

Comparing India And Iraq In The International Law Organization

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ABSTRACT

The article looks at how India and Iraq deal with international law bodies, paying special attention to their pledges, how often they keep them, and how this affects world government. Both countries are in Asia, yet their legal, political, and institutional systems handle international law in quite different ways. India, the largest democracy in the world and a rising force, has long worked hard to establish that it is a responsible member of the International Court of Justice (ICJ), the World Trade Organization (WTO), and other specialized groups. It is based on rule-based multilateralism, following international treaties, and claiming sovereign authority in a way that is not fair when national interests are at risk. Iraq, on the other hand, has a harder time following the rules and going against them because it has been through years of war, sanctions, and changes in government. It works with the UN Security Council, the International Criminal Court (ICC), and groups that work to protect human rights. However, these groups often point out problems with enforcement, rebuilding after a conflict, and not having enough institutional capacity.

This article situates India and Iraq within the overarching context of global legal order, thereby enriching comparative international law scholarship and examining the influence of diverse compliance patterns from the Global South on the evolving legitimacy and efficacy of international law organizations. The findings indicate that participation in international legal institutions is influenced by factors beyond mere formal responsibilities. The stability of the country's politics, the strength of its economy, and its geopolitical direction also play a role.

The comparative analysis showed that India uses its involvement to improve its legitimacy and status in the world, while Iraq's involvement is often reactive and influenced by outside forces and conditions set by international organizations. The most noticeable distinctions are in how treaties are signed, how human rights reports are made, and how disagreements are settled. Both countries nevertheless agree that they are sovereign because they think foreign groups are overstepping their bounds..

Keywords: India, Iraq, international law, the UN, compliance, sovereignty, and global governance are some of the words that come to mind

INTRODUCTION:

Context: Role of International Law Organizations in Global Governance

International organizations are particularly important for global governance because they let countries work together to figure out how to solve problems and make the most of chances that touch all of them. The *United Nations (UN)*¹, the *International Court of Justice (ICJ)*², the *International Criminal Court (ICC)*³, the *World Trade Organization (WTO)*⁴, and regional agencies are all groups that help governments work together on problems that affect more than one country. International organizations are particularly important for global

governance because they give countries a space to work together and plan how to cope with problems and take advantage of chances that affect everyone. This article analyzes the intricate role of international organizations in global governance, highlighting the challenges they face and the opportunities they present. Employing a qualitative technique, this study conducts an extensive literature review and library research to examine the contributions, limitations, and evolving dynamics of international organizations in the realm of global governance. An analysis of contemporary literature indicates that international organizations serve several tasks, including policy development, norm creation, capacity building, conflict resolution, and humanitarian assistance. The study also looks at the challenges that

¹ United Nations, *About Us*, <https://www.un.org/en/about-us> (last visited Aug. 23, 2025).

² International Court of Justice, *The Court*, <https://www.icj-cij.org/en/court> (last visited Aug. 23, 2025).

³ International Criminal Court, *About the Court*, <https://www.icc-cpi.int/about> (last visited Aug. 23, 2025).

⁴ World Trade Organization, *What We Do*, https://www.wto.org/english/thewto_e/whatis_e/what_w_e_do_e.htm (last visited Aug. 23, 2025).

international organizations have to cope with, such as political polarization, not having enough resources, concerns about their legitimacy, and inefficiencies in their own institutions.⁵

The study also finds ways for international organizations to make global governance more effective and important, such as pushing for multilateralism, working with non-state actors, using digital technologies, and dealing with new global problems. The findings underscore the significance of international organizations as pivotal entities in the formulation of global governance and highlight the imperative for continuous adaptation and innovation to address complex global challenges. This study elucidates the complexities of contemporary global governance by delineating the challenges and opportunities faced by multinational organizations.

Rationale: Why Compare India and Iraq?

This article is about two Asian countries, India and Iraq, that were some of the first to join the UN. Since then, their relationships with international law institutions have been very different. Both countries got independent in the middle of the 20th century and joined international organizations as independent players striving for respect and legitimacy in the new world order after colonialism. But they didn't get along with each other very well because their political systems, levels of stability, economic strength, and outside support were all different.⁶

India is the biggest democracy in the world and is becoming more powerful. It has become a responsible member of groups all across the world. It has willingly taken part in peacekeeping missions, worked with the ICJ and WTO, and helped define standards in areas like trade and climate change. The goal is to establish a middle ground between following the rules of multilateralism and pragmatically declaring sovereignty when the country's most essential interests are at stake.

