



India's Role at International Court of Justice

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Abstract:

An Extensive Examination of India's Place in the International Court of Justice. This research explores India's complex position in the International Court of Justice (ICJ). It looks at India's past as a signatory to the ICJ Statute and analyzes how its relationship with the Court has changed over the years. Examining India's involvement in both advisory and contentious processes, the paper highlights significant instances that have influenced India's legal stances and contributions to global jurisprudence.¹

The paper's main focus is India's position on important topics such as international environmental law, human rights, and territorial disputes. The research attempts to shed light on India's legal theory and strategic goals inside the ICJ by analyzing its arguments, voting patterns, and rulings. In addition, the study examines the relationship between India's expanding worldwide influence and its position at the ICJ, evaluating the ways in which its growing diplomatic prominence has influenced its perspective on international adjudication. In the end, this study aims to further knowledge of India's contribution to the evolution of international law and its capacity to influence ICJ jurisprudence in the future.²

Keywords: India, International Court of Justice, ICJ, international law, contentious proceedings, advisory opinions, territorial disputes, human rights, environmental law

1. Introduction:

The principal court of the United Nations is the International Court of Justice (ICJ), sometimes known as the World Court. It replaced the Permanent Court of International Justice (PCIJ), which was part of the League of Nations, and was founded in 1945 under the United Nations Charter. It started operating in 1946. With its main office located in The Hague, Netherlands, the International Court of Justice (ICJ) is made up of fifteen justices who are chosen for nine-year tenure by the Security Council and the UN General Assembly. An essential part of the international legal system is the ICJ. Resolving legal conflicts between states. By deciding cases that are brought before it by states, the ICJ upholds and uniformly applies international law. Providing advisory opinions on legal matters. The International Court of Justice (ICJ) counsels UN bodies and specialized organizations on issues pertaining to international law upon request. The rulings of the International Court of Justice have a major impact on the growth and codification of international law. Through its interpretation of broad principles of law, customary international law, and treaties, the Court contributes to the clarification and molding of the legal framework that governs interactions between states. Dispute resolution: Prevents problems from getting worse by giving states a lawful and peaceful way to work out their issues. Law development: Through the interpretation and application of preexisting norms, contributes to the expansion and development of international law. State responsibility - Holds states accountable for their acts under international law. Legitimacy: Strengthens the rule of law in the international system by offering authoritative interpretations of international law. Essentially, the International Court of Justice (ICJ) is a pillar of the global legal system, protecting international law and providing a platform for governments to settle their differences amicably.³

2. Historical Background:

India's post-independence trajectory as a sovereign nation is inextricably tied to its relationship with the International Court of Justice. India has consistently participated in the international legal system and actively interacted with the ICJ as a founding member of the United Nations. Shortly after gaining its independence in 1947, India started working with the ICJ. India was eager to make a name for itself internationally as a recently constituted nation, and the ICJ offered a forum for this. India's initial engagement in ICJ cases mostly concerned issues pertaining to post-partition territory disputes and associated issues. The appointment of Nagendra Singh as an International Court of Justice judge in 1967 was one of the major turning points. During his tenure, the Court saw the emergence of a powerful Indian presence. In 1960, the Portugal v. India case was a pivotal one. Despite the Court's decision in Portugal's favor, India's ability to argue its case internationally was demonstrated in this case. The 2019 Kulbhushan Jadhav case, a more recent historic case, sharpened India's relationship with the ICJ. The case, which concerned Pakistan's imposition of the death penalty on an Indian national, demonstrated India's dedication to defending the rights of its people.

¹ A. Mark Weisburd, THE INTERNATIONAL COURT OF JUSTICE AND THE CONCEPT OF STATE PRACTICES, Vol.31:2, Penn Carey Law: Legal Scholarship Repository, 295-372, 2014.

² Ibid:

³ Bilal N. Patel, The State Practice of India and The Development of International Law, 1-30 (1st ed, 2016).

