



General Assembly

Sixty-ninth session

39th plenary meeting
Thursday, 6 November 2014, 10 a.m.
New York

Official Records

President: Mr. Kutesa (Uganda)

The meeting was called to order at 10.10 a.m.

Agenda item 111 (continued)

Election to fill vacancies in principal organs

(c) Election of five members of the International Court of Justice

Memorandum by the Secretary-General (A/69/230)

List of candidates (A/69/253)

Curricula vitae (A/69/254)

The President: Today the General Assembly will proceed to the election of five members of the International Court of Justice for a nine-year term of office commencing on 6 February 2015. The judges whose terms of office expire on 5 February 2015 are Judge Mohamed Bennouna (Morocco), Judge Joan E. Donoghue (United States of America), Judge Kenneth Keith (New Zealand), Judge Bernardo Sepúlveda-Amor (Mexico) and Judge Leonid Skotnikov (Russian Federation).

I should like to draw the attention of the General Assembly to the documents it has before it relating to this election. Document A/69/230 contains a memorandum by the Secretary-General on the current composition of the Court and on the procedures to be followed in the General Assembly and the Security Council with regard to the election. Document A/69/253 contains the list of candidates nominated by national groups. And document A/69/254 contains the curricula vitae of the candidates nominated by national groups.

In that connection, the Legal Counsel has informed me that after the deadline established for nominating candidates, the following additional submissions were received from several national groups, all of which relate to candidates already nominated by other national groups appearing in documents A/69/230, A/69/253 and A/69/254: Mohamed Bennouna (Morocco) has also been nominated by the national group of Belgium; Susana Ruiz Cerutti (Argentina) has also been nominated by the national groups of Belgium, the Czech Republic and Croatia; James Richard Crawford (Australia) has also been nominated by the national groups of Belgium, the Czech Republic and Romania; and Joan E. Donoghue (United States of America) has also been nominated by the national groups of Belgium, the Czech Republic and Lithuania.

I should also like to draw the attention of the Assembly to a note verbale from the Permanent Mission of Mauritania to the United Nations informing me of the decision by the national group of Mauritania to withdraw its nomination of Mr. Jemal Agatt as a candidate.

This election will be held in accordance with the Statute of the Court, in particular Articles 2 to 4 and 7 to 12, as well as rules 150 and 151 of the Assembly's rules of procedure.

I should like to confirm that at this time the General Assembly and the Security Council will proceed, independently of one another, to elect five members of the Court to fill the vacancies in accordance with article 8 of the Statute. According to Article 2 of

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the Statute, members of the Court are to be elected, regardless of their nationality, from among persons of high moral character who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law. Article 9 requires electors to bear in mind not only that the person to be elected should individually possess the qualifications required, but also that in the body as a whole, representation of the main forms of civilization and of the principal legal systems of the world should be assured.

In accordance with Article 10, paragraph 1, of the Statute of the Court, those candidates who obtain an absolute majority of votes both in the General Assembly and in the Security Council shall be considered as elected. The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all electors, whether or not they vote or are allowed to vote. The electors in the General Assembly are all 193 Member States. Accordingly, for the purposes of the present election, 97 votes constitute an absolute majority in the General Assembly.

Only those candidates whose names appear on the ballot papers are eligible for election. The electors in the General Assembly will indicate the candidates for whom they wish to vote by placing crosses against their names on the ballot papers. Each elector may vote for not more than five candidates on the first ballot and, on subsequent ballots, if any, for five candidates, less the number of candidates who have already obtained absolute majorities.

At the 915th plenary meeting of the General Assembly, on 16 November 1960, a procedural discussion was held as to whether rule 94 — then rule 96 — of the rules of procedure of the Assembly should be applied in elections to the International Court of Justice. That rule lays down a procedure for restricted ballots in the event that, after the first ballot, the requisite number of candidates have not obtained the required majority. By 47 votes to 27, with 25 abstentions, the Assembly decided that the rule did not apply to elections to the Court and proceeded to elect the requisite number of candidates by a series of unrestricted ballots. That decision has been followed consistently.