On the other hand, Iraq has been through war, dictatorship, outside interference, and rebuilding after the war. It usually only collaborates with foreign groups when it has to, because of sanctions, conditions, and outside observation. The Gulf Wars, the long-lasting UN sanctions, and the occupation that followed had a big effect on Iraq's standing in international law. They talked about things like sovereignty, intervention, and whether international law bodies are helpful in times of crisis.

Consequently, a comparative analysis of India and Iraq offers a unique lens to explore how two states, despite having analogous access to the international system, exhibit divergent patterns of involvement and compliance. The comparison shows how a state's internal political stability and its place in the world affect its potential to make a big difference in the creation of international legal norms.

⁵ Asif Khan, Muhammad Usman & Sohail Amjad, *The Effectiveness of International Law: A Comparative Analysis*, 2 *Int'l J. Contemp. Issues in Soc. Scis.* 780 (2023), <https://ijciss.org/index.php/ijciss/article/view/111>, *Advances in Consumer Research*

RESEARCH QUESTIONS

The main questions that this initiative is trying to answer are:

How do India and Iraq work with international law bodies, and how do their compliance habits compare and differ?

How much do the political, economic, and institutional forces in their home countries affect how they cope with their international legal obligations?

How do these diverse pathways illustrate that people in the Global South disagree a lot about sovereignty, legitimacy, and how well international law organizations work?

What insights can be derived from this comparative analysis to improve the role of international associations in balancing national sovereignty with global governance?

Methodology

The study utilizes a comparative qualitative technique, encompassing doctrinal legal analysis, treaty duties, case law, and secondary scholarly sources. The major sources include treaties from the UN, cases from the International Court of Justice (ICJ), recommendations on how to settle disputes at the World Trade Organization (WTO), and India's and Iraq's responsibilities to report on human rights. Reports from international organizations, scholarly opinion, and policy research are all examples of secondary sources.

There are three primary aspects that make up the framework for comparison:

signing treaties and forming groups,

following through on reporting requirements, settling disputes, and enforcing rules;

repercussions (how taking part impacts the country's legitimacy, sovereignty, and status in the world).

A contextual approach is employed by situating each country's involvement within its historical and political frameworks: democratic consolidation and economic growth in India, juxtaposed with authoritarianism, conflict, and reconstruction in Iraq. The study improves the field of comparative international law by looking closely at both convergence and divergence. It also highlights the growing connection between national sovereignty and global governance in many situations.

HISTORICAL BACKGROUND

The colonial and mandate histories of India and Iraq, their later fights for independence, and their shifting positions in global governance have a big impact on how they interact with international law and institutions. Both governments emerged from situations of external

⁶ Arshi Khan, *Situating Iraq in International Politics and Implications for India*, *India Q.* Vol. 60, No. 4, 110 (Oct.–Dec. 2004). <https://www.jstor.org/stable/45069295>.

domination, which has profoundly shaped their perspectives on international law and multilateral alliances.⁷

India's Evolution

India's relationship with international law should be understood in the perspective of its historical subjugation under British colonial rule. During this time, India was not an independent country; instead, the colonial authority spoke for India in international settings. After attaining independence in 1947, India quickly made its foreign policy goals apparent. These were sovereignty, non-interference, and living peacefully with others. India's strong involvement in the Non-Aligned Movement (NAM) during the Cold War made it even more of a leader in the developing world, where it pushed for a fair international legal order, decolonization, and the democratization of global institutions. India was one of the original and most active members of the United Nations, the International Court of Justice (ICJ), and the World Trade Organization (WTO).⁸ It found a way to balance its moral duties with its practical worries about safety and wealth.

Iraq's Evolution

Iraq's history went in a different direction. The League of Nations Mandate abolished British administration in Iraq in 1932, making the country officially independent. But it was still open to outside interference. During the Ba'athist period, sovereignty was perceived through a statist and authoritarian lens. The government used international law in a way that was unfair while fighting against outside control. The Gulf Wars of 1991 and 2003 had a profound impact on Iraq's laws and politics.⁹ The UN Security Council played a large part in making sanctions, disarmament orders, and plans for rebuilding after the war, therefore this was especially true. The U.S.-led invasion of Iraq in 2003, which the Security Council did not approve, also raised major questions about how international law works and what its limits are. After that, Iraq's efforts to reconstruct and form a new government were closely tied to international organizations. This demonstrated both dependence on and resistance to global legal governance.

