



KASHMIR ISSUE AND JURISDICTION OF INTERNATIONAL COURT OF JUSTICE

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Abstract

Since India has revoked special status of Jammu and Kashmir after amendment of Article 370 of the Constitution of India, the Kashmir conflict has taken on a new dimension. Pakistan, which views itself as a party to the Kashmir dispute, has been exploring its diplomatic and legal options. This article delves into the Kashmir issue after the abrogation of Article 370 with special context to Article 35 A of Indian Constitution alongwith the detail discussion on the jurisdiction of the International Court of Justice (ICJ). The ICJ is the most authoritative court for interpreting general rules of international law, though its jurisdiction is limited. Nevertheless, it has addressed numerous significant disputes among states. With a Hindu monarch in charge and a predominantly Muslim population, the Kashmir issue remains a source of contention between Pakistan and India, impacting the peace and stability of South Asia. Given its proximity to both Pakistan and India, the State of Kashmir presents a unique challenge. This paper will closely examine the situation following the revocation of Article 370 on August 5, 2019, by India. A substantial portion of public discourse argues for protesting before International Court of Justice (ICJ) due to the infringement of UN Security Council resolutions and international law by taking the matter there, the worlds' highest court. This research will thoroughly explore the



options available to Pakistan under international law in reply to India's violation of the law. These political pressures have intensified due to the Indian government's actions in Kashmir over the past few years.

Key Words: Kashmir, International Court of Justice , Article 370, dispute Jurisdiction

Introduction

The International Court of Justice (herein after referred to as “ICJ”) is the oldest and currently active international court. As the 'World Court', it connects the current practice of international judgement with its past ideas and the way it is organized. The seven decades of occupation in Kashmir were fruitless and provided little opportunity for India to win the hearts and minds of the general public of Indian-occupied Jammu and Kashmir. The people of occupied Jammu and Kashmir even after 75 years of occupation, do not recognise either the Indian constitution nor the annexation that India unilaterally and unlawfully carried out on August 5, 2019. Instead, with renewed strength and zest, they defended their fundamental right to self-determination. Towards a peaceful resolution of the Kashmir issue through political and legal methods, this research focuses on determining the extent and jurisdiction of international law with ICJ.

The ICJ is the highest court for interpreting international laws. Other courts often use its decisions as references. Moreover, even though it only has authority over certain matters, the Court has resolved many important disputes between countries and given advice that has had a big impact on how international law has grown and changed in different areas. The ICJ is the highest court for interpreting international laws. Other courts often use its decisions as references. Moreover, even though it only has authority over certain matters, the Court has resolved many important disputes between countries and given advice that has had a big impact on how international law has grown and changed in different areas. As the 'World Court', it connects the current practice of international judgement with its past ideas and the way it is organized. There has been fighting in Kashmir for the past 75 years that has stopped any efforts to resolve the conflict (Hussain, 1998). In August 2019, India canceled the special self-governing rights of the area of Kashmir that it controls. Pakistan responded to the decision and planned to go to the ICJ to report India's wrongdoing towards human rights in Kashmir. Both countries claim the entire region of Kashmir but have control over only some parts. Kashmir has been a place of occasional fighting for many years (Mustufa, 1972). This paper will examine a disagreement between two countries and whether the ICJ has the power to decide on it.

Kashmir, a valley of 85,806 square kilometers flanked by the snowy Himalayas along with the Karakoram mountain range, is a disputed territory linking India, Pakistan and China. Kashmir is a Himalayan region disputed by India and Pakistan. Each country controls a part of the region, and the side administered by India - Jammu and Kashmir - used to have a special status. Whole Kashmir is claimed by both India and Pakistan, but each administers only a part of it (Hassan, 1999). Regarding



the Kashmir dispute, a representative by United Kingdom, Noel Baker declared in the Security Council in 1948 that "it is the single biggest and most important question in international relations" (Historian, 1948). The Kashmir dispute has been discussed at the UN more than 113 times since 1948; Official negotiations between India and Pakistan have taken place more than 100 times; once between Russia, India and Pakistan; again between India and Pakistan in Simla and countless times.

