



Twenty-first session

ELECTION OF THE MEMBERS OF THE INTERNATIONAL LAW COMMISSION

Memorandum by the Secretary-General transmitting
a list of candidates

A. MEMORANDUM BY THE SECRETARY-GENERAL

Introduction

1. As the term of office of the present members of the International Law Commission is due to expire at the end of 1966, the General Assembly will be required to elect the members of the Commission at its twenty-first regular session. In accordance with the provision of articles 5 and 6 of the Statute of the Commission, the Secretary-General, on 14 February 1966, transmitted to the Governments of all States Members of the United Nations a note verbale requesting them to submit in writing by 1 June 1966 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. By telegram dated 17 May 1966, the Secretary-General repeated his request to those Governments of Member States which had not as yet replied to his original note.

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 the Governments of Member States by 1 June. The list, including also the names of the sponsoring Member States, forms section B 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 ILC Statute,

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.

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 twenty-five members, all of whose terms of office expire on 31 December 1966:

- Mr. Roberto Ago (Italy);
- Mr. Gilberto Amado (Brazil);
- Mr. Milan Bartoš (Yugoslavia);
- Mr. Mohammed Bedjaoui (Algeria);
- Mr. Herbert W. Briggs (United States of America);
- Mr. Marcel Cadieux (Canada);
- Mr. Erik Castrén (Finland);
- Mr. Abdullah El-Erian (United Arab Republic);
- Mr. Taslim O. Elias (Nigeria);
- Mr. Eduardo Jiménez de Aréchaga (Uruguay);
- Mr. Manfred Lachs (Poland);
- Mr. Liu Chieh (China);
- Mr. Antonio de Luna (Spain);
- Mr. Radhabinod Pal (India);
- Mr. Angel M. Paredes (Ecuador);
- Mr. Obed Pessou (Togo);
- Mr. Paul Reuter (France);
- Mr. Shabtai Rosenne (Israel);
- Mr. José María Ruda (Argentina);
- Mr. Abdul Hakim Tabibi (Afghanistan);
- Mr. Senjin Tsuruoka (Japan);
- Mr. Grigory I. Tunkin (Union of Soviet Socialist Republics);

/...

Mr. Alfred Verdross (Austria);

Sir Humphrey Waldock (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 fifteen to twenty-one; by General Assembly resolution 1647 (XVI) of 6 November 1961 the membership of the Commission was brought up to twenty-five. 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 'gentlemen'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. 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."

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

6. The last election by the General Assembly of the Members of the International Law Commission took place at the 1067th plenary meeting of the General Assembly on 28 November 1961. The twenty-five 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 resignation of members:

Mr. Roberto Ago (Italy);
Mr. Gilberto Amado (Brazil);
Mr. Milan Bartoš (Yugoslavia);
Mr. Herbert W. Briggs (United States of America);
Mr. Marcel Cadieux (Canada);
Mr. Erik Castrén (Finland);
Mr. Abdullah El-Erian (United Arab Republic);
Mr. Taslim O. Elias (Nigeria);
Mr. André Gros (France) [resigned: replaced by Mr. Paul Reuter (France)];
Mr. Eduardo Jiménez de Aréchaga (Uruguay);
Mr. Victor Kanga (Cameroon) [resigned: replaced by Mr. Mohammed Bedjaoui (Algeria)];
Mr. Manfred Lachs (Poland);
Mr. Liu Chieh (China);
Mr. Antonio de Luna (Spain);
Mr. Luis Padilla Nervo (Mexico) [resigned: replaced by Mr. José María Ruda (Argentina)];
Mr. Radhabinod Pal (India);
Mr. Angel M. Paredes (Ecuador);
Mr. Obed Pessou (Dahomey) [citizenship became that of Togo];
Mr. Shabtai Rosenne (Israel);
Mr. Abdul Hakim Tabibi (Afghanistan);
Mr. Senjim Tsuruoka (Japan);
Mr. Grigory I. Tunkin (Union of Soviet Socialist Republics);
Mr. Alfred Verdross (Austria);
Sir Humphrey Waldock (United Kingdom of Great Britain and Northern Ireland);
Mr. Mustafa Kamil Yasseen (Iraq);

Conduct of the election

7. In conformity with the provisions of chapter I of the Statute of the International Law Commission, the twenty-five members of the Commission are to be elected for a period of five years with effect from 1 January 1967; the vote will be taken in accordance with rules 94 and 96 of the rules of procedure of the General Assembly.

