

Accepting the Jurisdiction of International Courts of Justice Compromises Sovereignty

News:

The Prime Minister of Pakistan, Imran Khan, on Thursday, 18th July 2019, appreciated the International Court of Justice's (ICJ) decision "not to acquit, release and return" Kulbhushan Jadhav, a serving commander of the Indian Navy associated with Indian spy agency Research and Analysis Wing (RAW), a day after the court announced its verdict in the case. Prime Minister Imran Khan added, "He is guilty of crimes against the people of Pakistan. Pakistan shall proceed further as per law." (Dawn)

Comment:

Kulbhushan Jadhav was arrested by Pakistan on 3rd March 2016, during a counter intelligence operation in Pakistan's province of Baluchistan. He was charged with terrorism and spying for the Indian intelligence agency RAW. On 10th April 2017 Kulbhushan Jadhav was sentenced to death by a Field General Court Martial in Pakistan. The same day, the Indian foreign ministry said that he had been "kidnapped last year from Iran." India then took the matter of Kulbhushan Jadhav to ICJ which on 18th May 2017, stayed the execution pending the final judgement. Initially, Pakistan objected to the hearing of this case by the ICJ on the ground that the provisions of the Vienna Convention do not apply to a "spy involved in terror activities."

The most important point related to this matter is the sovereignty of Pakistan. By accepting international law and its institutions, Pakistan has compromised its sovereignty. International laws and institutions are built by the colonialist powers to protect their interests and to force other nations to follow their policies. We have seen that whenever an issue related to Muslim Lands was taken to international institutions, they were never solved to provide justice, rather they were exploited to protect the colonialist powers interests or the oppressors. In this current case, it may seem that Pakistan has secured a victory as India could not get its man released, but the main point is that Pakistan has accepted the jurisdiction of the ICJ, although Pakistan objected its authority initially. So from now on whatever the ICJ may direct in future regarding disputes between India and Pakistan, Pakistan has to accept it and follow it, as it is now going to give consular access, which Pakistan denied initially on the principled stand that he is a spy.

Such compromise of sovereignty would never have happened if the Khilafah (Caliphate) on the method of Prophethood was established in Pakistan. Allah (swt) has not allowed Muslims to take their matters to the Kuffar so that they decide on the basis of Kuffr laws. Allah (swt) said, ﴿أَلَمْ تَرَ إِلَى الَّذِينَ يَزْعُمُونَ أَنَّهُمْ آمَنُوا بِمَا نُزِّلَ إِلَيْكَ وَمَا نُزِّلَ مِنْ قَبْلِكَ يُرِيدُونَ أَنْ يَتَحَاكَمُوا إِلَى الطَّاغُوتِ﴾ **"Have you not seen those who claim to have believed in what was revealed to you, [O Muhammad], and what was revealed before you? They wish to refer legislation to Taghut, while they were commanded to reject it; and Satan wishes to lead them far astray."** [Surah Al-Nisa'a 4:60] Also, Allah (swt) has forbidden Muslims to grant any sort of authority to Kuffar over their affairs. Allah (swt) said, ﴿وَلَنْ يَجْعَلَ اللَّهُ لِلْكَافِرِينَ عَلَى الْمُؤْمِنِينَ سَبِيلًا﴾ **"Allah (swt) does not permit the believers to grant the kuffar authority over them."** [Surah An-Nisa'a 4:141]. So the coming Khilafah will simply reject international laws and institutions and will reject their interference in our affairs. This is how Islam guarantees the protection of our sovereignty.

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