



Security Council

PROVIS IONAL

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18 April 1989

ENGLISH

PROVIS IONAL VERBATIM RECORD OF THE TWO THOUSAND EIGHT HUNDRED AND FIFTY-FOURTH MEETING

Held at Headquarters, New York,
on Tuesday, 18 April 1989, at 10 a.m.

President: Mr. BELONOGOV

(Union of Soviet Socialist
Republics)

Members: Algeria
Brazil
Canada
China
Colombia
Ethiopia
Finland
France
Malaysia
Nepal
Senegal
United Kingdom of Great Britain and
Northern Ireland
United States of America
Yugoslavia

Mr. DJOUDI
Mr. NOGUEIRA-BATISTA
Mr. FORTIER
Mr. LI Luye
Mr. PEÑALOSA
Mr. TADESSE
Mr. TORNUDD
Mr. BLANC
Mr. RAZALI
Mr. RANA
Mrs. DIALLO

Sir Crispin TICKELL
Mr. OKUN
Mr. PEJIC

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The meeting was called to order at 10.40 a.m.

ADOPTION OF THE AGENDA

The agenda was adopted.

ELECTION OF A MEMBER OF THE INTERNATIONAL COURT OF JUSTICE (S/20551, S/20552 and Add.1 and Rev.1, S/20553 and S/20593)

The PRESIDENT (interpretation from Russian): I should like to recall that at its 2838th meeting, on 9 January 1989, the Security Council adopted resolution 627 (1989), in which it decided that the election to fill the vacancy in the International Court of Justice should take place on 18 April 1989 at a meeting of the Security Council and at a meeting of the forty-third session of the General Assembly. This vacancy was caused by the death of Judge Nagendra Singh on 11 December 1988.

This morning the Security Council and the General Assembly will proceed independently with the election, in accordance with the relevant provisions of the Statute of the Court, for the purpose of filling this vacancy.

The list of candidates nominated by national groups and received by the Secretary-General as of 4 April 1989, the deadline for receipt of nominations, is contained in document S/20552. Document S/20553 contains the curricula vitae of the candidates. Document S/20593 contains a list of candidates nominated by national groups and received by the Secretary-General after 4 April 1989. There is also document S/20552/Add.1, which contains a communication dated 13 April 1989 from the Permanent Representative of the Philippines to the United Nations informing the Secretary-General that the national group of the Philippines has withdrawn the nomination of Mr. Yap. Document S/20552/Rev.1 contains a consolidated list of candidates nominated by national groups. This document takes into account updated information on nominations submitted by the national groups.

(The President)

The Security Council has before it also a memorandum by the Secretary-General in reissued document S/20551, describing the present composition of the Court and setting out the procedure to be followed in the conduct of the election.

I should like to remind the Council that under Article 10, paragraph 1 of the Statute of the International Court of Justice

"Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected".

The required majority in the Security Council is eight votes.

Article 15 of the Statute of the Court provides that

"A member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term". Accordingly, the member elected to fill the remainder of the term left vacant by the death of Judge Nagendra Singh will serve until 5 February 1991.

The voting will be by secret ballot. When we proceed to the vote, members of the Council will receive a ballot containing the names of the candidates. Members of the Council casting a vote should place an "X" next to the name of the candidate for whom they wish to vote. Votes may be cast only for a candidate whose name appears on the ballot paper and each elector may vote for only one candidate; otherwise, the ballot will be considered invalid.

When a candidate has obtained the required majority, I shall notify the President of the General Assembly of the name of that candidate, and I shall request the Council to remain in session pending the receipt from the President of the General Assembly of the result of the vote in the Assembly.

(The President)

I shall now proceed to draw lots to select the names of two members of the Council to act as tellers.

* * *

The PRESIDENT (interpretation from Russian): The names of the delegations of Brazil and the United States have been drawn. I therefore request each of them to appoint one of its members to serve as teller.

At the invitation of the President, Mr. Nahes (Brazil) and Mr. Kriendler (United States of America) acted as tellers.

The PRESIDENT (interpretation from Russian): I take it that the Council is now ready to proceed with the election to fill the vacancy caused by the death of Judge Singh.

It is so decided.

I shall ask the Conference Officer to distribute the ballots. I would repeat that members casting a vote should place an "X" at the left of the name of the candidate.

* * *

The PRESIDENT (interpretation from Russian): I take it that all the members of the Council have now voted and I ask the Conference Officer to collect the ballots.

All the ballot papers have been collected.

I have been informed that the ballot papers have been collected in the General Assembly.

The counting of the ballots in the Security Council will now begin. The tellers will now count the ballots.

There will be two independent countings of the ballots, one by each of the tellers.

* * *

The PRESIDENT (interpretation from Russian): The result of the voting is as follows:

<u>Number of ballot papers:</u>	15
<u>Number of invalid ballots:</u>	0
<u>Number of valid ballots:</u>	15
<u>Required majority:</u>	8
<u>Number of votes obtained:</u>	

Mr. Raghunandan Swarup Pathak (India)	9
Mr. Dorab Patel (Pakistan)	3
Mr. Moragodage Christopher Walter Pinto (Sri Lanka)	2
Mr. Sansern Kraichitti (Thailand)	1

The PRESIDENT (interpretation from Russian): Mr. Pathak has accordingly received the required majority of votes in the Security Council.

I shall communicate the result of the vote to the President of the General Assembly in writing.

I request the Council to remain in session while we wait for the President of the General Assembly to inform the Council of the result of the voting in the Assembly.

* * *

The PRESIDENT (interpretation from Russian): I should like to inform the members of the Council that I have just received from the President of the General Assembly the following letter:

"I have the honour to inform you that, at the 91st plenary meeting of the General Assembly held today for the purpose of electing one member of the International Court of Justice, the following candidate obtained an absolute majority of votes in the General Assembly: Mr. Raghunandan Swarup Pathak.

"I note from your letter of 18 April 1989 that, at the 2854th meeting of the Security Council, Mr. Raghunandan Swarup Pathak also obtained the necessary majority of votes in the Council.

"Accordingly, I have declared to the General Assembly that Mr. Pathak has been elected member of the International Court of Justice."

As the Security Council and the General Assembly have agreed on the same candidate, the distinguished jurist Mr. Raghunandan Swarup Pathak has been elected a member of the International Court of Justice for a term of office expiring on 5 February 1991. I should like to congratulate him and wish him every success in the high office to which he has been elected.

The Security Council has thus concluded its business for this meeting.

The meeting rose at 11.45 a.m.