israels-bombardment> Browsed December 19, 2023.

³¹ World Refugee Academy, "What Are Refugee Rights Under International Law?", *LIRS Organization*, 2014. See at: <http://lirs.org/wp-content/uploads/2014/08/17.-What-are-refugee-rights-under-international-law.pdf> Accessed on December 18, 2023.

³² Stephen Farrell, Aditi Bhandari, Prasanta Kumar Dutta and Clare Trainor, "No place of refuge: Israeli strikes hit Gaza refugee camps", *Reuters*, November 4, 2023. See at: <https://www.reuters.com/graphics/ISRAEL-PALESTINIANS/GAZA-JABALIA/byprdygipe/> Accessed on December 19, 2023.

³³ Emma Graham Harrison, "Israeli airstrikes kill 80 in Palestinian refugee camp", *The Guardian*, November 18, 2023. See at: <https://www.theguardian.com/world/2023/nov/18/israeli-airstrikes-kill-80-in-palestinian-refugee-camp> Browsed on December 20, 2023.

ANALYSIS

Indian Supreme Court's Violation of International Law in Indian Illegally Occupied Jammu and Kashmir (IIOJK) Case

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1. Introduction:

International conventions influence inter as well as intra-state relations as they provide uniform rules and guidelines for monitoring and regulating interactions among state-parties and different countries. In this context, liberty, sovereignty and the right to self-determination are the basic legal and moral principles and norms that are justifiable and globally accepted and that people and governments world over, work to achieve and preserve as part of their basic rights.

The Indian government has been systematically denying the fundamental right of self-determination to the people of Indian Illegally Occupied Jammu and Kashmir (IIOJK) for more than seven decades. The nuclear flashpoint of the world, the Kashmir conflict between India and Pakistan sees today worst form of violations of human rights by no less than 9 lac Indian troops in the valley. This conflict is a longstanding unresolved territorial dispute at the United Nations since 1947 independence of Pakistan and India. The world has witnessed the international legal battle including application of multiple UN Security Council Resolutions in 1948-19 to the Indian constitutional amendments repealing Article 370 and 35-A on August 5, 2019 and the most recent Indian Supreme Court's ruling on the upholding the Indian governments decision and endorsing such amendments on December 11, 2023, all involving legal consequences and longstanding unfulfilled international commitments by UN and all parties concerned.¹

On August 5, 2019, the special constitutional status granted to Jammu and Kashmir was repealed through a Presidential Order C.O. 272, hence declaring an identity and legislative crisis for the people of Jammu and Kashmir. Through its actions India has attempted to forcibly and unlawfully attach this territory without any kind of recourse to the peoples will in Illegally Indian Occupied Jammu and Kashmir (IIOJK). This paper provides detail overview of the main legal implications and infringements of India's unlawful occupation and its annexation of the IIOJK based on the analysis of the relevant international laws.

2. Background:

Prior to India's independence, Jammu & Kashmir was a princely state under British rule. The Cabinet Mission Plan and India Independence Act 1947 allowed princely states to remain independent or accede to India or Pakistan. Such access was only acceptable if based on Muslim and non-Muslim majority areas. Maharaja Hari Singh, the Hindu ruler of Jammu & Kashmir, initially chose independence signing a "Standstill Agreement" with Pakistan, and transferred administration services such as railways, post and telegraph to Pakistan. However, disturbances in the state led to Singh fleeing Srinagar and an Instrument of Accession to India is purported to have been signed by the fleeing Maharaja on 26 October 1947. On his response the Governor General of India on 27 October 1947 accepted the accession, on a condition requiring a public referendum on the State's accession as soon as the law and order were restored in Kashmir.² In this context, 27th Oct., is remembered by the local majority population as the declared black day.

UN Intervention: In 1948 an armed conflict between India and Pakistan forces escalated, leading to the establishment of the United Nations Commission on India and Pakistan (UNCIP) by the UN Security Council through Resolution 39 on 20 January 1948, to investigate the

¹ Maryam Azam, "Infringements of International Law and UN Charter In Indian Occupied Kashmir", *Margalla Papers*, Vol 24, No.2 (2020) available at <https://margallapapers.ndu.edu.pk/site/article/view/8>

² Ahmer Bilal Soofi *et al*, "Legal Memorandum The Status Of Jammu & Kashmir Under International Law", *Research Society of International Law*, Pakistan 2019, available at <https://rsilpak.org/wp-content/uploads/2019/08/Legal-Memo-Kashmir.pdf> Browsed on December 22, 2023

allegations made by the both the dominions.³ The UN Security Council then adopted resolution 47 on 21 April 1948, which advised Indian troops and the tribesman to withdraw, interim setup be established representing major political groups of Kashmir and five member UNCIP to help restore peace and arrange fair plebiscite deciding whether Jammu & Kashmir was to accede to Pakistan or India.⁴ Since then India has not consented to any form of demilitarization of the region and allow for a free and fair plebiscite. Even today, through evolving forms and for diverse reasons, it continues to maintain its initial refusal of demilitarization in any form or order.

3. Making of Indian Constitution:

During this period, the Indian Constituent Assembly was being called to draft the country's Constitution. However, by now, it was clearly apparent that the UN Security Council was not successful in achieving a favorable outcome for India, particularly with regard to the issue of plebiscite. The Indian Constituent Assembly therefore, altered its political and legal approach by attempting to incorporate Kashmir into its Constitution in defiance of the Security Council and the UN Charter principles on the grounds that it would be "unfair to the Government and the People of the State of Jammu & Kashmir to deny them the opportunity of participating in the discussions."⁵ In this particular context, the Indian Constituent Assembly considered Article 306-A, which later became Article 370 of the Indian Constitution. The records of the Constituent Assembly deliberations categorically demonstrate that Jammu & Kashmir need special consideration due to the fact of India's "entanglement" with the UN on this matter, which could only be lifted "when the Kashmir problem is satisfactorily settled." The Indian Government once again devoted its commitment to the status that "an opportunity would be given to the people of the state to decide for themselves whether they will remain with the republic or wish to go out of it,"⁶ while also promising to "ascertaining this will of the people by means of a plebiscite provided that peaceful and normal conditions are restored and the impartiality of the plebiscite could be guaranteed."⁷

Thus, Article 370 was embellished by India as a "temporary system," and described it as an "interim system," providing constitutional cover to the Instrument of Accession by excluding Jammu & Kashmir from the structural arrangement of Indian Constitution and limiting Parliament's authority and control over the state in three areas namely, defense, communication and foreign affairs under Article 370(1). Moreover, extending other constitutional provisions or Union powers to Kashmir would require prior concurrence of the Jammu & Kashmir government under Article 370(2), so much so this concurrence being strictly temporary and would only last till the Constituent Assembly of Jammu & Kashmir was convened.⁸

4. Constituent Assembly of IIOJK:

As another attempt to occupy the disputed territory, a so called Constituent Assembly of Jammu & Kashmir, was installed in October 1951 to create some kind of representative governance framework for the IIOJK. The experts from the International Commission of Jurists concluded that the Assembly was elected "in a manner which deprived it of all democratic legitimacy."⁹ The UN Security Council also responded with the passing of Resolution 91 of 1951 reaffirming that:

³ "Resolution 39 (1948) / [adopted by the Security Council at its 230th meeting] of January 20, 1948" *UN Security Council*, available at <https://digitallibrary.un.org/record/111954?ln=en> Browsed on December 22, 2023

⁴ "Resolution 47", *UN Security Council*, April 21, 1948, available at <https://digitallibrary.un.org/record/111955?ln=en> Browsed on December 22, 2023

⁵ Ahmer Bilal Soofi *et al*, "Legal Memorandum The Status Of Jammu & Kashmir Under International Law."

⁶ Ahmer Bilal Soofi *et al*, "Legal Memorandum The Status Of Jammu & Kashmir Under International Law".

⁷ Ahmer Bilal Soofi *et al*, "Legal Memorandum The Status Of Jammu & Kashmir Under International Law".

⁸ The Constitution of India 1950, available at <https://legislative.gov.in/constitution-of-india/> Browsed on December 19, 2023

⁹ Sir William Goodhart *et al*, "Human Rights in Kashmir: Report of a Mission", *International Commission of Jurists*, Geneva: Switzerland, (1995) available at <https://www.icj.org/wp-content/uploads/1995/01/India-human-rightst-in-Kashmir-fact-finding-mission-report-1995-eng.pdf> Browsed on December 22, 2023

*the convening of an illegal Constituent Assembly of Jammu & Kashmir “and any action that assembly may have taken or might attempt to take to to determine the future shape and affiliation of the State or any part thereof, or action by the parties concerned in support of any such action by the assembly, would not constitute a disposition of the State in accordance with the ... principle”, “of a free and impartial plebiscite conducted under the auspices of the United Nations”.*¹⁰

The illegal assembly formed a separate Constitution for IIOJK before dissolving in January 1957 and section 3 of the same declaring the whole of the Jammu & Kashmir to “be an integral part of the Union of India”.¹¹ The UN Security Council in Resolution 122 of 1957 reiterated that the actions taken by the Constituent Assembly of Jammu & Kashmir was against the clear UN earlier resolutions calling for a plebiscite.¹²

5. Removal of Article 370 from Constitution of India:

The Indian government repeatedly failed to fulfill on its promises especially after having garnered the support of some segments of the IIOJK's local political leadership to go with inclusion of Article 370 in the Constitution of India. As previously said, that the government of IIOJK had the authority to give concurrence on issues outside Instrument of Accession only till the time the Constituent Assembly of Jammu and Kashmir was convened. This meant that the president had no authority to extend the Constitution of Illegally Indian Occupied Jammu & Kashmir indefinitely. The Indian President's extending powers came to an end when the Constituent Assembly approved the plan and dispersed.

