



General Assembly

Fiftieth Session

101

st plenary meeting

Wednesday, 28 February 1996, 10 a.m.

New York

Official Records

President: Mr. Diogo Freitas do Amaral (Portugal)

The meeting was called to order at 11.10 a.m.

Tribute to the memory of the late King of the Kingdom of Lesotho, His Majesty King Moshoeshoe II

The President: Before we begin our consideration of the items on the agenda this morning, the General Assembly will pay tribute to the memory of the late King of the Kingdom of Lesotho, His Majesty King Moshoeshoe II.

On behalf of the General Assembly, I should like to convey our heartfelt condolences to the Government and the people of Lesotho and to the bereaved family.

I invite representatives to stand and observe a minute of silence in tribute to the memory of the late King of the Kingdom of Lesotho.

The members of the General Assembly observed a minute of silence.

The President: I call on the representative of the United Republic of Tanzania.

Mr. Mwakawago (United Republic of Tanzania): On behalf of the African Group, I would like to pay tribute to the late King Moshoeshoe II of Lesotho, whose untimely and tragic death in a road accident on 15 January robbed the Kingdom of a very energetic and far-sighted monarch. During his reign Lesotho became an active member of southern Africa, Africa and the world. He was committed

to African liberation and the development and advancement of his Kingdom. His legacy will be remembered for generations.

At this time of extreme sorrow, I would like to express our sincere condolences to His Majesty King Letsie III, the family of King Moshoeshoe II and the Government and the people of Lesotho. May his soul rest in eternal peace.

The President: I now call on the representative of India.

Mr. Surie (India): On behalf of the Asian Group, I wish to convey deep condolences to the Government and the people of Lesotho on the untimely demise of His Majesty King Moshoeshoe II in a car accident on 15 January 1996. Our deepest sympathies also go to Her Majesty Queen Mamohato Bereng Seeiso and the members of the bereaved family in their hour of grief.

King Moshoeshoe II belonged to the generation of leaders who led their countries not only in the colonial era, but in subsequent independence from colonialism. It may be recalled that while he was installed as paramount chief of the Basotho nation in 1960, he assumed the title of King when Lesotho's independence was restored in 1966.

As a constitutional monarch he was actively associated with improving the welfare of the Basotho people and placed particular importance on education and

social development, which he considered the keys to the progress of his nation.

His untimely death signals the passing of an era.

The President: I now call on the representative of Belarus.

Mr. Sychou (Belarus): On behalf of the Group of Eastern European States, I have the honour to extend sincere condolences to the family of His Majesty King Moshoeshoe II and, indeed, to all the people of Lesotho on their great loss.

On 15 January we were dismayed and shocked to learn that a tragic accident had put an end to the life of King Moshoeshoe II, a true and beloved son of his country, a distinguished statesman and a renowned leader for peace and prosperity for the nation of Lesotho.

At this tragic moment for the nation of Lesotho, we wholeheartedly share its deep feelings of grief and sorrow.

The President: I now call on the representative of Colombia.

Mr. Borda (Colombia) (*interpretation from Spanish*): I have the honour, on behalf of the Group of Latin American and Caribbean States, to come before this Assembly in order to pay tribute to the memory of His Majesty King Moshoeshoe II, King of the Kingdom of Lesotho, whose tragic death last month was the result of an unfortunate accident. We wish to express the sincere condolences of the Group of Latin American and Caribbean States to the Government and the nation of the Kingdom of Lesotho, as well as to the royal family in its grief.

His Majesty King Moshoeshoe II left an important imprint upon the history of his people. Thanks to his deep social sensitivity and dedication to statesmanship, he gained the appreciation of his people, who will always remember him. In remembering him today, the Group of Latin American and Caribbean States expresses its fervent hopes for the future prosperity and progress of the people and the Kingdom of Lesotho. We express our best wishes for the well-being of the new King, His Majesty King Letsie III, and we are convinced that in his wisdom he will lead his people along the path of democracy, peace and prosperity.

Mr. Moubarak (Lebanon), Vice-President, took the Chair.

The Acting President: I call on the representative of Portugal.

Mr. Catarino (Portugal): I have the honour to speak on behalf of the Group of Western European and Other States.

It is with deep sorrow that I wish to pay tribute to the memory of His Majesty King Constantine Bereng Seeiso Moshoeshoe II of Lesotho, who tragically passed away on 15 January 1996.