There was conflict due to Kashmir between Pakistan and India in 1948, with two major conflicts in 1965 and 1971, and numerous border conflicts. The UN found a resolution to this disagreement, and the parties accepted it, which makes it special. i.e., Pakistan and India. The UN's lackadaisical approach to putting the answer into practise is the only challenge. (Khan,2007) Undoubtedly, the issue raises certain crucial legal issues, which are covered below:

According to the agreement reached by the three parties for creating new state, including the British, the Muslim League, and the Congress at the time of partition, the contiguous areas with a Muslim majority would create Pakistan, and the contiguous territories with a Hindu majority would form Bharat. The Princely States officially did not fall under the Indian Independence Act of 1947. But it was agreed that the leaders of these governments would make decisions about the future of their particular territories in collaboration with their citizens, taking into account the geographic constraints of those regions (Memorandum, 1946).

The Kashmiri ruler asked both India and Pakistan consensus the agreement with Kashmir in order to give himself some time to decide (Ahmed,1990). The "Standstill Agreement" was swiftly signed by Pakistan, but India wished to engage in talks to obtain certain "clarifications". The majority of the population was Muslim, and the Hindu ruler leaned towards India while Pakistan was the country's natural neighbor (Hussain, 1993). India acknowledged this majority at the Security Council's 27th meeting on January 15, 1948. Due to the Ruler's favourable perception of India, racial unrest started in July 1947 and intensified to the point where the Ruler was forced to flee the Capital of Srinagar in the dark and seek sanctuary in Jammu, where the majority of the population was Hindu. A "ceasefire line" that separated Indian and Pakistani land was established by the Muslims with the assistance of their Muslim brethren from Rajasthan. The line passed right across Kashmir. Despite the establishment of this line, today known as the "Line of Control" two additional battles over Kashmir erupted in 1965 and 1999. An estimated 20,000 people died in these three wars (Lamb, 1997). Pakistan established the "Azad Government" and developed it in part in order to capture control of a major area of Kashmir.

The Kashmiri ruler requested military assistance from India in order to put an end to the rebels. Instead of offering assistance, India wanted and was granted admittance to the (so-called) State on October 27, 1947. It should be recalled that the Governor General of India's letter, dated October 27, 1947, (Millar,1967) allowed the accession only on the condition that the Kashmiri people would be considered in making the ultimate decision (Birdwood, 2005).



Participation of the UN On January 1, 1948, A complained was made to the U.N. Security Council by the India that Pakistani forces were engaged in combat in Kashmir. It is suggested by the Security Council that the creation of the United Nations Commission for India and Pakistan (UNCIP) in April 21, 1948, which would visit the area of contention right away and report back with its findings to the Security Council. The UNCIP enacted two resolutions on August 13, 1948, and January 5, 1949, following extensive investigations. The latter resolution starts off like this "Having received messages dated 23 and 25 December 1948 from the governments of India and Pakistan, respectively, indicating their agreement of the following principles that are an addition to the Commission's resolution of 13 August 1948, in which it is suggested that Jammu and Kashmir will either join India or Pakistan, and the decision will be made through a fair and impartial plebiscite., in accordance with democratic principles. After the UNCIP established the cease-fire line, both sections of Kashmir gained legal autonomy and, were forced to hold a referendum before joining either of the two countries. After 1957, there were numerous attempts to tackle this problem, but none of them were successful (Chattha,NA).

On August 5, 2019, the Union Government, by a Presidential Order, abrogated the special status that had been accorded to Jammu and Kashmir under Article 370, making the full Indian Constitution applicable to the state. This suggested that Article 35A was no longer in effect. The constitutional clause that granted Kashmir, which is administered by India, its unique status was repealed. The region is presently divided into two union territories that are governed by Delhi after being reduced from a federal state.

Kashmir won't have a separate constitution anymore; instead, it would be subject to the Indian constitution, just like all other states. When former princely states gained independence from British rule in 1947, they had the option of joining either India or Pakistan. Jammu and Kashmir chose to join India on the basis of Article 370. According to the 1949-enacted article, the state of Jammu and Kashmir is exempt from the Indian Constitution. It allows the Indian-administrated zone to adopt its own laws in all other areas, with the exception of finance, defence, foreign affairs, and communications.

It created a separate government and flag and forbade outsiders from owning property there. In terms of issues like citizenship and property ownership, this means that state inhabitants are subject to laws that are distinct from those that apply to the rest of the nation.

It is unlawful to repeal Article 370 of the Indian Constitution. Only with the consent of the "state government" may Article 370 be changed, according to the constitution of the Jammu and Kashmir.

