



Indian Judge at the ICJ

Why in news?

\n\n

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

\n\n

How are judges elected to the ICJ?

\n\n

- \n
- 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.
\n
- Elections are conducted triennially, and five among these 15 judges are elected every three years for a nine-year term.
\n
- This is to ensure a sense of continuity, especially in pending cases.
\n
- A candidate needs to get an absolute majority in both the chambers i.e. the UNGA and the UNSC, to get elected.
\n
- Judges are eligible to stand for re-election.
\n
- After the Court is in session, a President and Vice-President are elected by secret ballot to hold office for three years.
\n
- Of the 15 judges, it is mandated that -
\n

\n\n

- \n
- i. three should be from Africa
\n

- ii. two from Latin America and the Caribbean
\n
- iii. three from Asia
\n
- iv. five from Western Europe and other states
\n
- v. two from Eastern Europe
\n

\n\n

Why is the recent election so significant?

\n\n

- \n
- **India** - India has got the third member of its origin to secure a prominent position in a United Nations (UN) body in recent months.
\n
- Although he does not represent the Indian government, having a judge of Indian origin is seen as a strategic asset.
\n
- It particularly gains significance in the backdrop of the Kulbhushan Jadhav case, which is currently pending before the ICJ.
\n
- **UK** - In UN history, a seven-decade-old convention of the United Kingdom having a judge at the ICJ stands broken.
\n
- The United Kingdom, which has had a judge since 1946, withdrew its candidate and gave way for India's nominee.
\n
- 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.
\n
- Post-Brexit, London has found itself on a more lonely pitch.
\n
- 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.
\n
- 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".
\n
- **Global** - Besides this doubted diplomatic move, the election has come as a sign of a beginning of change.

- \n
- And also as an opportunity to challenge the sense of entitlement among the permanent members and changing the status quo.
- \n
- India can now consider channelizing this energy and momentum to push for larger reforms at the United Nations Security Council.
- \n

\n\n

Quick Facts

\n\n

International Court of Justice

\n\n

- \n
- The International Court of Justice (ICJ) was established in 1945 after half a century of international conflict in the form of two World Wars.
- \n
- The ICJ functions with its seat at The Hague, Netherlands.
- \n
- It has the jurisdiction to settle disputes between countries and examine cases pertaining to violation of human rights.
- \n
- It adjudicates cases according to the tenets of international law and is the judicial arm of the United Nations.
- \n
- 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.
- \n
- While ICJ is the primary judicial organ of the UN, the ICC is legally and functionally independent from the United Nations.
- \n

\n\n

Indian Members in the UN

\n\n

- \n
- Recently, international law expert Neeru Chadha was elected to the UN body, the International Tribunal for the Law of the Sea (ITLOS).
- \n

- 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.

\n

\n\n

Kulbhushan Jadhav case

\n\n

\n

- 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).

\n

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

\n

- 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.

\n

\n\n

\n\n

Source: Indian Express, The Hindu

\n



IAS PARLIAMENT
Information is Empowering
A Shankar IAS Academy Initiative