Accordingly, pursuant to rule 151 of the rules of procedure of the Assembly, if in the first ballot in the General Assembly the number of candidates obtaining an absolute majority is less than five, a second ballot

will be held on the remaining candidates and balloting will continue at the same meeting until five candidates have obtained the required majority. However, if in the first or subsequent ballots more than five candidates obtain an absolute majority, the General Assembly shall follow the established practice and proceed to a new vote on all the candidates. Balloting will continue in the same manner until five of the candidates have obtained the required majority. Only when five candidates have obtained the required majority in the Assembly will the President of the Assembly notify the President of the Security Council of the names of the five candidates.

In accordance with Article 11 of the Statute, if upon comparison of the respective lists of names that have obtained an absolute majority in the General Assembly and in the Security Council fewer than five candidates have been thus elected, the Assembly and the Council will proceed, again independently of one another, at a second meeting — and, if necessary, a third — to elect candidates by further ballots for seats remaining vacant, the results again being compared after the required number of candidates have obtained an absolute majority in each organ.

If, however, after the third meeting one or more seats still remain unfilled, the General Assembly and the Security Council may at any time, at the request of either organ, form a joint conference consisting of six members, three appointed by each organ. That joint conference may, by an absolute majority, agree on one name for each seat still vacant and submit the name or names for the acceptance of the Assembly and the Council. If the joint conference is unanimously agreed, it may submit the name of a person not included in the list of nominations, provided that candidate fulfils the required conditions, in accordance with Article 12, paragraph 2, of the Statute.

If the joint conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been elected shall, within a period to be fixed by the Security Council, proceed to fill the vacant seat or seats by selection from among those candidates who have obtained votes either in the General Assembly or in the Security Council. In accordance with paragraphs 3 and 4 of Article 12 of the Statute, in the event of an equality of votes among the judges, the eldest shall have a casting vote.

May I take it that the General Assembly agrees to those procedures at this election?

It was so decided.

The President: I should like to remind representatives that, pursuant to rule 88 of the rules of procedure,

“After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting”.

Any announcements, including those concerning withdrawals of candidatures, should therefore be made prior to the commencement of the voting process, that is to say, before the announcement of the beginning of the voting process.

I should like to seek the usual cooperation of representatives during the time of the conduct of the election. Please be reminded that during the voting process all campaigning should cease in the General Assembly Hall. That means in particular that once the election has begun, no more campaign material can be distributed inside the Hall. All representatives are also requested to remain at their seats so that the voting process can proceed in an orderly manner. I thank members for their cooperation.

We shall now begin the voting process. Ballot papers will now be distributed.

Ballot papers will be given only to the representatives seated directly behind country name plates. Representatives are requested to use only the ballot papers now being distributed. Only those candidates whose names appear on the ballot papers are eligible. Representatives will indicate the five candidates for whom they wish to vote by placing crosses to the left of their names on the ballot papers. Ballot papers on which more than five names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Ms. Mansouri (Algeria), Ms. Mohd Salleh (Brunei Darussalam), Mr. Ona Garcés (Ecuador), Mr. Stefanik (Poland), Ms. Lyngdorf (Sweden) and Mr. do Carmo Vieira (Timor-Leste) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 10.35 a.m. and resumed at 11.25 a.m.

The President: The result of the voting is as follows:

Number of ballot papers:	193
Number of invalid ballots:	1
Number of valid ballots:	192
Abstentions:	0
Number of members voting:	192
Required absolute majority:	97
Number of votes obtained:	
Ms. Joan E. Donoghue (United States of America)	155
Mr. Mohamed Bennouna (Morocco)	147
Mr. Kirill Gevorgian (Russian Federation)	143
Mr. Patrick Lipton Robinson (Jamaica)	136
Mr. James Richard Crawford (Australia)	135
Ms. Susana Ruiz Cerutti (Argentina)	124
Ms. Eugénie Liliane Arivony (Madagascar)	50
Mr. Sayeman Bula-Bula (Democratic Republic of the Congo)	42

In the ballot just completed, more than five candidates have obtained an absolute majority. Pursuant to the decision taken by the General Assembly at the 45th plenary meeting of its fifty-fourth session, on 3 November 1999, and in accordance with the decision taken at the beginning of this meeting, a new ballot will be held until only the required number of candidates, and no more, obtain an absolute majority. We shall therefore proceed to another unrestricted ballot to fill the remaining five vacancies.

