

## Indian Judge at the ICJ

### Why in news?

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Dalveer Bhandari, an Indian Justice, was re-elected as a judge to the International Court of Justice (ICJ).

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### How are judges elected to the ICJ?

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- The ICJ has a bench of 15 judges to settle legal disputes submitted to it by States and to give advisory opinions on legal questions.

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- Elections are conducted triennially, and five among these 15 judges are elected every three years for a nine-year term.

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- This is to ensure a sense of continuity, especially in pending cases.

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- A candidate needs to get an absolute majority in both the chambers i.e. the UNGA and the UNSC, to get elected.

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- Judges are eligible to stand for re-election.

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- After the Court is in session, a President and Vice-President are elected by secret ballot to hold office for three years.

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- Of the 15 judges, it is mandated that -

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- i. three should be from Africa

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- ii. two from Latin America and the Caribbean

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- iii. three from Asia

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iv. five from Western Europe and other states

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v. two from Eastern Europe

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## Why is the recent election so significant?

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- **India** - India has got the third member of its origin to secure a prominent position in a United Nations (UN) body in recent months.

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- Although he does not represent the Indian government, having a judge of Indian origin is seen as a strategic asset.

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- It particularly gains significance in the backdrop of the Kulbhushan Jadhav case, which is currently pending before the ICJ.

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- **UK** - In UN history, a seven-decade-old convention of the United Kingdom having a judge at the ICJ stands broken.

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- The United Kingdom, which has had a judge since 1946, withdrew its candidate and gave way for India's nominee.

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- It did so in the face of a defeat at the 193-member UN General Assembly; Bhandari, in the end, won 183 out of 193 votes at the UNGA and all 15 at the UNSC.

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- Post-Brexit, London has found itself on a more lonely pitch.

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- India emerging as a top economic partner and a potential market for a post-Brexit UK could also have played a role in Britain's decision.

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- Further, UK wants India to play a lead role in the upcoming UK hosted Commonwealth Heads of Government summit to shed the image of it being a "white man's club".

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- **Global** - Besides this doubted diplomatic move, the election has come as a sign of a beginning of change.

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- And also as an opportunity to challenge the sense of entitlement among the permanent members and changing the status quo.

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- India can now consider channelizing this energy and momentum to push for larger reforms at the United Nations Security Council.

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## **Quick Facts**

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## **International Court of Justice**

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- The International Court of Justice (ICJ) was established in 1945 after half a century of international conflict in the form of two World Wars.
- The ICJ functions with its seat at The Hague, Netherlands.
- It has the jurisdiction to settle disputes between countries and examine cases pertaining to violation of human rights.
- It adjudicates cases according to the tenets of international law and is the judicial arm of the United Nations.
- ICJ is not to be confused with ICC (International Criminal Court) which is a permanent tribunal created to prosecute individuals for genocide, crimes against humanity, war crimes and the crime of aggression.
- While ICJ is the primary judicial organ of the UN, the ICC is legally and functionally independent from the United Nations.

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## **Indian Members in the UN**

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- Recently, international law expert Neeru Chadha was elected to the UN body, the International Tribunal for the Law of the Sea (ITLOS).
- Soumya Swaminathan, director general of the Indian Council of Medical Research (ICMR), was appointed the deputy director general for programmes at the WHO very recently.

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## **Kulbhushan Jadhav case**

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- Kulbhushan Jadhav is a former Indian Navy officer who was arrested in Pakistan on charges of espionage (spying to obtain secret information, especially regarding a government or business).

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- He was sentenced to death by a military court in Pakistan.

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- The ICJ has suspended the death sentence of Jadhav pending final judgement by it after India moved the court requesting immediate suspension of the sentence.

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**Source: Indian Express, The Hindu**

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