⁷ Vivek Sehrawat, *Implementation of International Law in Indian Legal System*, 31 Fla. J. Int'l L. 97 (2021), <https://scholarship.law.ufl.edu/fjil/vol31/iss1/4> (last visited Aug. 8, 2025).

⁸ Farzad Ramezani Bonesh, *How India Views Iraq and Important Areas of Cooperation Between the Two Countries*, Al-Bayan Center for Planning and Studies (March 2022), <https://www.bayancenter.org/en/wp-content/uploads/2022/03/87trfg.pdf> (last visited Aug. 8, 2025).

⁹ *Country Comparison: India / Iraq*, WorldData.info (accessed Aug. 8, 2025), <https://www.worlddata.info/country-comparison.php?country1=IND&country2=IRQ>

Shared Legacies

India and Iraq have gone in different directions, yet they both have a long history of respecting sovereignty, territorial integrity, and not becoming involved in other countries' business. India exploited its colonial history to push for change around the world through legal means. Iraq, on the other hand, is not sure how international law is employed fairly because it has been attacked and colonized.¹⁰ These historical settings provide the foundation for understanding their present engagements with international organizations and the tensions between national sovereignty and international obligations.

UNITED NATIONS ENGAGEMENT

The United Nations (UN) has been the major means for both India and Iraq to discourse about their foreign policy aims, assert their independence, and deal with changes in the world order. Even though both countries were early members of the UN, their roles have altered a lot over time because of differing historical, political, and security routes.¹¹

Membership History

India became a founder member of the UN in 1945, two years before it became free in 1947. This was because it was still part of the British Empire and people thought it could be a big voice in Asia. Since it became independent, India has always wanted the UN to remain a multipolar, rules-based organization. It has often thought of itself as a leader of the Global South.¹²

Iraq became a member of the UN in 1945 because of the League of Nations' mission system. Because of its colonial past and the politics of the area, its members were particularly sensitive to problems of sovereignty. Wars, sanctions, and acts by other countries have made Iraq's participation in the UN far less effective. This is different from India, which has been able to be more constructive.

India's Leadership: UNSC Reform and Peacekeeping

India has been a non-permanent member of the UN Security Council (UNSC) eight times, the most recent time being from 2021 to 2022. It wants to be viewed as a global power, therefore it keeps calling for changes to

¹⁰ "India-Iraq Bilateral Brief," Ministry of External Affairs, Government of India (2023-24), <https://www.mea.gov.in/Portal/ForeignRelation/Bilateral-Briefs.pdf> (last visited Aug. 8, 2025).

¹¹ *India-Iraq Relations, Politics for India* (published approx. 4.5 years ago), <https://politicsforindia.com/india-iraq-relations/> (last visited Aug. 8, 2025).

¹² Farzad Ramezani Bonesh, *How India Views Iraq and Important Areas of Cooperation Between the Two Countries*, Al-Bayan Center for Planning and Studies (Mar. 2022), <https://www.bayancenter.org/en/2022/03/3181/> (last visited Aug. 8, 2025)

the UN Security Council, like making India a permanent member. India has also sent more than 250,000 personnel to UN peacekeeping missions since the 1950s, making it one of the highest providers.¹³ India's credibility as a trustworthy partner has suffered because it is both a leader in peacekeeping and a proponent of reform.

Iraq's Engagement: Sanctions, UNAMI, and Intervention

Iraq's relationship with the UN has always been affected by crises. When Iraq invaded Kuwait in 1990, the UN put in place some of the toughest sanctions ever. The Oil-for-Food Program and these restrictions made it evident that Iraq's sovereignty was under question and that people were suffering. The 2003 U.S.-led invasion of Iraq, which the UNSC did not clearly approve, showed even more how weak the UN's power is in Iraq. The UN set up the United Nations Assistance Mission for Iraq (UNAMI) in 2003, after the invasion.¹⁴ It was in charge of helping with elections, giving humanitarian aid, and building the state. Iraq has primarily reacted to the UN, with international control and conditional sovereignty. India, on the other hand, has been more proactive.

