

ELECTION OF ICJ JUDGES

On 3 November 1999 the United Nations General Assembly and Security Council proceeded to elect five Members of the International Court of Justice for a term of office of nine years, beginning on 6 February 2000. In this election, a total of seven candidates were nominated.

Judges Gilbert Guillaume (France), Raymond Ranjeva (Madagascar), Rosalyn Higgins (United Kingdom of Great Britain and Northern Ireland) and Gonzalo Parra-Aranguren (Venezuela) were re-elected as Members of the Court. Mr. Awn Shawkat Al-Khasawneh (Jordan) was elected a Member of the Court for the first time.

THE COURT'S COMPOSITION

The Court, the principal judicial organ of the United Nations, comprises 15 judges, known as Members of the Court, who are each elected to a nine-year term of office. They may be re-elected. In order to ensure a measure of continuity in the composition of the Court, the terms of the 15 judges are staggered. Thus every three years the terms of office of five judges come to an end.

According to 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 recognised competence in international law". Article 9 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".

This principle has been reflected in the following distribution of membership of the Court among the principal regions of the globe: three judges for Africa, two for Latin America, three for Asia, five for Western Europe and other States (including States from Northern America and Oceania) and two for Eastern Europe (including Russia). In addition no two Members of the Court may be of the same nationality.

ELECTION PROCEDURE

The Members of the Court are elected by the General Assembly (to which one state which is not a member of the United Nations but which is a party to the Court's Statute – Switzerland – is admitted for the occasion) and by the Security Council (where no right of veto obtains for the purpose of the election). These organs vote simultaneously but separately. In order to be elected, a candidate must receive an absolute majority of the votes in both organs (namely, 95 votes in the General Assembly and eight votes in the Security Council currently).

SUBMISSION OF CANDIDACIES

All states parties to the Statute of the Court (currently 189) have the right to propose candidates. In order to insulate the process of nomination from political considerations, candidates are not nominated directly by governments but by the national groups in the Permanent Court of Arbitration ("PCA") or, in the case of countries not participating in the PCA, by national groups constituted in the same way.

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 89) has its own national group, namely, 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.