



Security Council

PROVISIONAL

S/PV.2955

15 November 1990

ENGLISH

PROVISIONAL VERBATIM RECORD OF THE TWO THOUSAND NINE HUNDRED AND FIFTY-FIFTH MEETING

Held at Headquarters, New York,
on Thursday, 15 November 1990, at 3 p.m.

President: Mr. PICKERING (United States of America)

<u>Members:</u> Canada	Mr. FORTIER
China	Mr. YU Mengjia
Colombia	Mr. PEÑALOSA
Côte d'Ivoire	Mr. ANET
Cuba	Mr. ALARCON de QUESADA
Ethiopia	Mr. GOSHU
Finland	Mr. TÖRNUDD
France	Mr. BLANC
Malaysia	Mr. RAZALI
Romania	Mr. MUNTEANU
Union of Soviet Socialist Republics	Mr. VORONTSOV
United Kingdom of Great Britain and Northern Ireland	Sir David HANNAY
Yemen	Mr. AL-ASHTAL
Zaire	Mr. BAGBENI ADEITO NZENGEYA

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The meeting was called to order at 3.20 p.m.

ADOPTION OF THE AGENDA

The agenda was adopted.

ELECTION OF FIVE MEMBERS OF THE INTERNATIONAL COURT OF JUSTICE (S/21823, S/21824 and Add.1 and 2, S/21824/Rev.1 and S/21825)

The PRESIDENT: The Security Council will now proceed to the election of five members of the International Court of Justice, in accordance with Article 13 of the Statute of the International Court of Justice, to fill the five seats which will become vacant on 5 February 1991, on the expiry of the terms of office of the following judges: Mr. J. M. Ruda, Mr. K. Mbaye, Sir Robert Jennings, Mr. G. Guillaume and Mr. R. S. Pathak.

The updated list of candidates nominated by national groups is contained in document S/21824/Rev.1. Document S/21825 contains the curricula vitae of all the candidates.

The Security Council also has before it a memorandum by the Secretary-General, in document S/21823, 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 therefore eight votes.

If more than five candidates obtain the required majority, according to the procedure which has been followed in the past and as set forth in paragraph 14 of the Secretary-General's memorandum, a new vote will be held on all the candidates.

This rule will also apply to any subsequent ballots, if the number of candidates obtaining the absolute majority is greater than the number of vacancies remaining. If, on the other hand, in the first ballot the number of candidates

(The President)

obtaining the absolute majority is less than five, the Council will proceed to a second ballot on the remaining vacancies, and balloting will continue until five of the candidates have obtained the required majority of votes.

Voting will be held by secret ballot. When we proceed to the vote, members of the Council will receive a ballot containing the names of all candidates. Members of the Council are requested to place an "x" in the boxes next to the names of the candidates for whom they wish to vote. Only those candidates whose names appear on the ballot paper are eligible for election.

I should like to remind members of paragraph 11 of the Secretary-General's memorandum, which specifies that "Each elector may vote for not more than five candidates on the first ballot...". (S/21823, para.11)

Any ballot paper containing votes for more than five names will be considered invalid. When five candidates have obtained the required majority of votes, I shall communicate the result to the President of the General Assembly 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 voting in the Assembly.

The Council will now proceed to draw lots to select the two delegations to act as tellers.

The names of the delegations of Cuba and Yemen have been drawn, and I therefore request each of them to appoint one of its members to serve as teller.

At the invitation of the President, Mr. Moreno Fernandez (Cuba) and Mr. Alsaïdi (Yemen) acted as tellers.

The PRESIDENT: I take it that the Council is now ready to proceed with the election of five members of the International Court of Justice.

It is so decided.

I shall now ask the Conference Officer to distribute the ballots.

Members should place an "X" in the boxes next to the names of the five candidates for whom they wish to vote.

A vote was taken by secret ballot.

* * *

The PRESIDENT: I take it that all members of the Council have now marked their ballots. I shall now ask the Conference Officer to collect the ballots.

All the ballots have been collected. I should like to remind the Council that the ballots will not be counted until it has been verified that the ballot papers in the General Assembly have been collected.

The Council will remain in session as we await receipt of that information.

* * *

The PRESIDENT: I have now 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.

As agreed in our consultations, there will be two independent countings of the ballots by each of the tellers.

