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Special Issue: Ten Years of Publication 2014-24

Dear Readers,

The Team Pakistan Institute for Parliamentary Services (PIPS) wishes all Honorable Members of the newly elected 16th National Assembly of Pakistan and the four provincial assemblies of Balochistan, Khyber Pakhtunkwa, Punjab and Sindh a blissful 2024 focused on the imperative functions of representation, legislation, oversight and scrutiny of public policies and budgets. The Pakistan Institute for Parliamentary Services (PIPS) cherishes to offer research, parliamentary development, legislative, capacity building and public outreach initiatives to serve the individual MPs, caucuses and committees both anticipatedly and on demand.

The PIPS Research Digest completes its DECADE OF PUBLICATION since its inception in January 2014 as per the vision of the Board of Governors. I take this opportunity to congratulate my Editorial Board comprising Ms Tehseen Khalid, Director (research), Ms Fakiha Mahmood, Deputy Director (Research) and Mr Muhammad Rizwan Manzoor, Assistant Director (Research) for unwavering zeal to make it a reality in last 10 years. The PIPS Parliamentary Research Digest is by the grace of Allah swt, the most read parliamentary publication of the country with a monthly circulation to all legislators and around 1500 readers including MPs, academics, diplomats and civil society organizations.

This January-February 2024 Issue of the PIPS Parliamentary Research Digest includes absorbing write-ups on Quaid e Azam Muhammad Ali Jinnah as a role model Statesman parliamentarian, a conceptual paper on Building Peace: Tools for inter parliamentary cooperation and an analytical piece by Palestinian Case at the International Court of Justice.

Please feel free to send your feedback and/or contact the Team for any of our services at research@pips.gov.pk Happy Ramadan in March 2024!

Muhammad Rashid Mafzool Zaka
Director General (Research)



Pakistan Institute for Parliamentary Services organized seminar with youth delegates of Baragad Organization on working of the Parliament and PIPS, Wednesday, February 28, 2024

PARLIAMENTARY CONCEPTS

Quaid e Azam a Role Model Statesman Parliamentarian

Muhammad Rashid Mafzool Zaka

Director General (Research), PIPS

Abstract: The persona and life of the Quaid e Azam Muhammad Ali Jinnah, the father of the nation, is a manifestation of a true role-model statesman for all Pakistanis in general especially incumbent candidates seeking election as legislators in particular. As the country prepares to commence the 16th National Assembly of Pakistan on 29th Feb., 2024, it is time for retrospection by all newly elected Members of Parliament, with regards to envisioning their role and future course in the spirit of following the Quaid's upright, passionate and inspiring 39 years as an elected Member of the Parliament.

Key Words: Integrity, Rule of Law, Liberty, Merit, Inclusivity, Service, Minorities, Conflict of Interest, Dedication.

1. People as the First Priority:

Quaid e Azam's lasting empathy and devotion towards people made him a natural democrat. In his first address to the Constituent Assembly of Pakistan on August 11, 1947 he earmarked that, "You will no doubt agree with me that the first duty of a government is to maintain law and order, so that life, property and religious beliefs of its subjects are fully protected by the State." Consequently, he led his government to concentrate on five key tasks: i. rehabilitation of refugees, ii. protection of all minorities, iii. building state institutions, iv. exercise restraint from large-scale riots in northern India, and v. promotion of national cohesion across all parts of Pakistan. Not surprisingly all these priorities revolved around wellbeing of the people and the society. Today also it is the foremost for candidates from across all parties to focus their energies towards serving the people who face the uphill challenge of surviving 24% inflation and an alarming poverty rate of 37.2 % living below the US dollars 3.65 per day.

2. Right Path based on Rule of Law not the Populist Path:

Quaid e Azam demonstrated a unique and extra-ordinary quality of preferring to take the "Right though apparently difficult path," a trait most uncommon in contemporary politicians and government functionaries. A classic example is his categoric rejection of the British sponsored Rowlatt Bill that gave ultra-Constitutional powers to bureaucracy to use force against political opponents. He argued on the floor of the House that, "No man's liberty should be taken away for a single minute without proper judicial inquiry." In a congress meeting in 1920 at Nagpur, Mr. Ghandi presented a resolution of Non-Cooperation i.e., non-payment of taxes, boycott of schools, courts and legislative councils. It was endorsed by a thumping crowd of 1400 Muslim majority yet

Quaid e Azam Muhammad Ali Jinnah stood up and gallantly rejected the resolution as he believed it would trigger unlawful politics and violence. The Quaid e Azam never compromised on Rule of Law and always preferred constitutional lawful politics, that he determinedly believed is exclusively a gentlemen's arena. A British Member of Parliament Mr. Wedgewood, who attended the meeting recorded that it was the day India was on the road of freedom as she was capable of producing at least one man, who had the strength of character to stand by his conviction against a huge opposition with no support whatsoever.

3. Hard Work and Dedication:

Quaid e Azam carried the heaviest burden in first crucial year of independence. He set forth state-policies of the new country, identified immediate challenges confronting the nation and told the parliamentarians, civil servants and the military, what and how to do and what the nation expected of them. In 1947-48, when draft laws were brought to him for signing, he reviewed those drafts sentence by sentence so that intent of legislature is correctly translated into the law. Mohtarma Fatima Jinnah cautioned her brother requesting him to decrease his working hours due to his deteriorating health. Quaid e Azam Muhammad Ali Jinnah replied, "*What is the health of an individual, when I am concerned with the very existence of ten crore.*" He always emphasized that happiness and prosperity of masses and the poor must be the top priority for any legislator, any political organization, any government and the state.

4. Incorruptible Man of Merit and Integrity:

The famous historian H.V. Hodson recognizes that "not even his political adversaries ever accused Mr. Jinnah of corruption or self-seeking. He could be bought by no one and for no price." Being a man of merit and a democrat by head and heart, he always appreciated whistle-blowers who would stand bravely for merit, firm on their ideas and those who would disagree logically in a dialogue with him rather than people who flattered or tried blandishment. In an interview in front of Public Service Commission, a member Lord Ronaldshay asked him if a Hindu attains more marks than an influential Muslim, should he be appointed in a Muslim majority district as administrator. Quaid e Azam replied, "obviously yes as it will be extremely unfair to deny the merit to the well-deserved candidate." The Quaid always reiterated fair and free elections. In 1946, he directed G.A. Allana, In charge of Muslim League's electoral campaigning in Sindh, "Remember! I do not want to pay a single rupee to any voter as bribe; I prefer defeat to winning elections by adopting corrupt methods." On 12th August, 1947, the Quaid as the Speaker of the first Constituent Assembly, setup another example for Pakistani legislators for all times. He faced a conflict-of-interest situation by remaining neutral and tight-lipped and allowed every representative of opposition to express himself, as the House democratically debated and voted to recognize him as the Quaid e Azam. The newly elected MPs must try to emulate Quaid's honesty, uplift of merit and avoidance of conflict of interest as key best practices in today's acute time of political divide and polarization and apathy among government functionaries.

