

## Judge Peter TOMKA

**(Member of the Court since 6 February 2003; re-elected as from 6 February 2012 and as from 6 February 2021; Vice-President of the Court from 6 February 2009 to 5 February 2012; President of the Court from 6 February 2012 to 6 February 2015)**

Born in Banská Bystrica, Slovakia, on 1 June 1956.

Member of the Permanent Court of Arbitration (since 1994) and of the Curatorium of the Hague Academy of International Law (since 2013). Member of the *Institut de droit international* (2011). Honorary Bencher of the Middle Temple (2013). Vice-President of the Court (2009-2012).

LL.M. (*summa cum laude*), Faculty of Law, Charles University, Prague (1979). *Doctor juris* (international law), Charles University (1981). Ph.D. in International Law, Charles University (1985). Faculty of International Law and International Relations, Kiev, Ukraine (1982). Institut du droit de la paix et du développement, Nice, France (1984-1985). Institute of International Public Law and International Relations, Thessaloniki, Greece (1985). Hague Academy of International Law (1988). *Doctor honoris causa*, Paneuropean University, Bratislava (2023).

Assistant Legal Adviser (1986-1990); Head of the Public International Law Division (1990-1991), Ministry of Foreign Affairs, Prague. Counsellor and Legal Adviser (1991-1992), Permanent Mission of Czechoslovakia to the United Nations. Ambassador, Deputy Permanent Representative (1993-1994), and Ambassador, Acting Permanent Representative of Slovakia to the United Nations (1994-1997). Legal Adviser and Director of the International Law Department (1997-1998); Director General for International Legal and Consular Affairs and Legal Adviser (1998-1999), Ministry of Foreign Affairs, Bratislava, Slovakia. Ambassador, Permanent Representative of Slovakia to the United Nations (1999-2003).

Chairman of the United Nations Committee on the Applications for Review of the Judgements of the Administrative Tribunal (1991). Vice-Chairman of the Sixth (Legal) Committee of the United Nations General Assembly (1992). Chairman of the Working Group on the United Nations Decade of International Law (1995). Chairman of the Meeting of the States Parties to the International Covenant on Civil and Political Rights (1996). Vice-President of the Sixth Meeting of the States Parties to the United Nations Convention on the Law of the Sea (1996). Chairman of the Sixth (Legal) Committee of the Fifty-Second Session of the United Nations General Assembly (1997). Vice-Chairman of the Preparatory Committee for the International Criminal Court (1998). President of the Ninth Meeting of the States Parties to the United Nations Convention on the Law of the Sea (1999). Chairman of the *Ad Hoc* Committee on the International Convention against the Reproductive Cloning of Human Beings (2002). Member of the Ambassadorial Panel of Experts to advise the Division for Ocean Affairs and the Law of the Sea (2002).

Member (1999-2003), Second Vice-Chairman (2000), Chairman of the Drafting Committee (2001), United Nations International Law Commission.

Delegate of Czechoslovakia to the XXVth International Conference of the Red Cross, Geneva (1986). Representative of Czechoslovakia to the Preparatory Commission for the International Sea Bed Authority and the International Tribunal for the Law of the Sea (1987-1992). Alternate Representative of Czechoslovakia in the United Nations General Assembly, Forty-Sixth and Forty-Seventh Sessions, and Adviser at the Forty-Fifth Session (1990-1992). Representative of Czechoslovakia in the Sixth Committee (1990-1992). Head of the delegation of Czechoslovakia to the Meeting of the States Parties to the Antarctic Treaty, Madrid (1991). Head of the delegation of Czechoslovakia to the CSCE Meeting of Experts on the Peaceful Settlement of Disputes in Europe, Valletta, Malta (1991). Representative of Slovakia to the United Nations General Assembly, Forty-Eighth to Fifty-Seventh Sessions (1993-2002), and Deputy Head of delegation at the Forty-Ninth to Fifty-First and Fifty-Fourth to Fifty-Seventh Sessions. Representative of Slovakia in the Sixth Committee of the United Nations General Assembly (1993-2002). Representative of Slovakia to the Preparatory Commission for the International Sea Bed Authority and the International Tribunal for the Law of the Sea (1993-1994). Head of the delegation of Slovakia to the Assembly of the International Sea Bed Authority (1994-1996). Alternate Head of the delegation of Slovakia to the United Nations Diplomatic Conference on the Establishment of the International Criminal Court (1998).

Agent of Slovakia before the International Court of Justice in the case concerning the *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)* (1993-2003).

Expert of Slovakia in the ICSID case No. ARB/97/4, *Československá obchodní banka (CSOB) v. The Slovak Republic* before the International Centre for Settlement of Investment Disputes (Jurisdiction) (1997-1999).

