



Security Council

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

1. The President of the International Court of Justice, by a communication of 12 December 1981, informed the Secretary-General of the death, on 12 December, of Judge Abdullah El-Erian (Egypt). It will be recalled that Judge El-Erian 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.

2. In view of the foregoing, a vacancy has 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."

Article 15 of the Statute provides:

"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."

3. The Secretary-General will invite nominations for the vacancy caused by the death of Judge El-Erian by a communication to be dispatched by 18 December 1981. Accordingly, the three-month time limit will expire on 18 March 1982 and the election to fill the vacancy may be held any time after that date.
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 election to fill the vacancy shall take place during a resumed thirty-sixth session of the General Assembly in the first part of 1982.
5. Should the Security Council decide as suggested above, the Secretary-General will communicate the Council's decision to the General Assembly for appropriate action.
