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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
(ARTICLE 11 OF THE STATUTE)**

[Agenda item 2]

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Note by the Secretariat

*[Original:English]
[21 January 1985]*

1. Following the death of Mr. Robert Q. Quentin-Baxter on 25 September 1984 and of Mr. Constantin A. Stavropoulos on 5 November 1984 and the election on 7 November 1984 of Mr. Jens Evensen and Mr. Zhengyu Ni as Judges of the International Court of Justice, four seats have become vacant in the International Law Commission.

2. Article 11 of the statute of the Commission applies to the filling of such vacancies. It provides:

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 thirty-four 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. On 23 November 1981, the General Assembly elected the 34 members of the International Law Commission for a five-year term, beginning on 1 January 1982, in accordance with the Commission's statute and pursuant to paragraph 3 of General Assembly resolution 36/39 of 18 November 1981, in which the Assembly decided:

... that the thirty-four members of the International Law Commission shall be elected according to the following pattern:

(a) Eight nationals from African States;

(b) Seven nationals from Asian States;

(c) Three nationals from Eastern European States;

(d) Six nationals from Latin American States;

(e) Eight nationals from Western European or other States;

(f) One national from African States or Eastern European States in rotation, with the seat being allocated to a national of an African State in the first election held after the adoption of the present resolution;

(g) One national from Asian States or Latin American States in rotation, with the seat being allocated to a national of an Asian State in the first election held after the adoption of the present resolution.