5. Inspiring Inclusion of all Strata - Women, Youth & Students:

The Quaid always engaged the poor, women, youth and students as integral workers of the Pakistan Movement. He had enormous expectation, regard and faith in the man on the street, women and youth whom he inspired on so many occasions to work diligently for the progress of the country. In a large gathering of students, he guided them and said: **“I insist you to strive. *Work, Work and only work* for satisfaction with patience, humbleness and serve thy nation.”**

In a nutshell, integrity, hard work, merit, inclusivity and above all unwavering service to the people remain key ingredients of the Pakistan revolution led by the Quaid e Azam. His vision, expressions and practice, always reflected the right path based on Constitution and Rule of Law rather than the popular path that may be based in illegal ways and short-term vested interest. The incumbent Honourable Members of Parliament elected in the general elections 2024 for National Parliament of the Islamic Republic of Pakistan as well as the four provincial legislatures of Balochistan, Khyber Pakhtunkhwa, Punjab and Sindh will surely emulate Quaid’s inspired performance as a Statesmen-Parliamentarian, to focus their service to the poor and the downtrodden including minorities, women, youth and refugees as the top priority of the Parliament and government as well as the opposition led by any party. It is the core message of the Quaid on which he laid foundation of Pakistan - basis of his conviction that **“THERE IS NO POWER ON EARTH THAT CAN UNDO PAKISTAN!”**

OPINION

Building peace: Tools for Inter-Parliamentary Cooperation**Tehseen Khalid**

Director (Research), PIPS

Abstract

Parliaments are likely to play an important role in countries transitioning from war to peace, as well as in peace processes and peacebuilding. Although their relevance is frequently overlooked and understudied, Parliaments are citadel for peacebuilding, implementing peace treaties, encouraging national dialogue, promoting transitional justice, integrating former armed groups and holding governments accountable. Parliamentary diplomacy can be one of the useful tools in facilitating inter-parliamentary dialogue on peacebuilding. Parliaments can efficiently utilize existing inter-parliamentary forums such as the IPU, CPA and so on for conflict resolution and prevention, especially when government efforts have been ineffective. Speaker-led diplomacy can be effective in setting the direction of the house. Parliamentary working groups and joint commissions can also be valuable communication avenues for promoting the peace process. Parliaments can also draft joint resolutions advocating for diplomatic solutions to problems and form friendship groups and caucuses to support peace and security initiatives at the regional and global levels.

Keywords: Inter-parliamentary cooperation, peacebuilding, diplomacy, friendship groups, caucuses, inter-parliamentary forums.

1. The vital role of inter-parliamentary dialogue in peacebuilding

The world is experiencing a reverse of democratic advances made in the 1990s and 2000s, with an increase in authoritarian inclinations and undermining of the rule of law, leading to violent conflict across all continents. Around 56 world States were experiencing arms conflict in 2023 as per Stockholm International Peace Research Institute. The regional integration and international cooperation have been undermined due to the tensions within nation-states. This has also threatened democratic consolidation worldwide.

The Secretary General of UN in his remarks to the General Assembly on Priorities for 2024 said that:

“As conflicts rage and geopolitical divisions grow, peace in our world is threatened... Around the globe, and across the range of issues, peace is the missing piece. People want peace and security. People want peace and dignity... More and more people are losing trust in institutions and faith in the political process. Peace is the way out of these interlinked crises.”

Therefore, effective political negotiations are crucial in today's world. The importance of institutions and institutional design in peacebuilding has long been recognized and the effects of many institutions most notably the, executive, judiciary, military and increasingly, political parties have been thoroughly researched. Legislators are part of nearly every state's political structure, much like these institutions, but peacebuilding theory continues to place too little attention on them. Parliaments are citadel for peacebuilding, including implementing peace agreements,

supporting transitional justice, integrating former armed groups, fostering national dialogue as well as holding the governments accountable. Parliaments are likely to play a critical role as countries transition from war to peace, peace processes and peacebuilding, but their significance is often ignored and understudied. Moreover, parliament's positive role in peacebuilding and conflict prevention is also undermined by a number of circumstances, including weak political system, corruption and flawed peace agreements.

The Parliament, have central role towards national, regional and international security. It is the citadel of people's aspirations as elected representatives of countries perform the arduous tasks of representation, legislation and oversight of the executive, especially with regard to the top priority of any government, that is, well-being of people, especially the poor. Because they have a more direct connection with the peoples of their countries, parliamentarians involved in inter-parliamentary cooperation raise ethical and humanitarian issues more acutely than career diplomats as they have a more direct connection with the people at the grassroots level. They do not shy away from principled formulations, even if they cast a shadow on allies and/or partnerships with other countries.¹

In post-conflict parliaments, former enemies or their elected representatives are expected to meet and even work together. This could lead to amicable dispute resolution, but it may also cause polarization and increased tensions. Parliaments are crucial in bringing warring parties together, which can either support or undermine peace efforts. Parliaments provide an opportunity for underrepresented communities and marginalized groups to gain formal political representation through elections and have a voice. Parliaments have the potential to promote peace, but they can also hinder it. The post-conflict institutions may not be inclusive and may fail to address the root causes of conflict, thus leading to further conflict.²

Parliaments also play an important role in several of the institutional frameworks for promoting peace. Peace accords in territorial disputes sometimes include territorial self-governance, such as the establishment of a regional parliament and its relationship to the state-level parliament.³ Effective functioning of parliaments at both national and sub-national levels is vital for achieving peace agreements and promoting post-war stability.

2. Role of Pakistan in Inter-parliamentary dialogue on Peace

Parliamentary democracy, peace and people's aspiration through human security remain the astounding principles of the Constitution of Pakistan as envisioned by our founding father. Quaid e Azam Muhammad Ali, the First President/ Speaker of our National Parliament, in his inaugural address on 10th August, 1947 said:

“Remember that you are a sovereign legislative body and you have got all the powers. It, therefore, places you the gravest responsibility as to how you should take your decisions. The first observation that I would like to make is this: You will no doubt agree with me that the first duty of a

¹ Elizaveta Gromoglasova, “Inter-Parliamentary Dialogue: Added Value or Merely a Substitute for Traditional Diplomacy?,” Russian International Affairs Council, August 25, 2020. Available at: <https://russiancouncil.ru/en/analytics-and-comments/analytics/inter-parliamentary-dialogue-added-value-or-merely-a-substitute-for-traditional-diplomacy/>

² Gyda Maras Sindre, and Nina Caspersen, *Supporters, spoilers or sidelined: the role of parliaments in peacebuilding* (London: WFD, 2020).

³ Nina Caspersen, *Peace Agreements* (Cambridge: Polity Press, 2017)

government is to maintain law and order, so that the life, property and religious beliefs of its subjects are fully protected by the State.”

Pakistan’s foreign policy since its creation in 1947 is based on the key principle of “peace within and peace without.” In this context, the State and the Parliament of Pakistan has always:

- a. Reiterated respect for territorial integrity of all states;
- b. Supported all rightful struggles for self-determination diplomatically, morally and principally as envisaged by the UN charter and international law.

Pakistan's Parliament has promoted peace discourse through active participation at various multilateral forums. The parliament is aware of importance of parliamentary diplomacy. Pakistani legislators have regularly attended UN General Assembly (UNGA) sessions and committee meetings. They have advocated for peaceful conflict resolution, emphasized the value of dialogue and highlighted Pakistan's commitment to security and peace across the globe. Pakistan is an active member of the Commonwealth Parliamentary Association (CPA), which provides a forum for parliamentarians from Commonwealth countries to share ideas and promote democracy, good governance and peace. As an OIC member, Pakistani MPs have attended conferences and gatherings aimed at promoting peace and stability in the Islamic world. Pakistani MPs have worked with their SAARC counterparts to promote peace and cooperation in South Asia. They have taken part in SAARC parliamentary sessions and events aimed at addressing common concerns and building trust among member states. Pakistan is a part of the International Parliamentary Union (IPU), which aims to foster international cooperation, dialogue and peace among parliaments.