His Majesty King Moshoeshoe II earned widespread respect in the international community, enjoying exceptional moral authority in his country and abroad. He was a man with a profound interest in the welfare of the Basotho people and had great interest in education and social development, which he rightly considered to be the keys to the development and progress of his people. Good examples of this are the Mohato Scholarship Fund and the Moshoeshoe II High School Scholarship Fund, which were created to aid Basotho youngsters in furthering their education.

In this forum I will limit myself to recalling the significant role of His Majesty King Moshoeshoe II and the natural and constructive approach he had towards existing problems in the African continent, as well as his personal commitment towards charitable organizations with the purpose of raising funds for special social and development projects and programmes.

I would like to conclude by expressing my Group's sincere and heartfelt condolences and feelings of sympathy to the new monarch, His Majesty King Letsie III, to the Government and the people of the Kingdom of Lesotho and to the bereaved family of the late King Moshoeshoe II.

The Acting President: I now call on the representative of the United States of America.

Mr. Gnehm (USA): On behalf of the host country, the Government and the people of the United States wish to convey their deepest sorrow on the untimely death of King Moshoeshoe II of Lesotho. We extend our condolences and sympathies to the late King's family, as well as to the Government and the people of Lesotho.

King Moshoeshoe was a man of peace, dedicated to the principles of the Charter of the United Nations. He desired only democracy and prosperity for his nation and

peace and friendship among nations. We hope that the legacy of peace and democracy he left in Lesotho will be the most enduring monument to his 30-year reign.

The President returned to the Chair.

King Moshoeshoe's long service to his people saw the independence of Lesotho and its entry into the international community. During those three decades, the shape of Africa and the world was changed for ever. Colonialism disappeared amidst the unstoppable march towards freedom and democracy. King Moshoeshoe lived to see that triumphant procession culminate in the final elimination of the apartheid that had surrounded his Kingdom. The men and women of a new Africa now are called on to take the place of King Moshoeshoe and the people of his generation, who laboured so hard to taste the fruits of freedom. His example will inspire them all.

The President: I now call on the representative of Lesotho.

Mr. Mangoela (Lesotho): In the early morning hours of Monday, 15 January this year, His Majesty King Moshoeshoe II died in a car accident in the mountains of Lesotho, a terrain that is as forbidding as it is beautiful. His Majesty loved to travel in the countryside and admire the boundless beauty that is to be found there. On that fateful day, however, his mission was to go and inspect his livestock, which, in accordance with an old custom, had been sent out to pasture in the highlands, where conditions are more favourable for grazing.

The loss of the King plunged the country into an abyss of grief and shock. The nation could not believe that the end of his life had come at such an early age and in circumstances that security and safety arrangements reserved for Heads of State are supposed to guard against. The message was driven home that death and the manner in which it occurs know no bounds of age or birth.

The late King was born Constantine Bereng Seeiso in 1938 and assumed the name Moshoeshoe II upon ascending to the throne. Our first monarch to receive a modern education, he went to school in Lesotho and England and completed degrees in politics, philosophy and economics at Oxford University and in law at Warwick University in the United Kingdom. His university training imbued him with an abiding concern for the protection of human rights, and he devoted his life to that cause.

During his reign, Lesotho went through some of the most trying times of its history as a sovereign African State completely surrounded by a hostile apartheid regime that had no regard for the worth of people of African origin. The nadir of relations between Lesotho and South Africa was reached in December 1982, when apartheid South Africa mounted a savage attack on the homes of members of the South African liberation movements exiled in Lesotho, an attack that was strongly condemned by the whole world.

Speaking against this brutality before the Security Council on 14 December 1982, six days after the attack, King Moshoeshoe said:

"The reasons [for apartheid South Africa's aggression] are well known to the members of the international community. In the first place, the Pretoria regime resents our oft-expressed abhorrence, in line with the whole of civilized mankind, of the obnoxious policy of apartheid. They hope to intimidate us into dissociating ourselves from the world-wide condemnation of the policy of apartheid and from offering moral support to the oppressed people of South Africa in their struggle for justice, freedom and equality." (*S/PV.2406, pp. 12-15*)

Lesotho has lost one of its most illustrious sons, and, on behalf of the Government and people of the Kingdom of Lesotho, I thank you, Mr. President, the Ambassadors of Tanzania, Belarus and Portugal and the representatives of Colombia and India, speaking for the various regional groupings; and the representative of the United States for their kind words and tribute to the memory of our late King. I shall not fail to convey your and their sentiments to His Majesty King Letsie III, the present monarch, and his Government.

