



Security Council

Seventy-fifth year

8773rd meeting

Wednesday, 11 November 2020, 3 p.m.

New York

Provisional

President: Ms. King (Saint Vincent and the Grenadines)

Members:

Belgium	Mr. Kridelka
China	Mr. Zhang Jun
Dominican Republic	Mr. Singer Weisinger
Estonia	Mr. Jürgenson
France	Mrs. Dime Labille
Germany	Mr. Sautter
Indonesia	Mr. Djani
Niger	Mr. Abarry
Russian Federation	Mr. Nebenzia
South Africa	Mr. Matjila
Tunisia	Mr. Ladeb
United Kingdom of Great Britain and Northern Ireland . .	Mr. Roscoe
United States of America	Mr. Mills
Viet Nam	Mr. Dang

Agenda

Election of five members of the International Court of Justice (S/2020/615, S/2020/618 and S/2020/619)

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The meeting was called to order at 3.05 p.m.

Adoption of the agenda

The agenda was adopted.

Election of five members of the International Court of Justice (S/2020/615, S/2020/618 and S/2020/619)

The President: The Security Council will now proceed to the election of five members of the International Court of Justice, in accordance with the Statute of the International Court of Justice, to fill the five seats that will become vacant upon the expiry of the terms of the following Judges on 5 February 2021: Judge Giorgio Gaja (Italy), Judge Yuji Iwasawa (Japan), Judge Julia Sebutinde (Uganda) Judge Peter Tomka (Slovakia) and Judge Xue Hanqin (China).

The nominated candidates are as follows: Taoheed Olufemi Elias (Nigeria), Yuji Iwasawa (Japan), Georg Nolte (Germany), Julia Sebutinde (Uganda), Maja Seršić (Croatia), Peter Tomka (Slovakia), Emmanuel Ugirashebuta (Rwanda) and Xue Hanqin (China). The list of candidates, indicating the national groups by which each candidate was nominated, is contained in document S/2020/615.

I should like to inform members of the Council that I have received a letter addressed to me by the Legal Counsel, dated 9 November 2020, informing me, on behalf of the Secretary-General, that after the established deadline for nominating candidates, namely, 24 June 2020, a national group submitted a nomination to the Secretariat. I should like to draw the Council's attention to the fact that the additional nomination relates to a candidate already nominated by other national groups and whose name therefore already appears in document S/2020/615.

The Legal Counsel recommended that, in accordance with established practice, I inform Council members orally on the day of the election about the decision of the aforementioned national group. I am also informed that the Legal Counsel made a similar recommendation to the President of the General Assembly.

The nomination of the aforementioned national group is as follows: for Georg Nolte, Luxembourg.

The Security Council has before it a memorandum by the Secretary-General, contained in document S/2020/618, 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 both in the General Assembly and in the Security Council shall be considered as elected.”

The required majority in the Security Council is eight votes.

If, in the first ballot, the number of candidates obtaining an absolute majority is fewer than five, then pursuant to rule 61 of the provisional rules of procedure of the Security Council, the Council will proceed to a second ballot on the remaining vacancies, to be held at 11 a.m. on 12 November 2020. Balloting will continue in the same manner until five candidates have obtained the required majority of votes.

If, on the other hand, more than five candidates obtain the required majority, according to the established practice and as set forth in paragraph 15 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 fewer or greater than the number of vacancies remaining. Only when five candidates, not more or fewer, have obtained the required majority in the Security Council will the President of the Council notify the President of the General Assembly of the names of the five candidates.

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

The voting will be held by secret ballot. Members of the Council should have already received a ballot containing the names of all the candidates. No withdrawal will be accepted once the Council has commenced the voting process. However, it will be possible to withdraw between ballots.

Members of the Council will be requested to place an “X” in the box next to the names of the candidates for whom they wish to vote. Only those candidates whose names appear on the ballot are eligible for election. If a ballot paper contains any notation other than votes in favour of specific candidates, those notations will be disregarded.

I should like to remind members of paragraph 11 of the Secretary-General’s memorandum (S/2020/618), which specifies that “[e]ach elector may vote for not more than five candidates on the first ballot”. Any ballot paper containing votes for more than five names will be considered invalid.

I should like to inform Council members that, in accordance with established practice, the ballot papers in the Security Council will not be counted until it has been verified that the ballot papers in the General Assembly have also been collected.

Finally, as stated in the joint letter dated 4 November 2020 from the Presidents of the General Assembly and the Security Council, in view of the coronavirus disease pandemic, the way in which the secret ballots will be held in the two organs will have to be adjusted in order to safeguard public health, and the note annexed to the letter outlines the adjusted modalities for the elections. In that regard, I would like to refer to paragraph 17 of the annex, which states that,

“[a]fter the members of the General Assembly and the members of the Security Council have cast their ballots, the President of the General Assembly will announce the suspension of the plenary meeting and the President of the Security Council will announce the suspension of the meeting simultaneously.”

