INTERNATIONAL LITIGATION AND COURTS
Like all collegiate organs, the International Court of Justice is headed by a President. In current practice, there are two patterns for the presidency of collegiate international organs. In most “large” organs composed of States, such as the General Assembly of the United Nations or a major plenipotentiary conference, the President is normally a member of a delegation from which, however, the Rules of Procedure will exclude him/her. In “small” bodies, including for this purpose the Security Council (composed of the representatives of States) or the International Law Commission (composed of individuals), the presiding officer is chosen according to the stipulations of the constituent instrument (including the Rules of Procedure), but remains a full member of his delegation or a full participant in the body to which he/she belongs, retaining the right to vote. In those circumstances, it is customary for the presiding officer to speak last: voting is usually, in this type of organ (but not in the International Court), conducted instantaneously, and today frequently through electronic means. The President of the International Court belongs to this second category.

Article 21 of the Statute requires the Court to elect its President and Vice-President for three years; they may be re-elected. A contemporary interpretation for this three-year term explains:

It was felt that, given the immense prestige of the position of president of the court, the power which he might exercise and the influence which he might bring to bear upon his colleagues, it was inadvisable to elect him for the full term of his office, that is, nine years. One year, on the contrary, seemed too short, inasmuch as the president is to reside at the seat of the court. A period of three years was adopted as a compromise, as an inducement to merit continuance in office at the expiration of his term, and of a further term, inasmuch as it is expressly provided that the president and vice-president may be reelected.¹

¹ J.B. Scott, The Project of a Permanent Court of International Justice and Resolutions of the Advisory Committee of Jurists: Report and Commentary 78 (1920). To be President had been a male prerogative until the year 2006, when the Court elected as President Judge Dame Rosalyn Higgins, who was the first woman to be elected a Member of the Court. Over the years the practice has developed of rotating the presidency among the principal legal systems represented on the Court.