Nevertheless, in gross violation of the UNSC resolutions, 260 out of the 365 Articles of Indian Constitution were extended to IIOJK through 47 Presidential Orders stretching over 50 year period, accounting for 94 entries out of the 97 total entries on the Union List. This illegal, deliberate and systematic removal of Article 370 had the effect to put the IIOJK in far inferior position to other States falling within the Union of India, and a shift very different from the ‘special’ and ‘preferred’ standing India had boosted to it.¹³

Constitutional Dilemma caused on August 5, 2019: A significant security clampdown was initiated in the Muslim Majority IIOJK in the early August 2019. Tourists were asked to leave, including a Hindu pilgrimage was called off, a communication power outage was imposed, restrictions were imposed on public gatherings, and all popular politicians having genuine following in the Muslim Majority of masses were put under house arrest. Further 38,000 soldiers were also dispatched to the region.¹⁴ The President of India issued the Presidential Constitutional Order 272 on August 5, 2019, which brought the following changes to the Constitution of India:¹⁵

- (i) All the references to the ‘Government of Jammu & Kashmir’ would henceforth be interpreted as references to the ‘Governor of Jammu & Kashmir’.
- (ii) All references to the ‘Constituent Assembly of Jammu & Kashmir’ will be interpreted as references to the ‘Legislative Assembly of Jammu & Kashmir’.

¹⁰ “Resolution 91 (1951), Resolution of March 30, 1951” *UN Security Council*, available at <http://unscr.com/en/resolutions/doc/91> Browsed on December 19, 2023

¹¹ “Original Writ / Appellate Jurisdiction Writ Petition (Civil) No. 1099 Of 2019”, *Supreme Court of India* available at https://main.sci.gov.in/pdf/LU/article_370.pdf Browsed on December 22, 2023

¹² “UN Resolution 122 (1957) / [adopted by the Security Council at its 765th meeting], of January 24, 1957”, *UN Security Council*, available at <https://digitallibrary.un.org/record/112095?ln=en> Browsed on December 20, 2023

¹³ Ahmer Bilal Soofi *et al*, “Legal Memorandum The Status Of Jammu & Kashmir Under International Law.”

¹⁴ “India revokes disputed Kashmir's special status with rush decree”, *Al Jazeera*, August 5, 2019, available at <https://www.aljazeera.com/news/2019/8/5/india-revokes-disputed-kashmirs-special-status-with-rush-decree> Browsed on December 20, 2023

¹⁵ The Constitution of India 1950 (as updated up to 2022), available at <https://legislative.gov.in/constitution-of-india/> Browsed on December 22, 2023

- (iii) The Constitution (Application to Jammu & Kashmir) Order 1954 was replaced with the above and other amendments with immediate effect.

The C.O. 272 was, in effect, the first in a series of deliberately crafted lawful maneuvers intended to revoke J&K's special status and autonomy. This was aimed to accomplish two goals. Firstly, by superseding the Constitution (Application to Jammu & Kashmir) Order 1954, the Article 35-A of the Indian Constitution became null and void, which primarily protected native Kashmiris from relocation and prevented any endeavors to alter the demographics of the state by blocking people from the rest of India from purchasing land or obtaining permanent residency of J&K or taking advantage of acquiring local government jobs.

It is an International Humanitarian Compliant law according to Article 49 of the Geneva Convention (Fourth Geneva Convention) 1949,¹⁶ which forbids transfer or extradition of individuals from occupied territory. The Indian Supreme upholding the revocation of Article 35-A will grant a legitimate cover to the Indian government attempting to change the demographics of the only Muslim majority state in the country. This has already started to happen after Jammu and Kashmir Reorganization Act 2023 was recently enacted in the Indian Parliament dissolving the State of J&K and dividing the area in two 'Union territories' of i. Jammu and Kashmir and ii. Ladakh.¹⁷

By repudiating Article 370 and 35-A, India has attempted transition from an occupation to an illegal annexation. Annexation is a result when the territories occupied are incorporated into the occupier country's dominion and made part of its territory. This is similar to how Israel illegally annexed Golan Heights into their territory.

The only legitimate way for Kashmir to accede to any country, Pakistan or India, is through a free and fair plebiscite under the UN auspices. However, the Indian government is terrorizing to squeeze locals out from there by ethnic cleansing unleashed by 9 lac Indian troops, forcing to change the Muslim majority demographic structure of the state which is a concerning element if a referendum is held.¹⁸

Secondly, C.O. 272 created the strategy for abrogating Article 370 less awkward. This procedure which was outlined in Article 370(3) gave the President the authority to revoke the operation of this article with public notice, albeit in effect at the request of the Constituent Assembly of J&K. Since the Constituent Assembly had officially dissolved in by formal resolution 1957 and had not called for the abolition of Article 370, it was broadly understood that it had achieved permanence in the Constitution of India. There have been numerous decisions by the Indian Supreme Court and other superior courts in the past, effectively rejecting the petitions for repeal of the same and had discouraged such attempts on the grounds that the Article had attained its permanence¹⁹ and could not be changed nor revisited.²⁰ However, the Indian government through the above said amendment essentially disregarded this critical defense by cleverly changing the references of the words 'Constituent Assembly' in the Indian Constitution to be interpreted as references to the 'Legislative Assembly of Jammu & Kashmir'.

Nevertheless, even the recommendation of the Legislative Assembly of Jammu & Kashmir was not obtained in repealing Article 370, as the Assembly was already dissolved in November 2018

¹⁶ "Protection of Civilian Persons in Time of War (4th Geneva Convention)", *International Committee of the Red Cross*, August 12, 1949, See at <https://www.refworld.org/docid/3ac6b36d2.html> Browsed on December 22, 2023

¹⁷ Research Society of International Law, "Statement on the Situation in Kashmir by the Conflict Law Centre at RSIL", *RSIL*, August 9, 2019, available at <https://rsilpak.org/2019/statement-on-the-situation-in-kashmir-by-the-conflict-law-centre-at-rsil> Browsed on December 22, 2023

¹⁸ *ibid*.

¹⁹ Gita Howard, "India's Removal of Kashmir al of Kashmir's Special l Protection Status: an Internationally Wrongful Act?", *University of Miami International and Comparative law Review*, Volume 28, No. 2, (2021), available at <https://repository.law.miami.edu/cgi/viewcontent.cgi?article=1367&context=umicl> Browsed on December 19, 2023

²⁰ Business Standard India News, "Article 370 in J&K not temporary provision, say SC: What does that mean?", *Business Standard*, April 04, 2018, See at https://www.business-standard.com/article/current-affairs/article-370-in-j-k-it-s-not-temporary-provision-say-sc-explains-118040400305_1.html Browsed on December 20, 2023

and state of J&K has been under governor rule designated by the Indian President. According to the Indian Government the state of affairs authorize the Indian Parliament to work as replacement for the Legislative Assembly of J&K. Through such set up in place the upper chamber of the Indian Parliament adopted a resolution ‘recommending’ that the President exercise his authority under Article 370(3) to repeal the complete substance of Article 370. On January 06, 2019 the lower house of Indian Parliament approved the resolution, which was preceded by another Presidential Order C.O. 273 that applied whole of the Indian Constitution to J&K without any alterations or exceptions.

6. Infringement of International Law and UN Charter by Indian SC:

The subsequent ruling of the Indian Supreme Court (ISC) on December 11, 2023 upholding the abrogation of Article 370 of the Indian Constitution through Presidential Order C.O 272 has committed grave violation of both the international laws and the India’s Constitution. The Indian Supreme Court and the Indian government have failed to outline adequate justifications for the commitments it had made, not only to the people of Kashmir but also to the UN General Assembly. The Indian government accepted and adhered to the disputed status of Kashmir by accepting the Resolution 47 adopted on 21 April 1948 but India never abided by the provisions of the resolution:

The resolution states “that both India and Pakistan desire that the question of the accession of Jammu and Kashmir to India or Pakistan should be decided through the democratic method of free and impartial plebiscite”.

The Resolution bounds the Indian Government with extensive and complete agreements on establishing “in Jammu and Kashmir a Plebiscite Administration to hold a plebiscite as soon as possible on the question of accession of the State to India or Pakistan” and “there will be delegated by the State to the Plebiscite Administration such powers as the latter considers necessary for holding a fair and impartial plebiscite.”²¹ Without this referendum, which has not taken place yet, India would never have a valid legitimate claim to the disputed territory, under its occupation. By not organizing a plebiscite in the Jammu & Kashmir and through oppression and ethnic cleansing unleashed by India troops against the local Muslim majority of Kashmir, the Indian regimes have persistently violated the international commitments made to the people of Kashmir before the UN General Assembly and Security Council.

