

UNITED NATIONS

GENERAL
ASSEMBLY



Distr.
GENERAL

A/8511
12 November 1971

ORIGINAL: ENGLISH

Twenty-sixth session
Agenda item 20

ELECTION OF THE MEMBERS OF THE INTERNATIONAL
LAW COMMISSION

Letter dated 10 November 1971 from the Permanent Representative of
Costa Rica to the United Nations addressed to the Secretary-General

I am enclosing a copy of my letter of 1 November 1971 to
Ambassador Robbert Fack of the Kingdom of the Netherlands in regard to the
gentlemen's agreement of 1956 for the distribution of seats allotted to the
different regional groups in the International Law Commission.

As stated in my letter, I hereby request its circulation as an official
document of the General Assembly.

I thank Your Excellency for your consideration to this matter.

(Signed) José Luis MOLINA
Ambassador
Permanent Representative

1 November 1971

Mr. Ambassador:

In my capacity as chairman of the Latin American group, I am writing to you with reference to the letter of 27 January 1971 sent to me by the chairman of the group of Western European and other States, on the subject of the gentlemen's agreement of 1956 for the distribution of seats allotted to the different regional groups in the International Law Commission of the United Nations.

In reply to the above-mentioned letter, the Latin American group declares its willingness to accept that the rotating seat mentioned in the agreement will, in the elections that will take place during the twenty-sixth session of the General Assembly, be reserved for, and actually corresponds to, the group of Western European and other States, which includes those States of the British Commonwealth that in 1956 were not part of any recognized regional group.

By virtue of this acceptance, in the forthcoming elections, the Latin American group will sponsor only four candidates to occupy the four seats traditionally allotted to it by the agreement; and it is our understanding that the group of Western European and other States will present five candidates to occupy their four traditional seats, plus the rotating seat.

In making this declaration and in fulfilment of the express mandate of the Latin American group. I must stress the following reservations and points of view:

1. The Latin American group considers the gentlemen's agreement to be binding on each and every one of the regional groups only to the extent that all groups comply with its provisions and honour their observance.

2. The Latin American group considers that the gentlemen's agreement of 1956, revised in 1961, has not been carried out in accordance with its original terms. Indeed, considering the three elections that have taken place since then and the election that will be held during the present session, Latin America should have been entitled to a representation of five members for two terms

H.E. Mr. Robbert Fack
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of the Netherlands
to the United Nations

(one in 1956 and another in 1966). In practice, however, only once (in 1966) has Latin America been represented by five nationals. In other words, the failure to implement the agreement in its entirety has been prejudicial to Latin American interests.

3. Since the date of adoption in 1956, the General Assembly and the regional groups have undergone considerable changes in composition. In addition, the former group of British Commonwealth countries party to the agreement in 1956, and not included in any other recognized regional group, has been absorbed by the group of Western European and other States and as a result no longer exists as an autonomous regional grouping.

4. The Latin American group reiterates its conviction that the permanent members of the Security Council which are interested in having their nationals seated in the International Law Commission, as well as in other organs and commissions of the United Nations, must consider themselves as members of their respective regional groups. The Latin American group sees no reason for these seats to be allotted, of necessity, to the permanent members of the Security Council. The Latin American group views this norm of allotment of seats as appreciably affecting and distorting normal distribution, which should be affected on an equitable geographical basis.

5. In conclusion, the Latin American group wishes, as of now, to make it known that, subsequent to the elections to be held during the twenty-sixth session of the General Assembly for the 25 vacancies in the International Law Commission, it will initiate consultations with the other geographical groups to revise and update the gentlemen's agreement of 1956 to make it compatible with the present membership of the Assembly, with that of its regional groups and with the views and reservations outlined above.

The application of the gentlemen's agreement of 1956 to the elections to be held in 1971 represents an obvious sacrifice of the interests of Latin America to the advantage of the interests of the group of Western European and other States.

The Latin American group, however, is sustained by the confidence that the group of Western European and other States which has been favoured by this sacrifice will exert its best efforts in the forthcoming consultations (mentioned

A/8511
English
Page 4

in paragraph 5 of this letter) to meet and satisfy legitimate Latin American aspirations for adequate representation in the International Law Commission.

In closing, I wish to inform Your Excellency that a copy of this letter will be sent to the Secretary-General with a request for its circulation as an official document of the General Assembly.

Sincerely yours,

José Luis MOLINA
Ambassador
Permanent Representative
