

United Nations GENERAL ASSEMBLY

THIRTY-FIRST SESSION

Official Records



68th
PLENARY MEETING

Wednesday, 17 November 1976,
at 11 a.m.

NEW YORK

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President: Mr. Hamilton Shirley AMERASINGHE
(Sri Lanka).

AGENDA ITEM 23

Election of the members of the International Law Commission (*concluded*)*

1. The PRESIDENT: This morning, the Assembly will proceed to the election of the members of the International Law Commission.

2. In conformity with the provisions of chapter I of the statute of the International Law Commission, the 25 members of the Commission are to be elected for a period of five years with effect from 1 January 1977.

3. In accordance with article 7 of the Statute of the Commission and having in mind the decision taken by the Assembly at its 60th meeting, held on 10 November 1976, the Secretary-General has submitted a list comprising the names in alphabetical order of all the candidates duly nominated. The list is contained in document A/31/328/Rev.1. Only those candidates whose names appear on the list will be eligible for election. The names of such candidates also appear on the ballot papers, which will be distributed shortly.

4. Representatives are reminded that the persons to be elected to the Commission should, in accordance with the provisions of the statute of the International Law Commission, individually possess the qualifications required, that is to say, be "persons of recognized competence in international law", 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".¹ In this connexion, I should like to draw the attention of the representatives to paragraphs 4, 5 and 6 of document A/31/134, which outline the basis of the current composition of the International Law Commission.

5. In accordance with rule 92 of the rules of procedure of the General Assembly, the election will be held by secret ballot.

6. No two members of the Commission may be nationals of the same State, and members of the Assembly may vote for a maximum of 25 candidates by placing a cross to the left of the names of the candidates for whom they wish to vote. Any ballot paper on which marks have been put against the names of more than 25 candidates will be declared invalid. I repeat: any ballot paper that contains marks against more than 25 names will be declared invalid; it may have fewer marks but it cannot have more.

7. In accordance with article 9 of the statute of the Commission, the 25 candidates who obtain the greatest number of votes and at least a majority of the votes of the members present and voting will be elected.

8. I ask representatives to fill in the ballot papers in accordance with the information that I have given them. Ballot papers will now be distributed.

At the invitation of the President, Mr. Plamondon (Canada) and Mr. Makarevich (Ukrainian Soviet Socialist Republic) acted as tellers.

A vote was taken by secret ballot.

9. The PRESIDENT: Since the counting of ballots will take some time, I propose that we suspend the meeting while the tellers count the votes.

The meeting was suspended at 11.25 a.m. and resumed at 1.30 p.m.

10. The PRESIDENT: I shall now inform the Assembly of the results of the voting.

<i>Number of ballot papers:</i>	143
<i>Invalid ballots:</i>	0
<i>Number of valid ballots:</i>	143
<i>Abstentions:</i>	0
<i>Number of members voting:</i>	143
<i>Required majority:</i>	72

Number of votes obtained:

Mr. Milan Šahović (Yugoslavia)	127
Mr. Alexander Yankov (Bulgaria)	120
Mr. Paul Reuter (France)	119
Mr. N. A. Ushakov (Union of Soviet Socialist Republics)	117
Mr. Jorge Castañeda (Mexico)	115
Mr. Abdullah Ali El-Erian (Egypt)	115
Mr. José Sette Câmara (Brazil)	113
Mr. Mohammed Bedjaoui (Algeria)	110
Mr. Juan José Calle y Calle (Peru)	107
Mr. S. P. Jagota (India)	107

* Resumed from the 60th meeting.

¹ See statute of the International Law Commission, articles 2 and 8 (resolution 174 (II)).

Mr. Senjin Tsuruoka (Japan)	106
Mr. Stephen M. Schwebel (United States of America)	103
Mr. Edvard Hambro (Norway)	102
Mr. Christopher Walter Pinto (Sri Lanka)	101
Mr. Robert Ago (Italy)	98
Sir Francis Vallat (United Kingdom of Great Britain and Northern Ireland)	98
Mr. Stephan Verosta (Austria)	97
Mr. Willem Riphagen (Netherlands)	92
Mr. Frank X. J. C. Njenga (Kenya)	88
Mr. Emmanuel Kodjoe Dadzie (Ghana)	87
Mr. Leonardo Díaz González (Venezuela)	83
Mr. Laurel B. Francis (Jamaica)	83
Mr. R. Q. Quentin-Baxter (New Zealand)	83
Mr. Sompong Sucharitkul (Thailand)	83
Mr. Jorge Illueca (Panama)	82
Mr. Doudou Thiam (Senegal)	82

11. The first 24 candidates are declared elected members of the International Law Commission. For the twenty-fifth place there is a tie.

12. Mr. ILLUECA (Panama) (*interpretation from Spanish*): I have the honour to address the Assembly to state that, according to the result of the vote, the Latin American group of States has obtained five seats and the African group has obtained four seats in the International Law Commission.

13. My country, Panama, and I myself are strong champions of a balanced composition for the International Law Commission, in accordance with our gentleman's agreement.

14. In the circumstances, and so as to avoid a second ballot that would imply rivalry between two friendly regions with common ideals of anti-colonialism and universal harmony, I ask that the Panamanian candidacy be withdrawn and that Mr. Doudou Thiam of Senegal be declared elected.