India has also taken part in the advisory opinion process of the International Court of Justice (ICJ), which has helped shape international law on a number of subjects.⁴

India has actively contributed to the formation of international law and has continuously respected its tenets. India has defended its sovereignty and national interests by using the ICJ as a forum. India's approach before the ICJ has been greatly influenced by its diplomatic efforts. India's attitude to international legal issues is shaped by its domestic legal system, which is informed by both civil law and common law traditions. India is still in the process of joining the ICJ. The country's rising influence in international affairs is probably going to lead to more participation in ICJ cases down the road.

3. Indian Judges at the International Court of Justice:⁵

With multiple renowned jurists sitting as judges, India has a notable history at the International Court of Justice (ICJ).

a) **Benegal Rau, Sir (1952–1953):** -

Pioneer: The first Indian judge to sit on the ICJ was Sir Benegal Rau. His tenure was brief, spanning from 1952 to 1953. Renowned as a great jurist and diplomat, Rau was instrumental in shaping India's early foreign policy.

Inputs: Despite his brief service, Rau made significant contributions to the ICJ that paved the way for India's ongoing involvement in the Court's operations.

b) **Singh Nagendra (1973–1988):** -

Prolonged Presence: From 1973 to 1988, Nagendra Singh served as an important and long-term member of the ICJ.

Legal Scholar: Singh was a well-known legal scholar who provided the Court with a plethora of information and expertise.

Important Decisions: He made contributions to a number of rulings and opinions that had a big impact on how international law developed.

c) **Raghunandan Swarup Pathak (1989–1991):** -

The line of succession: From 1989 to 1991, Raghunandan Swarup Pathak was the Indian judge at the International Court of Justice (ICJ) after Nagendra Singh.

Constitutional Specialist: Pathak, who is well-known for his knowledge of constitutional law, offered the Court a special viewpoint throughout its discussions.

Shorter Term: Despite having a brief tenure, Pathak made significant contributions to the ICJ during his time there.

d) **Bhandari Dalveer (2012–2021):** -

Recent Duration: Dalveer Bhandari was an Indian judge at the International Court of Justice (ICJ) from 2012 to 2021.

Supreme Court Background: Bhandari brought a wealth of judicial expertise to the Supreme Court of India prior to his nomination to the ICJ.

Global acclaim: Bhandari's work on several cases and his contributions to the advancement of international law have earned him acclaim on a global scale.

4. Major Cases involving India:

India has been part of different significant cases at the International Court of Justice.

I. **Legal Status in South West Africa (1950, 1955 - 1966)**⁶

History: India took part in the International Court of Justice's advisory proceedings over the status of South West Africa (now Namibia) as a supporter of decolonization and a member of the UN. These views covered matters pertaining to the administering powers' responsibilities and the mandate system.

Decisions of the ICJ: In the 1950s and 1960s, the International Court of Justice (ICJ) rendered a number of advisory rulings that emphasized the role of the international community in monitoring the rights of the occupants and the management of areas under mandate.

Consequences: India's involvement demonstrated its dedication to the ideals of international law and decolonization. The legal structure that oversees the management of non-self-governing areas was influenced by the advisory opinions.

⁴ Ibid

⁵ List of Indian judges at International Court of Justice: All you need to know about them, www.news9live.com, https://www-news9live-com.cdn.ampproject.org/v/s/www.news9live.com/knowledge/list-of-indian-judges-at-international-court-of-justice-all-you-need-to-know-about-them-159582/amp?amp_gsa=1&_js_v=a9&usqp=mq331AQIUAKwASCAAgM%3D#amp_tf=From%20%251%24s&aoh=17238964210831&referrer=https%3A%2F%2Fwww.google.com&share=https%3A%2F%2Fwww.news9live.com%2Fknowledge%2Flist-of-indian-judges-at-international-court-of-justice-all-you-need-to-know-about-them-159582, last seen on 12/08/2024.

⁶ International Status of South West Africa, icj-icj.org, <https://www.icj-cij.org/case/10>, last seen on 12/08/24.