Similarly, by analogy of the events in the past, convening an illegal Constituent Assembly of Jammu & Kashmir in order to create a framework for the state, was responded by the UN Security Council with the passing of Resolution 91 of 1951 reaffirming that the convening of an illegal Constituent Assembly of Jammu & Kashmir and any action it might try to determine the long term shape and connection of Kashmir would not constitute an inclination of the State in accordance with the rule of a free and fair plebiscite directed by the UN Security Council.²² Even then the attempt to draft a Constitution for J&K was with the aim to declare the whole of the Jammu & Kashmir to be part of the Indian Union. The UN Security Council in Resolution 122 of 1957 also reiterated that the actions taken by the Constituent Assembly of Jammu & Kashmir was against its earlier resolutions calling for a plebiscite.²³

Jammu & Kashmir is an internationally acknowledged dispute under discussion on the UN Security Council’s agenda for more than seven decades and the Indian government was required to fulfill UN resolutions. Evading its international obligations in the garb of a domestic

²¹ “Resolution 47 passed on April 21, 1948”, *UN Security Council*, available at <https://digitallibrary.un.org/record/111955?ln=en> Browsed on December 22, 2023

²² “Resolution 91 (1951), Resolution of March 30, 1951”, *UN Security Council*, available at <http://unscr.com/en/resolutions/doc/91> Browsed on December 20, 2023

²³ “UN Resolution 122 (1957) / [adopted by the Security Council at its 765th meeting], of January 24 1957”, *UN Security Council*, available at <https://digitallibrary.un.org/record/112095?ln=en> Browsed on December 19, 2023

legislation and judicial rulings, India cannot avoid and shift international attention away from the issue of J&K and falls flat to address aspirations of the people of Kashmir.²⁴

The ruling by Indian Supreme Court, breach the UN Security Council Resolution 91 of 1951 and Resolution 122 of 1957. The UN Security Council's provisions and prescriptions, as stated in the said resolutions for J&K cannot be overridden by such endorsement of India's unlawful measures.

The Government of Pakistan has aptly denounced this decision terming it as "another manifestation of the pliant judiciary under India's ruling dispensation." Pakistan has urged the UN Security Council to ensure that its resolutions on the J&K dispute are fully implemented, to drive India to end the serious and systematic violations of human rights in the Illegally Indian Occupied Jammu and Kashmir, discontinuing all its unlawful and unilateral activities that have been attempted since the August 05, 2019.²⁵

India has illegally forced yet again its illicit- claim on the region despite its constrained autonomous status through stationing a million troops systematically annihilating local space by fixed elections and installing pro-Indian regimes.²⁶ The illegal occupation has frustrated the right of self-determination to Kashmiri people, guaranteed under the UN charter to all peoples an *erga omnes* commitment.²⁷

Where there is existence of an occupation, it suggests that there is internationally recognized armed conflict, even if there is occupier has no opposition. India is therefore subject to the entire rules and regulations concerning the international humanitarian law applicable on international armed conflict incorporating the customary international humanitarian law and all four Geneva Conventions 1949. India is also bound by the occupation laws as mentioned under the Hague Controls 1907. India has frequently violated these laws, in most cases to such an extent that they possibly constitute war crimes. The Indian Supreme Court ruling failing to address the grave situations and legitimating the works of the Indian government has proved its partisanship in being party in atrocities done in IIOJK and in heinous state crimes in the form of ethnic cleansing killing innocent and unarmed Kashmiris. Indian atrocities committed against the people of Kashmir violates numerous conventions that hold them accountable namely:

- (i) Violation of Convention on Certain Conventional Weapons (1983) which is also referred to as Convention on Inhumane Weapons. The aim of this is to prohibit and eradicate the use of a weapon that is through to cause needless and unreasonable pain on combatants or to have an indiscriminate effect on civilians.
- (ii) Convention on Cluster Munitions (2008) prohibits the use, production and compiling of cluster munitions, a type of munitions that disperses when used in an area. India has been reportedly using cluster munitions in Jammu and Kashmir.
- (iii) Violation of UN Charter regarding Territorial Integrity in Article 2(4) that requires "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."²⁸
- (iv) Violations of the Code of Conduct for Law Enforcement Officials (1979), in Article 2 provide that "in the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons." In

²⁴ Shafqat Ali, "Pakistan rejects Indian SC judgment on IIOJK status", *The Nation*, December 12, 2023

²⁵ The Government of Pakistan, "Foreign Minister writes to leaders of international organizations inviting their attention to the illegality of Indian Supreme Court's judgment on the status of IIOJK", *Ministry of Foreign Affairs*, December 16, 2023, available at <https://mofa.gov.pk/foreign-minister-writes-to-leaders-of-international-organizations-inviting-their-attention-to-the-illegality-of-indian-supreme-courts-judgement-on-the-status-of-iiojk/> Browsed on December 22, 2023

²⁶ Research Society of International Law, op. cit.

²⁷ "Charter of the United Nations 1945", *United Nations*, October 24, 1945, available at <https://www.refworld.org/docid/3ae6b3930.html> Browsed on December 22, 2023

²⁸ Ibid.

Article 3(c) states that “the use of firearms is considered an extreme measure. Every effort should be made to exclude the use of firearms, especially against children.”²⁹ It is a reported fact that thousands of children have been massacred by Indian troops in the Jammu and Kashmir.

- (v) UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), the Basic Principle 11 (c) “prohibits the use of those firearms and ammunition that cause unwarranted injury or present an unwarranted risk.”³⁰
- (vi) Violation of UN Resolution on the Promotion, Protection and enjoyment of human rights on the Internet (2016) that states that everyone has “the right to freedom of opinion and expression”, this right includes “freedom of expression and to hold opinions without interference”, “regardless of frontiers and through any media of one’s choice”.³¹

7. Conclusion:

The international community ought to inquire India to engage with Pakistan and make a feasible atmosphere for the plebiscite’s course of action with the UN support. The UN Charter and major UN’s instruments obligates States essential responsibility for safeguarding the right of self-determination of people as a basic norm of international law. The unresolved dispute of Kashmir is a danger to the region’s progress, security and peace. The resolution to this dispute that reflects the will and desires of the people of Kashmir is most acceptable and only sustainable solution to the nuclear flashpoint of Jammu and Kashmir.

²⁹ “Code of Conduct for Law Enforcement Officials: Adopted by General Assembly resolution 34/169 of December 17, 1979”, *United Nations*, available at <https://www.ohchr.org/sites/default/files/codeofconduct.pdf> Browsed on December 22, 2023

³⁰ “Use of Force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials”, *Amnesty International*, September 7, 2015, See at <https://www.refworld.org/docid/55efec2f4.html> Browsed on December 19, 2023

³¹ “Resolution adopted by Human Rights Council: ...Protection of Human rights on Internet”, *UN General Assembly*, July 1, 2016 32/13, See at https://digitallibrary.un.org/record/845727/files/A_HRC_RES_32_13-EN.pdf Browsed on December 22, 2023

INFOGRAPHICS

Voters' Statistics and Info graphics in Pakistan (2023)

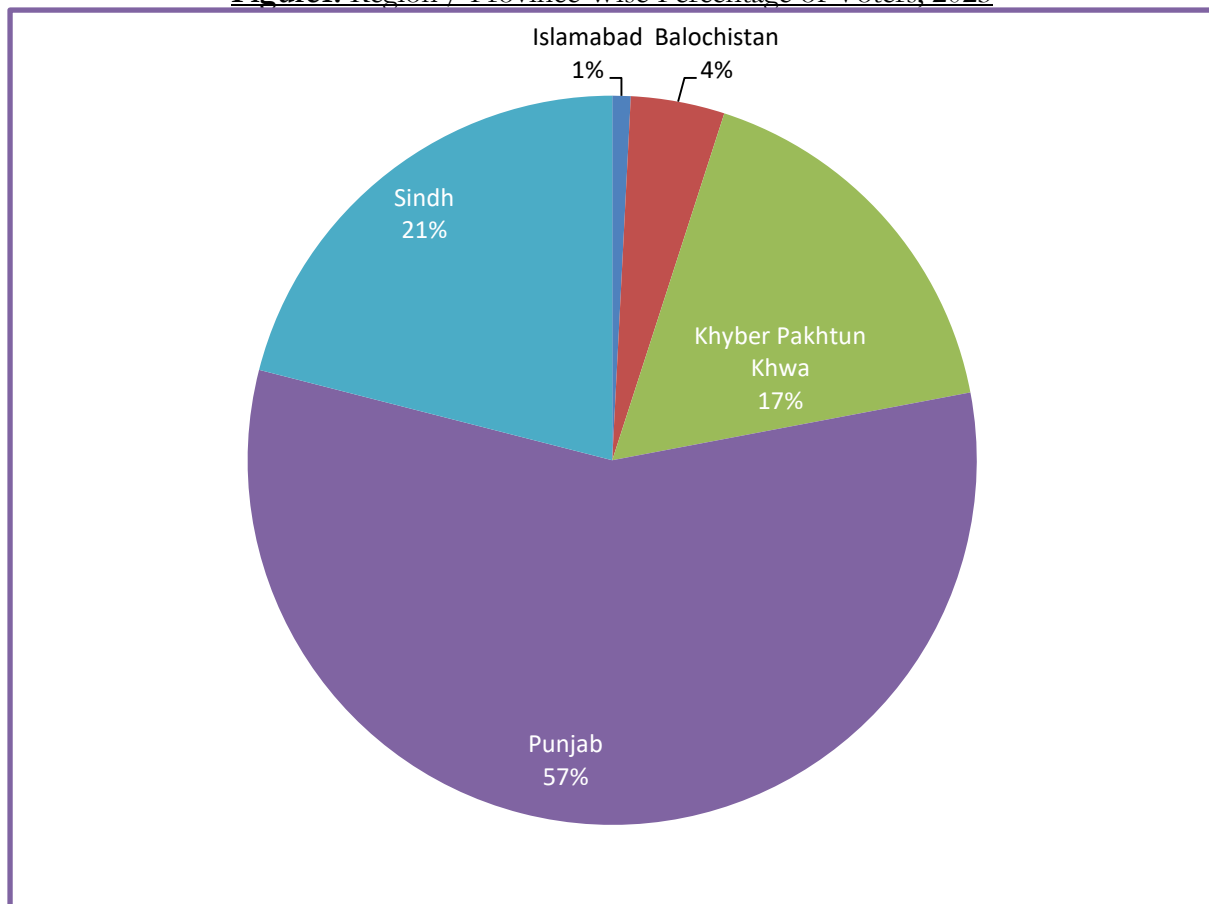
Muhammad Rizwan Manzoor
Economy and Budget Desk, PIPS