We shall now begin the voting process. Ballot papers will now be distributed.

Only those candidates whose names appear on the ballot papers are eligible. I would like to remind delegations that the names of no more than five candidates should be marked with a cross. Any ballot paper on which more than five names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Ms. Mansouri (Algeria), Ms. Mohd Salleh (Brunei Darussalam), Mr. Ona Garcés (Ecuador), Mr. Stefanik (Poland), Ms. Lyngdorf (Sweden) and Mr. do Carmo Vieira (Timor-Leste) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 11.35 a.m. and resumed at 12.15 p.m.

The President: The result of the voting is as follows:

Number of ballot papers:	191
Number of invalid ballots:	0
Number of valid ballots:	191
Abstentions:	0
Number of members voting:	191
Required absolute majority:	97
Number of votes obtained:	
Mr. Mohamed Bennouna (Morocco)	152
Ms. Joan E. Donoghue (United States of America)	152
Mr. Kirill Gevorgian (Russian Federation)	150
Mr. James Richard Crawford (Australia)	136
Mr. Patrick Lipton Robinson (Jamaica)	136
Ms. Susana Ruiz Cerutti (Argentina)	118
Ms. Eugénie Liliane Arivony (Madagascar)	31
Mr. Sayeman Bula-Bula (Democratic Republic of the Congo)	25

In the ballot just completed, more than five candidates have obtained an absolute majority. Pursuant to the decision taken by the General Assembly at the 45th plenary meeting of its fifty-fourth session, on 3 November 1999, and in accordance with the decision taken at the beginning of this meeting, a new ballot will be held until only the required number of candidates, and no more, obtain an absolute majority. We shall therefore proceed to another unrestricted ballot to fill the remaining five vacancies.

We shall now begin the voting process. Ballot papers will now be distributed.

All the candidates whose names appear on the ballot papers are eligible. I would once again like to remind delegations that the names of no more than five candidates should be marked with a cross. Any ballot paper on which more than five names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

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A vote was taken by secret ballot.

The meeting was suspended at 12.25 p.m. and resumed at 12.55 p.m.

The President: The result of the voting is as follows:

Number of ballot papers:	193
Number of invalid ballots:	0
Number of valid ballots:	193
Abstentions:	0
Number of members voting:	193
Required absolute majority:	97
Number of votes obtained:	
Ms. Joan E. Donoghue (United States of America)	158
Mr. Mohamed Bennouna (Morocco)	156
Mr. Kirill Gevorgian (Russian Federation)	151
Mr. Patrick Lipton Robinson (Jamaica)	149
Mr. James Richard Crawford (Australia)	140
Ms. Susana Ruiz Cerutti (Argentina)	104
Ms. Eugénie Liliane Arivony (Madagascar)	24
Mr. Sayeman Bula-Bula (Democratic Republic of the Congo)	21

In the ballot just completed, more than five candidates have obtained an absolute majority. Pursuant to the decision taken by the General Assembly at the 45th plenary meeting of its fifty-fourth session, on 3 November 1999, and in accordance with the decision taken at the beginning of this meeting, a new ballot will be held until only the required number of candidates, and no more, obtain an absolute majority. We shall therefore have to proceed to another unrestricted ballot to fill the remaining five vacancies.

I now call on the representative of Madagascar.

Mr. Andrianarivelo-Razafy (Madagascar) (*spoke in French*): On behalf of Madagascar, I would like to say that Ms. Eugénie Liliane Arivony of Madagascar has withdrawn her candidacy. I would also like to take this opportunity to extend my warm and sincere thanks to all those who have supported Madagascar in these elections.

The President: In view of the lateness of the hour, I propose that the meeting be suspended until 3 p.m., at which time we will continue with the voting.

The meeting was suspended at 1 p.m. and resumed at 3.30 p.m.

Mr. Emiliou (Cyprus), Vice-President, took the Chair.

The Acting President: We shall now continue with the election of five members of the International

Court of Justice. Members will recall that in the ballot completed prior to the suspension of the meeting more than five candidates obtained an absolute majority. Members will further recall that, also prior to the suspension of the meeting, the representative of Madagascar informed the Assembly, on behalf of the national group of Madagascar, that Ms. Eugénie Liliane Arivony had withdrawn her candidacy. She is therefore no longer a candidate and her name has been deleted from the ballot papers.

