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Item 22 of the preliminary list*

ELECTION OF THE MEMBERS OF THE INTERNATIONAL LAW COMMISSION

List of candidates 1/

Memorandum by the Secretary-General

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* A/31/50.

1/ The statements of qualifications of the candidates will be issued under the symbol A/31/135.

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 1976, the General Assembly will be required to elect the members of the Commission at its thirty-first regular session. In accordance with the provisions of articles 5 and 6 of the Statute of the Commission, the Secretary-General, on 2 January 1976, transmitted to the Governments of all States Members of the United Nations a note verbale requesting them to submit in writing, by 1 June 1976, 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.

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 1976. 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 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 25 members, all of whose terms of office expire on 31 December 1976:

- Mr. Roberto Ago (Italy);
- Mr. Mohammed Bedjaoui (Algeria);
- Mr. Ali Suat Bilge (Turkey);
- Mr. Juan José Calle y Calle (Peru);
- Mr. Jorge Castañeda (Mexico);
- Mr. Abdullah El-Erian (Egypt);
- Mr. Edvard Hambro (Norway);
- Mr. Richard D. Kearney (United States of America);
- Mr. Alfredo Martínez Moreno (El Salvador);
- Mr. Frank X. J. C. Njenga (Kenya);

Mr. C. W. Pinto (Sri Lanka);
Mr. Robert Q. Quentin-Baxter (New Zealand);
Mr. Alfred Ramangasoavina (Madagascar);
Mr. Paul Reuter (France);
Mr. Zenon Rossides (Cyprus);
Mr. Milan Šahović (Yugoslavia);
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 Francis Vallat (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 15 to 21; by General Assembly resolution 1647 (XVI) of 6 November 1961, the membership of the Commission was brought up to 25. 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/}

^{2/} In the 1966 election, this alternating seat was filled by a national of a Latin American State. In the 1971 election, it was filled by a national of a British Commonwealth State.

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

5. At the time the agreement referred to above was reached, the "existing fifteen seats" mentioned therein were distributed among nationals from 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 from Asian States; one seat was held by a national from an Eastern European State; four seats were held by nationals from Latin American States; three seats were held by nationals from Western European States.

6. At its sixteenth session the General Assembly, having increased the membership of the Commission from 21 to 25, elected the members of the Commission on the understanding that the four additional seats were to be allocated to nationals from African States. The election resulted in a distribution of seats among nationals from States Members of the United Nations, including nationals from four permanent members of the Security Council, as follows: 10 seats for nationals of African and Asian States; 3 seats for nationals from Eastern European States; 4 seats for nationals from Latin American States; 7 seats for nationals from Western European and other States and the alternating seat for a national from a British Commonwealth State.

7. The last election by the General Assembly of the members of the International Law Commission took place at the 1986th plenary meeting of the General Assembly, on 17 November 1971. The 25 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. Gonzalo Alcívar (Ecuador) /died: replaced by Mr. Juan José Calle y Calle (Peru)/;

Mr. Milan Bartoš (Yugoslavia) /died: replaced by Mr. Milan Šahović (Yugoslavia)/;

Mr. Mohammed Bedjaoui (Algeria);

Mr. Ali Suat Bilge (Turkey);

Mr. Jorge Castañeda (Mexico);

Mr. Abdullah El-Erian (Egypt);

Mr. Taslim O. Elias (Nigeria) /resigned: replaced by Mr. Frank X. J. C. Njenga (Kenya)/;

Mr. Edvard Hambro (Norway);

Mr. Richard D. Kearney (United States of America);

Mr. Nagendra Singh (India) /resigned: replaced by Mr. C. W. Pinto (Sri Lanka)/;

Mr. R. Q. Quentin-Baxter (New Zealand);

Mr. Alfred Ramangasoavina (Madagascar);

Mr. Paul Reuter (France);
Mr. Zenon Rossides (Cyprus);
Mr. José María Ruda (Argentina) /resigned: replaced by Mr. Alfredo
Martínez Moreno (El Salvador)/;
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)
/resigned: replaced by Sir Francis Vallat (United
Kingdom of Great Britain and Northern Ireland)/;
Mr. Mustafa Kamil Yasseen (Iraq).

III. CONDUCT OF THE ELECTION

8. In conformity with the provisions of chapter I of the Statute of the Commission, the 25 members of the Commission are to be elected for a period of five years with effect from 1 January 1977. The vote will be taken in accordance with rules 92 and 94 of the rules of procedure of the General Assembly.

