



Security Council

Seventy-seventh year

Provisional

9182

nd meeting

Friday, 4 November 2022, 11.30 a.m.

New York

<i>President:</i>	Mr. Agyeman.	(Ghana)
<i>Members:</i>	Albania	Mr. Spasse
	Brazil.	Mr. Costa Filho
	China	Mr. Zhang Jun
	France	Mrs. Broadhurst Estival
	Gabon	Mr. Biang
	India	Mr. Ravindran
	Ireland	Mr. Gallagher
	Kenya.	Ms. Nyakoe
	Mexico	Mr. De la Fuente Ramírez
	Norway	Ms. Juul
	Russian Federation.	Mr. Leonidchenko
	United Arab Emirates	Mr. Abushahab
	United Kingdom of Great Britain and Northern Ireland . .	Mr. Wickremasinghe
	United States of America.	Mr. Kelley

Agenda

Election of a member of the International Court of Justice

Memorandum by the Secretary-General on the Election of a member of the International Court of Justice (S/2022/722)

Note by the Secretary-General on the Election of a member of the International Court of Justice: list of candidates nominated by national groups (S/2022/723)

Note by the Secretary-General on the election of a member of the International Court of Justice: curricula vitae of the candidates (S/2022/724)

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The meeting was called to order at 11.30 a.m.

Adoption of the agenda

The agenda was adopted.

Election of a member of the International Court of Justice

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The President: The Security Council will now proceed to the election of one member of the International Court of Justice, in accordance with Article 13 of the Statute of the International Court of Justice, to fill the seat that became vacant following the death of Judge Antônio Augusto Cançado Trindade on 29 May 2022.

The nominated candidates are as follows: Leonardo Nemer Caldeira Brant (Brazil), Paulo Borba Casella (Brazil) and Marcelo Gustavo Kohen (Argentina). The list of candidates, indicating the national groups by which each candidate was nominated, is contained in document S/2022/723.

I should like to inform members of the Council that I have received a letter addressed to me by the Legal Counsel, dated 3 November 2022, informing me, on behalf of the Secretary-General, that after the established deadline for nominating candidates, namely, 28 September 2022, three national groups submitted additional nominations to the Secretariat. I should like to draw the Council's attention to the fact that the additional nominations relate to candidates already nominated by other national groups and whose names therefore already appear in document S/2022/723.

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 groups. I am also informed

that the Legal Counsel made a similar recommendation to the President of the General Assembly.

The nominations of the aforementioned national groups are as follows: for Mr. Leonardo Nemer Caldeira Brant (Brazil), Sri Lanka; and for Mr. Marcelo Gustavo Kohen (Argentina), Costa Rica and Germany.

The Security Council has before it a memorandum by the Secretary-General, contained in document S/2022/722, 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 in the Security Council, no candidate receives an absolute majority, then pursuant to rule 61 of the provisional rules of procedure of the Security Council, a second ballot will be held. Balloting will continue at the same meeting until a candidate has obtained the absolute majority of votes.

The 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 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 name of the candidate 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 the vote in favour of an eligible candidate, those notations will be disregarded.

I should like to remind members of paragraph 15 of the Secretary-General's memorandum (S/2022/722), which specifies that “[e]ach elector may vote for only one candidate”. Any ballot paper containing votes for more than one candidate will be considered invalid.

I should like to inform Council members that, in accordance with established practice, the votes cast in the Security Council 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 pending the receipt of that information.

Only when a candidate has obtained the required majority of votes in the Security Council, shall I 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 two delegations to serve as tellers. The delegation of Brazil will not be considered to serve as a teller because candidates of its nationality have been nominated.

The names of the delegations of Gabon and Norway 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. Oye (Gabon) and Ms. Vaeroyvik (Norway) acted as tellers.

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

It was so decided.

The President: I am informed that the General Assembly will be ready to proceed with the voting process shortly. I ask the members to wait until the Assembly is ready.

* * *

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

I request the Conference Officer to distribute the ballot papers.

Members of the Council should place an "X" in the boxes next to the name of the candidate for whom they wish to vote.

I take it that all members of the Council have now voted, and I ask the Conference Officer to collect the ballot papers.

* * *

The President: All the ballot papers have been collected.

I should like to remind Council members that, in accordance with the established practice, the votes 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 pending the 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 votes in the Security Council will now begin. The tellers will now count the votes. As per practice, there will be two independent counts of the votes, 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. Leonardo Nemer Caldeira Brant	13
Mr. Paulo Borba Casella	0
Mr. Marcelo Gustavo Kohen	2

Accordingly, the candidate Leonardo Nemer Caldeira Brant (Brazil) received the required majority of votes in the Security Council. I have communicated the result of the vote 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 you that, at the 29th plenary meeting of the General Assembly, held today for the purpose of electing one member of the International Court of Justice for a term of office until 5 February 2027, Leonardo Nemer Caldeira Brant (Brazil) obtained an absolute majority of votes in the General Assembly."

As the candidate Leonardo Nemer Caldeira Brant received the required majority both in the Security Council and the General Assembly, he is therefore

duly elected as a member of the International Court of Justice for a term beginning today, 4 November 2022, and ending on 5 February 2027. I should like to congratulate him and wish him every success in the high office to which he has 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 12.20 p.m.