

IN THE
International Court of Justice

No. 119-1999

PAKISTAN,

Petitioner,

v.

INDIA,

Respondent.

Case Concerning the Aerial Incident of 10 August 1999

BACKGROUND GUIDE

THE MATERIAL FACTS

On August 10, 1999, an aircraft from the Pakistan navy was on a training mission and flew over airspace which is disputed between Pakistan and India. Indian air force planes fired upon the Pakistani aircraft without warning, resulting in the death of all onboard the aircraft. The incident occurred on the Rann of Kutch, which is on the border between India and Pakistan.

THE LEGAL FACTS

Pakistan and India entered into a bilateral agreement in 1991 on air violations which states “Combat aircraft (including bombers, Reconnaissance aircrafts, Jet military trainers and Armed helicopters) will not fly within 10 km of each other’s airspace including Air Defence Identification Zone.”

THE LEGAL ISSUES

Was the Pakistani plane acting out of the ordinary by posing a threat to India or in Indian airspace?

Did Pakistan violate the bilateral treaty of 1991 on air violations?

Were the Indian forces actions justified?

Does the ICJ have jurisdiction in this case?

VALUBALE RESEARCH AIDS

ICJ website with resources relating to every case, including petitions and responses, press releases and the United Nations Charter: <http://www.icj-cij.org/>

UN Treaty Collection with an expansive database of treaties that includes all multinational treaties filed with the Secretary General: <http://treaties.un.org/home.aspx>

Cornell Law Library's research guide for the ICJ, including resources for pertinent journal articles and books relating to the background of the ICJ as well as current issues, etc.: <http://library.lawschool.cornell.edu/WhatWeDo/ResearchGuides/ICJ.cfm>

