



# INTERNATIONAL COURT OF JUSTICE

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## Press Release

Unofficial

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

THE HAGUE, 13 November 2020. The General Assembly and the Security Council of the United Nations yesterday elected five Members of the International Court of Justice for a term of office of nine years, beginning on 6 February 2021.

Judges Xue Hanqin (China), Peter Tomka (Slovakia), Julia Sebutinde (Uganda) and Yuji Iwasawa (Japan) were re-elected as Members of the Court. Mr. Georg Nolte (Germany) was elected as a new Member of the Court.

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 2021, 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**

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 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.

### **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 8 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.



The United Nations General Assembly elects Members of the International Court of Justice (UN Photo/Eskinder Debebe).



The United Nations Security Council elects Members of the International Court of Justice (UN Photo /Manuel Elias).

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*Note:* The Court's press releases are prepared by its Registry for information purposes only and do not constitute official documents.

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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 Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. The seat of the Court is at the Peace Palace in The Hague (Netherlands). 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.

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**Nolte, Georg Nolte (Germany)**

[Original: English]

Georg Nolte, born in Bonn, Germany, 3 October 1959

**Current position and function**

Professor of International Law, Humboldt University Berlin (since April 2008)

Member of the International Law Commission (ILC) (since January 2007)

- Special Rapporteur on Subsequent agreements and subsequent practice in relation to the interpretation of treaties (2012 - 2018)
- Chairperson of the International Law Commission (for the 69<sup>th</sup> session 2017)
- Chairperson of the Study Group on Treaties over time (2009–2012)

**Previous positions**

Professor of International Law, Ludwig-Maximilians-Universität München (2004–2008)

Dean, Faculty of Law, University of Göttingen (2004)

Professor of International Law, University of Göttingen (1999–2004)

Fellow, Max Planck Institute for Comparative Public Law and International Law, Heidelberg (1987–1999)

**Fellowships and visiting positions**

Princeton University (Visiting Fellow 2013–2014)

South Ural State University, Chelyabinsk (Visiting Professor, 2010)

Wissenschaftskolleg zu Berlin - Institute for Advanced Study (Fellow, 2006–2007)

Panthéon-Assas University (Paris 2) (Visiting Professor 2004)

All Souls College, Oxford (Visiting Fellow, 2003–2004)

New York University, School of Law (Visiting Fellow 1992)

**Education**

Doctorate from Heidelberg University (1991)

Studies in law, international relations and philosophy at Freie Universität Berlin and University of Geneva (1977–1983)

**Other current or former memberships and functions (selection)**

Member of the *Institut de Droit International* (since 2019, Associé since 2015)

President of *German Society of International Law* (2013–2017; Vice President (2009–2013), Member of the Council (since 2017)

Member of the *European Commission for Democracy through Law* (Venice Commission of the Council of Europe) (2000–2007)

Co-Chair of the *Berlin–Potsdam Research Group* "The International Rule of Law – Rise or Decline?" (since 2015)

Member of the Foundation Board of the *Graduate Institute of International and Development Studies* (Graduate Institute, Geneva) (since 2018)



Member of the Advisory Council on Public International Law of the German Federal Foreign Office (since 2006)

Member of the International Advisory Panel for the Restatement Fourth, Foreign Relations Law of the United States, *American Law Institute* (2014–2017)

Member of the *Bundestag Commission on the Review and Safeguarding of Parliamentary Rights regarding Mandates for Bundeswehr (Federal Armed Forces) Missions Abroad* (2014–2015)

Member of the Governing Board of the *German Foundation for Peace Research* (2006–2015)

Member of the Research Advisory Board of the *German Institute for International and Security Affairs* (SWP) (2013–2017)

Member of the Scientific Advisory Council: *Revue belge de droit international* (Brussels); *Die Friedens-Warte – Journal of International Peace and Organization* (Berlin); *Goettingen Journal of International Law* (Göttingen); *Indian Yearbook of Comparative Law* (New Delhi); *Comparative Constitutional Law and Administrative Law Quarterly* (Jodhpur); *Anuario Mexicano de Derecho Internacional* (Mexican Yearbook of International Law) (Mexico City)