The General Elections 2024 are around the corner, scheduled on February 08, 2024. Election Commission of Pakistan has finalized the voter lists and constituency delimitations as a result of Digital Census 2023 results. This statistical supplement provides info graphics based on the statistics, released by the Election Commission of Pakistan¹.

1. National Level Statistics / Info graphics:

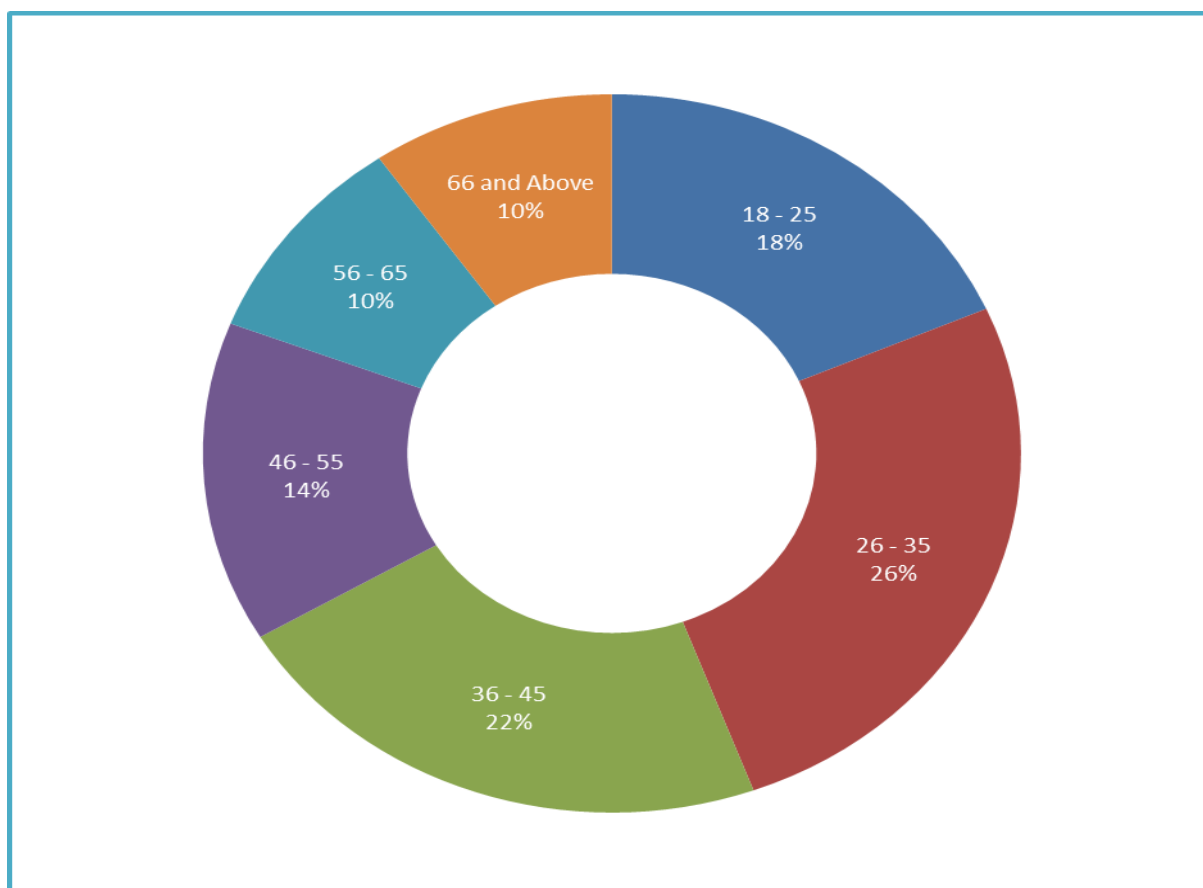
Figure 1 below shows the self-explanatory percentage of voters, based on five regions, including four provinces and the Islamabad Capital Territory.

Figure1: Region / Province Wise Percentage of Voters, 2023



In figure 2 below, the voter population in Pakistan is grouped into six categories with regard to their age groups. It is noteworthy fact that the young population (18-45 years of age) has the higher proportion in overall voter population as compared to senior age groups (age 46 and above). The percentage of voters in six age groups is given figure 2 below in a self-explanatory way.

¹"Latest Province Wise Voter Statistics," Election Commission of Pakistan, December 17, 2023 , <https://ecp.gov.pk/comprehensive-electoral-database-in-pakistan>

Figure2: Voters Age Groups in Pakistan, 2023**Figure 3: Voters population in Pakistan in period 2018-2023 (in million)**

The figure 3 above shows the male and female voter population in Pakistan in million in last six years i.e. 2018-2023. Throughout, the six years, the male population remained relatively higher as compared to the female population. However, electoral gender gap has come down to 9.94 million from previous 12.49 million, which is indeed a significant leap. Out of the 128 million registered voters, 46.13 per cent or 59.32 million are women.

2. Voter Statistics / Info graphics in Balochistan:

Figure 4 below shows the male and female voter population in Balochistan in period 2018-2023 in million. There could be witnessed a continuous increase across gender in voters count throughout six years period.

Figure 4: Voters population in Balochistan in period 2018-2023 (in million)

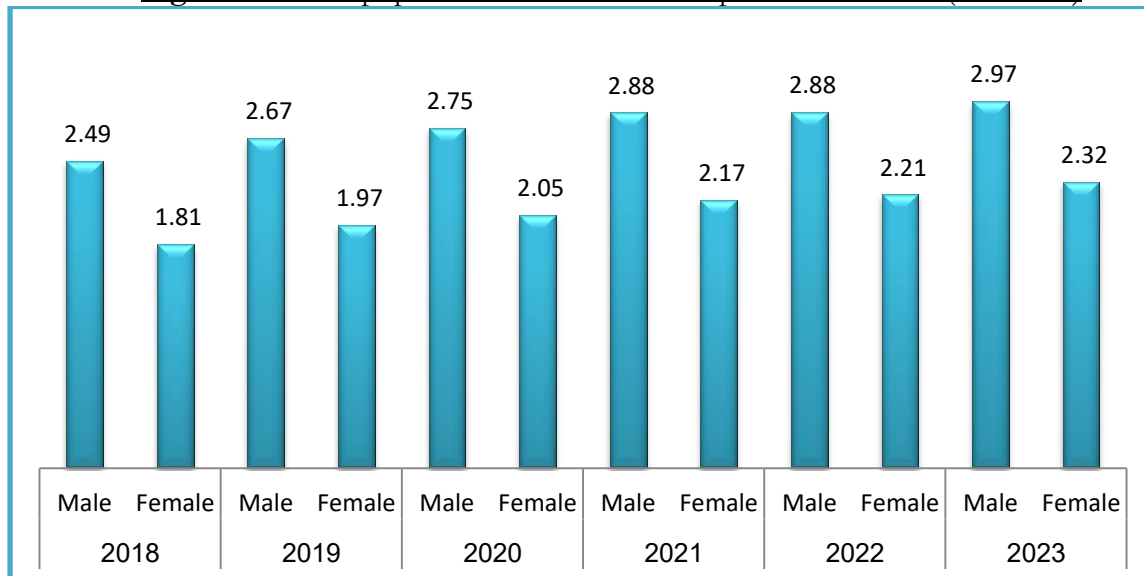
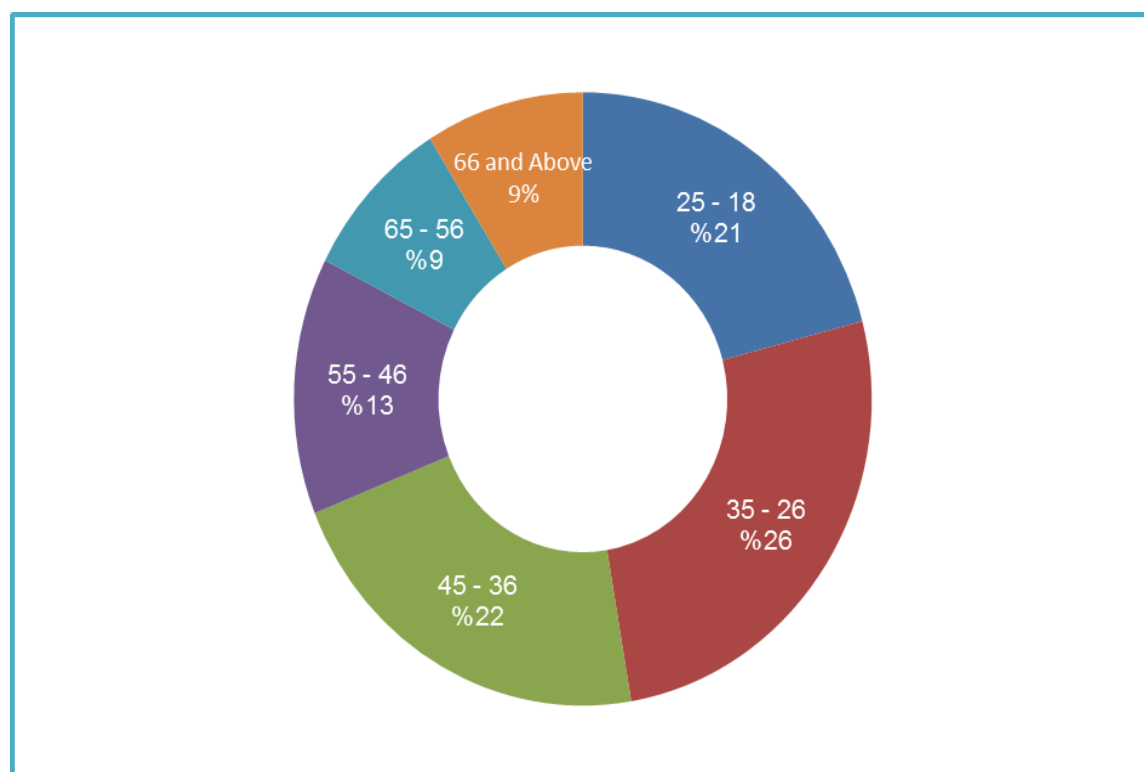


