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

Note by the Secretary-General

The President of the International Court of Justice, by a communication dated 28 June 1956, informed the Secretary-General of the death on that date of Judge Hsu Mo. It will be recalled that Judge Hsu Mo was elected on 22 October 1948 for a term to expire on 5 February 1958. 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 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."

Communications inviting nominations for the vacancy caused by the death of Judge Hsu Mo were sent out on 13 July 1956. 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. In accordance with the practice followed by the Security Council in 1951 and 1954, the Council may wish to decide that the election to fill the vacancy shall take place during the eleventh session of the General Assembly.