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THE DATE OF ELECTION TO FILL A VACANCY
IN THE INTERNATIONAL COURT OF JUSTICE

Note by the Secretary-General

The Vice-President of the International Court of Justice informed the Secretary-General, by a communication dated 30 November 1953, of the death of Judge Sir Benegal Rau. It will be recalled that Judge Rau was elected on 6 December 1951 for a term to expire on 5 February 1961. Thus a vacancy in the Court has occurred and 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."

Paragraph 1 of Article 5 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 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."

The invitations were issued on 14 December 1953 and the Secretary-General has already received several nominations for the vacancy. Since, under Article 14 of the Statute, the Security Council has to fix the date of the election, it is suggested that the Council should meet as soon as possible in order to decide the date of the election.

It may be noted that owing to the expiration of the terms of office of five members of the Court, an election will be held to fill the five vacancies during the ninth session of the General Assembly. The precise date of this election will not be set until the opening of the General Assembly. In accordance with the practice set by the Council in 1951^{1/}, the Council may wish to decide that the election to fill the vacancy should take place during the ninth session of the General Assembly, prior to the regular election to be held during the same session to elect five members of the Court.

^{1/} Resolution adopted by the Security Council at its 548th meeting on 29 May 1951.

