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NOTE BY THE SECRETARY-GENERAL CONCERNING THE DATE OF
ELECTIONS TO FILL TWO VACANCIES IN THE INTERNATIONAL
COURT OF JUSTICE

1. The President of the International Court of Justice, by a communication of 25 September 1980, informed the Secretary-General of the death, on 24 September, of Judge Richard R. Baxter (United States of America). It will be recalled that Judge Baxter was elected to the International Court of Justice by the Security Council and the General Assembly on 31 October 1978 for a term to expire on 5 February 1988. By a further communication, dated 4 October 1980, the President of the Court informed the Secretary-General of the death, on that date, of Judge Salah El Dine Tarazi (Syrian Arab Republic), who had been elected to the Court on 17 November 1975, for a term of office to expire on 5 February 1985.

2. In view of the foregoing, two vacancies have occurred in the Court which must be filled in accordance with the terms of the Statute of the International Court of Justice.

Article 14 of the Statute provides:

"Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council."

Article 5, paragraph 1, of the Statute provides:

"At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the States which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court."

3. The Secretary-General invited nominations for the vacancies caused by the deaths of Judges Baxter and Tarazi by communications dispatched on 1 and 8 October 1980 respectively. Accordingly, the three-month time-limit will expire on 8 January 1981.

4. Since, under Article 14 of the Statute, the Security Council has to fix the date of the election, it is suggested that the Council might consider this question at an early meeting. The Council may wish to decide that the elections to fill the vacancies shall take place during a resumed thirty-fifth session of the General Assembly in January 1981.

5. While it will be necessary, on the occasion of the elections, to ballot separately for each vacancy, those ballots could be held at the same meetings of the Security Council and the General Assembly. The reason for balloting separately derives, inter alia, from Article 15 of the Statute which provides that:

"A member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term."

As pointed out in paragraph 1 above, Judge Baxter's term would have run until 5 February 1988 and Judge Tarazi's term until 5 February 1985.

6. Should the Security Council decide as suggested above, the Secretary-General will communicate the Council's decision to the General Assembly for appropriate action.
