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ELECTION OF MEMBERS OF THE INTERNATIONAL LAW COMMISSION

Memorandum by the Secretary-General and
List of Candidates

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A. MEMORANDUM BY THE SECRETARY-GENERAL

I. Introduction

1. As the term of office of the present members of the International Law Commission is due to expire at the end of 1961, the General Assembly will be required to elect the membership of the Commission at its sixteenth regular session. In accordance with the provision of articles 5 and 6 of the statute of the Commission, the Secretary-General, on 10 February 1961, transmitted to the Governments of all States Members of the United Nations a Note verbale requesting them to submit in writing by 1 June 1961 the names of the candidates whom they might wish to nominate for election to the Commission as well as statements of qualifications of such candidates.

2. In pursuance of article 6 of the statute of the Commission, the Secretary-General has the honour to transmit to the Governments of States Members of the United Nations a list of the names of candidates submitted by the Governments of Member States by 1 June. The list forms part B of the present document. The statements of qualifications in respect of such candidates will be reproduced in document A/4780.

II. Composition of the International Law Commission

3. The International Law Commission, established under General Assembly resolution 174 (II) of 21 November 1947, consists at the present time of the following twenty-one members, all of whose terms of office expire on 31 December 1961:

Mr. Roberto Ago (Italy);
Mr. Gilberto Amado (Brazil);
Mr. Milan Bartos (Yugoslavia);
Mr. Douglas L. Edmonds (United States of America);
Mr. Nihat Erim (Turkey);
Mr. J.P.A. François (Netherlands);
Mr. F.V. García Amador (Cuba);
Mr. André Gros (France);
Mr. Shuhsi Hsu (China);

Mr. Eduardo Jiménez de Aréchaga (Uruguay);
Mr. Faris El-Khoury (United Arab Republic);
Mr. Ahmed Matine-Daftary (Iran);
Mr. Luis Padilla Nervo (Mexico);
Mr. Radhabinod Pal (India);
Mr. A.E.F. Sandström (Sweden);
Mr. Senjin Tsuruoka (Japan);
Mr. Grigory I. Tunkin (Union of Soviet Socialist Republics);
Mr. Alfred Verdross (Austria);
Mr. Mustafa Kamil Yasseen (Iraq);
Sir Humphrey Waldock (United Kingdom of Great Britain and Northern Ireland);
Mr. Jaroslav Zourek (Czechoslovakia).

4. In accordance with General Assembly resolution 1103 (XI) of 18 December 1956, the membership of the Commission was increased from fifteen to twenty-one. During the discussion in the Sixth Committee at the eleventh session of the General Assembly of agenda item 59, entitled "Question of amending article 2 of the Statute of the International Law Commission to increase the membership of the Commission", delegations reached an agreement with regard to the allocation of seats on the Commission. The substance of this agreement was stated in the report of the Sixth Committee to the General Assembly on the agenda item in question, to be as follows.^{1/}

"13. The Chairman stated that there was a 'gentlemen's agreement', among delegations representing the main forms of civilization and main legal systems, that the six additional seats on the Commission should be allocated as follows: three to nationals from African and Asian Members of the United Nations; one to a national from Western Europe; one to a national from Eastern Europe; and one, in alternation, to a national from Latin America and a national from the British Commonwealth countries not otherwise included in any recognized regional grouping. It was also understood that the distribution as between different forms of civilization and legal systems would be maintained in respect of the existing fifteen seats."

^{1/} Official Records of the General Assembly, Eleventh Session Annexes, agenda item 59, document A/3427, para. 13.

5. When the agreement referred to above was reached, the "existing fifteen seats" mentioned therein were distributed among States Members of the United Nations as follows:

Five seats were held by nationals of the permanent members of the Security Council (China, France, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America);

Two seats were held by nationals of Asian States (India, Syria);

One seat was held by a national of an Eastern European State (Czechoslovakia);

Four seats were held by nationals of Latin American States (Bolivia, Brazil, Cuba, Mexico);

Three seats were held by nationals of Western European States (Greece, Netherlands, Sweden).

6. The last election by the General Assembly of the membership of the International Law Commission took place at the 623rd plenary meeting of the General Assembly on 18 December 1956. The twenty-one members elected at that meeting are listed below, with an indication of the changes since that date in the composition of the Commission as a result of the filling by the Commission itself of casual vacancies caused by the resignation or death of members.

