



# INTERNATIONAL COURT OF JUSTICE

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## Press Release

Unofficial

No. 2011/34

11 November 2011

### **United Nations General Assembly and Security Council elect four Members of the Court**

THE HAGUE, 11 November 2011. The General Assembly and the Security Council of the United Nations yesterday elected four Members of the International Court of Justice (ICJ) for a term of office of nine years, beginning on 6 February 2012.

Judges Hisashi Owada (Japan), Peter Tomka (Slovakia) and Xue Hanqin (China) were re-elected as Members of the Court. Mr. Giorgio Gaja (Italy) was elected as a new Member of the Court.

The election of a fifth Member of the Court could not be concluded on Thursday, since no candidate obtained a majority in both the General Assembly and the Security Council. That election has been postponed to a later date, yet to be fixed.

The biographies of the re-elected Members of the Court are available on the Court's website ([www.icj-cij.org](http://www.icj-cij.org)) under the heading "The Court". The biography of the newly elected Member is annexed to this press release.

In February 2012, the Court as newly constituted will proceed to elect from among its Members a President and a Vice-President, who will hold office for three years.

### **Composition of the Court: General**

The International Court of Justice, which is the principal judicial organ of the United Nations, comprises 15 judges, who are each elected to a nine-year term of office and may be re-elected. In order to ensure a measure of continuity in the composition of the Court, one third of the membership is renewed every three years. In accordance with Article 2 of the Statute of the Court, judges are elected "regardless of their nationality from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law". Article 9 of the Statute further requires that, "in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured". No two Members of the Court may be of the same nationality.

### **Submission of candidacies**

All States parties to the Statute of the Court (currently 193) have the right to propose candidates. However, candidates are not nominated directly by governments but by the national groups in the Permanent Court of Arbitration (PCA) or, in the case of States not participating in the PCA, by similarly constituted national groups. The Permanent Court of Arbitration, which is based in The Hague, was established under the Hague Conventions of 1899 and 1907. Each State party to those Conventions (currently 112) has its own national group, that is to say, a group of up to four jurists who can be called upon to serve as members of an arbitral tribunal under the Conventions. When an election takes place to fill vacancies at the International Court of Justice, each national group can propose up to four candidates, not more than two of whom may be of its own nationality. The others may be from any other country. The names of candidates must be communicated to the Secretary-General of the United Nations. A total of eight candidates were nominated for the purpose of the election held yesterday.

### **Election procedure**

Members of the Court are elected by the General Assembly and by the Security Council. These organs vote at the same time but independently of one another. This procedure is intended to ensure, as far as possible, that the vote in one organ does not influence the vote in the other. In order to be elected, a candidate must receive an absolute majority of the votes in both organs, that is to say, currently 97 votes in the General Assembly and eight votes in the Security Council, where no right of veto applies for the purpose of the election and no distinction is made between the votes of the permanent and non-permanent members of the Council.

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Photographs of the elections taken at the General Assembly and in the Security Council are available on the United Nations website at the following address: [www.unmultimedia.org/photo](http://www.unmultimedia.org/photo).

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The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The seat of the Court is at the Peace Palace in The Hague (Netherlands). Of the six principal organs of the United Nations, it is the only one not located in New York. The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States (its judgments have binding force and are without appeal for the parties concerned); and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. It is assisted by a Registry, its international secretariat, whose activities are both judicial and diplomatic, as well as administrative. The official languages of the Court are French and English.

The ICJ, a civil court open only to States for contentious proceedings and to certain organs and institutions of the United Nations system for advisory proceedings, should not be confused with the other — mostly criminal — judicial institutions based in The Hague and adjacent areas, such as the International Criminal Tribunal for the former Yugoslavia (ICTY, an ad hoc court created by the Security Council), the International Criminal Court (ICC, the first permanent

international criminal court established by treaty, which does not belong to the United Nations system), the Special Tribunal for Lebanon (STL, an independent judicial institution composed of Lebanese and international judges, which is not a United Nations tribunal and does not form part of the Lebanese judicial system), or the Permanent Court of Arbitration (PCA), an institution founded in 1899, which is independent of the United Nations.

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## II. Curricula vitae

### Giorgio Gaja (Italy)

[Original: English and French]

Giorgio Gaja, born at Luzern, Switzerland, 7 December 1939. Italian nationality.

Degree in Law, University of Rome, 1960. “Libera docenza” in International Law, 1968. Honorary Doctor of Law, Dickinson Law School, 1985.

Professor of International Law at the University of Florence School of Law since 1974. Dean of the School of Law, 1978-1981.

Lecturer, Hague Academy of International Law, 1981. Part Time Professor at the European University Institute, 1980 and 1984-5. Visiting Professor at the Johns Hopkins University, 1977-8, at the University of Geneva, 1983 and 1985, at the University of Paris I, 1989 and 2001, at the University of Paris II, 2004, at the University of Aix-en-Provence-Marseille III, 1992, at the University of Michigan School of Law, 1992, at the Columbia Law School, 1996, and at the Graduate Institute of International Studies at Geneva, 2001.

Member of the International Law Commission since 1999. Chairman of the Drafting Committee, 2000. Special Rapporteur on Responsibility of International Organizations since 2002. First Vice-Chairman of the Commission, 2006

Judge ad hoc of the International Court of Justice in the case concerning the *Legality of Use of Force (Yugoslavia v Italy)* and in the case concerning *Maritime Delimitation between Nicaragua and Honduras in the Caribbean Sea*.

Delegate of the Italian Government at the Vienna Conference on the Law of Treaties between States and International Organizations or between International Organizations, 1986. Counsel to the Italian Government in the *Elsi* case before the International Court of Justice, 1989.

Member of the *Institut de Droit International*. Editor of the *Rivista di Diritto Internazionale*. Member of the Advisory Boards of the *Common Market Law Review*, the *Columbia Journal of European Law* and the *European Journal of International Law*.

## **Principal publications**

### **Books**

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*La deroga alla giurisdizione italiana* (1971), 396 p.

*International Commercial Arbitration. The New York Convention* (edited looseleaf volumes) (1978- ).

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“Italy”, in: *The Effect of Treaties in Domestic Law* (F.G. Jacobs and S. Roberts eds.) (1987) 87-108.

“A ‘New’ Vienna Convention on Treaties Between States and International Organizations or Between International Organizations: A Critical Commentary”, *British Year Book of International Law*, Vol. 58 (1987) 235-269.

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- “Positivism and Dualism in Dionisio Anzilotti”, *European Journal of International Law*, Vol. 3 (1992) 123-138.
- “Réflexions sur le rôle du Conseil de sécurité dans le nouvel ordre mondial. A’ propos des rapports entre maintien de la paix et crimes internationaux des Etats”, *Revue générale de Droit international public*, Vol. 97 (1993) 297-320.
- “La Convention Européenne des Droits de l’Homme dans les ordres juridiques des Etats membres de la Communauté Européenne”, in: *Grundrechtsschutz im europäischen Raum* (J. Iliopoulos-Strangas ed.) (1993) 131-150.
- “Beyond the Reasons States in Judgments”, *Michigan Law Review*, Vol. 92 (1993-4), 1966-1976.
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