In addition to participation in these forums, the Parliament of Pakistan has actively focused on peace through strengthening social legal frameworks and participating in high level forums. The Parliament of Pakistan hosted the 3rd Trilateral Meeting of Speakers of National Parliaments of the Republic of Azerbaijan, the Republic of Turkey and the Islamic Republic of Pakistan in Islamabad in 2023, reflecting the three brethren countries' strong resolve for consistent and meaningful parliamentary engagement toward the common goal of regional and global peace and security. From December 23 to 25, 2017, the National Assembly organized a highly important regional conference in which speakers from the parliaments of Russia, China, Turkey, Iran, Afghanistan, and Pakistan participated part. The conference aimed to strengthen inter-parliamentary cooperation in the region for peace, connectivity, and prosperity, with a special focus on the issues of terrorism and regional connectivity. The declaration of the conference highlights the effective role of inter-parliamentary dialogue for peace. The International Parliamentary Conference on Kashmir held in 2017 at Pakistan Institute for Parliamentary Services (PIPS) brought together around 500 delegates including Parliamentarians from UK, Canada and European Union to highlight the region’s seven decades long sufferings of the innocent people of Indian Occupied Kashmir and to synergize all our efforts on the amicable solution of the crisis. The National Assembly of Pakistan hosted Second PAECO Conference in 2021 which focused on the theme of “Promoting Parliamentary Partnerships for Regional Integration.” The Parliamentarians from Pakistan, Afghanistan, Azerbaijan, Iran, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Turkey and Uzbekistan as well as leadership of ECO Secretariat participated in the conference. Parliamentary dialogue on anti-radicalization and peacebuilding with MPs in 2022 was also the important parliamentary Dialogue focusing on peace building efforts through de-radicalization. The Young Parliamentarians Forum (YPF) of the

National Assembly of Pakistan and the Pakistan Institute for Parliamentary Services (PIPS) organized this highly important roundtable.

The constitution of Special Committee on Creation of Asian Parliament of the APA on the initiative of Senate of Pakistan was a major initiative. Through Parliamentary diplomacy, the Senate of Pakistan successfully managed to bring to the table South Asian nations who boycotted the 19th SAARC conference in Islamabad in December 2016.⁴ The International Parliamentarians' Congress (IPC) was established through a resolution passed by the Senate of Pakistan on August 29, 2019. The IPC realizes the vision of Chairman of the Senate of Pakistan of bringing parliamentarians from various countries together to achieve peace, prosperity, and progress through cooperation, mutual understanding, and exchange of ideas.

3. Tools for inter-parliamentary dialogue for peace

Parliaments have the representative legitimacy to resolve conflicts and disputes for enduring peace. Governments, insurgents, and international entities often exclude them from crucial negotiations to avoid public scrutiny. Parliaments play a crucial role in validating agreements and fostering peace during the peacebuilding process. It often develops its own channels for effective inter-parliamentary engagement. Parliaments can employ variety of tools to support inter-parliamentary dialogue for peace.

- i. **Parliamentary Diplomacy:** Parliamentary diplomacy refers to the bilateral and multilateral ties between legislatures. It can also be explained as “the full range of international activities undertaken by parliamentarians in order to increase mutual understanding between countries, to assist each other in improving the control of governments and the representation of people and increase the democratic legitimacy of inter-governmental institutions”.⁵ The high-level political actors and national and state legislatures can play crucial role in resolving cross border disputes, conflicts and insurgencies during peace processes. Parliamentary diplomacy has worked well in situations where most governments failed. For instance, tensions between Rwanda and Uganda intensified in 2002, posing a threat of violent confrontation. Ugandan and Rwandan parliamentarians organized unprecedented dialogue meetings. In August 2002, Ugandan legislators visited Kigali to meet with Rwandan parliamentarians. The following year, Rwandan parliamentarians reciprocated by visiting Kampala. The well-publicized legislative trips, done across party lines and in a spirit of camaraderie, demonstrated that there were no fundamental disagreements or conflicts between the people of both countries, leading to rapprochement between both countries.⁶ Hence, the parliaments of regional countries can effectively settle down the disputes and play the crucial role in promoting regional peace and economic development. One such

⁴ Amjed Pervez Malik, *The role and workings of Parliament in Crisis Situations*, (Islamabad: Senate Secretariat, 2017).

⁵ Franz W. Weisglas and Gonnje De Boer, “Parliamentary diplomacy,” *The Hague Journal of Diplomacy*, Vol.2, Issue 1 (2007), pp.93-94.

⁶ Amjed Pervez Malik, *The role and workings of Parliament in Crisis Situations*, (Islamabad: Senate Secretariat, 2017).

example can be seen in the recent past when Pakistan played vital role in peacebuilding in the region through settling down US-Afghanistan conflict. The Ambassador Khan explains: "Pakistan has played a key role in other countries' peace-processes via UN Peacekeeping."⁷ After almost three decades of war, Afghanistan entered a combination of peace process and conflict drawdown due to Pakistan's efforts.

- ii. **Track II diplomacy:** Occasionally, parliamentary delegations or individual lawmakers may participate in track II diplomacy initiatives, acting as unofficial mediators or facilitators in peace negotiations. Their neutrality and independence from government agendas can make them effective mediators in resolving conflicts and fostering trust between opposing parties.
- iii. **Parliamentary Caucuses:** Parliamentary caucuses, which connect lawmakers with a shared interest in particular topics or areas, have become a crucial tool for promoting inter-parliamentary dialogues on peace. Caucuses can help bridge gaps, develop consensus and mobilize support for peacebuilding efforts by providing a forum for dialogue and collaboration among legislators from various countries. However, in order to reach their full potential, legislative caucuses must overcome a variety of challenges and capitalize on chances for greater impact. Parliament of Pakistan has developed the Women Parliamentary Caucus (WPC) which, since its creation, has been instrumental in promoting dialogues for peacebuilding through various initiatives.
- iv. **Parliamentary Friendship groups:** Parliaments can establish informal friendship groups with various countries to increase liaison with their counterparts, promote friendly relations and voluntary improvement of relations beyond parliamentary limits. Such forums provide members with opportunities for direct engagement with legislators from other countries. The National Assembly of Pakistan in the recent past established 93 parliamentary friendship groups aimed to "expand scope of cooperation and foster closer relations with the parliamentarians from countries diplomatically recognized by Islamic Republic of Pakistan and including International Parliamentary Assemblies, or International organizations."⁸ The forum was effectively utilized by the Parliament for strengthening ties with other Parliaments. Hence, Parliamentary friendship groups can be utilized to support inter-parliamentary dialogue for peace.
- v. **Legislation and Resolutions:** Parliaments can enact legislations, adopt resolutions, to support peace efforts, condemn conflicts and promote dialogue as means of conflict resolution. Parliamentary resolutions and legislation supporting peace efforts are effective tools for developing inter-parliamentary discourse on peace. These formal declarations show a common viewpoint among legislators from several countries, emphasizing the need of peaceful dispute settlement. They serve as a foundation for constructive dialogue and collaboration among parliaments, enabling the exchange of

⁷ Shazia Rafi. "Parliamentary Track 1 ½ Diplomacy." *Strategic Studies* 35, no. 2 (2015): 71-88.

