

INTRODUCTION TO THE INTERNATIONAL LAW COMMISSION

Spring 2025

MEMBERS OF THE COMMISSION



MEMBERSHIP

- **Statute, Article 2(1):** members of the Commission “shall be persons of recognized competence in international law”.
- **Statute, Article 10:** members are elected for five-year terms and are eligible for re-election.
- **Statute, Article 13:** members are paid travel expenses and also receive special allowances, the amount of which is determined by the General Assembly.
 - Members are *not* paid a salary.
- Members:
 - are persons with recognized competence and qualifications in both doctrinal and practical aspects of international law.
 - are selected from academia, diplomatic services, government ministries, and international organizations.
 - serve in their individual capacity, not as state representatives.
 - do *not* serve on a year-round basis and only meet during the annual session.
 - enjoy the privileges and immunities granted to the heads of mission accredited to the international organizations (when in Geneva) and that of experts on missions.

NATIONALITY



- **Statute, Article 2(2):** no two members may be nationals of the same State.
- **Statute, Article 2(3):** in situations of dual nationality, a person is considered a “national” of the State in which they ordinarily exercise civil and political rights.
- Eligibility for elections is not restricted to nationals of Member States of the United Nations, but no national of any non-member State has ever been elected to the Commission.

NATIONALITY (cont.)

- The Statute does not address the situations where a member's nationality changes after the election, but this has occurred before:
 - Following the formation of a union between Egypt and Syria on 22 February 1958, two members who were elected in 1956 became nationals of the same State (United Arab Republic). One of the members resigned.
 - Following the 1990 accession of the German Democratic Republic to the Federal Republic of Germany, two members who were elected in 1986 became nationals of the same State (Germany). Both members continued to serve and completed the term of office for which they were elected.
 - Following the 1993 dissolution of Czechoslovakia into the Czech Republic and the Slovak Republic, as of 1 January 1993, the sitting member from Czechoslovakia continued to serve as a national of the Czech Republic.



ELECTION



- The UN Secretary General initiates the election process by notifying Member States of the upcoming election, including noting the relevant Statute provisions, the geographic seat allocations, and a reminder of the deadline for the nomination of candidates.
- **Statute, Article 3:** candidates are nominated exclusively by Governments of the UN Member States and elected by the UN General Assembly.
- **Statute, Article 4:** each UN Member State may propose up to four candidates, but no more than two can be its own nationals.
- **Statute, Article 5:** the names of candidates generally must be submitted in writing to the Secretary-General by the first of June of the election year.

ELECTION (cont.)

- **Statute, Article 6 & 7:** the UN Secretary General communicates the names and the *curricula vitae* of the candidates to the UN Member States and provides a list of all the candidates to the UN General Assembly.
- **Statute, Article 8:** at the election, the electors shall bear in mind that:
 - (1) the persons to be elected to the Commission should individually possess the qualifications required (e.g., *Article 2: recognized competence in international law*).
 - (2) the Commission, as a whole, should include representation of the main forms of civilization and of the principle legal systems of the world.
- **Statute, Article 9:** sets out the ranked voting system.





“CASUAL”
VACANCIES

- Vacancies may arise between regular elections due to death, serious illness, appointment to another role, or election to the International Court of Justice.
- **Statute, Article II:** interim vacancies are filled by the Commission itself, without involvement of the UN General Assembly.
- The Commission Statute does not provide a formal procedure; instead:
 - The Secretariat accepts candidate proposals from Member State governments or current Commission members.
 - The nominations are circulated to all Commission members prior to commencement of the next session.
 - The Commission’s Chair determines an election date.
 - Members cast secret ballots during a private meeting, and the Chair publicly announces the results in a recorded session, documented in the official summary records.
- Although there is no requirement that a candidate for a casual vacancy should be from the same regional group as the previous occupant, nominations to fill a casual vacancy have always been from individuals from the same regional group.

- Initially composed of 15 members in 1949, the Commission grew to 21 (in 1956), 25 (in 1961), and finally 34 (in 1981).
- The Statute makes no reference to gender representation.
 - **Historically**, membership has been overwhelmingly male. The first two female members were elected in 2001.
 - **The 2021 election cycle** subsequently saw the largest number of women candidate nominations—though still only 8 of a total of 49 candidates, 5 of which were elected.
- Per General Assembly resolution 36/39 (1981), seats are allocated regionally according to the following pattern:
 - **Western European and other States:** 8 nationals
 - **African States:** 8 nationals
 - **Eastern European States:** 3 nationals
 - **African States or Eastern European States** (*in rotation*):
1 national (*currently an African national*)
 - **Asia-Pacific States:** 7 nationals
 - **Latin American and Caribbean States:** 6 nationals
 - **Asian States or Latin American States** (*in rotation*):
1 national (*currently an Asia-Pacific national*)



CURRENT MEMBERSHIP

- **Mr. Ahmed Amin Fathalla** – Egypt
- **Mr. Ahmed Laraba** – Algeria
- **Ms. Alina Orosan** – Romania
- **Mr. Alioune Sall** – Senegal
- **Mr. Andreas D. Mavroyiannis** – Cyprus
- **Mr. August Reinisch** – Austria
- **Mr. Bimal N. Patel** – India
- **Mr. Carlos J. Argüello Gómez** – Nicaragua
- **Mr. Charles C. Jalloh** – Sierra Leone
- **Mr. Claudio Grossman Guiloff** – Chile
- **Mr. Dapo Akande** – United Kingdom
- **Mr. Evgeny Zagaynov** – Russian Federation
- **Mr. George Rodrigo Bandeira Galindo** – Brazil
- **Mr. Giuseppe Nesi** – Italy
- **Mr. Hassan Ouazzani Chahdi** – Morocco
- **Mr. Hong Thao Nguyen** – Viet Nam
- **Mr. Ivon Mingashang** – Democratic Republic of the Congo
- **Mr. Juan José Ruda Santolaria** – Peru
- **Mr. Keun-Gwan Lee** – Republic of Korea
- **Mr. Louis Savadogo** – Burkina Faso
- **Mr. Marcelo Vázquez-Bermúdez** – Ecuador
- **Mr. Mario Oyarzábal** – Argentina
- **Mr. Masahiko Asada** – Japan
- **Mr. Mathias Forteau** – France
- **Mr. Mārtiņš Pāparinskis** – Latvia
- **Mr. Munkh-Orgil Tsend** – Mongolia
- **Ms. Nilüfer Oral** – Türkiye
- **Ms. Patrícia Galvão Teles** – Portugal
- **Ms. Penelope Ridings** – New Zealand
- **Mr. Rolf Einar Fife** – Norway
- **Ms. Vilawan Mangklatanakul** – Thailand
- **Ms. Xinmin Ma** – China
- **Mr. Yacouba Cissé** – Côte d'Ivoire
- Vacancy (*from Ms. Phoebe Okowa's resignation upon her election to the International Court of Justice*)



DISCUSSION QUESTIONS

- (1) What does it mean, in practice, for Commission members to serve in their individual capacity rather than as State representatives?**
- (2) What is the impact of use of the words “shall” and “civilization” in Article 8 of the Commission’s Statute?**
- (3) What is the impact of the Statute’s lack of reference to gender representation?**