**Occupying forces and international law**

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Inter and intrastate relations are influenced by international laws and conventions. These provide general rules to govern and regulate relations among states, including domestic dealings with the people of occupied territories.

More than 22 months have passed since India imposed a total lockdown on the people of Jammu and Kashmir. It remains ongoing. New Delhi’s illegitimate actions against the Kashmiris reached a climax on August 5, 2019 when the right-wing BJP government, led by Prime Minister Narendra Modi, revoked articles 370 and 35A of the Constitution; which gave special status to the disputed territory while safeguarding its identity.

India has also deployed more than 900,000 troops in IHK. Moreover, the Indian military is known for its inhumane tactics, including the firing of rubber bullets and the staging of fake encounters. It has also closed local mosques and curbed the religious freedom of Muslim Kashmiris. All of which constitutes serious violations of international legal and humanitarian norms to which India is a party.

Owing to the military clampdown in IHK, the Kashmiris suffer food and medicine shortages, this, too during a global pandemic. In order to hide New Delhi’s state-sponsored terrorism — it has cut off Kashmir from the rest of the world. And while implementing the Hindutva (Hindu nationalism) ideology, India has also issued more than 1.8 million domicile certificates to non-Kashmiris to change the ethno-demographic make-up of the territory. It has also medical treatment to the Kashmiris and their leaders who are in jail.

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Elsewhere, tensions recently flared when dozens of Jewish settlers marched on the Sheikh Jarrah neighbourhood of occupied East Jerusalem. Israeli forces assaulted Palestinian residents and protesters. The Israeli had already stormed the Al Aqsa Mosque, also in occupied East Jerusalem, and attacked the Palestinians during the fasting month of Ramzan. Thereby prompting mass protests and an 11-day war in which some 250 Palestinians were killed, including 66 children and 40 women. Of the 2,000 who were injured — more than 600 were children.

Despite various UNSC resolutions, appeals by human rights groups and the international community, both Tel Aviv and New Delhi continue down the path of state-sponsored terrorism.

Notably, Balfour Declaration of November 2, 1917 which was a conspiracy of the American and the British rulers against the Palestinians was implemented. On May 14, 1948, the UN acted upon the 1947 UN Partition Plan and established the State of Israel.

Israel occupied East Jerusalem and Syrian Golan Heights during the 1967 Arab-Israeli war and annexed the entire city in 1980 in a move that has never been recognised by either the UN or the international community. Israel and the Palestinian Liberation Organisation (PLO) signed the Oslo Accords in 1993. Yet the peace plan was never implemented, and Tel Aviv continued to expand Jewish settlements and evict Palestinian from their homes.

Similarly, during the partition of the Subcontinent, the people of the state of Jammu and Kashmir (J&K), comprising a Muslim majority, decided to join Pakistan according to the British formula. But, Dogra Raja, Sir Hari Singh, a Hindu who was ruling over the territory, in collusion with Indian Prime Minister Jawaharlal Nehru and Governor General Lord Mountbatten, joined India.

The UNSC adopted the April 21, 1948 resolution, which promised a plebiscite under UN auspices to afford the people of Jammu and Kashmir the right to self-determination. On February 5, 1964, India backed out of its commitment in this regard and its Parliament declared Kashmir an integral part of the Indian union.

Nevertheless, the legal classification of the status of the Indian occupied territories of Jammu and Kashmir as well as the Israeli military occupation of the Palestinian territories needs urgent attention in accordance with international law.

Article 42 of the 1907 Hague Regulations states that a territory is considered occupied when it is actually placed under the authority of the hostile army. The law of occupation is primarily motivated by humanitarian considerations and the facts on ground determine its application. IHL [International Humanitarian Law] provisions relevant to occupied territories become applicable whenever a territory comes under the effective control of hostile foreign armed forces. India and Israel exercise effective control over IHK and Palestine.

Article 47 of the Geneva Convention IV states that agreements concluded between the occupying power and the local authorities cannot deprive the population of occupied territory from the protection afforded by IHL.

According to Article 64 (Para I) of the GC IV, the occupying power must respect the laws in force in the occupied territory. Article 55 and 56 of say that the occupying power must ensure sufficient hygiene and public health standards, as well as the provision of food and medical care to the population under occupation. Article 49 (Para 1) states that collective or individual forcible transfer of population from and within the occupied territory are prohibited.

Moreover, in its resolution UN General Assembly 3314 prohibits states from any military occupation. Article 2(4) of the UN charter explicitly prohibits the use of force. In addition, General Assembly resolution 1541 adopted in 1960 accepts the legitimacy of the right of self-determination and opposes repressive measures of all kinds against the freedom fighters by the colonial powers. And UN resolution 2625 of 1970 authorised the dependent people to seek and even receive support from outside to fight against the repressive machinery.

Regrettably, the US and major westerns powers merely condemn Indian and Israeli state-sponsored terrorism — but fall far short of exerting pressure on them regarding implementation of UNSC resolutions.

Thus the present wars of liberation in both Kashmir and Palestine are direct result of occupying forces and their blatant violation of UN resolutions law. All the while maintaining that their respective occupations are legitimate.

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