### **Contributions to the work of the International Law Commission**

Reports as Special Rapporteur on the topic ‘Subsequent agreements and subsequent practice in relation to the interpretation of treaties’:

- Fifth Report on Subsequent Agreements and Subsequent Practice in Relation to the Interpretation of Treaties, by Georg Nolte, Special Rapporteur, A/CN.4/715, 28 February 2018, at <http://legal.un.org/docs/?symbol=A/CN.4/715>
- Fourth Report on Subsequent Agreements and Subsequent Practice in Relation to the Interpretation of Treaties, by Georg Nolte, Special Rapporteur, A/CN.4/694, 7 March 2016, at <http://legal.un.org/docs/?symbol=A/CN.4/694>
- Third Report on Subsequent Agreements and Subsequent Practice in Relation to the Interpretation of Treaties, by Georg Nolte, Special Rapporteur, A/CN.4/683, 7 April 2015, at <http://legal.un.org/docs/?symbol=A/CN.4/683>
- Second Report on Subsequent Agreements and Subsequent Practice in Relation to the Interpretation of Treaties, by Georg Nolte, Special Rapporteur, A/CN.4/671, 26 March 2014, at <http://legal.un.org/docs/?symbol=A/CN.4/671>
- First Report on Subsequent Agreements and Subsequent Practice in Relation to Treaty Interpretation, by Georg Nolte, Special Rapporteur, A/CN.4/660, 19 March 2013, at <http://legal.un.org/docs/?symbol=A/CN.4/660>

Reports for the Study Group on Treaties over time:

- 2010: Jurisprudence of the International Court of Justice and Arbitral Tribunals of Ad Hoc Jurisdiction Relating to Subsequent Agreements and Subsequent Practice, in *Treaties and Subsequent Practice* (Georg Nolte ed.), Oxford 2013, pp. 169–209
- 2011: Jurisprudence Under Special Regimes Relating to Subsequent Agreements and Subsequent Practice, in *Treaties and Subsequent Practice* (Georg Nolte ed.), Oxford 2013, pp. 210–306
- 2012: Subsequent Agreements and Subsequent Practice of States Outside of Judicial or Quasi-judicial Proceedings, in *Treaties and Subsequent Practice* (Georg Nolte ed.), Oxford 2013, pp. 307–386

Statements by Georg Nolte in the International Law Commission, available at: [https://nolte.rewi.hu-berlin.de/doc/pub/ilc-statements-nolte-18\\_10\\_11.pdf](https://nolte.rewi.hu-berlin.de/doc/pub/ilc-statements-nolte-18_10_11.pdf)

### Legal practice (selection)

Agent for the German Federal Government before the German Federal Constitutional Court in the proceedings 2 BvE 2/07 instituted by DIE LINKE parliamentary group in the German Bundestag against the Federal Government (“deployment of Tornado planes to Afghanistan”)

Expert in the case *Hulley Enterprise Limited, Veteran Petroleum Limited and Yukos Universal Limited v. The Russian Federation* (before an international arbitral tribunal and national courts)

### Publications (selection)

#### Books

*Treaties and their Practice – Symptoms of their Rise or Decline, Recueil des Cours de l’Academie de Droit International de la Haye: Collected Courses of the Hague Academy of International Law*, vol. 392 (2017), pp. 205–397; also published in the series ‘Pocketbooks of the Hague Academy of International Law’ (2018)

*The International Rule of Law - Rise or Decline?*, Oxford (Oxford University Press) 2019, (co-ed with Heike Krieger and Andreas Zimmermann)

*Community Interests across International Law* (Oxford University Press) 2018 (co-ed. with Eyal Benvenisti)

*The Interpretation of International Law by Domestic Courts* (Oxford University Press) 2016 (co-ed. with Helmut Aust)

*Treaties and Subsequent Practice* (Oxford University Press), 2013 (ed.)

*The Charter of the United Nations: A Commentary* (Oxford University Press), 3<sup>rd</sup> ed. 2012 (co-ed. with Bruno Simma, Daniel-Erasmus Khan and Andreas Paulus)

*Peace through International Law – The Role of the International Law Commission. A Colloquium at the Occasion of its Sixtieth Anniversary* (Springer) 2009 (ed.)