Agenda item 120 (*continued*)

Scale of assessments for the apportionment of the expenses of the United Nations (Article 19 of the Charter) (A/50/888)

The President: I should like, in keeping with the established practice, to invite the attention of the General Assembly to document A/50/888. It contains a letter addressed to me by the Secretary-General in which he informs the Assembly that 41 Member States are in arrears in the payment of their financial contributions to the United Nations within the terms of Article 19 of the Charter.

I should like to remind delegations that, under Article 19 of the Charter:

“A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years”.

May I take it that the General Assembly duly takes note of this information?

It was so decided.

The President: I should also like to inform Members that, since the issuance of document A/50/888, Cape Verde and Honduras have made the necessary payments to reduce their arrears below the amount specified in Article 19 of the Charter.

May I take it that the General Assembly duly takes note of this information?

It was so decided.

The President: This information will be reflected in the final version of document A/50/888.

Agenda item 8 (continued)

Adoption of the agenda and organization of work

Request for the inclusion of three additional items submitted by the Secretary-General (A/50/238/Rev.1, A/50/239 and A/50/240)

The President: The Assembly will first take up a request contained in the note by the Secretary-General circulated in document A/50/238/Rev.1.

In his note, the Secretary-General has the honour to request, pursuant to rule 15 of the rules of procedure of the General Assembly, the inclusion in the agenda of the fiftieth session of an additional item entitled “Financing of the United Nations Mission in Bosnia and Herzegovina”.

Owing to the nature of the item, the Secretary-General further requests that the item be allocated to the Fifth Committee.

Unless there is an objection, I shall take it that the General Assembly agrees to waive the provision of rule 40 of the rules of procedure, which would require a meeting of the General Committee on the question of the inclusion and allocation of additional items.

It was so decided.

The President: May I take it that the General Assembly, on the proposal of the Secretary-General, wishes to include in the agenda of its fiftieth session an item entitled “Financing of the United Nations Mission in Bosnia and Herzegovina”?

It was so decided.

The President: May I take it that the Assembly wishes to allocate this item to the Fifth Committee?

It was so decided.

The President: The Assembly will next consider the request contained in the note by the Secretary-General circulated in document A/50/239. In his note, the Secretary-General has the honour to request, pursuant to rule 15 of the rules of procedure of the General Assembly, the inclusion in the agenda of the fiftieth session of an additional item entitled “Financing of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium”.

Owing to the nature of the item, the Secretary-General further requests that the item be allocated to the Fifth Committee.

Unless there is an objection, I shall take it that the General Assembly agrees to waive the provision of rule 40 of the rules of procedure which would require a meeting of the General Committee on the question of the inclusion and allocation of additional items.

It was so decided.

The President: May I take it that the General Assembly, on the proposal of the Secretary-General, wishes to include in the agenda of its fiftieth session an item entitled “Financing of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium”?

It was so decided.

The President: May I take it that the Assembly wishes to allocate this item to the Fifth Committee?

It was so decided.

The President: The Assembly will now consider the request contained in the note by the Secretary-General circulated in document A/50/240. In his note, the Secretary-General has the honour to request, pursuant to rule 15 of the rules of procedure of the General Assembly, the inclusion in the agenda of the fiftieth session of an additional item entitled "Financing of the United Nations Preventive Deployment Force".

Owing to the nature of the item, the Secretary-General further requests that the item be allocated to the Fifth Committee.

Unless there is an objection, I shall take it that the General Assembly agrees to waive the provision of rule 40 of the rules of procedure which would require a meeting of the General Committee on the question of the inclusion and allocation of additional items.

It was so decided.

The President: May I take it that the General Assembly, on the proposal of the Secretary-General, wishes to include in the agenda of its fiftieth session an item entitled "Financing of the United Nations Preventive Deployment Force"?

It was so decided.

The President: May I take it that the Assembly wishes to allocate this item to the Fifth Committee?

It was so decided.

The President: The Chairman of the Fifth Committee will be informed of the decisions just taken.