This occurred after India abrogated constitutional protections for the Kashmir area, including its flimsy autonomy and commission of widespread human rights violations, bringing Pakistan and India to the brink of all-out war. Despite this, Pakistan never brought the Kashmiri case before the International Court of Justice (ICJ) for unclear reasons, and according to international legal



philosophy, neither the Kashmiris nor the ICJ itself has any suo motu authority.

Where does this leave Kashmir in the context of the grand charters and agreements of international law? After 5 August 2019, Pakistan has officially said that it intends to file a case with the International Court of Justice (ICJ) on Kashmir in response to this egregious breach. I don't want to employ legalese in the discussion below about whether the ICJ has jurisdiction over Kashmir or not. I'd merely like to highlight a few straightforward doctrines in clear, understandable terms. As per Article 93 of the UN charter that all UN members are parties to the "Statutes of the ICJ". Furthermore, Article 36 (1) of the statutes of the ICJ states that it has jurisdiction on all the matter which is referred by the parties that are provided in the charter of the united nations or treaties and conventions in force.

"It is evident that no case automatically falls under the jurisdiction of the ICJ or is required to be within its jurisdiction. The statute clearly outlines the circumstances under which the ICJ may exercise jurisdiction:

- (i) Parties may refer all the matter as per Article 36 (1) that are related to United Nations Charter, current treaties and conventions that parties refer to it.
- (ii) In cases where a pre-UN treaty calls for the Permanent Court of International Justice (PCIJ) or a tribunal established by the League of Nations to be consulted, the reference will be made to the ICJ, as per Article 37, among the parties to the current statute.
- (iii) Furthermore the ICJ can provide advisory opinions on any legal question at the request of a body authorized under the UN Charter [Article 65].
- (iv) In instances where states have accepted the ICJ's jurisdiction as mandatory ipso facto and without a special agreement [Article 36(2)], the ICJ will be referred to as the court of choice between the parties to the current statute, succeeding its 'predecessor' court."

An explanation is needed for the final category. According to the current statute, "the states parties may at any time declare that they recognise the jurisdiction of the court in all legal disputes involving: (a) the interpretation of a treaty; (b) any question of international law; (c) the existence of any fact which, if established, would constitute a breach of an international obligation; (d) the nature or extent of any fact which, if established, would constitute an international obligation;"

Article 36(5) of the PCIJ Statute permits the continuation of declarations made in line with the earlier Article 36 that are still in force for the ICJ's compulsory jurisdiction. It was anticipated that the declarations under Article 36(2) would form the core of much of the ICJ's activity. Such declarations have to be given to the UN secretary general, who "shall transmit copies thereof to the parties to the statute and to the registrar of the court" [Article 36(4)].

Additionally, Article 36(6) addresses the ICJ's authority to resolve jurisdictional disputes. Furthermore according to Article 36(2) of the statute, as many as 73 UN members nations have



consented to the ICJ's exclusive jurisdiction. Under Article 36, declarations admitting the ICJ's mandatory ipso facto jurisdiction have been submitted by both India and Pakistan. India's earlier declaration from September 14, 1959 was replaced with one dated September 15, 1974. Pakistan's earlier declaration from September 12, 1960 was replaced with one dated March 29, 2017. If it were to remain the case, it would appear that Pakistan or India may each bring the Kashmir conflict before the ICJ. However, India stipulated in its statements from 1974 and earlier that "disputes with government of any state which is or has been a member of the Commonwealth of Nations" are not covered by its acceptance of the ICJ's jurisdiction (ICJ, na). The ICJ Statute's Article 36(3) specifies that "The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain states, or for a specified period of time." This exclusion is made possible by this clause.

What this means is that there are three ways the ICJ gets its jurisdiction. First, the parties may agree to transfer jurisdiction. Second, situations where the UN Charter or agreements (such as the Optional Protocol to the Vienna Convention on Consular Access) explicitly grant jurisdiction. Third, by a party recognising mandatory jurisdiction over any other party accepting the same obligation in the event of a legal dispute.

Two independent occurrences can be used to explain the issue of the ICJ's jurisdiction over Kashmir.

First, after the infamous Atlantique incident in 1999, At Rann of Kutch, Pakistani patrol plane was hit by India, Pakistan went to the International Court of Justice to file case. However, the ICJ refused to exercise any jurisdiction at all on the grounds that India had declared in 1974 that it had no jurisdiction over disputes between current or former members of the Commonwealth. Naturally, this implies that the ICJ will only have jurisdiction if both states consent to it, or when they both accept its jurisdiction. Despite the fact that this is consistent with the intellectual foundations of international law, let's now examine the second instance.