9. 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 of the Commission) - 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 of the Commission).

10. 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 of the Commission).

11. The election will be held by secret ballot (rule 92 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 25 candidates.

12. The 25 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 of the Commission).

13. 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 of the Commission).

14. If 25 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 94 of the rules of procedure of the General Assembly).

15. 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.

IV. LIST OF CANDIDATES

<u>Name and nationality</u>	<u>Nominated by</u>
Ago, Roberto (Italy)	Italy Brazil France Japan Mexico
Ahmed, Khalafalla El Rasheed Mohamed (Sudan)	Sudan
Al Katifi, Abdul Hussain (Iraq)	Iraq Spain
Balanda, Mikuin Leliel (Zaire)	Zaire
Bedjaoui, Mohammed (Algeria)	Algeria Cyprus Peru
Bilge, Ali Suat (Turkey)	Turkey
Bolintineanu, Alexandru (Romania)	Romania
Calle y Calle, Juan José (Peru)	Peru Algeria Brazil France
Castañeda, Jorge (Mexico)	Mexico Brazil Dominican Republic Iceland India Italy Union of Soviet Socialist Republics
Castro-Rial, Juan Manuel (Spain)	Spain Guatemala Haiti Iraq Uruguay
Dadzie, Emmanuel Kodjoe (Ghana)	Ghana
Díaz-González, Leonardo (Venezuela)	Venezuela Dominican Republic

<u>Name and nationality</u>	<u>Nominated by</u>
El-Erian, Abdullah Ali (Egypt)	Egypt
El-Fadel, Mohammed (Syrian Arab Republic)	Syrian Arab Republic
Francis, Laurel B. (Jamaica)	Jamaica
Gana, Abdelkrim (Tunisia)	Tunisia
García Bauer, Carlos (Guatemala)	Guatemala Spain
Gobbi, Hugo Juan (Argentina)	Argentina Haiti
Hambro, Edvard (Norway)	Norway Finland Iceland Sweden United Kingdom of Great Britain and Northern Ireland
Holguín Holguín, Carlos (Colombia)	Colombia
Illueca, Jorge (Panama)	Panama
Jagota, S. P. (India)	India Bhutan Canada Ethiopia Finland France Ghana Iceland Iran Kenya Malaysia Mexico Nepal
Martínez Moreno, Alfredo (El Salvador)	El Salvador
Munim, F. K. M. A. (Bangladesh)	Bangladesh
Njenga, Frank X. J. C. (Kenya)	Kenya El Salvador Ethiopia Iceland India

<u>Name and nationality</u>	<u>Nominated by</u>
Orrego Vicuña, Francisco (Chile)	Chile
Osman, Jaalle Abdullahi Said (Somalia)	Somalia
Pinto, Christopher Walter (Sri Lanka)	Sri Lanka Netherlands United Kingdom of Great Britain and Northern Ireland
Quentin-Baxter, R. Q. (New Zealand)	New Zealand
Ratsirahonana, Norbert Lala (Madagascar)	Madagascar
Reuter, Paul (France)	France India Peru
Riphagen, Willem (Netherlands)	Netherlands Belgium Luxembourg Sri Lanka
Rossides, Zenon (Cyprus)	Cyprus Algeria
Šahović, Milan (Yugoslavia)	Yugoslavia
Schwebel, Stephen M. (United States of America)	United States of America
Sette Câmara, José (Brazil)	Brazil Dominican Republic Haiti Italy Kenya Mexico Peru
Sucharitkul, Sompong (Thailand)	Thailand Indonesia Japan Malaysia Philippines Singapore
Tabibi, Abdul Hakim (Afghanistan)	Afghanistan Bolivia El Salvador Union of Soviet Socialist Republics

/...

Name and nationality

Nominated by

Tsuruoka, Senjin (Japan)

Japan
Bhutan
Costa Rica
Dominican Republic
Indonesia
Italy
Liberia
Malaysia
Nepal
Pakistan
Papua New Guinea
Poland

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

Union of Soviet Socialist
Republics

Vallat, Sir Francis (United Kingdom of Great
Britain and Northern Ireland)

United Kingdom of Great
Britain and Northern
Ireland
Bhutan

Verosta, Stephan (Austria)

Austria
Finland

Yankov, Alexander (Bulgaria)

Bulgaria
Poland

Yoko, Yakembe (Zaire)

Zaire