Agenda item 8 (continued)

Adoption of the agenda and organization of work

Request for the reopening of the consideration of agenda item 113 (Financial reports and audited financial statements, and reports of the Board of Auditors): letter by the Chairman of the Fifth Committee (A/50/884)

The President: In his letter addressed to me, the Chairman of the Fifth Committee requests that agenda item 113, entitled "Financial reports and audited financial statements, and reports of the Board of Auditors", be reopened during the fiftieth session of the General Assembly, in order to consider a report on the inventory control system for non-expendable property at Headquarters.

May I take it that the General Assembly, on the proposal of the Chairman of the Fifth Committee, wishes to reopen consideration of agenda item 113?

It was so decided.

The President: Members will recall that, at its 3rd plenary meeting, on 22 September 1995, the Assembly allocated this item to the Fifth Committee. May I take it that the General Assembly again wishes to allocate this item to the Fifth Committee?

It was so decided.

The President: The Chairman of the Fifth Committee will be informed of the decision just taken.

Agenda item 15 (continued)

Elections to fill vacancies in principal organs

(c) Election of a member of the International Court of Justice

Memorandum by the Secretary-General (A/50/865)

List of candidates nominated by national groups: notes by the Secretary-General (A/50/866 and Add.1, A/50/882)

Curricula vitae of candidates nominated by national groups: note by the Secretary-General (A/50/867)

The President: Members will recall that at its 77th plenary meeting, on 1 December 1995, the General Assembly decided to include this sub-item in the agenda of its fiftieth session and to consider it directly in plenary meeting.

In accordance with resolution 1018 (1995), adopted by the Security Council on 7 November 1995, the General Assembly will proceed to the election of a member of the International Court of Justice for the unexpired term of office of the deceased Judge Andrés Aguilar Mawdsley of Venezuela.

In connection with this election, I should like to bring the following matters to the attention of the members of the General Assembly.

First, in accordance with General Assembly resolution 264 (III) of 8 October 1948, a State which is a party to the Statute of the International Court of Justice but not a Member of the United Nations shall participate in the General Assembly in electing the members of the Court in the same manner as the States Members of the United Nations. On this occasion I am happy to welcome here the representatives of Nauru and Switzerland.

Secondly, I should like to confirm that at this time the Security Council, independently of the General Assembly, is also proceeding to elect one member of the Court. This procedure is in accordance with Article 8 of the Statute of the Court, which provides that

“The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court.”

Accordingly, the results of the voting in the General Assembly will not be communicated to the Security Council until one candidate has obtained the required majority in the Assembly.

Thirdly, I should like to draw the attention of the Assembly to the documents relating to the election. The Assembly has before it document A/50/865, which contains a memorandum by the Secretary-General on the present composition of the Court and the procedure to be followed in the General Assembly and in the Security Council with regard to the election; documents A/50/866 and A/50/866/Add.1, which contain the names of candidates who have been nominated by national groups within the required time for submission, that is, by 2 February 1996; document A/50/882, providing information concerning

nominations received from national groups after 2 February 1996; and document A/50/867, which contains the curricula vitae of the candidates nominated by national groups.

In accordance with Article 10, paragraph 1, of the Statute of the Court, the candidate who obtains 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, for this purpose, are all 185 Member States and the two non-member States: Nauru and Switzerland. Accordingly, 94 votes constitute an absolute majority for the purpose of electing a judge of the International Court of Justice.

I call on the representative of the Syrian Arab Republic on a point of order.

Mr. Abou-Hadid (Syrian Arab Republic) (*interpretation from Arabic*): Allow me first to express thanks for this opportunity to speak, though my delegation is truly sorry to ask to speak at this particular moment.

Our delegation, like some 40 others, was surprised this morning, before we began the procedure of electing a judge to the International Court of Justice, by the letter contained in document A/50/888. With regard to Syria's contribution to the regular budget of the United Nations for 1995, and in accordance with the letter sent by the Secretary-General to Member States, States can pay a minimum amount and remain within the terms of Article 19 of the Charter. In fact, the Syrian Government has paid an amount which is equivalent to half Syria's assessment, which is five times the required minimum.

With regard to the budget of the United Nations Truce Supervision Organization in Palestine (UNTSO), the Syrian Government paid the equivalent of half the Syrian assessment on 1 November 1995. However, this morning the Committee on Contributions said that it had not been informed of this payment by its office in Damascus. At this very moment, the Secretary of the Committee is inquiring into the matter.