II. Portugal v. India, Right of Passage across Indian Territory (1955–1960)⁷

Context: The issue included a disagreement between Portugal and India over the free movement of commodities and Portuguese persons between the Portuguese settlements of Dadra and Nagar Haveli and the Indian-surrounded coastal region of Daman.

Decision of the ICJ: Portugal was granted passage rights for private citizens, government servants, and products by the International Court of Justice (ICJ) on April 12, 1960. However, Portugal was not granted passage rights for military troops, weapons, ammunition, or supplies. The court stressed that the freedom of passage must be used with respect for India's sovereignty.

Consequences: The case made clear how much space foreign countries had for transit rights and reaffirmed the idea that those rights shouldn't interfere with a territory's sovereignty or security.

III. Appeal Concerning the ICAO Council's Jurisdiction (India v. Pakistan) (1971)⁸

Context: In this issue, there was a disagreement over the International Civil Aviation Organization (ICAO) Council's jurisdiction with relation to a complaint that Pakistan had brought against India for suspending its right to overfly after the Indo-Pakistani War of 1971.

Decision of ICJ: In its ruling on August 18, 1972, the International Court of Justice (ICJ) upheld India's preliminary objection, concluding that the ICAO Council was competent to handle the subject. After that, the matter was managed under the ICAO's auspices.

Consequences: The decision highlighted the ICJ's role in interpreting the jurisdictional boundaries of international organizations and the importance of specialized organizations like the ICAO in resolving technical disputes in their respective disciplines.

IV. Pakistan v. India: Pakistani Prisoners of War Trial, (1973)⁹

Context: India captured several Pakistani military soldiers in the 1971 Indo-Pakistani War. Pakistan filed a complaint with the International Court of Justice (ICJ) to get these POWs released.

Decision of ICJ: Prior to the Court's decision, Pakistan withdrew the complaint because India and Pakistan had come to a bilateral understanding about the POWs' return.

Consequences: This case emphasized the value of bilateral agreements in these situations and the function of diplomatic discussions in settling conflicts involving prisoners of war.

V. Pakistan vs. India: The Aerial Incident (10 Aug. 1999)¹⁰

Context: Pakistan brought a case against India at the International Court of Justice (ICJ) for the Indian Air Force's downing of a Pakistani navy aircraft over the Rann of Kutch.

Decision of the ICJ: The case was dismissed by the ICJ due to a lack of jurisdiction. The court came to the conclusion that the parties had not agreed to grant the ICJ jurisdiction over this particular incident.

Consequences: The decision made obvious how crucial it is for governments to reach mutual understanding on the jurisdiction of international courts to settle conflicts.

VI. The case of Kulbhushan Jadhav (India v Pakistan) Period: (2017–2019)¹¹

Context: India petitioned the International Court of Justice (ICJ) to overturn Kulbhushan Jadhav's death sentence, which was imposed by a military court in Pakistan. India said that by denying Jadhav consular access, Pakistan had broken the Vienna Convention on Consular Relations.

Decision of ICJ: On July 17, 2019, the International Court of Justice (ICJ) rendered a decision in support of India, concluding that Pakistan had violated its Vienna Convention duties and was required to conduct a thorough review and reconsideration of Jadhav's conviction and sentencing.

Consequences: The decision reinforced the need for governments to abide by international treaties by highlighting the significance of fair trial rights and consular access under international law.

5. Advisory Opinion and Participation: -**1) Suggestion Regarding the Western Sahara (1974–1975): -¹²**

⁷ United Nations, UN-I Library, Summaries of Judgment, Advisory Opinions and Orders of the International Court of Justice 1948-1991, pp 41-44, <https://www.un-ilibrary.org/content/books/9789210010627c030> , last seen on 12/08/24.

⁸ Appeal Relating to the Jurisdiction of the ICAO Council (India v. Pak.), 1972 I.C.J. 46 (Order of Aug. 18), (International Court of Justice).

