



General Assembly

Seventy-second session

44th plenary meeting
Thursday, 9 November 2017, 10 a.m.
New York

Official Records

President: Mr. Lajčák (Slovakia)

The meeting was called to order at 10.10 a.m.

A/72/183 contains the curricula vitae of the candidates nominated by national groups.

Agenda item 113

Elections to fill vacancies in principal organs

(c) Election of five members of the International Court of Justice

Memorandum by the Secretary-General (A/72/181)

List of candidates (A/72/182 and A/72/182/Add.1)

Curricula vitae (A/72/183)

The President: Today, the General Assembly will proceed to the election of five members of the International Court of Justice for a nine-year term of office commencing on 6 February 2018. The judges whose terms of office expire on 5 February 2018 are Judge Ronny Abraham (France), Judge Dalveer Bhandari (India), Judge Antônio Augusto Cançado Trindade (Brazil), Judge Christopher Greenwood (United Kingdom of Great Britain and Northern Ireland), and Judge Abdulqawi Ahmed Yusuf (Somalia).

I should like to draw the attention of the General Assembly to the documents it has before it relating to this election. Document A/72/181 contains a memorandum by the Secretary-General on the current composition of the Court and on the procedures to be followed in the General Assembly and the Security Council with regard to the election. Document A/72/182 contains the list of candidates nominated by national groups. Document

In that connection, I have been notified by the Legal Counsel that after the deadline established for nominating candidates, an additional nomination was received with respect to a candidate whose name already appears in document A/72/182. The additional nomination in question, of Mr. Dalveer Bhandari (India), is from the national group of Sri Lanka.

I should also like to draw the attention of the Assembly to a note by the Secretary-General contained in document A/72/182/Add.1, in which he informs the Assembly that the national group of Zambia has decided to withdraw its nomination of Mr. Chaloka Beyani as a candidate. His name is therefore not included on the ballot papers. The names of the following six candidates will therefore appear on the ballot papers: Mr. Ronny Abraham (France), Mr. Dalveer Bhandari (India), Mr. Antônio Augusto Cançado Trindade (Brazil), Mr. Christopher Greenwood (United Kingdom of Great Britain and Northern Ireland), Mr. Nawaf Salam (Lebanon) and Mr. Abdulqawi Ahmed Yusuf (Somalia).

I should like to confirm that at this time, the General Assembly and the Security Council will proceed, independently of one another, to elect five members of the Court to fill the vacancies in accordance with Article 8 of the Statute of the International Court of Justice. This election in the Assembly will be held in accordance with the Statute of the Court, in particular Articles 2 to 4 and 7 to 12, and with rules 150 and 151 of the rules of procedure of the General Assembly.

This record contains the text of speeches delivered in English and of the translation of speeches delivered in other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-0506 (verbatimrecords@un.org). Corrected records will be reissued electronically on the Official Document System of the United Nations (<http://documents.un.org>).



According to Article 2 of the Statute, members of the Court are to be elected, regardless of their nationality, from among persons of high moral character who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law. Article 9 requires electors to bear in mind not only that the person to be elected should individually possess the qualifications required, but also that in the body as a whole, the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

In accordance with Article 10, paragraph 1, of the Statute of the Court, 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 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 in the General Assembly will be all 193 Member States. Accordingly, for the purposes of the present election, 97 votes constitute an absolute majority in the General Assembly.

Only those candidates whose names appear on the ballot papers are eligible for election. The electors in the General Assembly will indicate the candidates for whom they wish to vote by placing crosses against their names on the ballot papers. Each elector may vote for not more than five candidates on the first ballot and, on subsequent ballots, if any, for five candidates, less the number of candidates who have already obtained absolute majorities.

At the 915th plenary meeting of the General Assembly, held on 16 November 1960, a procedural discussion was held as to whether rule 94 — then rule 96 — of the rules of procedure of the Assembly should be applied in elections to the International Court of Justice. That rule lays down a procedure for restricted ballots in the event that, after the first ballot, the requisite number of candidates have not obtained the required majority. By 47 votes to 27, with 25 abstentions, the Assembly decided that the rule did not apply to elections to the Court and proceeded to elect the requisite number of candidates by a series of unrestricted ballots. That decision has subsequently been followed consistently.