I now call on the representative of the Democratic Republic of the Congo.

Mr. Tunda ya Kasende (Democratic Republic of the Congo) (*spoke in French*): On behalf of my country, and out of respect for the rules at this stage of the game, in agreement with our national group and after consulting Mr. Bula-Bula, I would like to say that the Democratic Republic of the Congo has decided to withdraw Mr. Bula-Bula's candidacy. I would like to thank all the States that have supported us, and to wish all the remaining candidates in the election the best of luck.

The Acting President: Members have heard the statement by the representative of the Democratic Republic of the Congo on behalf of that country's national group to the effect that Mr. Sayeman Bula-Bula no longer wishes to be considered as a candidate. Taking that into consideration, we shall therefore proceed to the next unrestricted ballot, and Mr. Sayeman Bula-Bula's name will be deleted from the ballot papers.

We shall now proceed to another unrestricted ballot to fill the remaining five vacancies.

We shall now begin the voting process. Ballot papers will now be distributed.

All the candidates whose names appear on the ballot papers are eligible. I would like to remind delegations that the names of no more than five candidates should be marked with a cross. Any ballot paper on which more than five names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the Acting President, Ms. Mansouri (Algeria), Ms. Mohd Salleh (Brunei Darussalam), Mr. Ona Garcés (Ecuador), Mr. Stefanik (Poland), Ms. Lyngdorf (Sweden) and Mr. do Carmo Vieira (Timor-Leste) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 3.45 p.m. and resumed at 4.10 p.m.

The Acting President: The result of the voting is as follows:

Number of ballot papers:	192
Number of invalid ballots:	0
Number of valid ballots:	192
Abstentions:	0
Number of members voting:	192
Required absolute majority:	97
Number of votes obtained:	
Mr. Mohamed Bennouna (Morocco)	165
Ms. Joan E. Donoghue (United States of America)	160
Mr. Kirill Gevorgian (Russian Federation)	154
Mr. James Richard Crawford (Australia)	144
Mr. Patrick Lipton Robinson (Jamaica)	141
Ms. Susana Ruiz Cerutti (Argentina)	116

In the ballot just completed, more than five candidates have obtained an absolute majority. Pursuant to the decision taken by the General Assembly at the 45th plenary meeting of its fifty-fourth session, on 3 November 1999, and in accordance with the decision taken at the beginning of this meeting, a new ballot will be held until only the required number of candidates, and no more, obtain an absolute majority. We shall therefore proceed to another unrestricted ballot to fill the remaining five vacancies.

We shall now begin the voting process. Ballot papers will now be distributed.

All the candidates whose names appear on the ballot papers are eligible. I would once again like to remind delegations that the names of no more than five candidates should be marked with a cross. Any ballot paper on which more than five names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the Acting President, Ms. Mansouri (Algeria), Ms. Mohd Salleh (Brunei Darussalam), Mr. Ona Garcés (Ecuador), Mr. Stefanik (Poland), Ms. Lyngdorf (Sweden) and Mr. do Carmo Vieira (Timor-Leste) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 4.20 p.m. and resumed at 4.45 p.m.

The Acting President: The result of the voting is as follows:

Number of ballot papers:	189
Number of invalid ballots:	0
Number of valid ballots:	189
Abstentions:	0
Number of members voting:	189
Required absolute majority:	97
Number of votes obtained:	
Mr. Mohamed Bennouna (Morocco)	161
Ms. Joan E. Donoghue (United States of America)	157
Mr. Kirill Gevorgian (Russian Federation)	147
Mr. James Richard Crawford (Australia)	141
Mr. Patrick Lipton Robinson (Jamaica)	138
Ms. Susana Ruiz Cerutti (Argentina)	108

In the ballot just completed, more than five candidates have obtained an absolute majority. Pursuant to the decision taken by the General Assembly at the 45th plenary meeting of its fifty-fourth session, on 3 November 1999, and in accordance with the decision taken at the beginning of this meeting, a new ballot will be held until only the required number of candidates, and no more, obtain an absolute majority. We shall therefore proceed to another unrestricted ballot to fill the remaining five vacancies.

