



Security Council

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NOTE BY THE SECRETARY-GENERAL CONCERNING THE DATE OF AN ELECTION
TO FILL A VACANCY IN THE INTERNATIONAL COURT OF JUSTICE

1. The Vice President of the International Court of Justice, by a cable dated 23 August 1985, confirmed by a letter of the Deputy-Registrar of the same date, informed the Secretary-General of the resignation of Judge Platon D. Morozov (Union of Soviet Socialist Republics). It will be recalled that Judge Morozov had been elected to the Court by the Security Council and the General Assembly for a term starting on 6 February 1970 and re-elected for another term starting on 6 February 1979 which was to expire on 5 February 1988.

2. In view of the foregoing, a vacancy has occurred in the Court which must be filled in accordance with the terms of the Statute of the Court. 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."

Article 5, paragraph 1, 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."

3. The Secretary-General expects to invite nominations for the vacancies caused by the resignation of Judge Morozov by communications dispatched on 6 September 1985. Accordingly, the three-month time-limit will expire on 6 December 1985.

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4. 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. The Council may wish to decide that the election to fill the vacancies should take place during the fortieth session of the General Assembly.

5. Should the Security Council decide as suggested above, the Secretary-General will communicate the Council's decision to the General Assembly for appropriate action.