The second: India filed a lawsuit in the (ICJ) against Pakistan when an Indian spy detain by Pakistan in its Baluchistan province and refused to provide him consular access. The ICJ exercised its jurisdiction in this case and issued a decision. Due to the fact that both countries Pakistan and India are signatories to the Vienna Convention on Consular Relations, according to its own justification by ICJ it accept the jurisdiction. This means that the ICJ may exercise its jurisdiction whenever the parties to the dispute are parties to a treaty and the treaty confers jurisdiction on it.

If what has been mentioned is accurate, Pakistan should have little trouble bringing India before the ICJ for violating human rights in Kashmir, especially given that India is in violation of three different treaties.

The United Nations Genocide Convention of 1948 is the first treaty that can be challenged in front of the ICJ. Similarly not only both Pakistan and India are party to the Vienna Convention on Consular



Relations, the Genocide Convention, but it also codifies customary international law, or, to put it another way, legislation that binds parties even if they do not sign a agreement.

Acts of genocide perpetrated during both peace and conflict are covered by the Genocide Convention., but it has mentioned the term clearly as including killings, grave physical or mental harm, and physical or mental destruction of any individual or community because of that individual's or group's ethnic, racial, national, or religious status. India has killed thousands of Kashmir's Muslim residents in fictitious encounters by using violent force against them.

The Genocide Convention expressly states that, any case can be submitted to the ICJ, if any dispute arises between parties regarding the obligation or fulfillment of the convention, its application or regarding interpretation including those to state's responsibility for genocide or for any other act listed in the convention. So the India might be the first country that might be brought before ICJ as under Genocide Convention.

Genocide, crimes against humanity, war crimes, and crimes of aggression are all crimes that fall under the purview of the International Criminal Court ("ICC"). India and Pakistan are not signatories to the Rome Statute, which created the ICC. The ICC does not have the authority to consider such instances based on a complaint Pakistan (or India) may submit, if they have any complaints against any such conduct. The UN Security Council has the authority to refer a crime to the prosecutor even if a state is not a signatory to the Rome Statute. States are not brought before the ICC; only people are.

The Article 49 of the 4th Geneva Convention explicitly express that “ Occupying Power” (which is India in this case) will not move/transfer its own civilian into the territory that is occupied/disputed.

This is the second treaty that Pakistan may use to hold India responsible before the ICJ. But that has been the Indian government's intention ever since 35-A and 370 were removed from the constitution and new laws for adaptation and modification of state laws were passed under the Jammu and Kashmir Reorganisation Order 2020. These measures were taken to driving out the Kashmiri population out of their native land and to permanently settle/relocate its Hindu population from elsewhere into Kashmir . Therefore, in flagrant violation of international law, Pakistan may petition the ICJ to force India to allow unbiased observers to make report on the genocide and demographic changing of the majority-Muslim Kashmiri population. This appeal would at least be a temporary measure.

In addition to ratifying the 1948 Genocide Convention, (UN, 1948) India also stated that all parties must agree before any issue under the treaty can be taken before the ICJ.

Due to Rwanda's misgivings at the time of ratifying the treaty, the International Court of Justice (ICJ) already declared in 2006 that it lacked jurisdiction in a case brought by Congo against Rwanda under the Genocide Convention.



Any opposition to jurisdiction by India would, in any case, indicate that it does not desire a merits-based ruling before a court that it recognises as fair and proper for resolving its conflicts with Pakistan. I'm referring to the Jadhav case, in which India sought the ICJ notwithstanding the fact that a treaty or optional protocol ratified by both States served as the jurisdictional framework. However, India recognises that, provided the parties have consented, the ICJ is an appropriate forum for handling disputes with Pakistan. If India is confident in the strength of its case, why wouldn't it consent to the ICJ's authority over Kashmir?

The third ground, although it's a weaker one than the first two, is the violation of the Simla Agreement of 1972 by India, which clearly states that the line of control established on December 17, 1971 and ceasefire shall be respected by both sides without compromising either side's established position and that neither side shall seek to unilaterally alter it, regardless of legal interpretations and other disagreements (Howley,1991).

Nevertheless, Simla Agreement 1972 has been transgressed by India unilaterally changing Kashmir's status and adopting it as a Union Territory.

