



Professor Marcelo Kohen's letter of acceptance of candidacy for the International Court of Justice Election of 4 November 2022

Earlier this year, with the support of eminent personalities from the international legal community, I began my candidacy campaign for the 2023 International Court of Justice election. The sad passing of Judge Antonio Cançado Trindade has made a casual election necessary in completing his mandate. This seat should be occupied by an international jurist assuring the representation of the Latin American and Caribbean region at the Court. The casual election will take place on 4 November 2022 in the General Assembly and the Security Council simultaneously. The Argentinian National Group to the Permanent Court of Arbitration has proposed my name for this election, for which I am most grateful. It would be an honour and a great responsibility to continue the legacy of Judge Cançado Trindade, my eminent colleague and friend, with whom I worked at the Latin American Society of International Law and the Institut de Droit international for many years.

During my three decades of work exclusively in the field of international law, as a professor, counsel, and as a member of arbitral tribunals, I have devoted particular attention to the peaceful settlement of international disputes in general, and judicial settlement in particular. Those of us who believe in the rule of law in international relations cannot but rejoice at the growing role that the International Court of Justice plays both in its contentious and advisory jurisdictions. However, much remains to be done. In times of crises in international relations at all levels (political, environmental, and economic), recourse to the judicial function emerges as an essential tool. In turn, the members of the Court bear a great responsibility. They must ensure that the Court's decisions - on jurisdiction, in incidental proceedings, and on the merits - are well-founded and in strict accordance with the law; that the positions of the parties and other participants are well understood and analysed; and that the procedural deadlines are as short as is feasible. If elected, I hold a firm commitment to dedicate all my efforts and energy towards these goals.

Impartiality and independence are two essential attributes for the exercise of the judicial function. As a Judge of the Court, my sole commitment would be one of upholding



international law. I have always defended the primacy of international law over private interests and exclusively defended what I considered just causes throughout both my doctrinal work and as counsel. As a member of investment arbitral tribunals, I have promoted respect for the procedural equality of the parties while paying due consideration to the fact that one of those parties is a sovereign State. I have also ensured that in response to the phenomenon of the proliferation of international courts and tribunals, due respect is given to the recognition of the respective jurisdictions of other fora.

As an Argentinian citizen, I would consider it an enormous responsibility and privilege to continue the legacy of the only two Argentinian judges to have sat on the benches of the Hague Courts: Lucio Moreno Quintana and José María Ruda, the latter being elected by his peers as President of the Court between 1988 and 1991.

It is my wish that this short electoral process, due to end in the election on 4 November 2022, is carried out transparently, and within the framework of respect for the principles of both form and substance as established by the Statute of the Court. Judges do not represent the States of their nationality while on the bench. I hope that when voting, States are inspired by the originating idea that motivated the current manner for the proposal of candidates to the Court, as well as the conditions required for their election. In other words, that the election be based on the qualities and background of the candidates, and not on the mere exchange of votes.

I remain at the disposal of Member States, the National Groups of the Permanent Court of Arbitration, and the international legal community more broadly to discuss my qualifications, and to develop my ideas on the judicial function. I would be honoured to be elected to the principal judicial organ of the United Nations.

Professor Marcelo G. Kohen