Figure 5 below shows the proportions of voters with regard to six age groups in Balochistan.

Figure 5: Voters Age Groups in Balochistan, 2023



On the pattern of overall national level, the young voter population (18-45) in Balochistan is relatively higher as compared to senior age group voters (46 and above).

3. Voter Statistics / Info graphics in Khyber Pakhtunkhwa:

The voter population in Khyber Pakhtunkhwa shows the highest increase i.e. 42 percent, based on five years data i.e. 2018 to 2023. The figure 6 below show the population trends in millions of votes in last six years i.e. 2018-2023.

Figure 6: Voters population in Khyber Pakhtunkhwa in period 2018-2023 (in million)

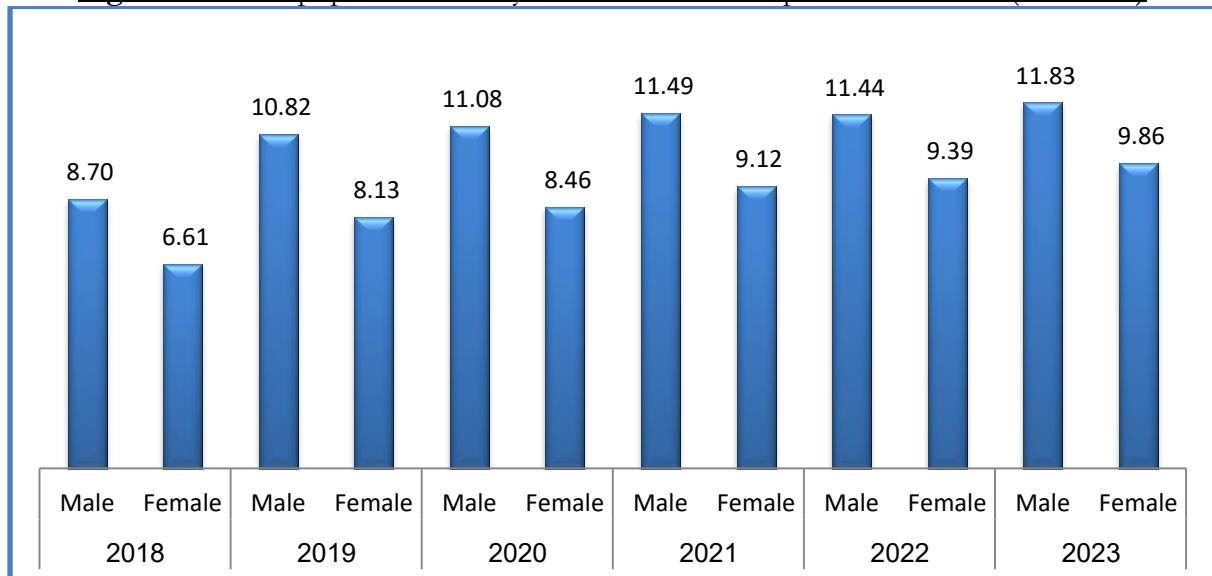
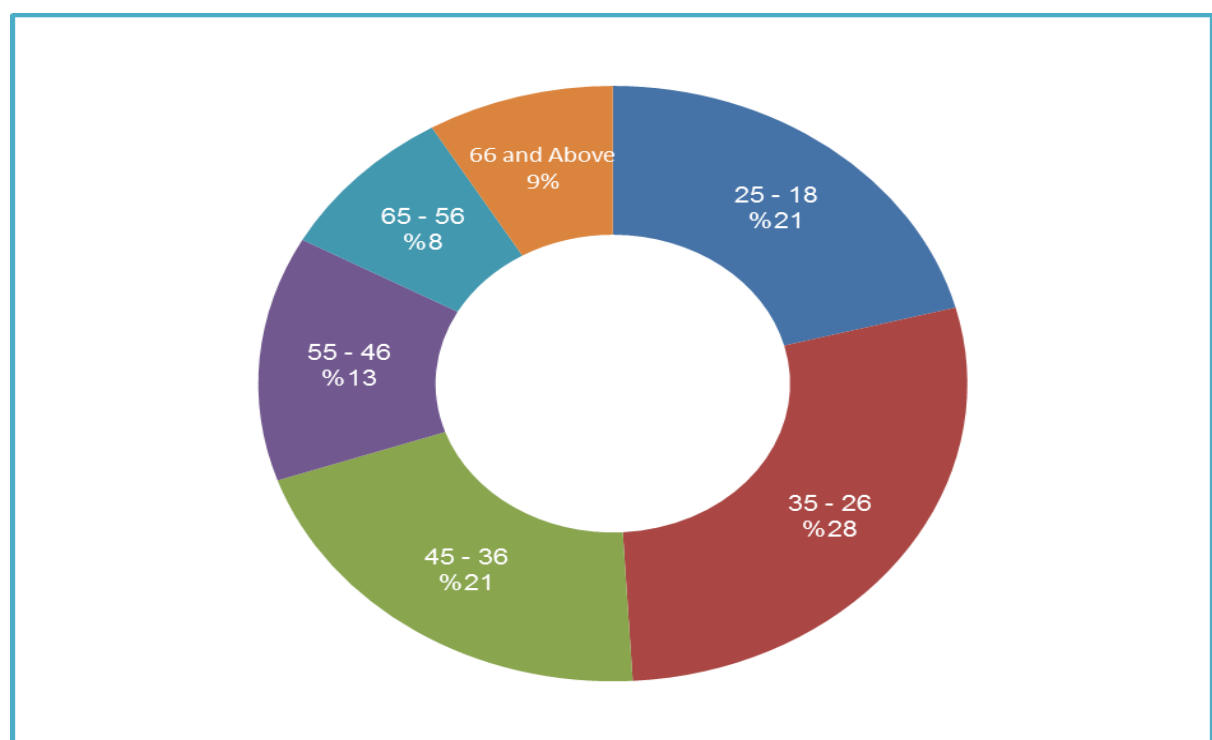


Figure 7 below shows the proportions of voters with regard to six age groups in Khyber Pakhtunkhwa. As evident in figure below, the age categories of the voters show that compared to other provinces, young voter population proportion (18-45) is significantly higher in Khyber Pakhtunkhwa against senior age groups (46 and above).