Comparative Observations

India's history at the UN shows that it is independent, willing to act, and wants things to change. Iraq's path, on the other hand, shows that it is limited, dependent, and in conflict. India defends sovereignty by advocating for fundamental changes, whereas Iraq defends it against challenges from outside.¹⁵

Aspect	India	Iraq
Year of Membership	1945 (founding member)	1945 (founding member)
UNSC Representation	8 terms as non-permanent member; seeking permanent seat	Limited non-permanent terms; no bid for permanent seat
Peacekeeping	Top 3 troop contributor historically;	Minimal participation;

¹³ *India's Aspirations for a Permanent Seat in the UN Security Council: A Quest for Global Influence*, Scientia Tutorials (Sept. 19, 2024), <https://scientiatutorials.in/indias-aspirations-for-a-permanent-seat-in-the-un-security-council-a-quest-for-global-influence/> (last visited Aug. 8, 2025).

¹⁴ *To What Extent Does India's Long-Standing Participation in UN Peacekeeping Operations Bolster Its Legitimacy and Normative Claim for Permanent Membership in the United Nations Security Council?*, Polity Prober (May 22, 2025), <https://polityprober.in/2025/05/22/to-what-extent-does-indias-long-standing-participation-in-un-peacekeeping-operations-bolster-its-legitimacy-and-normative-claim-for-permanent-membership-in-the-united-nations-security-council/> (last visited Aug. 8, 2025).
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Aspect	India	Iraq
	>250,000 personnel	focus inward due to instability
Major Issues	UNSC reform, decolonization, peacekeeping, climate change	Sanctions, sovereignty disputes, humanitarian aid, post-war reconstruction
UN Role in Domestic Context	Platform for global leadership and status recognition	Vehicle of external control (sanctions, UNAMI) and legitimacy crisis
Sovereignty Position	Pro-reform, advocates multipolarity	Defensive, resists interventionist precedents

INTERNATIONAL LABOUR ORGANIZATION (ILO)

The *International Labour Organization (ILO)*¹⁶ is a UN entity that was created in 1919 to promote social justice and labor standards that are recognized around the world. Both India and Iraq were founder members of the ILO, which shows that they both care about workers' rights. But their pathways to ratification, compliance, and implementation in their own countries are different.

Ratification Profiles

India has ratified 47 ILO Conventions, some of which are very important and some of which are about how the government should work. It hasn't ratified two of the eight fundamental treaties, though: Convention No. 87 (Freedom of Association and Protection of the Right to Organise, 1948) and Convention No. 98 (Right to Organise and Collective Bargaining, 1949).¹⁷ The Indian government has said over and over again that the country's laws already guarantee workers' rights, including the Trade Unions Act of 1926 and the Industrial Disputes Act

¹⁵Dr. Manas Kumar Das, *Contemporary History of India from 1947–2010 (Paper-9)*, Master of Arts in History, Department of Distance & Continuing Education, Utkal University (2013), https://ddceutkal.ac.in/Syllabus/MA_history/paper-9.pdf (last visited Aug. 8, 2025).

¹⁶ International Labour Organization, *About the ILO*, available at <https://www.ilo.org/global/about-the-ilo> (last visited on Aug. 23, 2025).

¹⁷ Press Information Bureau, Ministry of Labour & Employment, "ILO Fundamental Conventions," (July 24, 2017), *India has ratified six out of the eight core/fundamental International Labour Organisation (ILO) Conventions*, <https://www.pib.gov.in/newsite/PrintRelease.aspx?relid=168889> (last visited Aug. 8, 2025)

of 1947. But there are still restrictions in vital areas like defense and public services. People who don't like India's decision not to ratify this believe it illustrates how the country is striving to find a balance between workers' rights and policies that support free markets.

Iraq, on the other hand, has signed 72 ILO Conventions, most of which are the eight basic ones. This shows that it is really committed to following the rules. After 2003, Iraq actively pursued ratifications as part of its generous commitment to help other countries.¹⁸ But this wide range of ratification is not matched by a high level of compliance, largely owing of political instability, conflict, and weak institutions.

