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ELECTION OF THE MEMBERS OF THE INTERNATIONAL LAW COMMISSION

Letter dated 12 September 1981 from the Permanent Representative of Honduras to the United Nations addressed to the Secretary-General

With reference to the election of the members of the International Law Commission to be held at the thirty-sixth session of the General Assembly, the Latin American Group wishes to state the following regarding the allocation of seats on the Commission:

(a) The proportion of seats for the Latin American Group in any Committee or any body of the United Nations system is related to the number of its members, which has grown from 26 in 1976 to 30 in 1981 and which will certainly increase during the present decade.

(b) Since the Group of Western European and other States, consisting of 23 members, insists on its aspiration to eight seats on the International Law Commission, our Group finds that, in all fairness, at least the previously rotating additional seat should be allotted permanently to the Latin American Group so that it should have a minimum of five seats on the Commission.

(c) In reiterating the views of the Group, which were communicated on 29 January and on 30 March 1981 by its Chairmen to the Chairman of the Group of Western European and other States, we stated the position that the "gentlemen's agreement" of 1956 should be updated to make it compatible with the present membership of the Assembly, and also because it referred to the alternation of a post between "a national from Latin America and a national from the British Commonwealth countries not otherwise included in any recognized regional grouping". ^{1/} All the countries of the Commonwealth are now included in a recognized regional group.

* A/36/150.

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

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(d) Reference is made in this connexion also to the letter dated 10 November 1971 from the Chairman of the Latin American Group to the Secretary-General (A/8511).

(e) The Latin American Group is not asking for overrepresentation, nor does it have any desire to create any obstacles for other groups in the International Law Commission to have the representation to which they are entitled. It cannot, however, accept the continuation of an agreement, which has as a corollary the underrepresentation of its own members in that body.

(f) None of the bodies recently established within the United Nations system confers upon the Group of Western European and other States twice as many representatives as the Latin American Group. In 1981, therefore, the disparate representation of eight to four in a body as important as the International Law Commission is totally unacceptable.

I would be very grateful if Your Excellency could have this note circulated as a document of the General Assembly, under item 17 (f) of the provisional agenda.

(Signed) Mario CARIAS

Ambassador

Permanent Representative of Honduras
Chairman of the Latin American Group
