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Note by the Secretariat

Topic:
Filling of casual vacancies

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FILLING OF CASUAL VACANCIES (ARTICLE 11 OF THE STATUTE)

[Agenda item 1]

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Note by the Secretariat

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[9 February 1981]*

1. Following the election on 15 January 1981 of Mr. Stephen M. Schwebel as judge of the International Court of Justice, a seat has become vacant on the International Law Commission.

2. In this case, article 11 of the Commission's Statute is applicable. It 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-five 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.

3. The term of office of the member to be elected by the Commission will expire at the end of 1981.