⁹ International Court of Justice, Trial of Pakistani Prisoners of War (Pakistan V. India), <https://www.icj-cij.org/case/60/institution-proceedings> , last seen on 12/08/2024.

¹⁰ Aerial Incident of 10 August 1999 (Pak. v. India), 2000 I.C.J. 12 (June 21), https://www.worldcourts.com/icj/eng/decisions/2000.06.21_aerial_incident.htm , last seen on 12/08/2024.

¹¹ International Court of Justice, Press Release, *Jadhav case (India v. Pakistan) - The Court finds that the Islamic Republic of Pakistan, in the matter of the detention and trial of an Indian national, Mr. Kulbhushan Sudhir Jadhav, has acted in Breach*, 168-20190717-PRE-01-00-EN, available at <https://www.icj-cij.org/node/105828> ,last seen on 12/08/2024.

¹² Western Sahara, Advisory Opinion 1975 I.C.J. 12 (Oct. 16), https://www.worldcourts.com/icj/eng/decisions/1975.10.16_western_sahara.htm , last seen on 12/08/2024.

Context: In light of claims made by Morocco and Mauritania, the UN General Assembly requested an advisory opinion about the legal status of Western Sahara. India, with its interest in decolonization and self-determination, took part in the proceedings.

India's Input: Support for Self-Determination: In line with its larger decolonization strategy, India vigorously supported the Western Saharan people's right to self-determination.

Respect for International Law: India stressed the significance of upholding UN resolutions and international legal norms pertaining to the decolonization process.

Decision of ICJ: The ICJ determined that there existed legal ties of loyalty between Western Sahara and both Morocco and Mauritania during the Spanish colonization period, and that the region was not terra nullius, or land belonging to no one.

2) On the League of Nations' request, an advisory opinion regarding the status of Eastern Carelia (1923)¹³

Context: The League of Nations requested this advisory opinion in regards to the status of Eastern Carelia, which Finland and the Soviet Union were disputing. Even if India isn't directly involved, the established concepts have had a significant impact on international law.

ICJ Decision: The Soviet Union, not a member of the League, had not granted permission for the Permanent Court of International Justice (PCIJ), the forerunner of the ICJ, to have jurisdiction over it and to issue an advisory opinion.

Contribution to the Law: Because they emphasize the significance of state sovereignty and consent, the established principles surrounding the requirement of state permission for jurisdiction have affected later judgments, particularly those concerning India.

3) A Consultation on the Interpretation of the WHO-Egypt Agreement (March 25, 1951-1980)¹⁴

Context: The World Health Organization (WHO) has asked for an advisory opinion about the interpretation of the agreement it signed with Egypt to build an Eastern Mediterranean Regional Office for WHO in Alexandria.

ICJ Conclusion: In its reading of the contract, the ICJ made clear what the legal framework was for the WHO's cooperation with Egypt in relation to the regional office.

Legal Norms' Contribution: Despite India's minimal direct involvement in this advisory opinion, the case adds to international legal standards regarding the interpretation of treaties and agreements between host governments and international bodies.

4) Consultation about the Unilateral Declaration of Independence's Compliance with International Law with Regard (2008–2010)¹⁵

History: The unilateral proclamation of independence by Kosovo from Serbia was subject to a request for an advisory opinion by the United Nations General Assembly. Both in the oral sessions and the written statement presented, India took part.

Contributions from India: Encouragement of Territorial Integrity: India placed a strong emphasis on the idea of maintaining territorial integrity and refusing to recognize independence declarations made unilaterally without the parent state's approval. Respect for International Law: In its defense of adherence to UN Security Council resolutions pertaining to states' territorial integrity, India made a strong case for respect for international law.

Decision of ICJ: Noting that general international law did not forbid such statements, the ICJ found that Kosovo's unilateral declaration of independence did not violate any international law.

