

Document:-
A/CN.4/456

Note by the Secretariat

Topic:
Filling of casual vacancies

Extract from the Yearbook of the International Law Commission:-
1994, vol. II(1)

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**FILLING OF CASUAL VACANCIES
(ARTICLE 11 OF THE STATUTE)**

[Agenda item 1]

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Note by the Secretariat

[Original: English]
[10 January 1994]

1. Following the election on 10 November 1993 of Mr. Abdul G. Koroma and Mr. Jiuyong Shi 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 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.

Articles 2 and 8, to which article 11 refers, provide that:

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 principle legal systems of the world should be assured.

3. The terms of the two members to be elected by the Commission will expire at the end of 1996.