⁸ National Assembly of Pakistan, Rules of Parliamentary Friendship Groups, Available at: https://na.gov.pk/uploads/documents/1384262366_213.pdf

best practices and peace-promoting policies. Furthermore, such resolutions and laws can serve as a stimulus for joint efforts and partnerships among legislators, allowing for more coordinated action on peacebuilding initiatives. Parliaments serve build a favorable atmosphere for inter-parliamentary dialogue centered on long-term peace and conflict resolution by condemning disputes and advocating for dialogue, negotiation, and diplomacy.

vi. Parliamentary engagement at inter-Parliamentary Forums: Parliaments can play useful role through inter-parliamentary forums such as IPU, Asia-Pacific Parliamentary Forum, Commonwealth Parliamentary Association etc. They can serve as key forums for facilitating discussion between countries in crises or conflict. Inter-parliamentary dialogues can be held in such settings and such forums can act as useful instrument for conflict resolution and prevention, particularly when government initiatives have met with little or no success. Parliamentary forums can also be utilized to dealing and settling conflict-related cross-border issues such as arms smuggling, refugees, and other war-related criminal activity. Parliamentarians from member countries can form specific committees dedicated to supporting peace and security initiatives. Such committees can be effective in overseeing the national efforts on peace and security agenda, knowledge sharing and brokering dialogues between countries at times of crisis.

vii. Speaker-led diplomacy: Speaker-led diplomacy represents the pinnacle of inter-parliamentary relations. This is due to the Speaker's constitutional position as the third most important after the President and Prime Minister. In Canada, the Speaker of the Senate and Speaker of the House of Common actively engage in diplomacy. In addition to their conventional duties as heads of their separate institutions, the Speakers carry out diplomatic duties by receiving visiting heads of state or governments to the Canadian Parliament. Both Speakers have regular interactions with the diplomatic corps in order to maintain positive connections with parliaments around the world.⁹ Speaker-led diplomacy is an important component of “Inter-parliamentary Relations Programme” in New Zealand Parliament.

The Speaker may effectively set the direction of parliament towards peacebuilding initiatives and Inter-Parliamentary dialogues through:

- Setting the direction of speaker-led diplomacy
- Speaker-to-Speaker Interactions
- Setting the direction of inter-parliamentary relations
- Formulating the Parliamentary Friendship groups and Parliamentary Caucuses
- Nominating members for inter-parliamentary dialogues in International Forums such as IPU, CPA, PEACO, SAARC etc.
- Hosting delegations and conferences for fostering inter-parliamentary dialogues on peace

⁹ Parliament of Canada, “Speakers' Activities and Reports,” available at: <https://www.parl.ca/diplomacy/en/speakers/activities-and-reports>

- Meeting with Heads of Mission for fostering peace and security in the region.
 - Approving any professional development programs for MPs in relation to inter-Parliamentary relations
- viii. **Inter-Parliamentary Working Groups:** Parliamentarians can be included in the working groups responsible for developing action plans for peacebuilding in inter-parliamentary dialogues. This can enhance the legitimacy and effectiveness of peacebuilding efforts. Their participation in working groups might help to mobilize resources for peacebuilding efforts and ensure proper implementation of action plans.
- ix. **Inter-Parliamentary Resolutions:** Parliaments can draft joint resolutions on a range of topics, particularly common issues of peace and security. These resolutions might support shared commitments, condemn aggression, or advocate for diplomatic solutions to conflicts. Furthermore, these resolutions can be an effective tool for promoting international collaboration and encouraging countries to work together towards a more peaceful world.
- x. **Joint Committees and Commissions:** Parliaments can establish joint committees or commissions with counterparts in other countries to address specific peace-related issues. These committees facilitate ongoing dialogue and collaboration between parliaments.
- xi. **Inter-parliamentary Diplomatic Missions:** Forming delegations comprising lawmakers from various countries is a strategic approach to diplomatic efforts aimed at promoting peace, facilitating dialogue between parties in conflict and supporting peacebuilding initiatives. Such inter-parliamentary diplomatic missions can use their diverse views, networks and diplomatic capacities to promote dialogue, build trust, and seek potential solutions of conflicts which are beyond limits of government officials. Furthermore, the presence of parliamentarians gives these diplomatic efforts legitimacy and political weight, demonstrating a commitment to peaceful resolution and providing a forum for constructive engagement on complex issues.

4. Conclusion

Parliaments are, first and foremost, legally responsible for implementing peace agreements and making decisions about policies that affect peace. Importantly, they are the ones who ultimately decide on peace accords. Parliamentary diplomacy can be effectively utilized for supporting inter-parliamentary peacebuilding dialogues. Parliaments can effectively utilize existing inter-parliamentary forums such as IPU, CPA, etc. for conflict resolution and prevention, particularly when government initiatives have met with little or no success. Parliamentary working groups and joint commission can also serve as the effective communication channels for supporting peace process. Parliaments can also draft joint resolutions that advocate for diplomatic solutions of conflicts. Parliaments can also establish friendship groups and caucuses aimed at supporting peace and security initiatives across the regional and globe. Lastly, Speaker of the house carries an important constitutional position which can set the direction of parliament towards peacebuilding initiatives.

INFORMATION

Major International Developments Update (January-February, 2024)

Ayesha Tariq Khan
Assistant Director (Research) PIPS

i. **February 28, 2024: Israel not complying with World Court Order in Genocide Case (Report Human Rights Watch):** Israel continues to obstruct the provision of basic services and the entry and distribution within Gaza of fuel and lifesaving aid, acts of collective punishment that amount to war crimes and include use of starvation of civilians as weapon of war. ¹ “The Israeli government is starving Gaza’s 2.3 million Palestinians, putting them in even more peril than before the World Court’s binding order,” said Omar Shakir, Israel and Palestine director at Human Rights Watch. “The Israeli government has simply ignored the court’s ruling, and in some ways even intensified its repression, including further blocking lifesaving aid.”

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ii. **February 26, 2024: 29,914 Palestinians martyred by Israeli brutality in Gaza and West Bank (UN OCHA):** According to the Ministry of Health in Gaza as of 23 February, at least 29,514 Palestinians have been killed in the Gaza Strip since 7 October. ² About 70 per cent of those killed are reported to be women and children. Another 69,616 Palestinians have been reportedly injured. According to OCHA, more than 65,000 Palestinian houses have been destroyed by Israeli attacks displacing 1.7 million refugees. In addition between 7 October 2023 – 23 February 2024, 399 Palestinians, including 102 children, have been killed in the West Bank, including East Jerusalem. 65,387 are wounded by the Israeli strikes since October 07, 2023.³

iii. **February 23, 2024: US locked in a polarized and closely contested run to Presidential elections:** Though the Democrats maintain slim majority in Congress as well as Senate that allows it to undertake legislation, lot depends on Biden Administration’s performance viz a viz Some of the key issues dominating the political landscape in the US include infrastructure investment, voting rights, immigration reform, healthcare, gun control, and

¹ Human Rights Watch Report on Israeli violation of World Court of Justice, see at: <https://www.hrw.org/news/2024/02/26/israel-not-complying-world-court-order-genocide-case> accessed on 28th Feb., 2024

² UN Office for the Coordination of Humanitarian Aid (OCHA) Report see at: <https://www.ochaopt.org/> accessed on 28th February, 2024 and UNRWA Situation Report see at: <https://www.unrwa.org/resources/reports/unrwa-situation-report-82-situation-gaza-strip-and-west-bank-including-east-jerusalem> accessed 28th February, 2024

³ “Israel’s war on Gaza updates: 215 Palestinians killed in last 24 hours”, *Aljazeera*, January 09, 2024. See at: <https://www.aljazeera.com/news/liveblog/2024/1/29/israels-war-on-gaza-live-us-vows-to-respond-to-killing-of-troops>

foreign policy challenges. While President Joe Biden voiced support for a two-state solution and also called for a ceasefire during periods of heightened violence, yet his administration has badly failed on foreign policy front, especially in persuading Israel to ceasefire in Gaza and West Bank to enable international community and organization to provide direly needed supply of food, treatment and medicine as part of essential life-saving rescue.