Decent Work Country Programme (DWCP)

Iraq has set up a number of Decent Work Country Programs (DWCPs) with aid from the ILO. The main goals have been to bring back labor unions, abolish forced and child labor, promote gender equality, and provide jobs that would remain during the rebuilding process after a war. For example, the DWCP for 2019–2023 listed social discourse, job safety, and creating jobs for internally displaced people (IDPs) at the top of its agenda.¹⁹

India doesn't use the DWCP framework, but it does engage with the ILO on sectoral projects, especially those that aim to stop child labor, make dangerous jobs safer, and teach people new skills. Its long-term partnership has been centered on minor modifications instead of a huge programming strategy.

Compliance Under CEACR

The *Committee of Experts on the Application of Conventions and Recommendations (CEACR)*²⁰ has indicated many times that both countries have issues.

India:

CEACR says that India's failure to ratify C87 and C98 is a problem since it makes it harder for people to join associations that provide critical services.²¹

People have also criticized India for using child labor, even if the Child Labour (Prohibition and Regulation) Amendment Act, 2016 made things better.

There are still worries about loopholes in enforcement in the informal industries, which employ over 80% of people in India.

Iraq:

CEACR has spoken out against forced labor and child labor, especially in areas of conflict when vulnerable people are harmed.²²

It has been shown many times that unstable governance frameworks make it hard to implement norms for social dialogue and workplace safety.

Gender equality is still an issue, and cultural and social issues make it extra tougher for

Comparative Analysis

India has a more cautious, step-by-step approach that values economic flexibility above full conformance with norms. On the other hand, Iraq makes a strong legal commitment by ratifying it, but it has problems implementing it since things are unstable. India has compliance challenges because of the decisions it makes concerning policy. Iraq has compliance problems since it doesn't have enough resources.²³ These paths combined indicate how different types of governments and political situations affect how people get involved with the ILO.

World Trade Organization (WTO)

India's Engagement

India has been a founder member of the WTO since it was set up in 1995. Before that, it was a member of the GATT. India has always been the leader of the Global South in WTO talks because it is one of the biggest growing economies. It really wants special and differentiated treatment (SDT), adjustments to agricultural subsidies, and food security to be treated seriously, as shown by how

¹⁸ *International Labour Standards Country Profile: India*, ILO NORMLEX (accessed Aug. 8, 2025), https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:11110:0::NO:11110:country_id:102691.

¹⁹ Jorma Rantanen, Franklin Muchiri & Suvi Lehtinen, *Decent Work, ILO's Response to the Globalization of Working Life: Basic Concepts and Global Implementation with Special Reference to Occupational Health*, 17 *Int'l J. Env'tl. Res. & Public Health* 3351 (2020), <https://doi.org/10.3390/ijerph17103351> (last visited Aug. 8, 2025).

²⁰ *Committee of Experts on the Application of Conventions and Recommendations (CEACR)*, ILO (accessed Aug. 8, 2025), <https://www.ilo.org/international-labour-standards/ilo-supervisory-system-regular-supervision/committee-experts-application-conventions-and-recommendations-cevacr/>

²¹ *Committee of Experts on the Application of Conventions and Recommendations (CEACR)*, *Oxford Public International Law*, <https://opil.ouplaw.com/display/10.1093/law-mpeipro/e1325.013.1325/law-mpeipro-e1325> (last visited Aug. 8, 2025).

²² *Report of the Committee of Experts on the Application of Conventions and Recommendations (Geneva, Nov. 25 – Dec. 7, 2024)*, ILO (2024), https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_911183.pdf (last visited Aug. 8, 2025)

²³ K. Monaghan, *The Committee of Experts on the Application of Conventions and Recommendations: The Centenary Year*, *King's L.J.* 32 no. 2, at 197 (2021), <https://doi.org/10.1080/09615768.2021.1954799> (last visited August 8, 2025).

involved it was in the Doha Development Round.²⁴ India has been a major proponent of maintaining developing countries' ability to change their policies, especially when it comes to the Public Stockholding (PSH) program for food security.