With Indian atrocities at an all-time high and a communications blockade, Kashmir is currently on fire, and the demographics of Kashmir are being destroyed by an Indian government using force under the flimsy pretext of constitutional reform. These assertions are supported by a wealth of evidence, including reports on Human Right abuse in Kashmir from the United Nations Office of the High Commissioner in Kashmir. The United States Commission on International Religious Freedom also documented the abuse, which singled out India as a nation of particular concern in its report.

Second, the UN envoy for India reaffirmed the country's dedication to the Simla Agreement. I assume he was asking the international community, especially the "international busybodies" he patronisingly referred to, to keep out. Given that the activities appear to represent a unilateral modification of the status quo, which is a violation of Simla, this appears unusual. In any case, accepting Simla implies accepting that J&K's fate is not decided. Simla was viewed as a sell out by Indira Gandhi's detractors when she signed the pact because of this, in part.

First and foremost, the court's ability to exercise its jurisdiction is hampered by the fact that many cases are inevitably complicated by political considerations. India may also make a number of objections in the case of Kashmir, such as a preliminary one regarding the jurisdiction under the relevant treaties, the Shimla Agreement of 1972 and the Lahore Declaration of 1999. One could argue that it has jurisdiction in this case because, in the event of a discrepancy, the court will determine whether it does or does not have jurisdiction, in accordance with article 36(6) of the ICJ statute. Do we have enough time, though? Can we allow the suffering of the people of Kashmir while the case is adjudicated and left open for an indeterminate amount of time? Avoid taking the bait unreasonably as it might be what the Indians want.



As per Article 36(1) of the Act Parties can refer to ICJ in which any treaty or convention in force. In the case of the Kashmir issue, it holds 'compulsory jurisdiction' over all related subjects

A question of international law, such as whether India's jingoistic decision to revoke Articles 370 and becoming ineffective of article 35A of its Constitution is a violation of international law and would it constitute a breach of an international obligation, may also be answered with India's consent under Article 36 (2) of the Convention. These treaties include the Shimla Agreement of 1972 ((Simla Agreement, n.d.)) and the Lahore Declaration of 1999. Despite this point, there is a lot of disagreement regarding the term "Compulsory Jurisdiction." Prof. Kelsen claims that "Article 36 (2) is not, in fact, Compulsory jurisdiction because the parties must first consent to the creation of such."

Additionally, the judgement in its contested jurisdiction only binds the parties present at the dock and not a third party. According to Statute of the ICJ Article 34, only states may be parties before it; however, because a private person may not be a party, what about the right of the Kashmiri people to be heard? Will we abandon them in our quest for justice?

Further, it looks that the world community is supporting bilateral cooperation, which is in line with India's perspective. However, the secretary general and members of the Security Council have also cited the UN Charter and relevant UN resolutions at the same time. This contradicts India's stance that Simla takes precedence over everything else and that no one other than the two countries are involved. It goes without saying that this "bilateral" viewpoint conflicts with India's own assertion that this is an internal concern for India, which would imply that there is nothing to talk about with Pakistan over Simla.

Nevertheless, it appears that Pakistan is not interested in taking Kashmir's case to the international court system despite the fact that it is a disputed area. Despite what we have mentioned, the Kashmiris cannot appeal their case to the International Court of Justice (ICJ), and because of Pakistan's ignorance and apathy, they will continue to experience atrocities. We do not live in a perfect world, and every time a young kid dies in Kashmir while defending his country's right to self-determination, the morality and effectiveness of international law are called into doubt. The situation in Kashmir is a disaster for international law, and the world is watching.

On the other hand, the problem with its advisory jurisdiction is that it doesn't have any binding power because no one has brought any cases before it. According to Article 65 of the Act, it may offer advisory opinions—which are rarely given considerable weight—on a subject involving a legal issue related to international law. On the request of permitted entities—which bodies, exactly—the ICJ provides these opinions. One could contend that the General Assembly and Security Council have the authority to refer the case to the ICJ's advisory jurisdiction under Article 96 of the Charter. The question is why they would do it, not if they can or cannot. Additionally, it is abundantly evident that the advisory jurisdiction's goal is to provide guidance regarding international legal disputes rather



than to settle disputes. India's extreme leadership will undoubtedly reject any such offer. Additionally, the ICJ refrains from taking major issues under its advisory jurisdiction, hence it is ludicrous to believe that Kashmir's conflict will be resolved under this jurisdiction.