- iv. **February 24, 2024: India: Price of protest must not be death:** State machinery fires at protestors of “Dili chalo,” march killing 22 year old Sikh farmer and injuring 13 protestors. According to the Amnesty International Report, Over 200 farmers’ unions are participating in the ‘Dilli Chalo’ march raising twelve demands including the legal guarantee of minimum support price (MSP) for all crops which the Government had promised in 2021.⁴
- v. **February 08, 2024: General Elections in Pakistan** were held countrywide. The elections were for the members of 16th National Assembly as well as Members of Provincial Assemblies. The major parties contesting in the elections were PML-N, PPP and PTI backed independents. Other parties were also contesting for the race.⁵
- vi. **January 16, 2024: Qatar medical aid:** Qatar had brokered a deal between Israel and Gaza, on the humanitarian grounds that the medical supplies will be made available to the Israeli hostages and in return the Israeli forces will let the medical supplies be available to the Palestinian people. The medical supplies will be delivered by Qatar.⁶
- vii. **January 13, 2024: Taiwan’s president William Lai secured third term for presidency** after the democratic elections in Taiwan. These election results not only angered China but also resulted in cut off alliance from Nauru, the Taiwan’s last diplomatic-ally.⁷
- viii. **January 12, 2024: UK’s 2.5 billion pounds for Ukraine’s military:** During his visit to Kyiv. UK Prime Minister Rishi Sunak offered 2.5 bn pound for Ukraine military support while Ukraine also signed an “Agreement on Security Co-operation Between the United

⁴ Amnesty International Report, India: not death, see at: <https://www.amnesty.org/en/latest/news/2024/02/india-the-price-of-protest-must-not-be-death/> accessed on 28th Feb. 2024

⁵ “Pakistan election 2024: What challenges will the new government face?”, *Reuters*, February 08, 2024. See at: <https://www.reuters.com/world/asia-pacific/multiple-challenges-face-winner-pakistans-upcoming-general-election-2024-02-06/>

⁶ Tara John and Eyad Kourdi, “Israel and Hamas have agreed deal on medicine for hostages, aid to Gaza, Qatar says”, *CNN*, January 17, 2024. See at: <https://edition.cnn.com/2024/01/16/middleeast/gaza-hostages-medicine-deal-qatar-intl/index.html>

⁷ Kelly NG, “Nauru cuts diplomatic ties with Taiwan in favour of China”, *BBC*, January 15, 2024. See at: <https://www.bbc.com/news/world-asia-67978185>

Kingdom of Great Britain & Northern Ireland and Ukraine” for assistance in the ongoing Russian strikes on Ukraine.⁸

✂ **January 12, 2024: Dutch Court halts Jet deal:** Dutch Appeal Court ordered to halt the process of export of the F-35 Fighter jet parts to Israel, over the concerns that those parts are being used against the humanitarian grounds.⁹

✂ **January 07, 2024: Sheikh Hasina of ruling Awami League was re-elected for 5th term as the Prime Minister.** The voting turn-out was 40% after the opposition party called for general strike and calling the election “Sham Elections”. The Bangladesh Election Commission announced that she won around 75% of the seats.¹⁰

✂ **January 06, 2024: Russia continued attack on Ukraine.** Russian forces attacked the Ukrainian Donetsk area with the S-300 missile on the January 06, 2024. The attack killed 11 people in Ukraine, including 5 children.¹¹

✂ **January 01, 2024: Israeli Supreme Court rejected the proposed judicial reform** for limiting the judicial power to overturn invalid laws. This reform had created massive public outrage in Israel last year, demanding Prime Minister Netanyahu’s resignation.¹²

⁸ Luke Harding and Jamie Grierson, “Rishi Sunak pledges £2.5bn in military aid to Ukraine during Kyiv visit”, *The Guardian*, January 12, 2024. See at: <https://www.theguardian.com/world/2024/jan/12/rishi-sunak-to-visit-kyiv-after-announcing-rise-in-uk-military-aid-to-ukraine>

⁹ Stephanie van den Berg, “Dutch court orders halt to export of F-35 jet parts to Israel”, Reuters, February 12, 2024. See at: <https://www.reuters.com/business/aerospace-defense/dutch-court-orders-halt-export-f-35-jet-parts-israel-2024-02-12/>

¹⁰ Hannah Ellis-Petersen and Redwan Ahmed, “Hasina wins fifth term as Bangladesh PM after opposition boycotts vote”, *The Guardian*, January 08, 2024. See at: <https://www.theguardian.com/world/2024/jan/07/bangladeshs-prime-minister-sheikh-hasina-wins-fifth-term>

¹¹ Olga Voitovych, “11 killed including 5 children in Russian strikes on eastern Ukrainian town”, *CNN*, January 06, 2024. See at: <https://edition.cnn.com/2024/01/06/europe/russian-strikes-donetsk-eastern-ukraine-intl/index.html>

¹² “Israel's top court rejects key part of Netanyahu's reforms”, *DW News*, January 01, 2024. See at: <https://www.dw.com/en/israels-top-court-rejects-key-part-of-netanyahus-reforms/a-67870652#:~:text=Israel's%20Supreme%20Court%20on%day,decisions%20they%20deem%20%22unreasonable.%22>

ANALYSIS

Palestinian case at the International Court of Justice (ICJ)

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The International Court of Justice has become the theater of legal battle between Palestine and Israel. The cases of genocide prevention and legality of Israeli occupation have turned all eyes towards the ICJ, especially for those weary of UNSC stagnancy over the conflict despite repeated attempts to order immediate ceasefire in the wake of Israeli genocidal campaign in the besieged enclave of Gaza. While the ICJ was preparing to conduct public hearing on the request of the UN General Assembly on the question of the legality of Israeli occupation of Palestinian territories, the Republic of South Africa filed an international legal suit at the International Court of Justice against Israel on 29 December 2023 invoking the Genocide Convention 1948 with regard to its conduct in the occupied Palestinian territories. This paper provides an overview of these cases pending at the International Court of Justice and seeks to assess their potential impact on the conflict.

1. Prevention of Genocide in Gaza

South Africa requested the Court to adjudge that Israel is guilty of genocide in the Palestinian territories under Article I together with Article II, Article III(a), III(b), III(c), III(d), III(e), Article IV, Article V, and Article VI. The Zionist regime must immediately stop its actions in the Palestinian territories tantamount to the genocidal acts as listed in the Genocide Convention and those responsible for committing this crime be penalized at a national or international tribunal. Israel is also asked to preserve evidence of genocidal acts committed against Palestinians in Gaza, such as the members of the group internally displaced in the besieged enclave. South Africa also asked the Zionist regime to fulfill its responsibilities with regard to reparations such the return of displaced persons, respect of their human rights, as well as reconstruction to reverse the destruction it has caused in Gaza. Israel must give reassurances of non-repetition of the ongoing genocide in Gaza. South Africa also requested the Court to issue nine (09) provisional measures ordering Israel to immediately halt its military operations in Gaza, prevent genocide, abstain from committing such acts enlisted in Article II of the Genocide Convention, ensure unhindered access to humanitarian assistance, safeguard the evidence concerning acts of genocide as per Article II of the Genocide Convention, submit report to the Court with regards to implementation of Court order within one week and later on periodically till the conclusion of the case, and abstain from committing any action which complicates the conflict or hinders its resolution. During the oral proceedings held at the Court on 11 and 12 January 2024, South Africa submitted its nine provisional measures, and Israel requested the Court to denounce the provisional measures and remove the case from the ICJ list of its cases.

1.1. Genocide: the crime of crimes

The UN General Assembly resolution 96(I) adopted on 11 December 1946, defines genocide as the “denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings.”¹ The resolution was crafted in the backdrop of the Nuremberg Tribunals

¹ United Nations General Assembly resolution 96(I), dated 11 December 1946.

set up against the perpetrators of the Holocaust committed during the Second World War. The resolution called Member States to come up with a legal instrument for the suppression of this heinous crime. Consequently, General Assembly resolution 260 A (III) of December 1948 introduced the CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE. The Convention entered into force on 12 January 1951. Article II of the Convention defines genocide as follows:

*“Genocide means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; (e) forcibly transferring children of the group to another group.”*²

Furthermore, Article III enlists five acts as punishable under this Convention, namely; (a) “Genocide;” (b) “Conspiracy to commit genocide;” (c) “Direct and public incitement to commit genocide;” (d) “Attempt to commit genocide;” and (e) “Complicity in genocide.”³ Prevention of genocide retains the character of peremptory norm or *jus cogens* under the international law, which means that it is mandatory and universal in its application. South Africa has highlighted this norm in its application to make a strong case against the Zionist regime.