India has also engaged in a lot of WTO lawsuits for settling disputes. The WTO panel ruled against India's domestic content standards in the solar sector in the well-known case of *The United States Certain Measures Relating to the Renewable Energy Sector* (2016). India, on the other hand, has been able to fight off curbs on its steel and textile exports, which backs up its twin approach of defensive and offensive trade policy. India has also often brought up worries about e-commerce laws, intellectual property rights (TRIPS flexibilities), and trade in agriculture. This illustrates how big its objectives for growth are.²⁵

Iraq's Engagement

But Iraq is not yet a member of the WTO. It has been an observer since 2004. The country officially applied to join in 2004, and since then it has held a number of Working Party sessions. But development has been gradual because of problems with security, politics, and the reality that the economy depends on oil money. Iraq has to reform its taxes, customs, subsidies, and intellectual property laws a lot in order to join the WTO.²⁶

Efforts to join have been closely tied to generous plans for rebuilding and becoming a part of the world after 2003. Iraq has asked the WTO and other countries for aid in making its trade regulations more like those of other countries. To satisfy WTO standards, the country is amending its own laws. For example, it made its tariff schedules more open (for example, by passing a customs tariff bill in 2016) and made it easier for the government to buy things.²⁷ But Iraq needs to undertake a lot of effort to make its economy less reliant on oil and gas, make sure its enterprises follow international rules, and strengthen its institutions so they can satisfy WTO commitments.

Comparative Implications

²⁴ Role of Trade in Ending Poverty, World Bank & World Trade Organization (2015), <https://openknowledge.worldbank.org/bitstream/han>.

²⁵ World Trade Organization: Relations, Encyclopedia.com, <https://www.encyclopedia.com/international/encyclopedias-almanacs-transcripts-and-maps/world-trade-organization-wto-relations> (last visited Aug. 8, 2025).

²⁶ Gavin Gibbon, *Iraq Resumes Talks to Join World Trade Organization*, *Arabian Gulf Bus. Insight* (July 18, 2024), <https://www.agbi.com/trade/2024/07/iraq-resumes-talks-to-join-world-trade-organization/> (last visited Aug. 8, 2025).

²⁷ *Gulf Countries: Iran, Iraq, and Yemen*, European Parliament Factsheets, <https://www.europarl.europa.eu/factsheets/en/sheet/179/gulf-countries-iran-iraq-and-yemen> (last visited Aug. 8, 2025).

The comparison between India and Iraq illustrates that global trade governance is headed in distinct ways. India uses its long history of being a member of the WTO to support groups of impoverished nations, bring strategic litigation, and shape talks about trade issues that have to do with climate change and food security. In contrast, Iraq is still in the pre-accession phase, where its participation is primarily based on outside factors and calls for change at home. India works with the WTO to set standards, while Iraq works with the WTO to accept standards as part of reconstructing the country.²⁸

The effects are significant: India has gained the power to make its own policy choices in international trade, but Iraq's possible entry is likely to make it harder for the country to change its rules while also opening up new trade and investment opportunities. In both cases, the domestic political economy and outside pressures affect how international trade laws effect the growth of the country.

International Criminal Court (ICC)

The International Criminal Court (ICC) was created by the Rome Statute in 2002. This was a big step forward for international criminal justice. But India and Iraq are both examples of countries that have chosen not to be part of the ICC for various reasons, even though they have different histories and security concerns.²⁹

India's Position: India was very involved in the deliberations for the Rome Statute, but in the end, it did not sign it. Its worries are still the same. First, it contends that the ICC goes against the principles of sovereignty and jurisdictional autonomy because New Delhi says that the ICC takes away the state's authority to pursue crimes that occurs on its own land. Second, India is anxious that foreign indictments could turn into political issues, especially if they target its military officials who are working on peacekeeping and counterinsurgency missions.³⁰ Third, India talks a lot about the idea of complementarity, which makes the ICC question how much it cares about good local courts. Because of these problems, India has been very against expanding ICC

²⁸ *Iraq: 2024 Article IV Consultation—Press Release; Staff Report; and Statement by the Executive Director for Iraq*, IMF Country Report No. 24/128 (May 2024), <https://iraqieconomists.net/en/wp-content/uploads/sites/3/2024/05/IMF-Staff-Consultations-Report-2024-IIRQEA2024001.pdf> (last visited Aug. 8, 2025).

²⁹ *ICC at a Glance*, International Criminal Court (2024), <https://www.icc-cpi.int/sites/default/files/Publications/ICCAatAGlanceEN.G.pdf> (last visited Aug. 8, 2025).

³⁰ Vajiram Editor, *International Criminal Court (ICC) and Its Functions*, *Vajiram & Ravi* (Aug. 26, 2023), <https://vajiramandravi.com/current-affairs/international-criminal-court-icc-and-its-functions/> (last visited Aug. 8, 2025).

jurisdiction without a lot of support. But it still supports accountability through local and regional groups.