India's involvement brought attention to the significance of maintaining territorial integrity and abiding by international law, which helped shape the legal framework around unilateral declarations of independence. In summary the evolution of international legal norms has been greatly aided by India's participation in advisory opinions at the International Court of Justice. India has played a significant role in influencing the conversation and reiterating important legal concepts in the worldwide community by supporting ideas like respect for sovereignty, self-determination, nuclear disarmament, and adherence to international humanitarian law.

5) 2017-2019 Advisory Opinion on the Legal Implications of the Chagos Archipelago's 1965 Separation from Mauritius¹⁶

Background: In 1965, the United Kingdom separated the Chagos Archipelago from Mauritius. The United Nations General Assembly asked for an advisory opinion on the legal ramifications of this decision. India took part in the proceedings in order to back Mauritius.

The Contributions of India: India backed Mauritius' claim for decolonization, highlighting the country's right to self-determination and the illegality of the Chagos Archipelago's separation.

Indian opposition to colonial activities: India opposed the right of the Chagos Archipelago's residents to return and denounced the colonial methods of forcefully removing them.

ICJ Ruling: The ICJ determined that the illegal division of the Chagos Archipelago prevented Mauritius from being fully decolonized in 1968. The Court recommended that the United Kingdom immediately cease its management of the Chagos Archipelago.

¹³ Status of Eastern Carelia, Advisory Opinion, 1923 P.C.I.J. (ser. B) No. 5 (July 23), available at https://www.worldcourts.com/pcij/eng/decisions/1923.07.23_eastern_carelia.htm, last seen on 12/08/24.

¹⁴ Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt, 1980 I.C.J. 67 (Order of June 6), available at https://www.worldcourts.com/icj/eng/decisions/1980.06.06_WHO_Egypt.htm, last seen on 12/08/2024.

¹⁵ International Court of Justice, Press Release, *Accordance with international law of the unilateral declaration of independence in respect of Kosovo - Advisory Opinion - The Court finds that the declaration of independence of Kosovo adopted on 17 F*, 16012, available at <https://www.icj-cij.org/node/101885>, last seen on 12/08/24.

¹⁶ International Court Justice, Press Release, *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965 - The Court finds that the process of decolonization of Mauritius was not lawfully completed when that country acc*, 169-20190225-PRE-01-00-EN, available at <https://www.icj-cij.org/node/105780>, last seen on 12/08/24.

India's involvement strengthened the concepts of decolonization and self-determination, adding to the legal discourse on the illegality of colonial activities and the rights of displaced communities. This contributed to the development of legal norms.

6. Indian Legal Strategy and Diplomacy: -

India carefully combines legal arguments, diplomacy, and strategic considerations in foreign relations when handling legal disputes on a global scale.

i. Legal Principles and Arguments: -¹⁷

1. Compliance to International Law: India has always emphasized the need of abiding by the norms and principles of international law. This is demonstrated by its justifications in instances such as the Kulbhushan Jadhav case, in which India drew attention to infringements under the Vienna Convention on Consular Relations.

2. Dedication to Sovereignty and Territorial Integrity: India's legal discourse frequently emphasizes the significance of territorial integrity and state sovereignty. India stressed the idea of not acknowledging unilateral claims of independence without the parent state's approval in the Kosovo advisory opinion.

3. Assistance for Independence and Decolonization: India has a long history of supporting these goals, as seen by its involvement in advisory opinions pertaining to the Chagos Archipelago and the Western Sahara. India has always defended the freedom to choose one's own destiny for those living in non-self-governing areas.

4. Humanitarian and Human Rights Concerns: India emphasizes the necessity to respect international humanitarian law and the disastrous effects of some actions in circumstances involving humanitarian difficulties, such as the advisory opinion on nuclear weapons.

ii. Diplomacy and International Relations: -¹⁸

1. Globalization and International Cooperation: India carries out multilateral diplomacy by resolving legal problems through international institutions such as the United Nations. India's involvement in a number of UN forums and its endorsement of advisory opinions sought by the UN General Assembly are clear examples of this strategy.