The South African case of genocide against Israel with regard to Palestinians is the fifth such instance where the Genocide Convention has been invoked at the world Court. The first instance happened in 1993 when Bosnia Herzegovina invoked genocide proceedings against Serbia and Montenegro of the Federal Republic of Yugoslavia. In its judgment issued on 26 February 2007, the Court admitted the charge of genocide for the July 1995 Srebrenica massacre.⁴ Similarly, Croatia brought the charge of genocide against the Federal Republic of Yugoslavia on 2 July 1999. In response Yugoslavia filed complaint against Croatia for committing genocide against its citizens. However, in its judgment issued in 2015 the Court rejected the charge of genocide against both parties.⁵ Most interesting case emerged at the court in 2019 when Gambia initiated genocide proceedings against Myanmar towards the Rohingya community. The case was admitted at the ICJ despite the fact that as such Gambia was not a direct party to the conflict.⁶

The case of Ukraine vs Russian Federation at the International Court is quite different. Ukraine approached the ICJ on 26 February 2022 in which the country has denied the genocide charge Russia has raised against Ukraine in the disputed territories of Donetsk and Luhansk. Russia launched special military operation in Ukraine on 24 February 2024 on the basis of alleged genocide in the disputed territories. In its application at the ICJ, Ukraine denied the allegations of genocide on one hand and asked the Court to issue provisional measures seeking relief from Russian military intervention on the other hand. Russian Federation maintained that the Court lacked jurisdiction over the issue, requested not to order provisional measures, and asked the Court to remove the case from ICJ registry. On 16 March the ICJ released interim order which accepted the Court’s jurisdiction over the issue and enlisted three provisional measures. One, Russia immediately halt its military operation in Ukraine; two, Russia ensure that no non-state

² Article II, Convention on the Prevention and Punishment of the Crime of Genocide.

³ Article III, Convention on the Prevention and Punishment of the Crime of Genocide.

⁴ For details see: International Court of Justice, “Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), available at: <https://www.icj-cij.org/case/91>.

⁵ ICJ, “Application of the Convention on the Prevention and punishment of the Crime of Genocide (Croatia vs. Serbia),” <https://www.icj-cij.org/case/118>.

⁶ Hope O’ Dell, “South Africa’s case against Israel is the fifth time UN genocide law has been used this way,” 17 January 2024, <https://globalaffairs.org/bluemarket/south-africa-ICJ-case-israel-UN-genocide-law>.

armed entity under its control participates in the military operations; and three, both parties abstain from further extending the conflict through their action.⁷

1.2. The South African position

An interesting aspect of the genocide case at the ICJ is that the initiator of this case is located thousands of miles away from the conflict zone, and is not directly a party to the conflict. Then the question arises as to what prompted the African state to take such a bold step? The oral statement of the South African delegate during the Public Hearing pertaining to the advisory opinion on the question of the legality of Israeli occupation of Palestinian, answers to some extent this question. The African delegate stated:

“The Palestinian cause is one which resonated strongly with the people of South Africa. That is because the Palestinian struggle evokes mournful memories of our own struggle against apartheid, segregation and oppression. Ours is an experience aptly referred to, by the United Nations Security Council in 1980, as ‘a crime against the conscience and dignity of mankind’ and as being ‘incompatible with the rights and dignity of man.’

It is not without a measure of irony that one notes that this painful experience of our past has enabled South Africa to make a significant contribution to the development of international law on apartheid. From this experience a universal legal prohibition of its practice emerged in the form of a peremptory norm and an international crime. The norm against apartheid has become one of the ‘most cited norms of *jus cogens*.’

We as South Africans sense, see, hear and feel to our core the inhumane discriminatory policies and practices of the Israeli regime as an even more extreme form of the apartheid that was institutionalized against black people in my country, coincidentally, from the year 1948 – and which lasted until 1994.”⁸

The South African Minister of Foreign Affairs has highlighted that she has been receiving threats from Israeli intelligence agencies for pursuing this case. Even the family of the Honorable Minister has been threatened. Also South Africa has been sensing efforts by international intelligence agencies to destabilize the country in the wake of the genocide case.⁹ Despite all the challenges South Africa will have to face in the future, especially from the Zionist lobbies, the bold step it has taken has elevated its international stature on one hand and revived the national spirit which broke the shackles of apartheid under the leadership of Nelson Mandela, on the other hand. However, the slow pace of deliberations at the International Court of Justice which may take months or even years will test the resolve of the South African nation to follow the case with full vigor.

1.3. The interim order

The International Court of Justice issued order on the request for provisional measures on 26 January 2024. The panel comprised of: President Joan E. Donoghue (United States of America); Vice President Kirill Gevorgian (Russian Federation); Judges Peter Tomka (Slovakia), Ronny Abraham (France), Mohamed Bennouna (Morocco), Abdulqawi Ahmed Yusuf (Somalia), Xue

⁷ International Court of Justice, “Allegations of genocide under the Convention on the Prevention and Punishment of the crime of Genocide,” *Order on the Request for the indication of provisional measures*, 16 March 2022.

⁸ ICJ, “Public Sitting held on 20 February 2024.”

⁹ Hassan Isilow, “South Africa’s foreign minister seeks extra security due to the threats after Israel genocide case,” 09 February 2024, <https://www.aa.com.tr/en/africa/south-africa-s-foreign-minister-seeks-extra-security-due-to-threats-after-israel-genocide-case/3132646#>; and “Israeli spies threatening my family – South African FM,” 09 February 2024, <https://www.rt.com/africa/592176-south-african-minister-israeli-spies-threat-claims/>.

Hanqin (China), Dalveer Bhandari (India), Patrick Lipton Robinson (Jamaica), Nawaf Salam (Lebanon), Iwasawa Yuji (Japan), Georg Nolte (Germany), Hilary Charlesworth (Australia), Leonardo Nemer Caldeira Brant (Brazil); *Judges ad hoc* – Dikgang Ernest Moseneke (South Africa), and Aharon Barak (Israel).¹⁰ At the outset, with regards to prima facie jurisdiction the Court inferred that it retains the jurisdiction over the case in accordance with Article IX of the Genocide Convention. It states:

“Disputes between the Contracting Parties to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.”

The Court utilized the same Article IX of the Genocide Convention to accept the South African standing in this case in lieu of the fact that it is not directly involved in this conflict. Since the article quoted above states that any party to the Convention can invoke judicial proceedings against any other state involved in genocidal acts, South Africa retains solid grounds to initiate genocide proceedings against Israel. The Court also observed the earlier precedent of *Gambia vs. Myanmar* in the case of *Application of the Convention on the Prevention and Punishment of the Crime of Genocide*. In this case, Gambia’s request to initiate genocide case against Myanmar was accepted by the International Court of Justice on the basis of Article IX of the Convention on Genocide, though Gambia is not a direct party to the conflict.¹¹ Earlier in its application, South Africa had highlighted that both South Africa and Israel and members of the United Nations, therefore unable to circumvent the Statutes of the International Court of Justice. Moreover, both states are parties to the Convention on Genocide. While the Convention entered into force on 12 January 1951, Israel signed it on 17 August 1949 and ratified the same on 09 March 1950. South Africa deposited its instrument of accession to the Convention on 10 December 1998 few years after gaining independence from the apartheid regime. And neither party expressed any reservation with regards to Article IX.

