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Filling of casual vacancies in the Commission - Note by the Secretariat

Topic:
Filling of casual vacancies

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FILLING OF CASUAL VACANCIES IN THE COMMISSION

[Agenda item 1]

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Note by the Secretariat

[*Original text : French*]
[8 April 1964]

1. Following the election on 21 October 1963 of Mr. André Gros and Mr. Luís Padilla Nervo as judges of the International Court of Justice, two seats have become vacant on the International Law Commission.
2. In this case, article 11 of the Statute of the Commission is applicable. It stipulates :
 - “ 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 above.”
3. Article 2 stipulates :
 - “ 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.”
4. Article 8 stipulates :
 - “ 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.”
5. The term of office of the two members elected to fill the vacancies will expire at the end of 1966.