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ELECTION OF THE MEMBERS OF THE INTERNATIONAL LAW COMMISSION

List of candidates^{1/}

Memorandum by the Secretary-General

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^{1/} The statements of qualifications of the candidates will be issued under the symbol A/8312.

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 1971, the General Assembly will be required to elect the members of the Commission at its twenty-sixth regular session. In accordance with the provision of articles 5 and 6 of the Statute of the Commission, the Secretary-General, on 1 February 1971, transmitted to the Governments of all States Members of the United Nations a note verbale requesting them to submit in writing, by 1 June 1971, 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. By telegram dated 17 May 1971, the Secretary-General repeated his request to those Governments of Member States which had not as yet replied to his original note.

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 1 June. The list, including also the names of the sponsoring Member States, appears in section IV of the present document. In this respect, the Secretary-General wishes to draw the attention of the Assembly to the fact that a certain number of Governments of Member States, while observing the maximum limit of four set out in article 4 of the Statute of the International Law Commission have nevertheless nominated as candidates nationals of other States in excess of the number specified in that article. In so doing, those Governments have followed a practice that has evolved since the time of the second election in 1953, stemming apparently from the corresponding article in the Statute of the International Court of Justice regarding the elections of Judges of the Court.

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-five members, all of whose terms of office expire on 31 December 1971:

Mr. Roberto Ago (Italy);
Mr. Fernando Albónico (Chile);
Mr. Gonzalo Alcívar (Ecuador);
Mr. Milan Bartoš (Yugoslavia);
Mr. Mohammed Bedjaoui (Algeria);
Mr. Jorge Castañeda (Mexico);
Mr. Erik Castrén (Finland);
Mr. Abdullah El-Erian (United Arab Republic);
Mr. Taslim O. Elias (Nigeria);
Mr. Constantin Th. Eustathiades (Greece);
Mr. Richard D. Kearney (United States of America);
Mr. Nagendra Singh (India);
Mr. Alfred Ramangasoavina (Madagascar);
Mr. Paul Reuter (France);
Mr. Shabtai Rosenne (Israel);
Mr. José María Ruda (Argentina);
Mr. José Sette Câmara (Brazil);
Mr. Abdul Hakim Tabibi (Afghanistan);
Mr. Arnold J.P. Tammes (Netherlands);
Mr. Doudou Thiam (Senegal);
Mr. Senjin Tsuruoka (Japan);
Mr. Nikolai Ushakov (Union of Soviet Socialist Republics);
Mr. Endre Ustor (Hungary);
Sir Humphrey Waldock (United Kingdom of Great Britain and Northern Ireland);
Mr. Mustafa Kamil Yasseen (Iraq).

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; by General Assembly resolution 1647 (XVI) of 6 November 1961, the membership of the Commission was brought up to twenty-five. 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:

"The Chairman stated that there was a 'gentleman'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. 2/ 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." 3/

5. At the time 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; two seats were held by nationals of Asian States; one seat was held by a national of an Eastern European State; four seats were held by nationals of Latin American States; three seats were held by nationals of Western European States.

6. The last election by the General Assembly of the members of the International Law Commission took place at the 1460th plenary meeting of the General Assembly, on 10 November 1966. The twenty-five 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 death and the resignation of members:

- Mr. Roberto Ago (Italy);
- Mr. Fernando Albónico (Chile);
- Mr. Gilberto Amado (Brazil) /died: replaced by Mr. José Sette Câmara (Brazil)/;
- Mr. Milan Bartoš (Yugoslavia);
- Mr. Mohammed Bedjaoui (Algeria);

2/ In the 1961 election, this rotating seat was filled by a national of a Commonwealth State. In the 1966 election, it was filled by a national of a Latin American State.

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

Mr. Jorge Castañeda (Mexico);
Mr. Erik Castrén (Finland);
Mr. Abdullah El-Erian (United Arab Republic);
Mr. Taslim O. Elias (Nigeria);
Mr. Constantin Th. Eustathiades (Greece);
Mr. Louis Ignacio-Pinto (Dahomey) /resigned: replaced by Mr. Doudou Thiam
(Senegal)/;
Mr. Eduardo Jiménez de Aréchaga (Uruguay) /resigned: replaced by
Mr. Gonzalo Alcívar (Ecuador)/;
Mr. Richard D. Kearney (United States of America);
Mr. Nagendra Singh (India);
Mr. Alfred Ramangasoavina (Madagascar);
Mr. Paul Reuter (France);
Mr. Shabtai Rosenne (Israel);
Mr. José María Ruda (Argentina);
Mr. Abdul Hakim Tabibi (Afghanistan);
Mr. Arnold J.P. Tammes (Netherlands);
Mr. Senjin Tsuruoka (Japan);
Mr. Nikolai Ushakov (Union of Soviet Socialist Republics);
Mr. Endre Ustor (Hungary);
Sir Humphrey Waldock (United Kingdom of Great Britain and Northern Ireland);
Mr. Mustafa Kamil Yasseen (Iraq).