*Le droit international face au défi américain*, Paris (Université Panthéon-Assas, Paris II - Cours et travaux No° 6) 2005

*The Welfare State, Globalization and International Law*, Berlin (Springer) 2003 (co-ed. with Eyal Benvenisti)

*United States Hegemony and the Foundations of International Law*, Cambridge (Cambridge University Press) 2003 (co-ed. with Michael Byers)

*Eingreifen auf Einladung - Zur völkerrechtlichen Zulässigkeit des Einsatzes fremder Truppen im internen Konflikt auf Einladung der Regierung (Intervention upon Invitation - Use of Force by Foreign Troops in Internal Conflicts at the Invitation of a Government under International Law)*, Berlin (Springer) 1999

#### Articles

Introductory Note to the Special Issue of ICLR on the Outcome of the ILC Work on “Subsequent Agreements and Subsequent Practice in Relation to the Interpretation of Treaties”, in *International Community Law Review* 22 (2020), pp. 4–13

How to Identify Customary International Law? – On the Outcome of the Work of the International Law Commission, forthcoming in *Japanese Yearbook of International Law* vol. 62 (2019) pp. 251–273

International Organizations in the Recent Work of the International Law Commission, in vol. 2 (2019) *AIIB Yearbook of International Law* pp. 225–242

The International Law Commission and Community Interests, in *Community Interests Across International Law* (E. Benvenisti & G. Nolte eds.), Oxford 2018, pp. 101–117; presented in part in UN Audiovisual Library of International Law, available at: [http://legal.un.org/avl/lis/Nolte\\_IL.html](http://legal.un.org/avl/lis/Nolte_IL.html)

Afghanistan 1979–1980, in: *The Use of Force in International Law* (Tom Ruys and Olivier Corten eds.), Oxford University Press 2018 (with Janina Barkholdt), pp. 297–305

Court Generated State Practice?, in *Austrian Review of International and European Law* vol. 20 (2015), pp. 17–23

Strukturwandel der internationalen Beziehungen und Völkerrechtspolitik, in: *Polis und Kosmopolis – Festschrift für Daniel Thürer* (Giovanni Biaggini/Oliver Diggelmann/Christine Kaufmann eds.), Baden-Baden (Nomos) 2015, pp. 557–563

Subsequent Treaty Practice – The Work of the ILC, in *Select Proceedings of the European Society of International Law*, Vol. 5, 2014 (Christina Binder/Mary Footer/August Reinisch eds.), Oxford 2016, pp. 219–225

Re-reading the “Analyse Critique de l’Intervention Américaine au Vietnam” by Charles Chaumont (1968–I), in: *Revue belge de droit international* vol. 48 (2015), pp. 380–384

The Fourth Restatement of Foreign Relations Law of the United States, in: *Proceedings of the 108th Annual Meeting of the American Society of International Law*, 2014, pp. 27–31

Multipurpose Self-Defence, Proportionality Disoriented, in *European Journal of International Law* 24 (2013), pp. 283–290

Article 51 (Self-defense), in *The Charter of the United Nations – A Commentary* (Bruno Simma/Daniel-Erasmus Khan/Georg Nolte/Andreas Paulus eds.), Oxford, 3<sup>rd</sup> ed. 2012, pp. 1397–1428 (with Albrecht Randelzhofer)

Article 2 (7) (Duty of Non-Intervention) in *The Charter of the United Nations – A Commentary* (Bruno Simma/Daniel-Erasmus Khan/Georg Nolte/Andreas Paulus eds.), Oxford, 3<sup>rd</sup> ed. 2012, pp. 280–311

The Resolution of the Institut de Droit International on Military Assistance on Request, in *Revue belge de droit international* 45 (2012), pp. 241–262

International Law and the Rule of Law at the National Level, in *Rule of Law Dynamics in an Era of International and Transnational Governance* (M. Zürn/A. Nollkaemper/R. Peerenboom eds.), Cambridge 2012, pp. 48–67 (with Helmut Philipp Aust)

Persisting and Developing between Hope and Threat: International Law During the Past Two Decades and Beyond, in *Select Proceedings of the European Society of International Law* (J. Crawford/S. Nouwen eds.), Oxford 2012, pp. 75–78