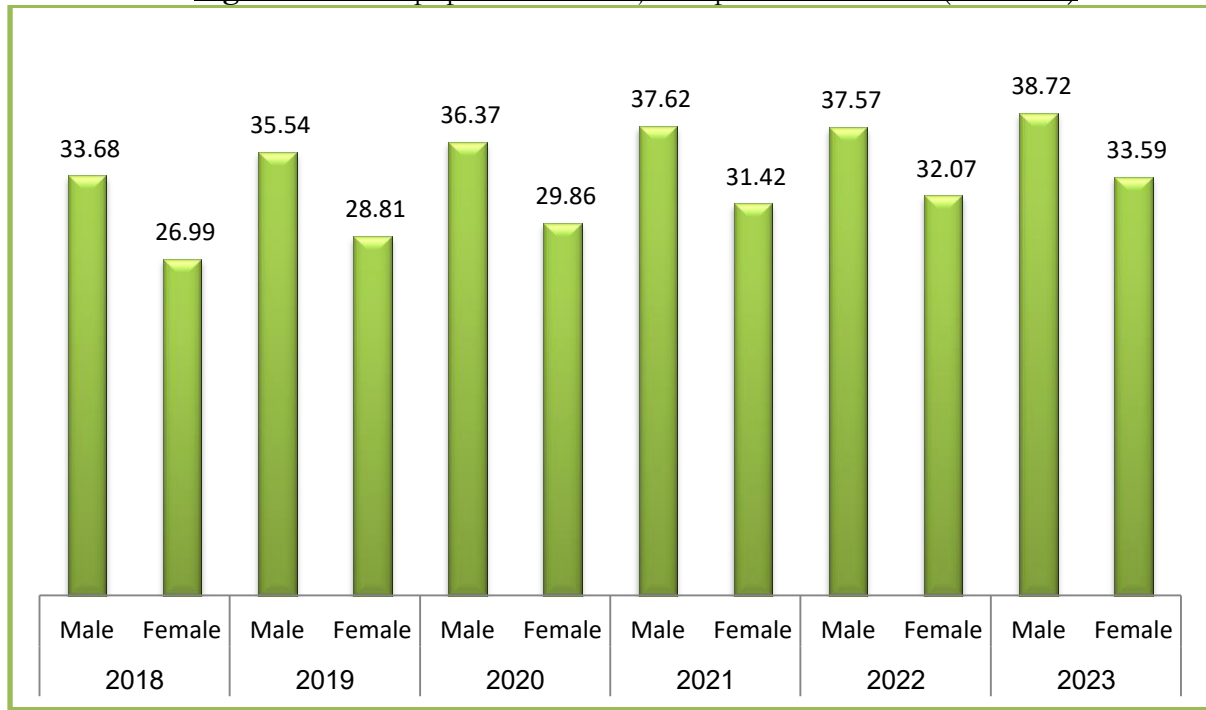
Figure 7: Voters Age Groups in Khyber Pakhtunkhwa, 2023



4. Voter Statistics / Info graphics in Punjab:

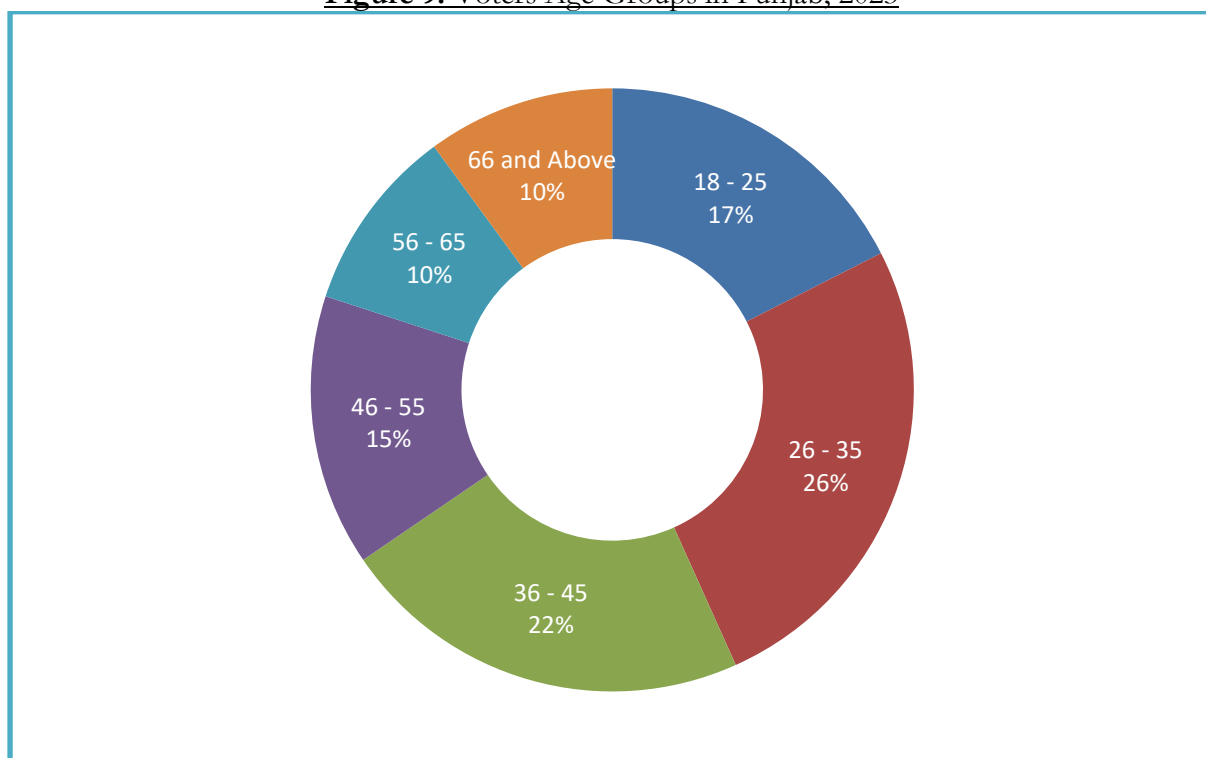
Largest proportion of the voters in Pakistan belongs to Punjab, as according to figure 1, 57 percent voters are registered in Punjab province. The figure 8 below shows the male and female voters in Punjab during the six years period i.e. 2018-2023.

Figure 8: Voters population in Punjab in period 2018-2023 (in million)



The figure 9, below shows the age wise categories of voters in Punjab, categorized in six sub-groups with regard to age.

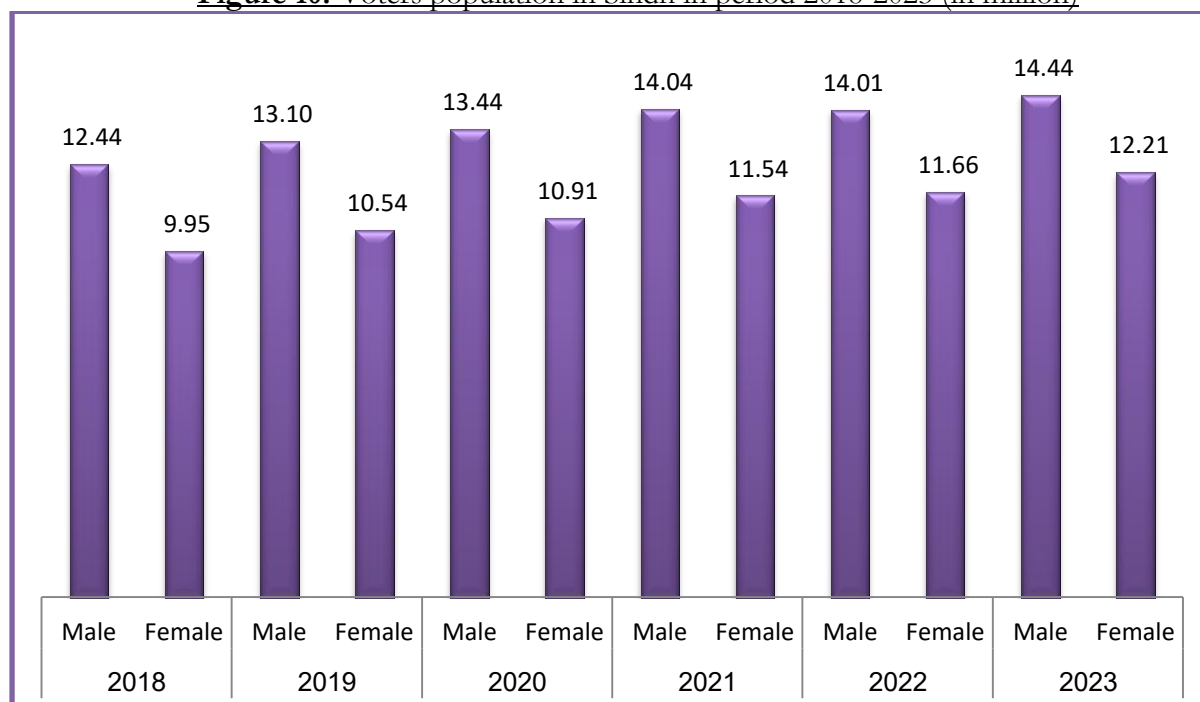
Figure 9: Voters Age Groups in Punjab, 2023



