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The state practice of India and the development of international law : selected areas

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Propositions relating to the Dissertation

“The State Practice of India and the Development of International Law: Selected Areas”

Bimal N. Patel

1. The distinctive attitude of the judiciary and the executive branch towards the evolution of norms and rules and the functioning of international law creates an ambivalence in the overall position of India with respect to international law.
2. The post-independence practice of India unambiguously proves that India's overall approach to international law is comparable to the approach of an emerging regional or global power.
3. India's patient and persistent diplomatic and political maneuvering and strategies will soon yield a permanent membership of the Security Council.
4. India will use all opportunities which international law can provide her to promote her national interests.
5. India will continue to avoid the International Court of Justice and international courts and tribunals in general as a preferred means for settlement of her international disputes.
6. India will employ all means and abilities to gain and maintain hegemony in the Indian Ocean region in particular and ocean regimes in the world at large.
7. India will continue to insist for non-discriminatory disarmament instruments and, at the same time, she will use maneuvering room in the international negotiations on nuclear weapons and missile proliferation regimes.

8. India aims to achieve the status of a great power and wield significant influence in international relations by consolidating her overall growth and development in economic, military, political fields and by exercising soft-power diplomacy.
9. The foreign policy agenda of the new government of the National Democratic Alliance established in May 2014 will significantly rework India's overall attitude and position towards international law. The new government is unlikely to remain wedded to *status quo*, especially in areas of human rights, trade, climate change and international financial order.
10. With the increased economic, political and cultural strengths at national level and matching influence in international affairs, India will be able to achieve more representation in the decision making processes of the multilateral institutions for the developing countries and will be decisively influential in replacing the hitherto largely political agenda with the holistic development agenda through multilateral and regional institutions.
11. Democratization of international law and more space for developing countries in norm-making will be more vigorously felt as the Euro-centric or developed-countries centric voice becomes more accommodative of developing countries' interests. This is partially a justification of position of the Third World Approach to International Law (TWAIL) School which has been assiduously working through scholarly publications, organization of international events and influencing class-room debates on international law.
12. India will pay disregard to international law like the five permanent members of the Security Council once it will become one of them.