Unlike delays by some other Member States, Syria's is not due to inability or unwillingness to pay its contributions. However, there are certain procedures that we must take into account in our country, such as

approval by our Parliament. Our delegation hopes that, in view of the fact that the contributions of the States on this list represent less than one half of one per cent of the United Nations budget, you, Mr. President, will bring the matter before the General Assembly and will ask that Article 19 of the Charter not be applied at this meeting, in view of the importance of the election taking place today. Furthermore, in view of the support deserved by a judge on the International Court of Justice, we hope that you will take the necessary measures, while knowing that the letter from the Secretary-General forewarned Member States of the possible consequences of failure to pay their contributions. We hope that your wisdom will prevail, Sir.

The President: The representative of the Syrian Arab Republic referred to a letter contained in document A/50/888, which the General Assembly just took note of. I have just been informed by the Secretariat that no payment has been received as of this morning from any country besides those two that were previously reported. Any questions concerning matters contained in the letter from the Secretary-General should be referred to the Comptroller of the United Nations. Considering that no further payment has been received and that we should comply with Article 19 of the Charter, my decision is that we should go ahead with the election.

The General Assembly will now proceed to a secret ballot. If in the first ballot no candidate obtains an absolute majority, it will be necessary to proceed to other ballots until a candidate has obtained that majority. Pursuant to the decision taken by the General Assembly at its 915th meeting, on 16 November 1960, these ballots shall be unrestricted.

I should like to remind representatives that, pursuant to rule 88 of the Assembly's 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.”

May I take it that the Assembly agrees to the procedures I have just outlined?

It was so decided.

The President: Ballot papers will now be distributed. The voting process has begun.

Representatives are requested to use only the ballot papers that are now being distributed and to place a cross to the left of the name of the candidate for whom they wish to vote. Any ballot paper on which more than one name is marked will be declared invalid. Votes may be cast only for one of the candidates whose names appear on the ballot papers.

At the invitation of the President, Mr. Ok (Cambodia), Mr. Odoi-Anim (Ghana) and Mr. Mihai (Romania) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 12 noon and resumed at 12.40 p.m.

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

Number of ballot papers:	145
Number of invalid ballots:	0
Number of valid ballots:	145
Abstentions:	0
Number of members voting:	145
Required majority:	94
Number of votes obtained:	
Mr. Gonzalo Parra-Aranguren (Venezuela)	73
Mr. Julio A. Barberis (Argentina)	58
Mr. Francisco Villagran Kramer (Guatemala)	14

The President: Since no candidate has obtained an absolute majority in this round of balloting, the Assembly will proceed to another unrestricted ballot to fill the vacancy.

Ballot papers will now be distributed.

Only the candidates whose names appear on the ballot papers are eligible. Representatives are again requested to use only the ballot papers now being distributed and to place a cross to the left of the name of the candidate for whom they wish to vote. Any ballot paper on which more than one name is marked will be declared invalid. Votes may be cast only for one of the candidates whose names appear on the ballot papers.

At the invitation of the President, Mr. Ok (Cambodia), Mr. Odoi-Anim (Ghana) and Mr. Mihai (Romania) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 12.55 p.m. and resumed at 1.15 p.m.

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

Number of ballot papers:	143
Number of invalid ballots:	0
Number of valid ballots:	143
Abstentions:	0
Number of members voting:	143
Required majority:	94
Number of votes obtained:	
Mr. Gonzalo Parra-Aranguren (Venezuela)	97
Mr. Julio A. Barberis (Argentina)	42
Mr. Francisco Villagran Kramer (Guatemala)	4

The President: Mr. Gonzalo Parra-Aranguren of Venezuela has obtained an absolute majority in the General Assembly.

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

I have received from the President of the Security Council the following letter:

“I have the honour to inform you that, at the 3636th meeting of the Security Council, held on 28 February 1996 for the purpose of electing a member of the International Court of Justice for a term of office to expire on 5 February 2000, Mr. Gonzalo Parra-Aranguren obtained an absolute majority of votes.”

As a result of the independent voting in the Security Council and in the General Assembly, Mr. Gonzalo Parra-Aranguren of Venezuela, having obtained an absolute majority in both organs, is duly elected a member of the International Court of Justice for a term of office expiring on 5 February 2000.

I take this opportunity to extend to him the congratulations of the Assembly on his election and to thank the tellers for their assistance.

We have thus concluded our consideration of sub-item (c) of agenda item 15.

The meeting rose at 1.20 p.m.