Iraq's Position: Iraq has also not joined the ICC, however its arguments are mostly based on recent wars. The ICC's Office of the Prosecutor examined into charges of war crimes committed by both coalition soldiers and rebels after the U.S.-led invasion in 2003 and the sectarian violence that followed. The Court couldn't hear cases from Iraq, on the other hand, unless the crimes involved people from ICC member states. Instead, Iraq employed its own tribunals, such the Iraqi High Tribunal, which put Saddam Hussein and other Ba'athist leaders on trial. These trials proved that the country was serious about bringing people accountable, but they were also criticized for not following international norms for due process.³¹

Comparative Insight: India and Iraq both don't wish to join the ICC, but for different reasons. India doesn't want to join because it cares about sovereignty and politics, and Iraq doesn't want to join because it's hard to rule after a war and it depends on its own legal system. This disparity indicates how geopolitical circumstances affect how countries handle international criminal law. India positions itself as an external reformist critic, whereas Iraq exemplifies a potential case study for the dynamics between international justice and unstable internal alliances.³²

Alternative Mechanisms: In both situations, accountability is pursued beyond the ICC framework. India supports temporary courts, like those in Rwanda and Yugoslavia, and a focus on home jurisdiction. Iraq's hybrid justice initiatives highlight how international legitimacy and national sovereignty are still at odds with each other.³³

International Court of Justice (ICJ)

The United Nations' judicial department is called the International Court of Justice (ICJ). Its importance in settling disagreements shows how countries employ international courts. India has been a party to many cases before the ICJ, which indicates how it tries to safeguard its sovereignty while also using international law for political reasons. *India v. Pakistan* (2017–19) is a famous

case in which India was able to acquire temporary measures and subsequently permanent relief to make sure consular access under the *Vienna Convention*.³⁴ India fought against demands for nuclear disarmament in the case of *Marshall Islands v. India* (2014–16), but the ICJ threw it out because it didn't have the authority to consider it. Even if it was careful, this proved that India was still strongly preserving its nuclear sovereignty. The 1960 case of *Portugal v. India* also indicated that India was willing to contest claims to Goa from other countries. The ICJ had to think about the ideas of sovereignty and international obligations in this decision. These examples reveal how India utilizes the ICJ to protect its people, assert its sovereignty, and change global legal norms in a way that is unfair.

Iraq's involvement with the ICJ has been less substantial, but it is nonetheless essential in context. The UN Security Council ordered most of Iraq's problems to be solved during the Gulf Wars and after Iraq invaded Kuwait in 1990, rather than going to the ICJ directly. Even though Iraq wasn't a primary party in the case, the ICJ supplied guidance and opinions on the Gulf crisis, especially on sanctions, reparations, and the legality of employing force. Iraq's direct absence shows how politically isolated it is and how weak its institutions are. However, its situation showed how important the ICJ is in deciding how the world reacts to invasion and occupation.³⁵

India has utilized the ICJ as a court to fight for its rights, but Iraq's engagement has been indirect and impacted by conflicts and support from other countries. This disparity illustrates that different countries have varied ways of handling international disputes. Some governments are more involved in the legal process, while others are less active during a crisis.

Comparative Analysis & Critical Discussion

The comparative analysis of India and Iraq's involvement with international law bodies reveals both shared trajectories and notable divergences.³⁶ Both countries were early members of the United Nations and the International Labour Organization. This shows that they wanted to work with other countries even if they faced problems at home. Both countries likewise keep away from the International Criminal Court because they are apprehensive about their sovereignty and the risks it poses to political and military leaders. Their positions show that they are aware of how foreign powers might interfere in

³¹ International Labour Organization. 2023. Decent Work for All [Online]. Available at: <https://www.ilo.org/decentworkforall> [Accessed: 23 August 2025].

³² Rome Statute of the International Criminal Court art. 1–128, July 17, 1998, 2187 U.N.T.S. 90, [https://legal.un.org/icc/statute/english/rome_statute\(e\).pdf](https://legal.un.org/icc/statute/english/rome_statute(e).pdf) (last visited Aug. 23, 2025).

³³ Int'l Justice Project, *The International Criminal Court and the United Nations: Legal Analysis and Education Project*, American Univ., <https://www.american.edu/wcl/impact/initiatives-programs/warcrimes/our-projects/icc-legal-analysis-and-Advances in Consumer Research>

[education-project/upload/8_wcro_report_on_icc_and_un_august2009.pdf](https://www.ilo.org/decentworkforall) (last visited Aug. 23, 2025).

