

Document:-
A/CN.4/433

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

Topic:
Filling of casual vacancies

Extract from the Yearbook of the International Law Commission:-
1990, vol. II(1)

*Downloaded from the web site of the International Law Commission
(<http://www.un.org/law/ilc/index.htm>)*

FILLING OF A CASUAL VACANCY (ARTICLE 11 OF THE STATUTE)

[Agenda item 2]

DOCUMENT A/CN.4/433

Note by the Secretariat

[Original: English]
[4 May 1990]

1. Following the death of Mr. Paul Reuter on 29 April 1990, one seat has become vacant in the International Law Commission.

2. Article 11 of the statute of the Commission applies to the filling of such a vacancy. 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.

Articles 2 and 8, to which article 11 refers, read as follows:

Article 2

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

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 14 November 1986, the General Assembly elected the 34 members of the International Law Commission for a five-year term, beginning on 1 January 1987, 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.

4. On 4 May 1990, the International Law Commission requested the Secretariat to issue a list of candidates on 25 May 1990.

5. On 4 May 1990, the Commission also decided that the election to fill the casual vacancy would be held on 30 May 1990.