2. Cooperation and Partnerships: India frequently works with other nations to develop agreements on matters of international law. For instance, India sided with other nations pushing for decolonization when it supported Mauritius in the Chagos Archipelago advisory opinion.

3. Dialogue and Bilateral Agreements: Whenever feasible, India seeks to settle conflicts through bilateral agreements and negotiations. This strategy was demonstrated in the Trial of Pakistani Prisoners of War case, which was removed from the International Court of Justice following a bilateral agreement between India and Pakistan.

4. Advocacy and Public Warfare: India uses advocacy and public diplomacy to win over other countries to its legal perspectives. India wants to establish a positive reputation abroad by arguing for legal concepts that align with its ideals and making its case in international fora.

iii. ICJ Strategy: -¹⁹

1. Preparation and Argumentation: The legal teams in India take great care to prepare their cases and concentrate on putting out compelling arguments that are backed up by facts and international law. India's legal tactic in the Kulbhushan Jadhav case was to unequivocally show that Pakistan had violated the Vienna Convention.

2. Interaction with International Legal Community: In order to bolster its claims and comprehend worldwide legal trends, India interacts with the international legal community, which consists of practitioners and researchers of law. India is able to better align its strategies with current international legal rules because to this participation.

3. Utilization of Advisory views: India uses advisory views to support its positions on a range of topics and to get clarification on international legal principles. India expresses its legal opinions and advances international law through its participation in advisory opinion proceedings.

4. Managing Political and Legal Considerations: Legal reasons are important, but India also thinks about how its ICJ strategy would affect politics. This equilibrium guarantees that India's legislative measures are congruent with its wider foreign policy goals and diplomatic ties.

¹⁷ Expert Speak, *Incorporating international law in India's foreign policy*, Observe Research Foundation, (Jan 4, 2023), available at <https://www.orfonline.org/expert-speak/incorporating-international-law-in-indias-foreign-policy>, last seen on 12/08/24.

¹⁸ Ibid

¹⁹ Venkantachala G. Hegde, *India and international settlement of disputes*, Vol.56, Indian Journal of International Law, 1-40, (2016), available at <https://link.springer.com/article/10.1007/s40901-016-0037-0>, last seen on 12/08/24.

7. Impact on International Law: ⁻²⁰

- ❖ India's jurisprudence has been greatly influenced by its membership in the International Court of Justice (ICJ), especially in regards to decolonization, self-determination, and consular relations. An excellent illustration of this is the Kulbhushan Jadhav case, in which India's arguments resulted in a decision that upheld the significance of the Vienna Convention on Consular Relations and set a precedent requiring consular access to be allowed even in situations involving grave accusations such as espionage. As a result, the legal foundation for defending the rights of foreign nationals held overseas has been reinforced.
- ❖ The International Court of Justice's (ICJ) emphasis on the right to self-determination and the illegality of colonial practices has been strengthened by India's participation in advisory opinions, such as those on the Western Sahara and the Chagos Archipelago. This has contributed to the legal discourse on decolonization and the rights of displaced populations.
- ❖ Additionally, India backed the ICJ's conclusion that using nuclear weapons would often violate international humanitarian law by arguing against their use in the advisory opinion on their legality. This highlighted the devastating humanitarian effects of nuclear weapons use. This position has strengthened international attempts to disarm nuclear weapons inside the legal system. By striking a balance between transit rights and state sovereignty, India's persistent emphasis on state sovereignty and territorial integrity—as demonstrated in decisions like the Right of Passage over Indian Territory—has also affected ICJ law. In general, India's participation in the ICJ has impacted not only particular decisions but also the development and upholding of core concepts of international law, advancing an international order based on norms.