In its response to the South African application, Israel had maintained that the reference to the Genocide Convention in this case is inappropriate as it relates more to the international humanitarian law. The Zionist regime contends that civilian casualties are caused incidentally during an urban warfare and do not come under the ambit of genocide. In a clear victory for South Africa and Palestinians, the ICJ ruling has rejected this contention and accepted the plausibility of genocidal intent in this case. For that matter, the Court relied on the statements of Israeli leaders inciting perpetration of genocidal acts in Gaza. For instance, on 10 October 2023 Defense Minister of Israel, Yoav Gallant, said that *“...you are fighting human animals ...we will eliminate everything...”* Three days later, Minister of Energy and Infrastructure, Israel Katz, stated *“... they will not receive a drop of water or a single battery until they leave the world.”* With regards to Palestinians, the Court order acknowledged their identity as a distinct group and that they are protected under the Convention on Genocide. The Court also noted deteriorating humanitarian situation in Gaza and referred to several UN reports and statements of senior UN officials in this regard.

Noting that the “catastrophic humanitarian situation in the Gaza Strip is at serious risk of deteriorating further before the Court renders its final judgment,”¹² the Court ordered six (06) provisional measures enlisted in the table below along with the pattern of voting. The Court also emphasized the application of international humanitarian laws on all parties and expressed serious

¹⁰ Since the panel of current judges did not include judge of either party to the conflict, each party nominated single ad hoc judge to sit in the case as per their right under Article 31 of the Statute of the ICJ.

¹¹ International Court of Justice, “Allegations of genocide under the Convention on the Prevention and Punishment of the crime of Genocide,” *Order on the Request for the indication of provisional measures*, 16 March 2022.

¹² Paragraph 72 of the ICJ Order dated 26 January 2024.

concern over the fate of Israeli hostages taken on 07 October 2023, and demanded their immediate and unconditional release. The provisional measures, though criticized initially for the lack of explicit order for immediate ceasefire in Gaza, has on the whole been hailed as a victory for South Africa and Palestinians.

Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)

ORDER – Request for the indication of provisional measures, 26 January 2024

Provisional measures		Votes	
		<i>In Favor</i>	<i>Against</i>
1	<p>“The State of Israel shall, in accordance with its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide, in relation to the Palestinians in Gaza, take all measures within its power to prevent the commission of all acts within the scope of Article II of this Convention, in particular:</p> <p>(a) Killing members of the group;</p> <p>(b) Causing serious bodily or mental harm to members of the group;</p> <p>(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; and</p> <p>(d) Imposing measures intended to prevent births with the group.”</p>	<p>President Donoghue; Vice President Gevorgian; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth, Brant; Judge ad hoc Moseneke</p>	<p>Judge Sebutinde;¹³ Judge ad hoc Barak</p>
2	<p>“The State of Israel shall ensure with immediate effect that its military does not commit any acts described in point 1 above.”</p>	<p>President Donoghue; Vice President Gevorgian; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth, Brant; Judge ad hoc Moseneke</p>	<p>Judge Sebutinde; Judge ad hoc Barak</p>
3	<p>“The State of Israel shall take all measures within its power to prevent and punish the direct and public incitement to commit genocide in relation to members of the Palestinian group in the Gaza Strip.”</p>	<p>President Donoghue; Vice President Gevorgian; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth, Brant; Judges ad hoc Barak, Moseneke</p>	<p>Judge Sebutinde</p>
4	<p>“The State of Israel shall take immediate and effective measures to enable the provision of</p>	<p>President Donoghue; Vice President</p>	<p>Judge Sebutinde</p>

¹³ Judge Julia Sebutinde is a Uganda national, however the Republic of Uganda has clearly disowned the stance taken by her and severely condemned the ongoing Israeli genocidal military campaign in the Gaza as well as the West Bank. In this regard Uganda has reaffirmed its commitment towards the Political Declaration on Palestine adopted at the recently concluded 19th NAM Summit.

	urgently needed basic services and humanitarian assistance to address the adverse conditions of life faced by Palestinians in the Gaza Strip.”	Gevorgian; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth, Brant; Judges ad hoc Barak, Moseneke	
5	“The State of Israel shall take effective measures to prevent the destruction and ensure the preservation of evidence related to allegations of acts within the scope of article II and Article III of the Convention on the Prevention and Punishment of the Crime of Genocide against members of the Palestinian group in the Gaza Strip.”	President Donoghue; Vice President Gevorgian; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth, Brant; Judge ad hoc Moseneke	Judge Sebutinde; Judge ad hoc Barak
6	“The State of Israel shall submit a report to the Court on all measures taken to give effect to this Order within one month as from the date of this Order.”	President Donoghue; Vice President Gevorgian; Judges Tomka, Abraham, Bennouna, Yusuf, Xue, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth, Brant; Judge ad hoc Moseneke	Judge Sebutinde; Judge ad hoc Barak

2. Advisory Opinion on the legality of Israeli Occupation

Few weeks following the ICJ order on the request for the indication of provisional measures in the Genocide initiated by the South Africa, during 19-26 February 2024 the International Court of Justice held public hearings in the advisory opinion, on *Legal consequences arising from the policies and practices of Israel in the occupied Palestinian territory, including East Jerusalem*, requested by the United Nations General Assembly on 30 December 2022 through its resolution 77/247. The resolution requests advisory opinion on following two questions:

“(a) What are the legal consequences arising from the ongoing violation by Israel of the right of the Palestinian people to self-determination, from its prolonged occupation, settlement and annexation of the Palestinian territory occupied since 1967, including measures aimed at altering the demographic composition, character and status of the Holy City of Jerusalem, and from its adoption of related discriminatory legislation and measures?”

“(b) How do the policies and practices of Israel referred to in paragraph 18(a) above affect the legal status of the occupation, and what are the legal consequences that arise for all States and the United Nations from this status?”¹⁴

This is the second instance where the UN General Assembly has approached the ICJ in the Palestinian question. The General Assembly, through its resolution ES-10/14 adopted on 08 December 2003 at the Tenth Emergency Session, requested the ICJ to issue advisory opinion on the *Legal consequences of the construction of a wall in the Occupied Palestinian Territory*. The Court issued the advisory opinion on 04 July 2004 declaring that the Israel’s construction of wall in the

¹⁴ UNGA resolution 77/247, adopted on 30 December 2022.

Occupied Palestinian Territories, including in and around East Jerusalem constitutes violation of the international law.

The ongoing Israeli military onslaught in Gaza erupted at the time when the deadline (i.e. 25 October 2023) to submit written comments on the written statements made earlier by other States and intergovernmental organizations, with regards to the advisory opinion on *Legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, had not yet expired.¹⁵ Through its Press Release No.2023/55, issued on 23 October 2023, the ICJ decided to open Public Hearings on the subject matter on 19 February 2024. The Public Hearings were held at the time when on one hand the Court had already issued provisional measures in the genocide case initiated by South Africa, and on the other hand the situation in Gaza had deteriorated to the level that the death toll since the eruption of war in October 2023, was nearing 30,000 people majority among them women and children. Moreover, the humanitarian agencies were consistently warning of worsening situation due to blockade of humanitarian assistance and fast depleting medical facilities due to the Israeli onslaught. During the Public Hearing held during 19-26 February 2024, following countries and IGOs presented their stance: Palestine, South Africa, Algeria, Saudi Arabia, the Kingdom of the Netherlands, Bangladesh, Belgium, Belize, Bolivia, Brazil, Chile, Colombia, Cuba, Egypt, the United Arab Emirates, the United States of America, the Russian Federation, France, The Gambia, Guyana, Hungary, China, the Islamic Republic of Iran, Iraq, Ireland, Japan, Jordan, Kuwait, Lebanon, Libya, Luxembourg, Malaysia, Mauritius, Namibia, Oman, Pakistan, Indonesia, Qatar, the United Kingdom, Slovenia, Sudan, Switzerland, the Syrian Arab Republic, Tunisia, Turkiye, Zambia, the League of Arab States the Organization of Islamic Cooperation, the, African Union, Spain, Fiji, and the Maldives. With the exception of US and UK almost all of them denounced Israeli occupation of Palestinian territories.