The International Law Commission Facing the Second Decade of the Twenty-first Century, in *From Bilateralism to Community Interest – Essays in Honour of Bruno Simma* (U. Fastenrath/R. Geiger/D.-E. Khan/A. Paulus/S. von Schorlemer/Chr. Vedder eds.), Oxford University Press 2011, pp. 781–792

Thin or Thick? The Principle of Proportionality and International Humanitarian Law, in *Law & Ethics of Human Rights* 4 (2010), pp. 244–255

Equivocal Helpers - Complicit States, Mixed Messages and International Law, in *International and Comparative Law Quarterly* 58 (2009), pp. 1–30 (with Helmut Philipp Aust)

The Different Functions of the Security Council with Respect to Humanitarian Law, in *The United Nations Security Council and War* (Vaughan Lowe/Adam Roberts/Jenifer Welsh/Dominik Zaum eds.), Oxford (OUP) 2008, 519–535

Between Informed Pragmatism, Morality and Form, in: *Regards d’une génération sur le Droit International* (Emmanuelle Jouannet/Hélène Ruiz Fabri/Jean-Morel Sorel eds.), Paris (Pedone) 2008, pp. 277–286

The Recognition and Protection of Cultural Diversity in International Law, in *L’Observateur des Nations Unies* 23 (2007), 69–94, also published as Cultural Diversity in International Law, in *Cursos Euromediterráneos Bancaja de Derecho Internacional* XI/XII (2007) pp. 883–904

Sobre crisis y crecimiento del derecho internacional en sesenta años de Naciones Unidas, in *Anuario Mexicano de Derecho Internacional*, 7 (2007) pp. 227–248

Secession and External Intervention, in *Secession - International Law Perspectives* (Marcelo G. Kohen ed.), Cambridge (CUP) 2006, pp. 65–93

Universal Jurisdiction in the Area of Private Law: The Alien Tort Claims Act, in *The Fundamental Rules of the International Legal Order* (Chr. Tomuschat/J.-M. Thouvenin eds.), Amsterdam (Brill) 2006, pp. 373–384

From Dionisio Anzilotti to Roberto Ago - The Classical Law of State Responsibility and the Traditional Primacy of a Bilateral Conception of Inter-State Relations, in *European Journal of International Law* 5 (2002), pp. 1983–1998; version française: De Dionisio Anzilotti à Roberto Ago - Le droit international classique de la responsabilité internationale et la prééminence de la conception bilatérale des relations inter-étatiques, in *Obligations multilatérales, droit impératif et responsabilité internationale des États* (Pierre-Marie Dupuy ed.), Paris 2003, pp. 5–23

Germany: Ensuring Political Legitimacy for the Use of Military Forces by Requiring Constitutional Accountability, in: *Democratic Accountability and the Use of Force in International Law* (Charlotte Ku/Harold K. Jacobson eds.), Cambridge 2003, pp. 231–253

Investigating Powers of the International Tribunal for the Former Yugoslavia vis à vis States and High Government Officials, Amicus-Curiae-Brief Submitted by the Max Planck Institute for Comparative Public Law and International Law to the International Criminal Tribunal for the Former Yugoslavia in the Case of the Prosecutor v. Tihomir Blaskic, in *Max-Planck-Yearbook of United Nations Law* 1 (1997), pp. 349–398 (with Jochen A. Frowein, Karin Oellers-Frahm and Andreas Zimmermann)

The Good Offices of the Secretary General, in *United Nations, Divided World - The UN's Roles in International Relations* (Adam Roberts/Benedict Kingsbury eds.), Oxford, 2nd ed. 1993, pp. 143–182 (with Thomas M. Franck)

Restoring Peace by Regional Action - International Legal Aspects of the Liberian Conflict, in *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* 53 (1993), pp. 603–637

(Full list of Publications at: <http://nolte.rewi.hu-berlin.de/pub>)

### **Contributions to the Work of the Venice Commission of the Council of Europe**

(Drafts, opinions available at <http://www.venice.coe.int/>)