III. CONDUCT OF THE ELECTION

7. In conformity with the provisions of chapter I of the Statute of the International Law Commission, the twenty-five members of the Commission are to be elected for a period of five years with effect from 1 January 1972; the vote will be taken in accordance with 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" (article 2, para. 1 of the Statute) - 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 8 of the Statute).

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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-five candidates.
11. The twenty-five 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, paras. 2 and 3 and article 9, para. 2 of the Statute).
13. If twenty-five 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.

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IV. LIST OF CANDIDATES
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<u>Name and nationality</u>	<u>Nominated by</u>
Ago, Roberto (Italy)	Italy France Mexico
Alcívar, Gonzalo (Ecuador)	Ecuador Honduras
Alvarez Tabio, Fernando (Cuba)	Cuba
Bartoš, Milan (Yugoslavia)	Yugoslavia Afghanistan Cyprus
Bedjaoui, Mohammed (Algeria)	Algeria Lebanon
Bilge, Suat (Turkey)	Turkey
Castañeda, Jorge (Mexico)	Mexico Bolivia Brazil China Dominican Republic Haiti Iceland Italy Pakistan Philippines Union of Soviet Socialist Republics United Arab Republic Uruguay
Castro-Rial, Juan Manuel (Spain)	Spain Guatemala Haiti Iraq Philippines Syria United Arab Republic Uruguay
Dadzie, Emmanuel Kodjoe (Ghana)	Ghana

/...

Name and nationality

Nominated by

El-Erian, Abdullah (United Arab Republic)

United Arab Republic
Bulgaria
India
Iraq
Kuwait
Lebanon
Mexico
People's Democratic Republic
of Yemen
Saudi Arabia
Spain
Sudan
Syria
Yemen

Elias, Taslim Olawale (Nigeria)

Nigeria
Uganda

Eustathiades, Constantin Th. (Greece)

Greece
Cyprus

Fournier-Acuña, Fernando (Costa Rica)

Costa Rica
Honduras
Uruguay

Hambro, Edvard (Norway)

Norway
Denmark
Finland
Iceland
Sweden

Herrera-Baez, Porfirio (Dominican Republic)

Dominican Republic

Kalonji-Tshikala, Baudouin (Congo, Democratic
Republic of)

Congo (Democratic Republic
of)

Kearney, Richard D. (United States of America)

United States of America

Nagendra Singh (India)

India
Afghanistan
Bulgaria
Guyana
Mauritius
Nepal
Netherlands
United Arab Republic

Nkambo Mugerwa, Peter James (Uganda)

Uganda

Noel, Ulrick (Haiti)

Haiti

Pinto, Christopher Walter (Ceylon)

Ceylon

Name and nationality

Nominated by

Quentin-Baxter, R.Q. (New Zealand)

New Zealand
Australia
Canada
United Kingdom of Great
Britain and Northern
Ireland

Ramangasoavina, Alfred (Madagascar)

Madagascar
France

Reuter, Paul (France)

France
Italy
United Kingdom of Great
Britain and Northern
Ireland

Rosenne, Shabtai (Israel)

Israel

Rossides, Zenon (Cyprus)

Cyprus
Greece

Ruda, José María (Argentina)

Argentina
Brazil
Honduras
Spain
Uruguay

Saldivar, Carlos A. (Paraguay)

Paraguay

Sette Câmara, José (Brazil)

Brazil
Argentina
Honduras
Mexico

Sucharitkul, Sompong (Thailand)

Thailand

Tabibi, Abdul Hakim (Afghanistan)

Afghanistan
Brazil
India
Japan
Liberia
Mongolia
Nepal
Pakistan
Philippines
Saudi Arabia
Thailand
Union of Soviet Socialist
Republics
Yugoslavia

Name and nationality

Nominated by

Tammes, Arnold J.P. (Netherlands)

Netherlands
Belgium
Cyprus
India
Luxembourg
Philippines
Senegal
Thailand
Yugoslavia

Thiam, Doudou (Senegal)

Senegal
Netherlands

Tsuruoka, Senjin (Japan)

Japan
Afghanistan
Nepal

Ushakov, Nikolai A. (Union of Soviet
Socialist Republics)

Union of Soviet Socialist
Republics

Ustor, Endre (Hungary)

Hungary

Waldock, Sir Humphrey (United Kingdom of
Great Britain and
Northern Ireland)

United Kingdom of Great
Britain and Northern
Ireland
New Zealand

Yasseen, Mustafa Kamil (Iraq)

Iraq
Lebanon
People's Democratic
Republic of Yemen
Spain
Sudan
Syria
Yemen

Yoko, Placide (Congo (Democratic Republic of))

Congo (Democratic Republic
of)