3. Conclusion

The initiation of the Palestinian cases at the ICJ has brought into greater lime light the prime judicial organ of the United Nations. In the wake of the ongoing impasse with regard to ordering ceasefire in Gaza amid Israeli military operation, states are turning more towards other avenues to protect Palestinians from Israeli brutality. The International Court of Justice probably provides a useful platform for this purpose. While the diplomatic and political significance of both the cases discussed in this paper pending in the ICJ cannot be underestimated, in terms of legal worth the South African case is built on more sound basis for the fact that the prohibition of genocide is a peremptory norm of the international law, meaning that it is binding and universal. Though the case initiated by the General Assembly is all the more important, fact of the matter is that it is an advisory opinion and will have the effect of mere recommendatory nature. Both the cases may take months or even years to conclude, the legal, diplomatic and political fallout of these cases has already becoming visible. For instance the Japanese defense firm Itochu Aviation has ceased strategic cooperation agreement with Elbit Systems, the Israeli military tech company, citing the ICJ provisional measures issued on 26 January 2024.¹⁶ Moreover, the submission of written and oral statements from a large number of states and IGOs in the case of the legality of Israeli occupation of Palestinian territories points to the broadening scope of the conflict across the globe.

¹⁵ ICJ, "Legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem," *Request for Advisory Opinion – Order*, 03 February 2023.

¹⁶ "Japanese firm ends pact with Israeli military company after ICJ ruling," *Anadolu Agency*, 06 February 2024, <https://www.dailysabah.com/business/defense/japanese-firm-ends-pact-with-israeli-military-company-after-icj-ruling>.

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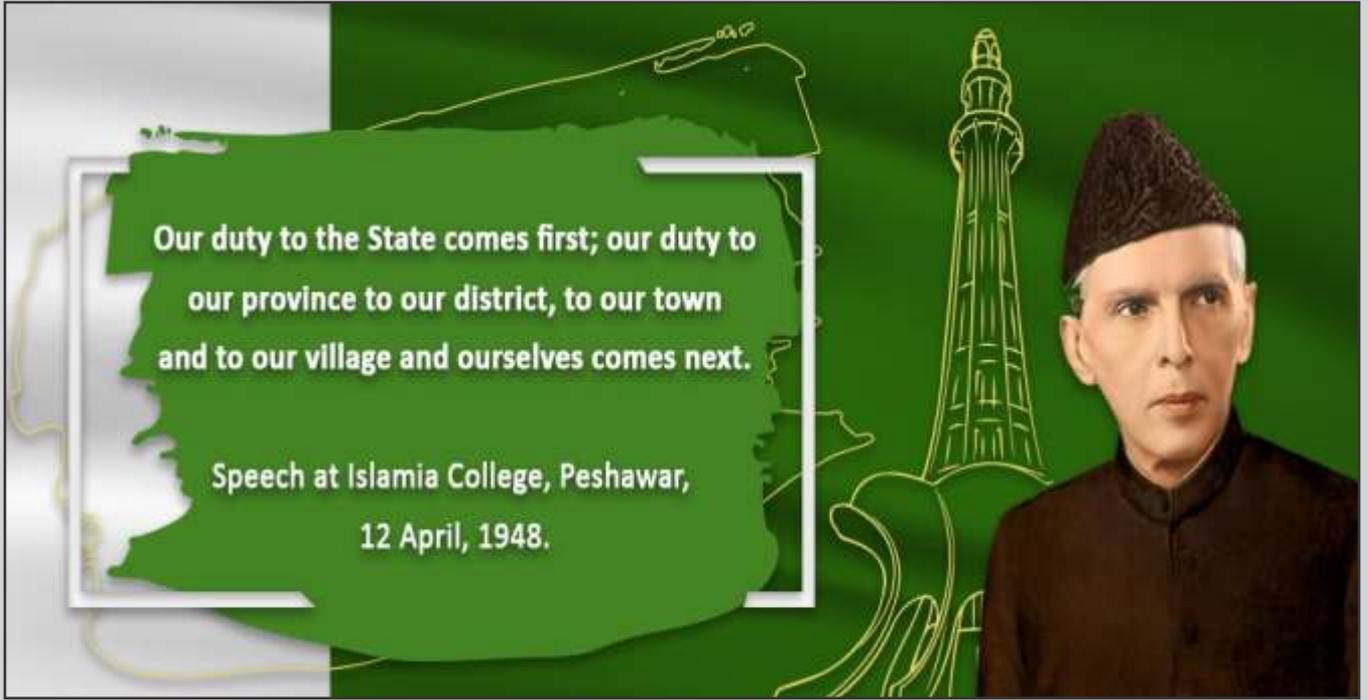
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- v. In 2022-23, PIPS recognized amongst Top Ranking Global Parliamentary Research Institutes (Nov., 22) UK Parliament Global Mapping of Parliamentary Mechanisms providing academic research to MPs has recognized PIPS in Top Tier of 73 parliamentary research mechanisms out of 173 similar institutions based on last five years of research services (2017-17 to 2021-22) amongst 192 IPU jurisdictions.
- vi. In March 2016, PIPS was recognized as Centre of excellence in Parliamentary Research in International Meet of Parliamentary Research from 12 countries held in Amman, Jordan, by the Westminster Foundation for Democracy (WFD) Mena Region.
- vii. As envisioned by PIPS Board of Governors, Institute has held outreach sessions on Constitution, Parliament and Nation-Building with over 11,000 college and university youth from all over Pakistan since 2014.
- viii. Seventy (70) books published for Members of Parliament, functionaries as well as civil society since 2010, disseminated amongst over 25,800 participants attending PIPS seminars, trainings, national and international conferences.
- ix. Five Parliamentary Resource Centres (PRCs) set up at Islamabad and four provincial assemblies of Balochistan, Khyber Pakhtunkhwa and Punjab and Sindh; Since Dec., 2016, Research and legislative services extended to MPAs from Balochistan, Khyber Pakhtunkhwa and Punjab through its PRCs.
- x. PIPS repository of all laws has laws enforced in Pakistan from 1812 till date including over 700 federal laws and over 2700 provincial (state) laws.
- xi. Published in 2017 and 2022 two editions of Databook on Sustainable Development Goals: Challenges for Pakistan - quoted as an authoritative data collection at Voluntary National Report at the United Nations.
- xii. Nine Annual Flagship National Parliamentary Development Courses (NPDC) of six weeks duration for officers working at the National Assembly, Senate and four provincial legislatures completed in 2022.
- xiii. As envisioned by the National Assembly of Pakistan, PIPS has been instrumental (2014-15 till date) in introducing Parliamentary Studies courses in 20 universities nation-wide including two universities offering full-fledged degree in BS Political Science and Parliamentary Studies. Books published by PIPS taught as curriculum.
- xiv. 23 Parliamentary hearings since inception for various Standing Committees.
- xv. In 2020-21, the Parliament of Pakistan amendment PIPS Act 2008 to add training of government institutions on working of Parliament within the mandated functions of the Institute. PIPS ran long training of 74 freshly inducted officers of the Election Commission of Pakistan (ECP) in three batches.



Our duty to the State comes first; our duty to
our province to our district, to our town
and to our village and ourselves comes next.

Speech at Islamia College, Peshawar,
12 April, 1948.



PAKISTAN INSTITUTE FOR PARLIAMENTARY SERVICES
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