* * *

The PRESIDENT: 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. Andrés Aguilar Mawdsley (Venezuela)	15
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Mr. Gilbert Guillaume (France)	15
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Sir Robert Yewdall Jennings (United Kingdom of Great Britain and Northern Ireland)	14
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Mr. Christopher Gregory Weeramantry (Sri Lanka)	7
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Mr. Seydou Madani Sy (Senegal)	6
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Mr. Raymond Ranjeva (Madagascar)	5
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Mr. Enrique P. Syquia (Philippines)	5
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Mr. Dorab Patel (Pakistan)	4
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Mr. Edilbert Pierre Razafindralambo (Madagascar)	2
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Mr. Atsu-Koffi Amega (Togo)	1
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Mr. Samuel K. B. Asante (Ghana)	1
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The PRESIDENT: Accordingly, the following candidates have obtained the required majority of votes in the Council: Mr. Andrés Aguilar Mawdsley, Mr. Gilbert Guillaume and Sir Robert Yewdall Jennings.

(The President)

Since fewer than five candidates have received the required majority, the Council will now proceed to a second ballot for the remaining two vacancies, in accordance with rule 61 of the Council's provisional rules of procedure.

(The President)

I would like to remind the members that each member may vote for not more than two candidates. All candidates are eligible for voting except those who have received the required majority of votes in the previous ballot. Any ballot paper containing votes for more than two candidates will be invalid.

I take it that the Council is now ready to proceed with the election of two members of the International Court of Justice.

I shall now ask the Conference Officer to distribute the ballots.

Members should place an "X" in the boxes next to the names of the candidates for whom they wish to vote.

A vote was taken by secret ballot.

* * *

The PRESIDENT: I take it that all members of the Council have now marked their ballots. I shall now ask the Conference Officer to collect the ballots.

All the ballots have been collected. The tellers will now count the ballots. There will be two independent countings of the ballots by each of the tellers.

* * *

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

Number of ballot papers: 15

Number of invalid ballots: 0

Number of valid ballots: 15

Required majority: 8

Number of votes obtained:

Mr. Christopher Gregory Weeramantry

(Sri Lanka) 9

Mr. Seydou Madani Sy (Senegal) 8

Mr. Raymond Ranjeva (Madagascar) 6

Mr. Enrique P. Syquia (Philippines) 3

Mr. Dorab Patel (Pakistan) 2

Mr. Atsu-Koffi Amega (Togo) 1

Mr. Edilbert Pierre Razafindralambo

(Madagascar) 1

The PRESIDENT: Five candidates have obtained the required majority in the Security Council. Mr. Andrés Aguilar Mawdsley, Mr. Gilbert Guillaume, Sir Robert Yewdall Jennings, Mr. Seydou Madani Sy and Mr. Christopher Gregory Weeramantry.

I shall now communicate the results 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: I should like to inform the members of the Council that I have received from the President of the General Assembly the following letter:

"I have the honour to inform you that, at the thirty-eighth plenary meeting of the General Assembly held today for the purpose of electing five members of the International Court of Justice, the following candidates obtained an absolute majority of votes in the General Assembly:

Mr. Andrés Aguilar Mawdsley, Mr. Gilbert Guillaume,
Sir Robert Yewdall Jennings, Mr. Raymond Ranjeva and
Mr. Christopher Gregory Weeramantry.

"Accept, Sir, the assurances of my highest consideration."

As both the Security Council and the General Assembly have agreed on the following candidates, the distinguished jurists Mr. Andrés Aguilar Mawdsley, Mr. Gilbert Guillaume, Sir Robert Yewdall Jennings and Mr. Christopher Gregory Weeramantry, they have therefore been elected as members of the International Court of Justice for a term of office of nine years beginning on 6 February 1991. I should like to congratulate them and wish them every success in the high office to which they have been elected.

As a result of the voting which has taken place in the Security Council and in the General Assembly, only four members of the Court have been duly elected. In accordance with Article 11 of the Statute of the Court, the Council will now proceed to hold a new meeting to elect one candidate by further ballot for the seat remaining to be filled. Accordingly, I shall adjourn this meeting of the Security Council, and I shall immediately call to order the second meeting of the Council to elect one candidate by further ballot.

The meeting rose at 6.45 p.m.