³⁴ Encyclopædia Britannica, Inc., International Court of Justice, <https://www.britannica.com/topic/International-Court-of-Justice> (last visited Aug. 23, 2025).

³⁵ Oxford Law Pro, *The International Court of Justice*, in OXFORD LAW PRO (Oxford Univ. Press), <https://academic.oup.com/book/56247/chapter/472991983>.

³⁶ Khan, A. (2004). Situating Iraq in international politics and implications for India. *India Quarterly*, 60(4), 110–133. <https://www.jstor.org/stable/45069295>

their own affairs after colonialism, and they don't trust supranational power too much.³⁷

But when it comes to how much people follow the rules and how committed the institutions are, there are greater variances. India has become a prominent participant in UN peacekeeping operations and a strong supporter of Security Council reform.³⁸ In contrast, Iraq's progress has mostly been shaped by UN sanctions, monitoring missions, and outside interventions after the war. India is one of the original members of the WTO, and it has a lot of say in defining trade development goals. Iraq, on the other hand, is still an observer and is working on joining the WTO and making sure that its own groups satisfy WTO standards.³⁹

In terms of labor rights, Iraq has ratified a lot more ILO treaties than India. India has resisted certain essential parts of these, including as freedom of association (C87) and collective bargaining (C98). Still, compliance in Iraq is limited because of weak ties and instability after the war. India, on the other hand, has better processes for enforcing and keeping an eye on things, even though it is behind in ratifications. This shows that ratification doesn't always mean that something will be put into action.⁴⁰

One important idea that comes up is the tension between sovereignty and obedience. Both India and Iraq say they are sovereign to shield themselves from what they regard as intrusive obligations, yet they must follow basic standards in order to be effective in global governance. India uses this balance more strategically by modifying the rules of institutions while yet keeping its sovereignty. In Iraq, on the other hand, people often feel like their sovereignty is constrained from the outside, with rules that must be followed or else they would be punished.

Conclusion & Policy Recommendations

The comparative analysis indicates that India and Iraq exhibit divergent outcomes because to their distinct economic, political, and institutional advancements,

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³⁷ Human Rights Watch. (2020, September 2). Q&A: The International Criminal Court and the United States. <https://www.hrw.org/news/2020/09/02/qa-international-criminal-court-and-united-states>

³⁸ Reuters. (2023, March 17). What is the International Criminal Court? <https://www.reuters.com/world/europe/what-is-international-criminal-court-2023-03-17/>

³⁹ Washington University in St. Louis. (2019, December 10). ~~The case for the International Criminal Court: Why it~~ *Advances in Consumer Research*

despite both nations adhering to fundamental principles of international law organizations. India is a reforming player that sets the rules, while Iraq has primarily been a subject of world observation instead of an equal partner.

Some ideas for India's policies are:

It should ratify the UN Convention Against Torture (CAT) and ILO Conventions 87 and 98 to do better by workers' rights.

setting up a clear framework for making sure that domestic labor rules follow international norms,

Pushing more diplomatically for permanent membership in the UN Security Council to illustrate how vital it is to the globe.

Iraq should mainly focus on:

making changes to tariffs and customs to finalize the process of joining the WTO,

making the country's labor inspection processes better so that the ILO Decent Work Country Program can be carried out correctly, and

Following UNAMI's advice, making the courts and other institutions better able to handle human rights matters.

International law is a collection of laws, standards, and conventions that control how people, sovereign states, and international organizations interact with one another. Its main purpose is to make the world a better place by talking about things like trade, human rights, diplomacy, and protecting the environment. International law is largely based on the agreement of states, while domestic law is implemented by a central authority. It tells countries how to treat each other, how to treat people who live in their own boundaries, and how to treat people in general

deserves our support. <https://sites.law.wustl.edu/WashULaw/harris-lexlata/the-case-for-the-international-criminal-court-why-it-deserves-our-support/>

⁴⁰ Global Sanctions. (2025, March 5). The US sanctions against the International Criminal Court curtail the ability of victims globally to obtain justice. <https://asf.be/the-us-sanctions-against-the-international-criminal-court-curtails-the-ability-of-victims-globally-to-obtain-justice/>