8. Challenges and Criticism: ⁻²¹

❖ **Challenges:**

- 1. Jurisdictional Concerns:** August 10, 1999, Aerial Incident (Pakistan v. India): Pakistan claimed that India had shot down a Pakistani aircraft in this case. The International Court of Justice (ICJ) dismissed the lawsuit on the grounds of lack of jurisdiction, highlighting India's difficulty in securing the Court's jurisdiction over bilateral disputes requiring approval from both parties.
- 2. Establishing Violations Under Complicated Circumstances:** India had to handle intricate matters including claims of terrorism and espionage, necessitating the presentation of convincing proof of Pakistan's infringement of the Vienna Convention on Consular Relations. To defend Jadhav's rights and win a positive verdict, the case required complex legal and diplomatic wrangling.
- 3. Balancing Legal and Political Aspects:** India frequently had to strike a balance between its broader political and diplomatic posture and legal reasons in order to uphold decolonization goals. Its legal approach may occasionally become more complex as a result of this delicate balance, necessitating a careful matching of legal principles with political goals.
- 4. Acquiring and Presenting Proof:** Temple of Preah Vihear (Cambodia v. Thailand): India needed to comprehend intricate historical and geographical information in order to maintain regional stability, even though it was not a party to the case. Other cases with intricate historical settings provide similar difficulties that call for careful evidence preparation and presentation.

❖ **Criticism and Controversies:** ²²

- 1. Political motivations are alleged:** Kulbhushan Jadhav case Critics contended that India's strategy was mostly shaped by geopolitical factors as opposed to only legal reasons. This critique is in line with the larger discussion over the function of international courts in political conflicts.
- 2. Limited Engagement with International Law:** According to some critics, India only looks at instances that support its national interests and ignores those that might be less advantageous. This has given rise to allegations that India's adherence to international legal standards is inconsistent.
- 3. Managing Touchy Bilateral Matters:** Arbitration under the Indo-Pacific Treaty Even though it isn't an ICJ case, India has come under fire for purportedly weakening cooperative water management principles and exacerbating bilateral tensions in its handling of disputes with Pakistan under the Indus Waters Treaty. Opponents contend that these strategies may be carried over into related ICJ cases.
- 4. Dwelling Political Pressures:** There have been accusations that India's legal strategy at the ICJ have occasionally been impacted by home political pressures, which raises the possibility that legal arguments have been crafted more for the purpose of appeasing domestic constituents than of being solely legal. This dynamic may make it more difficult for cases to be presented objectively before the ICJ.

²⁰ Judicial independence critical for operation of legal institutions: ICJ Judge, THE TIMES OF INDIA(10 Feb 2024),available at https://timesofindia-indiatimes.com.cdn.ampproject.org/v/s/timesofindia.indiatimes.com/india/importance-of-judicial-independence-and-role-of-icj-icj-judge-hilary-charlesworth/amp_articleshow/107583705.cms?amp_gsa=1&_js_v=a9&usqp=mq331AQIUAKwASCAAAM%3D#amp_tf=From%20%251%24s&aoh=17239585483292&referrer=https%3A%2F%2Fwww.google.com&share=https%3A%2F%2Ftimesofindia.indiatimes.com%2Findia%2Fimportance-of-judicial-independence-and-role-of-icj-icj-judge-hilary-charlesworth%2Farticleshow%2F107583705.cms , last seen on 12/08/24.

²¹ S. Gozie Ogbodo, *An Overview of the Challenges Facing the International Court of Justice in the 21st Century*, Vol.18, Annual Survey of International and Comparative law,1,2012, <https://digitalcommons.law.ggu.edu/cgi/viewcontent.cgi?article=1159&context=annlsurvey> , last seen on 12/08/24.

²² Ibid

9. Conclusion:

India's relationship with the International Court of Justice has been distinguished by its unwavering adherence to the fundamentals of international law. India has continuously worked to defend the rule of law on the international scene, from its early involvement to the more recent high-profile instances. The Indian Court of Justice's jurisprudence has been greatly influenced by the contributions of distinguished Indian judges. Cases like the Kulbhushan Jadhav case demonstrate India's commitment to upholding international legal standards and defending the rights of its people. Despite the complexity of the Right of Passage case, India's cooperation with the Court showed that it was prepared to settle conflicts amicably.

