

Opening the door

The election of Justice [Dalveer Bhandari](#) to the International Court of Justice (ICJ) is a victory crafted by India for all non-P 5 members of the United Nations, and a symbolic moment in the years of discussion on United Nations Security Council reform. Bhandari, who has been at the ICJ from 2012, won a place in the 15-judge court after Britain withdrew its nominee.

The ICJ election was for five seats and Bhandari was the Asia nominee who defeated the candidate put up by Lebanon in the early rounds. In the normal course, Bhandari and the British candidate, Christopher Greenwood, would not have been competing for the same seat. But the two were locked in an unusual run-off for the last vacant seat after each one failed to win enough votes — Bhandari in the Security Council, and Greenwood in the United Nations General Assembly (UNGA).

Their run-off, too, was deadlocked over several rounds of voting for the same reason. To win, a candidate must secure majorities in both the Security Council and UNGA. The British decision to withdraw Greenwood from the race seems to have been based on the possibility that Bhandari might garner two-thirds of the votes in the UNGA.

This was the first time that a P-5 candidate could not get enough votes in the UNGA, and the first time a P-5 country will not be represented in the ICJ, a privilege taken for granted until now. It is a clear indictment of the closed club of the Security Council, and its accumulated failures to ensure peace. On its part, India pushed the right diplomatic buttons, lobbying hard for Bhandari among UNGA members at each round of voting, and the Ministry of External Affairs can pat itself on the back for some deft footwork for what could well go down as a turning point at the UN. The British withdrawal also served to highlight the country's own post-Brexit emaciated international standing.

However, it should be clear that the Indian victory in no way means that India has planted its flag at the ICJ. As a member of the court, Bhandari does not serve India's interests but those of international law. The expectation that having an Indian representative at the ICJ will help India in the [Kulbhushan Jadhav](#) case with Pakistan, is misguided. Under ICJ rules, if the bench in a case includes a judge who is a national of one of the parties, the other may nominate an ad hoc judge to the bench. Last month, Pakistan appointed its former chief justice, Tassaduq Jillani to the ICJ. Having taken the case to the ICJ, India has to now play by its rules.

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