

International Law Commission

Elections

On November 28, 1961, Mr. Marcel Cadieux, Deputy Under-Secretary of State for External Affairs and Legal Adviser to the Department of External Affairs, was elected to the International Law Commission by the General Assembly of the United Nations. Each member state may nominate for election four candidates including two of its own nationals and Mr. Cadieux, who was nominated by the Governments of Australia, Canada and Britain, is the first Canadian to receive this honour. In the election in which 42 candidates competed for seats on the 25-member Commission, he received 89 of a possible 103 votes cast by the Assembly.

The International Law Commission was established by the General Assembly in 1947 to encourage the codification and progressive development of international law. Under Article 10 of its Statute, members are elected for a five-year term and also are eligible for re-election when their terms expire. While no two members of the Commission can be nationals of the same State, the Statute emphasizes that in electing members of the Commission, consideration should be given to factors other than the nationality of candidates. The Statute requires that members "shall be persons of recognized competence in international law" and that at the election the electors shall bear in mind that the persons to be elected to the Commission "should individually possess the qualifications required 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."

Enlargement of the International Law Commission

The membership of the International Law Commission as established by a General Assembly resolution in 1947 consisted of 15 members to be elected under the terms of the Statute of the Commission by the General Assembly from a list of candidates nominated by the Governments of member states.

The comparatively large size at which the Commission was established stemmed from the necessity to meet the requirement of the Statute "that in the Commission as a whole representation of the main forms of civilization and principal legal systems of the world should be assured".

By 1956 the number of member states of the United Nations had grown from 55 who were members at the time the Commission was established to 78. To provide for this development having in mind the representational requirement, the Statute of the Commission was amended on September 18, 1956 so as to increase the membership to 21. Since 1956 the United Nations membership has been increased by 21 members composed primarily of 18 new African States. And to keep step with this development a second expansion in the membership of the Commission took place on November 6,