15. The PRESIDENT: The Assembly's applause is a sufficient tribute to Mr. Jorge Illueca of Panama and to the country he represents. It shows not only a sense of solidarity but also a sense of honour and respect for convention. I express my deep appreciation to Ambassador Jorge Illueca for withdrawing his candidature and thereby enabling us to complete the election.

Having obtained the required majority, Mr. Ago (Italy), Mr. Bedjaoui (Algeria), Mr. Calle y Calle (Peru), Mr. Castañeda (Mexico), Mr. Dadzie (Ghana), Mr. Díaz González (Venezuela), Mr. El-Erian (Egypt), Mr. Francis (Jamaica), Mr. Hambro (Norway), Mr. Jagota (India), Mr. Njenga (Kenya), Mr. Pinto (Sri Lanka), Mr. Quentin-Baxter (New Zealand), Mr. Reuter (France), Mr. Riphagen (Netherlands), Mr. Šahović (Yugoslavia), Mr. Schwebel (United States of America), Mr. Sette Câmara (Brazil), Mr. Sucharitkul (Thailand), Mr. Thiam (Senegal), Mr. Tsuruoka (Japan), Mr. Ushakov (Union of Soviet Socialist Republics), Sir Francis Vallat (United Kingdom of Great Britain and Northern Ireland), Mr. Verosta (Austria) and Mr. Yankov (Bulgaria) were elected members of the International Law

Commission for a period of five years beginning on 1 January 1977 (decision 31/308).

16. The PRESIDENT: On behalf of the General Assembly, I wish to congratulate all those who have been elected members of the International Law Commission. I should also like to thank the representatives who acted as tellers.

17. Mr. KOLESNIK (Union of Soviet Socialist Republics) (*interpretation from Russian*): I take the floor in order to explain the position of the USSR delegation on the results of the election of the members of the International Law Commission.

18. The USSR delegation congratulates those representatives who have been elected members of the International Law Commission and expresses the hope that they will achieve successful results in their responsible, difficult and noble work on codification and on the progressive development of international law. My delegation would also like to express our gratitude to the representative of Panama, Mr. Illueca, who, having withdrawn his candidature, has thus facilitated our task of determining the new composition of the Commission.

19. In addition, the Soviet delegation would like to make a few comments on the procedure followed during the elections that have just taken place and on future elections.

20. As representatives know, elections to the International Law Commission should take place in accordance with the provisions of the Commission's statute, in particular its articles 8 and 9.

21. The PRESIDENT: I call the representative of the Soviet Union to order. Is he speaking in explanation of vote or is he giving us a lesson on how we should vote? If the latter, I think that, if he does not mind, we should take it up on another occasion, since the hour is late.

22. Mr. KOLESNIK (Union of Soviet Socialist Republics) (*interpretation from Russian*): I repeat, Mr. President, these are comments on the procedure followed during the elections that have just taken place and on future elections. I shall continue. In addition to the provisions of the statute relating to elections to the International Law Commission in 1956, we must also keep in mind that a "gentleman's agreement" was reached among the States Members of the United Nations in 1961 to ensure that the provisions of article 8 of the statute were correctly carried out. In accordance with that agreement, the seats on the International Law Commission were to be allocated as follows: the African-Asian group—10 seats; the Western European and other group—7 seats; the Latin American group—5 seats; the Eastern European group—3 seats.

23. As a result of the secret ballot that has just been taken, the seats have been allocated in the following manner: the African-Asian group has received 9 seats; the Western European and other group has received 8; the Latin American group, 5; and the Eastern European group, 3. Thus, there has been a certain deviation from the "gentleman's agreement" to the benefit of the Western European group and at the expense of the Asian countries.

24. Although we are not challenging the results of these elections, we cannot refrain from saying that we favour the strict observance of the firmly established practice of allocating seats on the Commission in such a way as to ensure that it is representative of the main forms of civilization and of the principal legal systems of the world.

25. The Soviet delegation wishes to stress that in its opinion the present elections should not and cannot constitute a precedent for the future and expresses its firm intention to adhere to the existing agreements, as it did in the elections today. It believes that such an approach would preclude the possibility of arbitrary decisions in the future, with all their negative consequences.

26. The PRESIDENT: I thank the representative of the Soviet Union for having explained his vote on a secret ballot. I am fully aware of the problem that exists and I can assure the Assembly that I shall take this matter up at a latter date in consultation with the representatives of the regional groups.

27. Mr. FALL (Senegal) (*interpretation from French*): I shall be very brief in view of the lateness of the hour. I should like only to place on record my Government's appreciation of the gesture just made by the representative of Panama. I also hope that the African group will take proper note of that gesture of courtesy and harmonious co-operation just made by the representative of Panama.

28. On behalf of Mr. Thiam, who, for reasons beyond his control, is not present, and on behalf of my Government and delegation, I should like to reiterate our congratulations and our expressions of gratitude to the delegation of Panama.

29. The PRESIDENT: Once again, may I reiterate my appreciation of the gesture made by the representative of Panama, Ambassador Illueca, and the co-operation shown by his country in this matter. I also wish to express my appreciation to the entire Latin American group for its attitude on this whole question.

The meeting rose at 1.45 p.m.