5. Voter Statistics / Info graphics in Sindh:

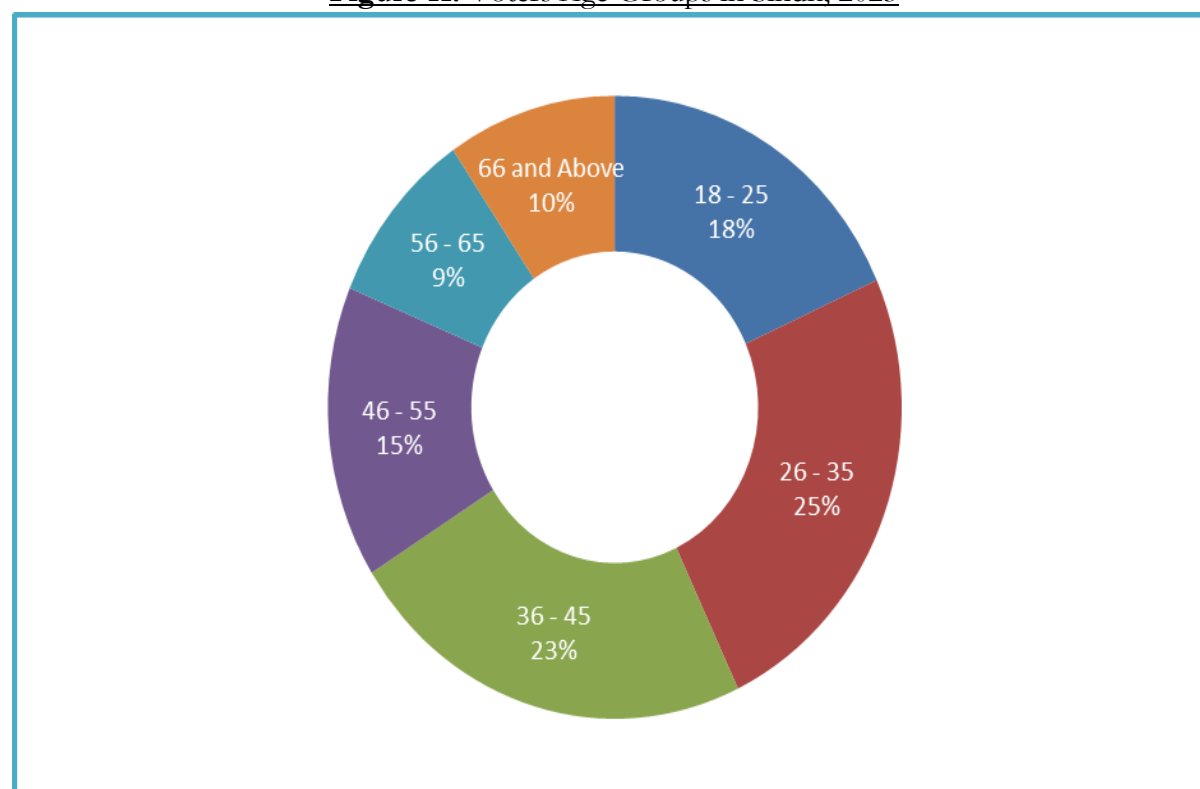
Figure 10 below shows the count of male and female voters in millions, registered in 2018 to 2023.

Figure 10: Voters population in Sindh in period 2018-2023 (in million)



The figure 11 below shows the categories of voters with regard to six different age groups. The percentage data of voters is presenting the self-explanatory display of six sub groups.

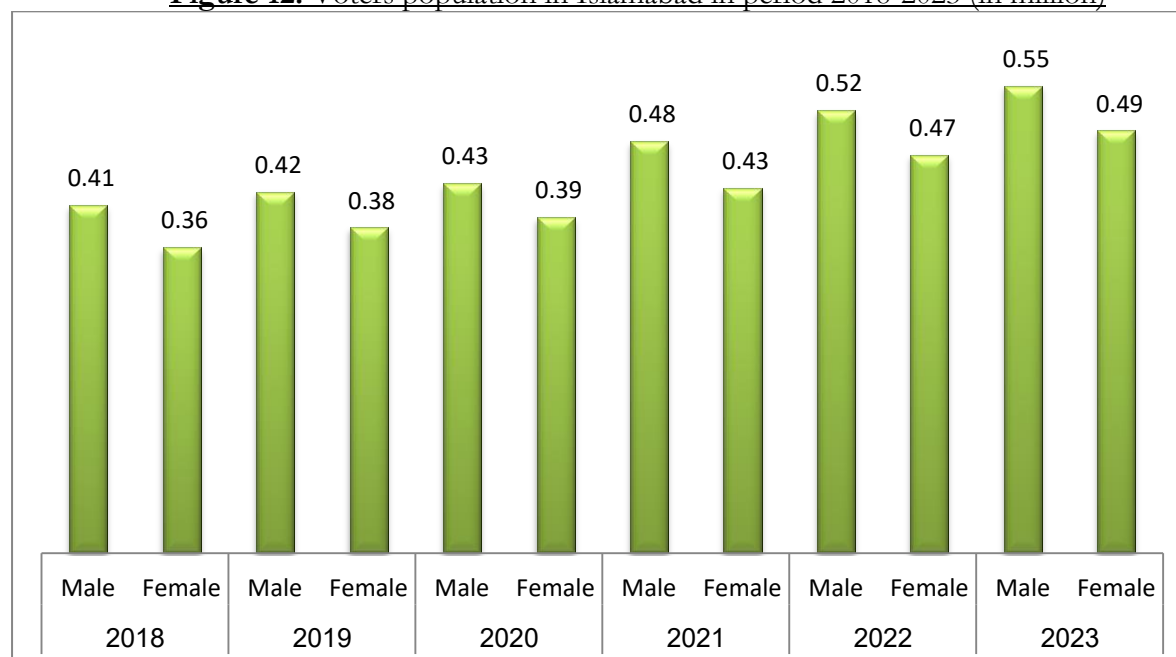
Figure 11: Voters Age Groups in Sindh, 2023



6. Voter Statistics / Info graphics in Islamabad:

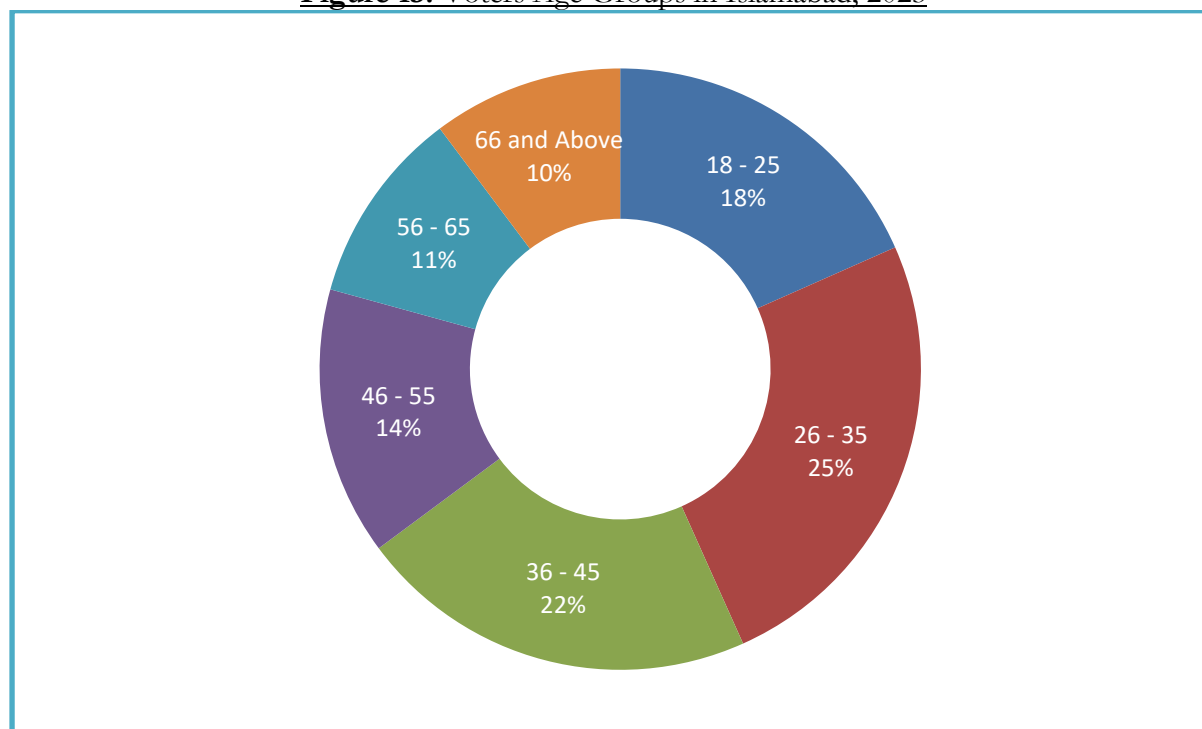
Figure 12 below show the male and female voter population in Islamabad during the years 2018 to 2023 in million.

Figure 12: Voters population in Islamabad in period 2018-2023 (in million)



The figure 13 below show the percentage of voter population categorized in 6 sub-groups with regard to the ages of voters. Likewise the national level data, the young voters (18-45) are higher in number compared to senior age voters (46-and above) in Islamabad.

Figure 13: Voters Age Groups in Islamabad, 2023



RESOLUTION

Security Council Resolution on Unhindered Humanitarian Help in Gaza 2720 (2023)

(The Security Council adopted a resolution on Dec., 22, 2023 on the ongoing crisis in Gaza, with 13 votes in favor, and the US and Russia abstaining. The resolution, among other points, demands immediate, safe and unhindered delivery of humanitarian assistance at scale directly to the Palestinian civilian population throughout the Gaza Strip.)