Arbitrator in the *Iron Rhine (Belgium/Netherlands)* case (2003-2005), the *Indus Waters Kishenganga (Pakistan v. India)* case (2010-2013) and Arbitration under the 1973 Crude Oil Pipeline Agreement (*Iraq v. Turkey*) (2021-2023).

On the list of arbitrators nominated under Annex VII to the United Nations Convention on the Law of the Sea (since 2004) and at the International Centre for Settlement of Investment Disputes (since 2005). Member or President of several *ad hoc* annulment committees and arbitral tribunals.

Chairman of the Committee of Legal Advisers on Public International Law, Council of Europe (2001-2002); Vice-Chairman (1999-2000).

Legal Adviser of the Czechoslovak delegation at the negotiations on the withdrawal of Soviet military forces from Czechoslovakia (1989-1990). Legal Adviser of the Czechoslovak delegation at the negotiations concerning the dissolution of the Warsaw Pact (1991).

Lecturer (1980-1984), Senior Lecturer (1984-1991), Public International Law, Charles University, Prague. General Course on Public International Law, Institute of International Relations, Comenius University, Bratislava (1998-1999).

Gave lectures at Bucharest University Law School, Columbia Law School, Cologne Law School, Czech Society of International Law, ILC Seminar and the Graduate Institute of International and Development Studies in Geneva, University of Glasgow, University of Guadalajara (Mexico), Lauterpacht Research Centre in Cambridge, Chungnam National University (Daejeon, Republic of Korea), Korean Society of International Law (Seoul), NALSAR Hyderabad (India), Matej Bel University, New York University School of Law, The Oxford Union, Paneuropean University School of Law, Polish Society of International Law and Polish Constitutional Tribunal, St. Petersburg University Law School, Slovak Society of International Law, Stockholm University, The Hague University of Applied Sciences and for students of Harvard Law School, University of Paris Ouest Nanterre-La Défense, University of Vienna, Webster University and Leiden University.

Gave lectures on *The International Court of Justice and the International Law Commission: Their Roles and Interactions in the Development of International Law* at the Xiamen Academy of International Law (China) in 2012.

Member (1981-1992) and Secretary (1986-1991) of the Czechoslovak Society of International Law. Member (1988-2001) and Secretary (1988-1991) of the Czechoslovak Branch of the International Law Association (ILA). Member (since 1982) and Honorary President (since 2003) of the Slovak Society of International Law. Member of the American Society of International Law (since 2000). Member of the European Society of International Law (since 2004). Honorary Member of the Indian Society of International Law (2015).

Member, Board of Editors of the journal *Právník* [The Lawyer], published by the Czechoslovak Academy of Science (1990-1991). Member of the Supervisory Board of Telders International Law Moot Court Competition (2006-2013). Member of the Editorial Board of *Acta Universitatis Carolinae-Iuridica* (2008-2014). Member of the Advisory Board of the International Institute of Air and Space Law, Leiden University (2008-2020). Member of the Advisory Board of the *Czech Yearbook of International Law* (2009-). Member (2010-2016) and Honorary Member (2016-) of the Scientific Council of Charles University Law School. Member of the Editorial Advisory Board of the ICSID Review – *Foreign Investment Law Journal* (2012-). Member of the International Advisory Board of Charles University (2015-). Member of the Advisory Board of the *East European Yearbook on Human Rights* (2016-).