India's involvement in the ICJ aims to create a fair and just international order in addition to winning legal battles. India's continuous membership in the International Court of Justice (ICJ) is essential for upholding the values of multilateralism and amicable conflict resolution as a growing global power. The nation's upcoming interactions with the Court will probably be impacted by the complicated international legal system and changing geopolitical conditions. Still, India has a well-established reputation as a supporter of international law. India safeguards its national interests and advances the growth of a strong and efficient international legal system by actively engaging in the ICJ.

10. Suggestions:²³**1) Strengthening Legal Expertise:**

Improved Education and Training Invest in educating diplomats and legal experts on international law, especially in fields that are crucial to India's strategic interests. Interaction with the Global Legal Community To be informed about international legal trends and best practices, cultivate closer ties with researchers and practitioners on a global scale.

2) Robust Evidence Collection:

Extensive Records Make sure that all evidence is carefully documented and gathered, particularly in complicated instances involving historical and geographical problems. Integration of Technology Make use of cutting-edge technology in the gathering, presenting, and analyzing of evidence to increase the impact and legitimacy of legal arguments.

3) Proactive Diplomacy:

Collaborative Efforts Maintain your aggressive participation in international fora in order to form partnerships and garner backing for India's legal stances. Diplomacy in Public To influence global opinion and get more support for India's ICJ cases, employ public diplomacy.

4) Strategic Case Selection:

Put Strategic Interests First Make sure that legal actions are in line with larger national objectives by concentrating on cases that have important strategic ramifications for India.

Fair-minded Strategy Even if they do not immediately provide strategic advantages, take part in cases that uphold India's adherence to international legal norms in addition to those that serve national interests.

5) Effective Use of Advisory Opinions:

Making Legal Positions Clear To elucidate and bolster India's legal stances on hot-button international issues, consult advisory opinions.

Having an Impact on Norm Development Engage in active participation in advisory opinion proceedings to shape international legal standards in domains that are important to India.

6) Enhancing Transparency and Consistency:

Uniform Legal Opinions To improve India's approach to international law's credibility and predictability, keep your legal arguments consistent across instances. Openness in Legal Approaches Make sure the reasoning behind legal tactics and judgments is transparent, striking a balance between national and international legal norms.

7) Leveraging Soft Power:

Diplomacy across Cultures Build goodwill and fortify ties with other nations through cultural diplomacy; this will help you win support for your case at the ICJ.

India's humanitarian contributions are highlighted, highlighting the country's dedication to human rights and international humanitarian law.

8) Learning From Past Cases:

Case Study Examination Analyze Indian instances from the past in-depth to find places where legal strategies work well and where they may be strengthened.

Mechanisms of Feedback Provide feedback channels so that future legal and diplomatic approaches can take into account the lessons discovered from previous situations.

9) Enhancing Domestic and International Collaborations:

Increasing both local and global cooperation Coordinating Across Agencies To provide a cohesive strategy, enhance cooperation between the several government agencies involved in international legal affairs. Worldwide Collaborations Build a coalition of support by working together on common legal issues with other nations and international organizations.

10) Promoting International Advocate Reforms:

²³ Bimal N. Patel, *RECOMMENDATIONS ON THE ENHANCEMENT OF THE ROLE AND EFFECTIVENESS OF THE INTERNATIONAL COURT OF JUSTICE AND STATE PRACTICE: THE GAP BETWEEN RECOMMENDATION AND PRACTICE*, 11, SINGAPORE YEAR BOOK OF INTERNATIONAL LAW, 99-122, 2007, <http://www.commonlii.org/sg/journals/SGYrBkIntLaw/2007/7.pdf>, last seen on 12/08/24.

Encourage Reforms Encourage the revision of international legal structures to better represent the needs of developing nations and reflect the reality of the modern world.

Engage in Reformation Processes Engage in active dialogue and processes to improve international legal frameworks in order to make sure they are fair and just.

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