Mr. Roberto Ago (Italy);

Mr. Gilberto Amado (Brazil);

Mr. Milan Bartos (Yugoslavia);

Mr. Douglas L. Edmonds (United States of America);

Mr. Abdullah El-Erian (Egypt) /resigned after union of Egypt and Syria as United Arab Republic: replaced by Mr. Nihat Erim (Turkey)/;

Mr. Faris El-Khouri (Syria) /nationality became that of United Arab Republic after union of Egypt and Syria/;

Sir Gerald Fitzmaurice (United Kingdom of Great Britain and Northern Ireland) /resigned: replaced by Sir Humphrey Waldock (United Kingdom of Great Britain and Northern Ireland)/;

Mr. J.P.A. François (Netherlands);

Mr. F.V. García Amador (Cuba);

Mr. Shuhsi Hsu (China);

Mr. Thanat Khoman (Thailand) /resigned: replaced by Mr. Mustafa Kamil Yasseen (Iraq)/;

<u>Name</u>	<u>Nationality</u>	<u>Nominated by</u>
PADILLA NERVO, Mr. Luis (cont'd)	Mexico	Canada Colombia Ecuador France Haiti Honduras Iceland India Italy Lebanon Mexico Netherlands Nicaragua Panama Peru Philippines Turkey United Arab Republic Uruguay Yugoslavia
PAL, Mr. Radhabinod	India	Afghanistan Czechoslovakia India Mexico United Arab Republic
PAYSSE REYES, Mr. Hector	Uruguay	Uruguay
QUINTERO, Mr. César A.	Panama	Panama
ROSENNE, Mr. Shabtai	Israel	Israel
SUPHAMONGKHON, Mr. Konthi	Thailand	Thailand
TABIBI, Mr. Abdul Hakim	Afghanistan	Afghanistan Burma Costa Rica Ethiopia Ghana Guinea India Indonesia Jordan Liberia Libya

Mr. Ahmed Matine-Daftary (Iran);
Mr. Luis Padilla Nervo (Mexico);
Mr. Radhabinod Pal (India);
Mr. A.E.F. Sandström (Sweden);
Mr. Georges Scelle (France) [died: replaced by Mr. André Gros (France)];
Mr. Jean Spiropoulos (Greece) [resigned: replaced by Mr. Richard J. Alfaro (Panama) who later resigned and was replaced by Mr. Eduardo Jiménez de Aréchaga (Uruguay)];
Mr. Grigory I. Tunkin (Union of Soviet Socialist Republics);
Mr. Alfred Verdross (Austria);
Mr. Kisaburo Yokota (Japan) [resigned: replaced by Mr. Senjin Tsuruoka (Japan)];
Mr. Jaroslav Zourek (Czechoslovakia).

III. Conduct of the election

7. The twenty-one members of the International Law Commission are to be elected by the General Assembly for a period of five years with effect from 1 January 1962, in accordance with the provisions of chapter I of the statute of the Commission and rules 94 and 96 of the rules of procedure of the General Assembly.
8. Electors should bear in mind that the persons to be elected to the Commission should individually possess the qualifications required (that is to say, be "persons of recognized competence in international law") 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 (article 2, paragraph 1, and article 8 of the statute).
9. On the day of the election, a list, prepared and submitted by the Secretary-General in accordance with article 7 of the statute of the Commission and comprising in alphabetical order the names of all the candidates duly nominated, will be printed in the Journal of the United Nations. The names of such candidates will also appear on the voting papers which will be distributed before the election. Only those candidates whose names appear on the list will be eligible for election (articles 3 and 7 of the statute).
10. The election will be held by secret ballot (rule 94 of the rules of procedure of the General Assembly). Each elector will mark with a cross the names of the candidates for whom it is desired to vote. No elector may vote for more than twenty-one candidates.

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11. The twenty-one candidates who obtain the greatest number of votes and at least a majority of the votes of the Members present and voting will be elected (article 9 of the statute).