8. 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) - 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).
9. 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).
10. The election will be held by secret ballot (rule 94 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 twenty-five candidates.
11. The twenty-five 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).
12. 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).
13. If twenty-five 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 96 of the rules of procedure of the General Assembly).

14. 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.

B. LIST OF CANDIDATES

<u>Name</u>	<u>Nationality</u>	<u>Nominated by</u>
Ago, Roberto	Italy	Italy Argentina France Greece Mexico
Akuffu-Ado, Edward	Ghana	Ghana
Albónico, Fernando	Chile	Chile Dahomey Dominican Republic India
Amado, Gilberto	Brazil	Brazil Afghanistan Guatemala Mexico Panama
Amatayakul, Manu	Thailand	Thailand
Bartoš, Milan	Yugoslavia	Yugoslavia Afghanistan United Arab Republic
Bedjaoui, Mchammed	Algeria	Algeria
Carmona, Ramón	Venezuela	Venezuela

<u>Name</u>	<u>Nationality</u>	<u>Nominated by</u>
Castañeda, Jorge	Mexico	Mexico Argentina Brazil Dominican Republic Guatemala Honduras Italy Jamaica Nicaragua Panama United Arab Republic Union of Soviet Socialist Republics Yugoslavia
Castrén, Erik	Finland	Finland Denmark Iceland Norway Sweden
El-Erian, Abdullah	United Arab Republic	United Arab Republic Chile Finland Jordan Kuwait Mexico Syria Tanzania Ukrainian Soviet Socialist Republic Yugoslavia
Elias, Taslim O.	Nigeria	Nigeria Tanzania
Engo, Paul Bamela	Cameroon	Cameroon
Eustathiades, Constantine Th.	Greece	Greece Dahomey Italy
Groundiam, Ousman	Senegal	Tanzania
Ignacio-Pinto, Luis	Dahomey	Dahomey France Greece

/...

<u>Name</u>	<u>Nationality</u>	<u>Nominated by</u>
Jiménez de Aréchaga, Eduardo	Uruguay	Uruguay Argentina Finland Panama
Kearney, Richard D.	United States of America	United States of America
Luna, Antonio de	Spain	Spain
Macauley, Berthan	Sierra Leone	Sierra Leone
Malekou, Paul	Gabon	Gabon
Meray, Seha L.	Turkey	Turkey
Montiel-Argüello, Alejandro	Nicaragua	Nicaragua
Núñez de Saballos, Olga	Nicaragua	Nicaragua
Paredes, Angel M.	Ecuador	Ecuador
Pessou, Obed	Togo	Togo
Ramangasoavina, Alfred	Madagascar	Madagascar
Ramani, Radhakrishna	Malaysia	Malaysia
Reuter, Paul	France	France
Rosenne, Shabtai	Israel	Israel Chile
Ruda, José María	Argentina	Argentina Austria Guatemala Jamaica Panama
Seaton, Earle	Tanzania	Tanzania
Singh, Nagendra	India	India Afghanistan Ceylon Chile Finland Philippines Singapore United Kingdom of Great Britain and Northern Ireland

<u>Name</u>	<u>Nationality</u>	<u>Nominated by</u>
Suphamongkhon, Konthi	Thailand	Thailand
Tebibi, Abdul Hakim	Afghanistan	Afghanistan Austria Brazil Guinea India Liberia Pakistan Saudi Arabia Thailand Turkey Union of Soviet Socialist Republics Yugoslavia
Tammes, A.J.P.	Netherlands	Netherlands Luxembourg United Kingdom of Great Britain and Northern Ireland
Tsuruoka, Senjin	Japan	Japan El Salvador Iceland
Ushakov, N.A.	Union of Soviet Socialist Republics	Union of Soviet Socialist Republics
Ustor, Endre	Hungary	Hungary Ukrainian Soviet Socialist Republic
Verosta, Stephen	Austria	Austria
Waldock, Humphrey	United Kingdom of Great Britain and Northern Ireland	United Kingdom of Great Britain and Northern Ireland
Yasseen, Mustafa Kamil	Iraq	Iraq Jordan Kuwait Pakistan Syria United Arab Republic