International court judgements and treaties are usually not enforceable. To implement International law there is no worldwide police force. In the event that a nation disregards an International Court of Justice ruling, the opposing party in the legal dispute may appeal to the Security Council. To force a nation to uphold international law, the Security Council of UN may use pressure or even penalties. The veto power of any permanent Security Council member makes such resolution processes exceedingly political, hence this hardly ever happens. Additionally, arguing that international law does not always apply when opposing parties are more likely to perceive a conflict through the lens of local law, such as when Israel and India view the Palestinian territories and Kashmir, respectively. Not only has international law failed in the contentious Kashmir region. Another example is the dispute between Israel and Palestine over the West Bank and Gaza.

Conclusion

The terse discussion above implies that India's approval is required for the ICJ to exercise its jurisdiction over the Kashmir problem. Additionally, it is unable to adjudicate on the legal rights of the indigenous people of Kashmir because only states may participate in proceedings before it; private parties are not permitted. Furthermore, because it has in personam rather than in rem jurisdiction, it is debatable whether all parties to the dispute, including China, should be all interested states. Along with that, the Lahore Declaration of 1999 and the Shimla Agreement of 1972 both oppose the ICJ's authority over the Kashmir conflict. Last but not least, it is important to remember that the situation is currently in the spotlight; what if, after it has been decided by the ICJ, the world has another opportunity to push it back into the background? As it is pointless to lament over spilled milk, Pakistan's legal authorities should seriously consider reconsidering their decision to take the Kashmir conflict before the ICJ.

Additionally, in the international sphere, things are different from domestic law, where the grund norm remains the same. There are numerous international organisations and nations that are home to the ICJ; each is working towards its own objectives while maintaining its own interests. So how can one's expectations from the domestic court system be the same? Furthermore, the ICJ's jurisdiction mainly consists of two parts: its contentious jurisdiction, in which it resolves legal disputes that states submit to it, and its advisory jurisdiction, in which it offers advisory opinions on legal issues at the request of UN organs and specialised agencies. Even if we currently have a choice between the two jurisdictions, you can be sure that it won't be a fruitless endeavor.



References:

- Aijaz Hussain, Kashmir Dispute: An International Law perspective, (Lahore: Al Majeed Printers, 1993), 48
- Article 49, Geneva Convention, Relative to The Protection of Civilian Persons, in Time of War of 12 August 1949.
- Article 2 <https://www.icj-cij.org/declarations/in> Declarations recognizing the jurisdiction of the Court as compulsory India 27 September 2019
- Azami Aqil Ahmed, Kashmir: An Unparalleled Curfew (Karachi: Zyza Publishing, 1990), 38
- Hamid Nasir Chattha, NA Kashmir issue at a glance <https://na.gov.pk/en/content.php?id=89#:~:text=%E2%80%9CObserving%20that%20the%20Governments%20of,be%20decided%20through%20the%20democratic> retrieve on 2.12.2021
- Historian, O. o. (1948, January 10). *Office of the Historian*. Retrieved January 3, 2022, from Office of the Historian: <https://history.state.gov/historicaldocuments/frus1948v05p1/d215>
- Howley, J. (1991). Alive and Kicking: The Kashmir Dispute Forty Years Later. *Penn State International Law Review*, 9(1), 87–120
- Hussain, I. (1998). Kashmir Dispute: An International Law Perspective. Pakistan: Quaid-i Azam Chair, National Institute of Pakistan Studies, Quaid-i- Azam University, Islamabad.
- ICJ, na <https://www.icj-cij.org/statute>
- Justice (Rtd.) Shah Nasim Hassan, 1999, Kashmir and International Law, Pakistan Horizon, Volume 15 No. 1 and 2 Area Study Centre for Europe (Karachi: University of, 1999), 1
(See the text of the Cabinet Mission's Memorandum of May 12, 1946 and His Majesty's Plan of June 3, 1947).
- Khan, A. (2007). The Kashmir Dispute: A Plan for Regional Cooperation. *Columbia Journal of Transnational Law*, 31(1), 495–550
- Mustafa, Z. (1972). The Kashmir Dispute and the Simla Agreement. *Pakistan Horizon*, 25(3), 38–52.
Thomas Bruce Millar, *The Commonwealth and the United Nations* (1967), page 26
- Simla Agreement: Agreement between the Government of India and the Government of the Islamic Republic of Pakistan on Bilateral Relations. (n.d.). Retrieved May 30, 2021, from UN Peacemaker website: <https://peacemaker.un.org/indiapakistansimlaagreement72>



UN, 1948 Convention on the Prevention and Punishment of the Crime of Genocide, https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf