



Eighth session
Agenda item 59

ELECTION OF A MEMBER OF THE INTERNATIONAL COURT OF
JUSTICE TO FILL THE VACANCY CAUSED BY THE RESIGNATION
OF JUDGE SERGEI ALEKSANDROVICH GOLUNSKY

Memorandum by the Secretary-General

I. Introductory Note

1. On 27 July 1953, a vacancy in the International Court of Justice occurred as a result of the resignation of Judge Sergei Aleksandrovich Golunsky (Union of Soviet Socialist Republics). In conformity with Article 14 of the Statute of the Court, the Security Council, on 12 August 1953, decided that an election to fill the vacancy caused by the resignation of Judge Golunsky should take place during the eighth session of the General Assembly (S/3081 and A/2440).

2. In accordance with Articles 5 and 14 of the Statute, the Secretary-General, on 21 August 1953, addressed written requests to the members of the national groups inviting them to nominate candidates for the election to fill the single vacancy.

3. On the basis of nominations received, and in pursuance of Article 7 of the Statute, a list in the alphabetical order of the names of candidates has been submitted by the Secretary-General to the General Assembly and to the Security Council (A/2521 - S/3127 and Corr.1, A/2521 - S/3127 Add.1 and 2).

4. In accordance with Article 15 of the Statute, the term of office of the candidate who is elected to fill the vacancy will expire on 5 February 1961, the date on which Judge Golunsky's term of office would have expired.

5. The nationalities of the candidates nominated and of the judges who sit on the Court have been examined and it has been determined that the list of candidates is consistent with the requirement of Article 3, paragraph 1, of the Statute, namely, that no two of the members of the Court may be nationals of the same State.

II. Procedure in the General Assembly and in the Security Council

6. The election will take place in accordance with the following:

- (a) The Statute of the Court, in particular Articles 8 to 12 and 14;
- (b) Rules 149 and 150 of the rules of procedure of the General Assembly;
- (c) Rules 40 and 61 of the provisional rules of procedure of the Security Council.

7. On the day of the election, the General Assembly and the Security Council will proceed, independently of one another, to elect one member of the Court in the place of Judge Golunsky.

8. The names of the candidates will appear on the ballot papers which will be distributed at the time of the election. Only those candidates whose names appear on the list will be eligible for election unless the procedure outlined in Article 12 of the Statute has had to be invoked (Article 7).

9. The electors will mark by a cross on the ballot papers the name of the candidate for whom they wish to vote. Since the election is to fill a single vacancy, each elector may vote for only one candidate.

10. The candidate who obtains an absolute majority of votes both in the General Assembly and in the Security Council will be declared elected (Article 10).

11. In the Security Council, six votes constitute an absolute majority, and the vote will be taken without any distinction between permanent and non-permanent members of the Council (Article 10, paragraph 2).

12. Voting in the General Assembly, as in the Security Council, will proceed as follows: one ballot will be taken for the purpose of selecting by an absolute majority of votes one candidate from the list submitted by the Secretary-General (A/2521 - S/3127). If in the first ballot no candidate receives the required majority, a second ballot will be taken and balloting will continue in the same meeting until one candidate receives the required majority.

13. When a candidate has received the required majority in the General Assembly, the President of the Assembly will notify the President of the Security Council of the name of that candidate. The President of the Security Council

will, for his part, notify the President of the Assembly of the name of the candidate who has received an absolute majority in the Council. Should the same candidate fail to receive an absolute majority of votes in both the Assembly and the Council, the two organs will proceed, again independently of one another, to hold such further meetings as may be necessary to elect a candidate. The candidate who has received the required majority of votes in both the Assembly and the Council will be declared elected.