Author of a doctoral thesis on the *Codification of International Law* (Charles University, Prague, 1984) and of a series of articles in Slovak and Czech on forms of codification of international law, the International Court of Justice, the peaceful resolution of international disputes in Europe, the establishment of the International Criminal Court, the Draft Code of Crimes against the Peace and Security of Mankind; co-author of a collection of *Documents for the Study of the Law of the European Communities* (1991). Publications in English and French: The First Site Visit of the International Court of Justice in Fulfilment of Its Judicial Function, *American Journal of International Law*, Vol. 92, 1998 (co-authored with S. Wordsworth); Major Complexities Encountered in Contemporary International Law-Making, *Making Better International Law: The International Law Commission at 50*, 1998; The Special Agreement, *Liber Amicorum Judge Shigeru Oda* (N. Ando, E. McWhinney and R. Wolfrum, eds.), Vol. I, 2002; «La Cour en tant qu'organe judiciaire principal des Nations Unies» (Chap. XIV : Cour internationale de Justice - art. 92) in *La Charte des Nations Unies, Commentaire article par article* (J.-P. Cot, A. Pellet and M. Forteau, eds.), 3rd ed., Vol. II, 2005; Comment on the Unity and Diversity of International Law in the Settlement of International Disputes, *Unity and Diversity in International Law* (A. Zimmermann and R. Hofmann, eds.), 2006; "Are States Liable for the Acts of Their Instrumentalities?", *State Entities in International Arbitration* (E. Gaillard, ed.), 2008. Interim Measures of Protection in the International Tribunal for the Law of the Sea, in *Coexistence, Cooperation and Solidarity - Liber Amicorum Rüdiger Wolfrum*, Brill, 2011 (co-authored with G. Hernández); *Eletronica Sicula* case (*United States of America v. Italy*), *Max Planck Encyclopedia of Public International Law* (R. Wolfrum, gen. ed.), Oxford University Press, 2012; *Fisheries Jurisdiction cases (United Kingdom v. Iceland; Federal Republic of Germany v. Iceland)*, *Max Planck Encyclopedia of Public International Law* (R. Wolfrum, gen. ed.), Oxford University Press, 2012; *Frontier Dispute case (Burkina Faso/Republic of Mali)*, *Max Planck Encyclopedia of Public International Law* (R. Wolfrum, gen. ed.), Oxford University Press, 2012; *Sovereignty over Certain Frontier Land case (Belgium/Netherlands)*, *Max Planck Encyclopedia of Public International Law* (R. Wolfrum, gen. ed.), Oxford University Press, 2012; "The Guyana/Suriname Arbitration Award of 2007 - The Law of Maritime Delimitation: Towards Stability and Cooperation", *PCA Award Series*, The Hague, 2012; «Les affaires africaines devant les Chambres de la Cour internationale de Justice», in *Liber Amicorum en l'honneur de Raymond Ranjeva*, A. Pedone, Paris, 2013 (co-authored with V.-J. Proulx); "Custom and the International Court of Justice", *Law and Practice of International Courts and Tribunals*, 2013; "The Contribution of the International Court of Justice to the Law of the Sea", *The IMLI Manual on International Maritime Law*, Vol. I: The Law of the Sea, Oxford University Press, 2014. "Defences Based on Necessity under Customary International Law and on Emergency Clauses in Bilateral Investment Treaties", in *Building International Investment Law* (M. Kinnear et al., eds.), Kluwer, 2016; "International Investment Arbitration: Developments relating to Transparency", in *Pocta (Liber Amicorum) Professor Růžička*, Kluwer, 2016; "Pilot Project of the Council of Europe on State Practice Regarding State Immunities", in *The CAHDI Contribution to the Development of Public International Law, Achievements and Future Challenges* (Council of Europe, ed.), Brill-Nijhoff, 2016; "Customary International Law in the Jurisprudence of the World Court: The Increasing Relevance of Codification", in *The Judge and International Custom*, (L. Lijnzaad and Council of Europe, ed.), Brill-Nijhoff, 2016; "International and Municipal Law before the World Court: One or Two Legal Orders?", *XXXV Polish Yearbook of International Law*, 2015 (co-authored with J. Howley and V.-J. Proulx). « Article 38 du Statut de la CIJ : incomplet », *Dictionnaire des idées reçues en droit international*, Pedone 2017. "The Evidentiary Practice of the World Court", *Liber Amicorum Gudmundur*

Eiriksson, Universal Law Publishing, 2017 (co-authored with V.-J. Proulx). The Contribution of the International Tribunal of the Law of the Sea to the Progressive Development of International Law, *The Contribution of the Tribunal to the Rule of Law 1996-2016*, Brill, 2018. Gonzalo Parra-Aranguren (1928-2016), *Annuaire de l'Institut de droit international*, Vol. 77-I, Pedone, 2016. Mohamed Shahabuddeen (1931-2018), *Annuaire de l'Institut de droit international*, Vol. 78-I, Pedone, 2019. "Judge Géza Herczegh — The First Hungarian at the International Court of Justice", *Hungarian Yearbook of International Law and European Law*, 2019. "International Court of Justice — General Introduction", *The Statute of the International Court of Justice, A Commentary* (eds. A. Zimmermann, Ch. Tams) (co-authored with R. Jennings† and R. Higgins), Oxford University Press, 2019. "A Century of Dispute Settlement Through International Law (1919-2019: The Role of Multilateralism", *Proceedings of the 113<sup>th</sup> Annual Meeting of the American Society of International Law*, 2019. Identification of Customary International Law, *150 ans de contribution au développement du droit international ; Livre du sesquicentenaire de l'Institut de Droit international*, Pedone 2023. Judges as Arbitrators, *Liber Amicorum Hisashi Owada*, Brill 2024.

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