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Filling of Casual Vacancies in the Commission - Note by the Secretariat

Topic:
Filling of casual vacancies

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INTERNATIONAL LAW COMMISSION

DOCUMENTS OF THE TWELFTH SESSION, INCLUDING THE REPORT OF THE COMMISSION TO THE GENERAL ASSEMBLY

FILLING OF CASUAL VACANCY IN THE COMMISSION (article 11 of the Statute)

[Agenda item 1]

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Note by the Secretariat

*[Original text: English]
[1 March 1960]*

1. On 29 September 1959, Mr. Ricardo J. Alfaro was elected a member of the International Court of Justice.

2. By a letter dated 11 January 1960 and addressed to the Chairman of the Commission, Mr. Thanat Khoman tendered his resignation from the Commission.

3. There are therefore two casual vacancies in the membership of the Commission. Article 11 of the Commission's Statute prescribes:

“In the case of a casual vacancy, the Commission itself shall fill the vacancy having due regard to the provisions contained in articles 2 and 8 of this Statute.”

Article 2 reads:

“1. The Commission shall consist of twenty-one members who shall be persons of recognized competence in international law.

“2. No two members of the Commission shall be nationals of the same State.

“3. In case of dual nationality a candidate shall be deemed to be a national of the State in which he ordinarily exercises civil and political rights.”

Article 8 reads:

“At the election the electors shall bear in mind that the persons to be elected to the Commission should individually possess the qualifications required and that in the Commission as a whole representation of the main forms of civilization and of the principal legal systems of the world should be assured.”

4. The terms of the two members to be elected by the Commission will expire at the end of 1961.