12. No two members of the Commission may be nationals of the same State. In the event of more than one national of the same State obtaining a sufficient number of votes for election, the one who obtains the greatest number of votes is elected, and, if the votes are equally divided, the elder or eldest candidate is elected. In case of dual nationality a candidate is deemed to be a national of the State in which he ordinarily exercises civil and political rights (article 2, paragraphs 2 and 3, and article 9, paragraph 2 of the statute).

13. If twenty-one candidates are not elected in the first ballot, there will be additional ballots to fill the places still remaining vacant, but the voting will be restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice that of the places remaining to be filled; provided that, after the third inconclusive ballot, votes may be cast for any eligible person. If three such unrestricted ballots are inconclusive, the next three ballots will be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice that of the places remaining to be filled, and the following three ballots thereafter will be unrestricted, and so on until the places have been filled (rule 96 of the rules of procedure of the General Assembly).

14. Immediately after the election the Secretary-General will notify the persons elected and ask them if they are prepared to accept membership of the Commission.

B. LIST OF CANDIDATES

<u>Name</u>	<u>Nationality</u>	<u>Nominated by</u>
AGO, Mr. Roberto	Italy	France Italy Japan Mexico
AMADO, Mr. Gilberto	Brazil	Afghanistan Argentina Brazil Colombia Ecuador Haiti Iraq Mexico Nicaragua Panama Peru
ARGUELLO VARGAS, Mr. Mariano	Nicaragua	Nicaragua
AROSEMENA ARIAS, Mr. Carlos	Panama	Panama
BARCIA TRELLES, Mr. Camilo	Spain	Spain
BARTOS, Mr. Milan	Yugoslavia	United Arab Republic Yugoslavia
BAUTISTA de LAVALLE, Mr. Juan	Peru	Peru
BRIGGS, Mr. Herbert W.	United States	United States
BYSTRICKY, Mr. Rudolf	Czechoslovakia	Czechoslovakia
CADIEUX, Mr. Marcel	Canada	Australia Canada United Kingdom
CASTREN, Mr. Erik	Finland	Denmark Finland Iceland Norway Sweden
CISNEROS SANCHEZ, Mr. Manuel	Peru	Peru

<u>Name</u>	<u>Nationality</u>	<u>Nominated by</u>
DE LUNA GARCIA, Mr. Antonio	Spain	Spain
EL-ERIAN, Mr. Abdullah	United Arab Republic	United Arab Republic
ELIAS, Mr. Tesilimi Olawole	Nigeria	Nigeria
ERIM, Mr. Nihat	Turkey	Pakistan Turkey
EUSTATHIADES, Mr. Constantin	Greece	Greece
GAMBOA, Mr. Melquiades	Philippines	Philippines
GROS, Mr. André	France	France United Kingdom
GUNewardene, Mr. R.S.S.	Ceylon	Ceylon
JIMENEZ DE ARECHAGA, Mr. Eduardo	Uruguay	Uruguay
KANGA, Mr. Victor	Cameroun	Cameroun
LACHS, Mr. Manfred	Poland	Poland
LIU, Mr. Chieh	China	China
MARIA MORAN, Mr. Alfonso ✓	Ecuador	Brazil Colombia Ecuador Honduras Uruguay
MATINE-DAFTARY, Mr. Ahmad	Iran	Iran
MODESTO PAREDES, Mr. Angel ✓	Ecuador	Colombia Ecuador Honduras
MUNIR, Mr. Muhammad	Pakistan	Federation of Malaya Indonesia Pakistan Turkey
PADILLA NERVO, Mr. Luis	Mexico	Afghanistan Argentina Austria Belgium Brazil

<u>Name</u>	<u>Nationality</u>	<u>Nominated by</u>
TABIBI, Mr. Abdul Hakim (cont'd)	Afghanistan	Mali Morocco Nepal Nigeria Saudi Arabia Sudan Thailand
TSURUOKA, Mr. Senjin	Japan	Indonesia Italy Japan
TUNKIN, Mr. Grigory I.	USSR	USSR
VALLE CANDIA, Mr. Modesto	Nicaragua	Nicaragua
VERDROSS, Mr. Alfred	Austria	Austria
VEROSTA, Mr. Stephan	Austria	Austria
WALDOCK, Sir Humphrey	United Kingdom	United Kingdom
YASSEEN, Mr. Mustapha Kamil	Iraq	Brazil Iraq Italy Yugoslavia