CDL-AD(2010)051: On the Existing Mechanisms to Review the Compatibility with Human Rights Standards of Acts by UNMIK and EULEX in Kosovo

CDL-AD(2006)009: Opinion on the international legal obligations of Council of Europe member states in respect of secret detention facilities and inter-state transport of prisoners

CDL-AD(2006)005: Opinion on the draft decision on the limitation of parliamentary immunity and the conditions for the authorisation to initiate investigation in relation with corruption offences and abuse of duty of Albania

CDL-AD(2005)029: Final Opinion on the Provisions on the Amendments to the Election Code of the Republic of Azerbaijan

CDL-AD(2005)023: Opinion on the Provisions on the Judiciary in the Draft Constitution of the Republic of Serbia

CDL-AD(2005)018: Opinion on Proposed Amendments to the Election Code of the Republic of Azerbaijan

CDL-AD(2004)043: Draft Opinion on the Proposal to Amend the Constitution of the Republic of Moldova (Introduction of the Individual Complaint to the Constitutional Court)

CDL-AD(2004)042 Opinion on the Draft Federal Law amending the Federal Law “on General Principles governing the Organisation of Legislative (Representative) and Executive State Authorities of Constituent Entities of the Russian Federation” and the Federal Law “on Fundamental Guarantees of Russian Federation Citizens’ Electoral Rights and Right to Participate in a Referendum” adopted by the Commission at its 61st Plenary session (Venice, 3–4 December 2004)



CDL-AD(2004)033: Opinion on Human Rights in Kosovo: Possible Establishment of Review Mechanisms

CDL-AD(2004)011: Amicus Curiae Opinion on the Relationship Between the Freedom of Expression and Defamation with Respect to Unproven Defamatory Allegations of Fact as Requested by the Constitutional Court of Georgia

CDL-AD(2003)018: Opinion on the Possible Need for Further Development of the Geneva Conventions

CDL-AD(2003)015: Joint Final Assessment of the Electoral Code of the Republic of Azerbaijan by the Office for Democratic Institutions and Human Rights (ODIHR), of the OSCE and the European Commission for Democracy through Law (Venice Commission, Council of Europe) *also* CDL (2003) 054

CDL-AD(2003)002: Opinion on the Draft Constitution of the Chechen Republic

CDL(2002)131: Preliminary Assessment of the Draft Election Code of the Republic of Azerbaijan *and* CDL(2002)136: Comments on the Draft Election Code of the Republic of Azerbaijan

CDL-AD(2002)013: Guidelines on Elections (as member of the Council for Democratic Elections)

CDL-AD(2002)027: Opinion on the Law on Assemblies of the Republic of Moldova *also* CDL (2002) 122: Comments on the Law on Assemblies of the Republic of Moldova

CDL-AD(2002)011: Opinion on the “Draft Proposal for Rules of Procedure of the Assembly of the Republic of Macedonia” *also* CDL (2002)083

CDL(2002)046: Comments of the Venice Commission’s Working Group on the amended Draft Constitutional Law on Regulation of the Exercise of Human Rights and Freedoms in the Republic of Azerbaijan

CDL(2002)005: Opinion on the Draft Law on the Agency of Bosnia and Herzegovina for Information and Protection

CDL(2001)107: Ukraine: Preliminary Comments on the Law on Elections of People’s Deputies

CDL(2001)085: Opinion on the Draft Law on the Establishment of the Federation of Bosnia and Herzegovina Intelligence and Security Service

CDL(2001)047: Opinion on the Bill on the Regulation and Functioning of the Parliamentary Investigation Commissions of the Republic of Albania

CDL(2002)025rev: Draft Opinion: Draft Law on the Constitutional Court of the Republic of Azerbaijan *also* CDL (2002)023, CDL-INF (2001)028 and CDL (2001)110

CDL(2000)091: Draft Law on the Organisation and Functioning of the Council of Ministers of the Republic of Albania

CDL(2000)063: Law on Parliamentary Elections of the Republic of Azerbaijan

CDL(2000)057: Revision of the Constitution of the Federation of Bosnia and Herzegovina, Preliminary Opinion on the Issue of Shared Competences

CDL-INF(2000)017: Law on Parliamentary Elections of the Republic of Azerbaijan