The Security Council,

Reaffirming the purposes and principles of the Charter of the United Nations,

Recalling all of its relevant resolutions, particularly resolution 2712 (2023), which, *inter alia*, demands that all parties comply with their obligations under international law, notably with regard to the protection of civilians, calls for urgent and extended humanitarian pauses and corridors throughout the Gaza Strip for a sufficient number of days to enable full, rapid, safe, and unhindered humanitarian access and to enable urgent rescue and recovery efforts, and calls for the immediate and unconditional release of all hostages, as well as ensuring immediate humanitarian access,

Reaffirming that all parties to conflicts must adhere to their obligations under international law, including international humanitarian law and international human rights law, as applicable,

Stressing that the Gaza Strip constitutes an integral part of the territory occupied in 1967, and reiterating the vision of the two-State solution, with the Gaza Strip as part of the Palestinian State,

Expressing deep concern at the dire and rapidly deteriorating humanitarian situation in the Gaza Strip and its grave impact on the civilian population, underlining the urgent need for full, rapid, safe, and unhindered humanitarian access into and throughout the entire Gaza Strip, and taking note of the concerning reports from the leadership of the United Nations and humanitarian organizations in this regard, *reaffirming its strong concern* for the disproportionate effect that the conflict is having on the lives and well-being of children, women, and other civilians in vulnerable situations, and *stressing* the humanitarian principles of humanity, impartiality, neutrality, and independence,

Stressing the obligation to respect and protect humanitarian relief and medical personnel,

Reaffirming its call for all parties to refrain from depriving the civilian population in the Gaza Strip of basic services and humanitarian assistance indispensable to their survival, consistent with international humanitarian law,

Commending the indispensable and ongoing efforts of the United Nations, its specialized agencies and all humanitarian and medical personnel in the Gaza Strip to alleviate the impact of the conflict on the people in the Gaza Strip, and *expressing* condolences for all civilians, including humanitarian and medical personnel, killed in the course of this conflict,

Welcoming the efforts of Egypt to facilitate the use of the Rafah Border crossing by United Nations humanitarian agencies and their implementing partners for the provision of humanitarian assistance for people in need throughout the Gaza Strip,

Taking note of the 15 December 2023 decision by the Government of Israel to open its crossing at Karem Abu Salem / Kerem Shalom for direct delivery of humanitarian assistance to Palestinian civilians in Gaza, which should ease congestion and help facilitate the provision of life-saving assistance to those who urgently need it, and *emphasizing* the need to continue working closely with all relevant parties to expand the delivery and distribution of humanitarian

assistance, while confirming its humanitarian nature and ensuring that it reaches its civilian destination,

Encouraging engagement with relevant states in the implementation of this resolution,

Welcoming the implementation of a recent ‘humanitarian pause’ in the Gaza Strip, and *expressing* appreciation for the diplomatic efforts of Egypt, the State of Qatar, and other states in this regard, and also expressing grave concerns as to the impact the resumption of hostilities has had on civilians,

Recognizing that the civilian population in the Gaza Strip must have access to sufficient quantities of assistance that they need, including enough food, water, sanitation, electricity, telecommunications and medical services essential for their survival, and that the provision of humanitarian supplies in the Gaza Strip needs to be sufficient to alleviate the massive humanitarian needs of the Palestinian civilian population throughout the Gaza Strip, and *recognizing* the importance of resuming commercial imports of essential goods and services into the Gaza Strip,

Welcoming financial contributions and pledges by member states in support of the civilian population in Gaza, and *taking note* of the International Humanitarian Conference for the Civilian Population of Gaza held in Paris on 9 November 2023 and its follow-up meeting on 6 December 2023,

1. *Reiterates* its demand that all parties to the conflict comply with their obligations under international law, including international humanitarian law, including with regard to the conduct of hostilities and the protection of civilians and civilian objects, humanitarian access, and the protection of humanitarian personnel and their freedom of movement, and the duty, as applicable, of ensuring the food and medical supplies, among others, of the population, *recalls* that civilian and humanitarian facilities, including hospitals, medical facilities, schools, places of worship, and facilities of the UN, as well as humanitarian personnel, and medical personnel, and their means of transport, must be respected and protected, according to international humanitarian law, and *affirms* that nothing in this resolution absolves the parties of these obligations;

2. *Reaffirms* the obligations of the parties to the conflict under international humanitarian law regarding the provision of humanitarian assistance, *demand*s that they allow, facilitate and enable the immediate, safe and unhindered delivery of humanitarian assistance at scale directly to the Palestinian civilian population throughout the Gaza Strip, and in this regard *calls* for urgent steps to immediately allow safe, unhindered, and expanded humanitarian access and to create the conditions for a sustainable cessation of hostilities;

3. *Demand*s that the parties to the conflict allow and facilitate the use of all available routes to and throughout the entire Gaza Strip, including border crossings, including full and prompt implementation of the announced opening of the Karem Abu Salem / Kerem Shalom Border Crossing, for the provision of humanitarian assistance in order to ensure that humanitarian personnel and humanitarian assistance, including fuel, food, and medical supplies and emergency shelter assistance, reaches the civilian population in need throughout the Gaza Strip without diversion and through the most direct routes, as well as for material and equipment to repair and ensure the functioning of critical infrastructure and to provide essential services, without prejudice to the obligations of the parties to the conflict under international humanitarian law, and *stresses* the importance of respecting and protecting border crossings and maritime infrastructure used for the delivery of humanitarian assistance at scale;

4. *Requests* the Secretary-General, with the objective of expediting the delivery of humanitarian assistance to the civilian population in the Gaza Strip, to appoint a Senior Humanitarian and Reconstruction Coordinator with responsibility for facilitating, coordinating, monitoring, and verifying in Gaza, as appropriate, the humanitarian nature of all humanitarian relief consignments to Gaza provided through states which are not party to the conflict, and *further*

requests that the Coordinator expeditiously establish a UN mechanism for accelerating the provision of humanitarian relief consignments to Gaza through states which are not party to the conflict, consulting all relevant parties, with the goal of expediting, streamlining, and accelerating the process of providing assistance while continuing to help ensure that aid reaches its civilian destination, and *demands* that the parties to the conflict cooperate with the Coordinator to fulfill their mandate without delay or obstruction;

5. *Requests* that the Coordinator be appointed expeditiously;

6. *Determines* that the Coordinator will have the necessary personnel and equipment in Gaza, under the authority of the United Nations, to perform these, and other functions as determined by the Security Council, and *requests* that the Coordinator report to the Security Council on its work, with an initial report within 20 days and thereafter every 90 days through 30 September 2024;

7. *Demands* the immediate and unconditional release of all hostages, as well as ensuring humanitarian access to address medical needs of all hostages;

8. *Demands* the provision of fuel to Gaza at levels that will meet requisite humanitarian needs;

9. *Calls for* all parties to adhere to international humanitarian law and in this regard deplores all attacks against civilians and civilian objects, as well as all violence and hostilities against civilians, and all acts of terrorism;

10. *Reaffirms* the obligations of all parties under international humanitarian law, including with regard to respecting and protecting civilians and taking constant care to spare civilian objects, including such objects critical to the delivery of essential services to the civilian population, and with regard to refraining from attacking, destroying, removing or rendering useless objects that are indispensable to the survival of the civilian population, as well as respecting and protecting humanitarian personnel and consignments used for humanitarian relief operations;

11. *Reaffirms* that civilian objects, including places of refuge, including within United Nations facilities and their surroundings, are protected under international humanitarian law, and *rejects* forced displacement of the civilian population, including children, in violation of international law, including international humanitarian law and international human rights law;

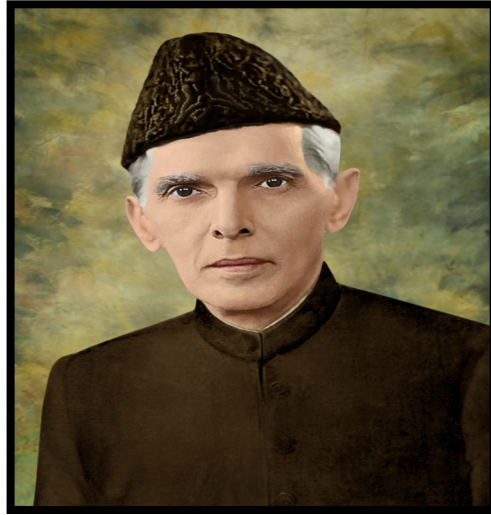
12. *Reiterates* its unwavering commitment to the vision of the two-State solution where two democratic States, Israel and Palestine, live side by side in peace within secure and recognized borders, consistent with international law and relevant UN resolutions, and *in this regard stresses* the importance of unifying the Gaza Strip with the West Bank under the Palestinian Authority;

13. *Demands* that all parties to the conflict take all appropriate steps to ensure the safety and security of United Nations and associated personnel, those of its specialized agencies, and all other personnel engaged in humanitarian relief activities consistent with international humanitarian law, without prejudice to their freedom of movement and access, *stresses* the need not to hinder these efforts, and *recalls* that humanitarian relief personnel must be respected and protected;

14. *Demands* implementation of resolution 2712 (2023) in full, *requests* the Secretary-General to report to the Security Council in writing within five working days of the adoption of this resolution on the implementation of resolution 2712 (2023), and thereafter as necessary, and *calls upon* all parties concerned to make full use of the humanitarian notification and deconfliction mechanisms in place to protect all humanitarian sites, including UN facilities, and to help facilitate the movement of aid convoys, without prejudice to the obligations of the parties to uphold international humanitarian law;

15. *Requests* the Secretary-General to report on the implementation of this resolution in the regular reporting to the Council;

16. *Decides* to remain actively seized of the matter.



“ We do not cherish aggressive designs against any country or nation. We believe in the principle of honesty and fairplay in national and international dealings, and are prepared to make our contribution to the promotion of peace and prosperity among the nation of the world. But Pakistan will never be found lacking in extending its material and moral support to the oppressed and suppressed people of the world and in upholding the principles of the United Nations Charter”.

Muhammad Ali Jinnah’s stance on Palestine and Israel according to his statement in his broadcast speech to the people of U.S.A. in February, 1948.



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