However, in view of the fact that the casting of ballots will be completed in the Security Council much earlier than in the General Assembly, the advice received from a medical point of view is that it would not be advisable for the members of the Security Council to remain in the Security Council Chamber until the General Assembly has completed the casting of ballots. Therefore, the Security Council will suspend its meeting as soon as the casting of ballots has been completed so that members can leave the Council Chamber.

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

The delegations of China and Germany will not be considered to serve as a teller because candidates of their nationalities have been nominated.

The names of the delegations of France and Saint Vincent and the Grenadines have been drawn. I request each of them to appoint one of their members to serve as teller.

At the invitation of the President, Ms. Servat (France) and Ms. Gonsalves (Saint Vincent and the Grenadines) acted as tellers.

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

It was so decided.

* * *

The President: I am informed that the General Assembly is now ready to proceed with the voting process.

Each delegation has received a ballot paper. Members of the Council should place an “X” in the boxes next to the names of the five candidates for whom they wish to vote.

I take it that all the members of the Council have now filled in the ballot paper. I now will read out the name of each member of the Council. Representatives are requested not to leave their seats to cast their ballots until the President has read out the name of the member concerned. The representative of the relevant member will proceed to the ballot box. Once the representative has cast the ballot in the ballot box, he or she will directly return to his or her seat at the Council table.

* * *

The President: All the ballot papers have been collected.

As I mentioned earlier, I will now suspend the meeting so that the ballots can be counted.

I should like to remind Council members that, in accordance with the established practice, the ballots will not be counted until it has been verified that the ballot papers in the General Assembly have also been collected.

It is my intention to resume this meeting, simultaneously with the meeting in the General Assembly, as soon as the ballots have been counted

and the President of the General Assembly and the President of the Security Council can simultaneously announce the results.

The announcement of the results will be webcast. Those members who wish to hear the results in person may return to the Chamber.

The meeting was suspended at 3.30 and resumed at 5 p.m.

The President: I wish to inform members that the voting in the Security Council was conclusive, but it was inconclusive in the General Assembly. The Council will therefore suspend the meeting and wait for the balloting process in the General Assembly to be completed. As soon as I receive from the President of the General Assembly the names of the five candidates who received the required majority, I will announce the full results of the voting in the Council and the General Assembly.

The meeting was suspended at 5.05 p.m. and resumed at 12.45 p.m. on Thursday, 12 November.

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 per practice, there will be two independent countings of the ballots, one by each teller. I should like to remind Council members that, in accordance with established practice, I shall wait for the General Assembly to complete its count before I announce the results of the voting in the Security Council. The Council will remain in session.

* * *

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
Number of abstentions:	0
Required majority:	8

Number of votes obtained:

Mr. Taoheed Olufemi Elias	2
Mr. Yuji Iwasawa	15
Mr. Georg Nolte	14
Ms. Julia Sebutinde	10
Ms. Maja Seršić	2
Mr. Peter Tomka	13
Mr. Emmanuel Ugirashebuja	6
Ms. Xue Hanqin	13

The following candidates received the required majority of votes in the Security Council: Mr. Yuji Iwasawa, Mr. Georg Nolte, Ms. Julia Sebutinde, Mr. Peter Tomka and Ms. Xue Hanqin.

I have communicated the result of the voting to the President of the General Assembly in writing.

I should like to inform the members of the Council that I just received from the President of the General Assembly the following letter:

“I have the honour to inform that, at the 24th resumed plenary meeting of the General Assembly, held today for the purpose of electing five members of the International Court of Justice for a term of office beginning on 6 February 2021, Mr. Yuji Iwasawa (Japan), Mr. Georg Nolte (Germany), Ms. Julia Sebutinde (Uganda), Mr. Peter Tomka (Slovakia) and Ms. Xue Hanqin (China) obtained an absolute majority of votes in the General Assembly.”

As both the Security Council and the General Assembly have agreed on the same candidates, the jurists Mr. Yuji Iwasawa, Mr. Georg Nolte, Ms. Julia Sebutinde, Mr. Peter Tomka and Ms. Xue Hanqin have been elected members of the International Court of Justice for a term of office of nine years, beginning on 6 February 2021. I should like to congratulate them and wish them every success in the high office to which they have been elected.

On behalf of the Council, I would like to thank the tellers for their assistance in the conduct of the elections.

The Security Council has thus concluded its consideration of the item on its agenda.

The meeting rose at 12.50 p.m.