We shall now begin the voting process. Ballot papers will now be distributed.

All the candidates whose names appear on the ballot papers are eligible. I would like to remind delegations once again that the names of no more than five candidates should be marked with a cross. Any ballot paper on which more than five names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the Acting President, Ms. Mansouri (Algeria), Ms. Mohd Salleh (Brunei Darussalam), Mr. Ona Garcés (Ecuador), Mr. Stefanik (Poland), Ms. Lyngdorf (Sweden) and Mr. do Carmo Vieira (Timor-Leste) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 4.55 p.m. and resumed at 5.25 p.m.

The Acting President: The result of the voting is as follows:

Number of ballot papers:	192
Number of invalid ballots:	0
Number of valid ballots:	192
Abstentions:	1
Number of members voting:	191
Required absolute majority:	97
Number of votes obtained:	
Mr. Mohamed Bennouna (Morocco)	161
Ms. Joan E. Donoghue (United States of America)	158
Mr. Kirill Gevorgian (Russian Federation)	147
Mr. Patrick Lipton Robinson (Jamaica)	141
Mr. James Richard Crawford (Australia)	138
Ms. Susana Ruiz Cerutti (Argentina)	108

In the ballot just completed, more than five candidates have obtained an absolute majority. Pursuant to the decision taken by the General Assembly at the 45th plenary meeting of its fifty-fourth session, on 3 November 1999, and in accordance with the decision taken at the beginning of this meeting, a new ballot will be held until only the required number of candidates, and no more, obtain an absolute majority. We shall therefore proceed to another unrestricted ballot to fill the remaining five vacancies.

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At the invitation of the Acting President, Ms. Mansouri (Algeria), Ms. Mohd Salleh (Brunei Darussalam), Mr. Ona Garcés (Ecuador), Mr. Stefanik (Poland), Ms. Lyngdorf (Sweden) and Mr. do Carmo Vieira (Timor-Leste) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 5.35 p.m. and resumed at 6.15 p.m.

The Acting President: The result of the voting is as follows:

Number of ballot papers:	192
Number of invalid ballots:	0
Number of valid ballots:	192
Abstentions:	0
Number of members voting:	192
Required absolute majority:	97
Number of votes obtained:	
Mr. Mohamed Bennouna (Morocco)	159
Ms. Joan E. Donoghue (United States of America)	156
Mr. Kirill Gevorgian (Russian Federation)	145
Mr. James Richard Crawford (Australia)	141
Mr. Patrick Lipton Robinson (Jamaica)	139
Ms. Susana Ruiz Cerutti (Argentina)	95

The following five candidates have obtained an absolute majority in the General Assembly: Mr. Mohamed Bennouna, Mr. James Richard Crawford, Ms. Joan E. Donoghue, Mr. Kirill Gevorgian and Mr. Patrick Lipton Robinson.

I have communicated the result of the voting to the President of the Security Council.

I have also received a letter from the President of the Security Council, which reads:

“I have the honour to inform you at that at the 7297th meeting of the Security Council, held

on 6 November 2014, for the purpose of electing five members of the International Court of Justice for a term of office beginning on 6 February 2015, Mr. Mohamed Bennouna, Ms. Susana Ruiz Cerutti, Mr. James Richard Crawford, Ms. Joan E. Donoghue and Mr. Kirill Gevorgian obtained an absolute majority of votes.”

As a result of the independent voting in the General Assembly and in the Security Council, the following four candidates have obtained an absolute majority in both bodies: Mr. James Richard Crawford, Ms. Joan E. Donoghue, Mr. Kirill Gevorgian and Mr. Mohamed Bennouna. They are therefore duly elected members of the International Court of Justice to serve for a nine-year term commencing on 6 February 2015. I would like to take this opportunity to extend to them the congratulations of the Assembly on their election.

In accordance with the provisions of Article 11 of the Statute of the Court, it will be necessary to hold another meeting to fill the remaining vacancy.

I propose that the present meeting be adjourned and that in view of the late hour, the 40th plenary meeting be held tomorrow morning at 10 o'clock to vote on the remaining vacancy.

The meeting rose at 6.20 p.m.