

United Nations Nations Unies

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The Legal Counsel on behalf of the Secretary-General of the United Nations presents his compliments to the Permanent Representatives of Member States to the United Nations and has the honour to inform the latter that the term of office of the present 34 members of the International Law Commission will expire at the end of 2022,¹ and that the election of the members of the Commission for a five-year term beginning on 1 January 2023 will take place at the seventy-sixth session of the General Assembly, in approximately November 2021.

As the Permanent Representative is aware, the General Assembly, in paragraph 3 of resolution 36/39 of 18 November 1981, decided that the 34 members of the International Law Commission shall be elected according to the following pattern:

- (a) Eight nationals from African States;
- (b) Seven nationals from Asia-Pacific States;
- (c) Three nationals from Eastern European States;
- (d) Six nationals from Latin American and Caribbean 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 resolution 36/39;
- (g) One national from Asia-Pacific States or Latin American and Caribbean States in rotation, with the seat being allocated to a national of an Asia-Pacific State in the first election held after the adoption of the resolution 36/39.

The rotational seat referred to in subparagraph (f) above was allocated to a national of an Eastern European State at the election held in 2016. Accordingly, the seat shall be allocated to a national of an African State at the forthcoming election.

The rotational seat referred to in subparagraph (g) above was allocated to a national of a Latin American and Caribbean State at the election held in 2016. Accordingly, the seat shall be allocated to a national of an Asia-Pacific State at the forthcoming election.

Thus, the allocation of seats on the Commission for the five-year term beginning on 1 January 2023 will be as follows:

- Nine nationals from African States;
- Eight nationals from Asia-Pacific States;
- Three nationals from Eastern European States;
- Six nationals from Latin American and Caribbean States;
- Eight nationals from Western European and other States.

¹ In accordance with General Assembly decision 74/566, of 12 August 2020, the term of office of the current membership of the International Law Commission was extended by one year such that it will expire on 31 December 2022.



The Statute of the International Law Commission, as adopted by the General Assembly in resolution 174 (II) of 21 November 1947 and as thereafter amended, is to be found in document A/CN.4/4/Rev.2 (See *The Work of the International Law Commission*, Ninth edition, Vol. I, United Nations publication, as well as the website of the International Law Commission accessible at < <http://legal.un.org/ilc/>>).

The Statute provides in article 2 that the International Law Commission shall consist of 34 members who shall be persons of recognized competence in international law, with no two members being nationals of the same State and that 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.

The members of the Commission are to be elected by the General Assembly from a list of candidates nominated by the Governments of States Members of the United Nations. Each State Member of the United Nations may nominate not more than four candidates, of whom two may be nationals of the nominating State and two nationals of other States (articles 3, 4 and 7). Members of the Commission shall be elected for five years and shall be eligible for re-election (article 10).

It is to be recalled that the General Assembly, in resolution 73/341 of 12 September 2019, encouraged Member States to continue nominating “women candidates ... for the subsidiary organs of the General Assembly in seeking to promote gender balance”.

As to the submission of the names of candidates, the Statute provides in article 5 that the names of the candidates shall be submitted in writing by Governments to the Secretary-General by the first of June of the year in which an election is held, provided that a Government may in exceptional circumstances substitute for a candidate whom it has nominated before the first of June another candidate whom it shall name not later than 30 days before the opening of the General Assembly.

The Secretary-General is required by articles 6 and 7 of the Statute to communicate the names submitted as soon as possible to Governments of States Members of the United Nations, as well as any statements of qualifications of candidates that may have been submitted by the nominating Governments, and to submit to the General Assembly for the purposes of the election a list of the candidates nominated.

The Secretary-General would, accordingly, be most grateful if he could receive from the Permanent Representative by 1 June 2021 the names of the candidates which the Permanent Representative’s Government may wish to nominate for election to the International Law Commission, together with the statements of qualifications of such candidates. The Secretary-General draws the Permanent Representative’s attention to the above-mentioned deadline which is set under article 5 of the Statute.



23 October 2020