Accordingly, pursuant to rule 151 of the rules of procedure of the Assembly, if in the first ballot in the

General Assembly, the number of candidates obtaining an absolute majority is less than five, a second ballot will be held on the remaining candidates and balloting will continue at the same meeting until five candidates have obtained the required majority. Balloting will continue in the same meeting until five of the candidates have obtained the required majority of votes. However, if in the first or subsequent ballots more than five candidates obtain an absolute majority, the General Assembly shall follow the established practice and proceed to a new vote on all the candidates. Balloting will continue in the same manner until five of the candidates have obtained the required majority. Only when five candidates, not more or fewer, have obtained the required majority in the Assembly will the President of the Assembly notify the President of the Security Council of the names of the five candidates.

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

If, however, after the third meeting, one or more seats still remain unfilled, the General Assembly and the Security Council may at any time, at the request of either organ, form a joint conference consisting of six members, three appointed by each organ. That joint conference may, by an absolute majority, agree on one name for each seat still vacant and submit the name or names for the respective acceptance of the Assembly and the Council. If the joint conference is unanimously agreed, it may submit the name of a person not included in the list of nominations, provided that candidate fulfils the required conditions, in accordance with Article 12, paragraph 2, of the Statute.

If the joint conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been elected shall, within a period to be fixed by the Security Council, proceed to fill the vacant seat or seats by selection from among those candidates who have obtained votes either in the General Assembly or in the Security Council. In accordance with paragraphs 3 and 4 of Article 12 of the

Statute, in the event of an equality of votes among the judges, the eldest shall have a casting vote.

May I take it that the General Assembly agrees to these procedures at this election?

It was so decided.

The President: I should like to remind representatives that, pursuant to rule 88 of the 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”.

Any announcements, including those concerning withdrawals of candidatures, should therefore be made prior to the commencement of the voting process, that is to say, before the announcement of the beginning of the voting process.

I should like to seek the usual cooperation of representatives during the time of the conduct of the election. Members are reminded that during the voting process, all campaigning should cease in the General Assembly Hall. That means in particular that once the election has begun, no more campaign material can be distributed inside the Hall. All representatives are also requested to remain at their seats so that the voting process can proceed in an orderly manner. I thank members for their cooperation.

We shall now begin the voting process. Ballot papers will now be distributed.

Ballot papers will be given only to the representatives seated directly behind the country's nameplate. Representatives are requested to use only the ballot papers that are being distributed. Only those candidates whose names appear on the ballot papers are eligible. Representatives will indicate the five candidates for whom they wish to vote by placing crosses to the left of their names on the ballot papers. Ballot papers on which more than five names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Mr. Aldoseri (Bahrain), Ms. Sánchez Rodríguez (Cuba), Mrs. Le Diffard (Hungary), Ms. Rheindrayani (Indonesia), Mr. Zamporlini (Italy) and Mr. Waweru (Kenya) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 10.30 a.m. and resumed at 11.10 a.m.

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

| | |
|--|-----|
| Number of ballot papers: | 193 |
| Number of invalid ballots: | 0 |
| Number of valid ballots: | 193 |
| Abstentions: | 0 |
| Number of members voting: | 193 |
| Required absolute majority: | 97 |
| Number of votes obtained: | |
| Mr. Ronny Abraham (France) | 165 |
| Mr. Dalveer Bhandari (India) | 149 |
| Mr. Antônio Augusto Cançado Trindade (Brazil) | 153 |
| Mr. Christopher Greenwood (United Kingdom of Great Britain and Northern Ireland) | 147 |
| Mr. Nawaf Salam (Lebanon) | 148 |
| Mr. Abdulqawi Ahmed Yusuf (Somalia) | 144 |

In the ballot just completed, more than five candidates have obtained an absolute majority. Pursuant to the decision taken by the General Assembly at the 45th plenary meeting of its fifty-fourth session, on 3 November 1999, and in accordance with the decision taken at the beginning of this meeting, a new ballot will be held until only the required number of candidates, and no more, obtain an absolute majority. We shall therefore proceed to another unrestricted ballot to fill the remaining five vacancies.

We shall now begin the voting process. Ballot papers will now be distributed.

Ballot papers will be given only to the representatives seated directly behind country nameplates. Representatives are requested to use only the ballot papers now being distributed. Only those candidates whose names appear on the ballot papers are eligible. I would like to remind delegations that the names of no more than five candidates should be marked with a cross. Any ballot paper on which more than five names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Mr. Aldoseri (Bahrain), Ms. Sánchez Rodríguez (Cuba), Mrs. Le Diffard (Hungary), Ms. Rheindrayani (Indonesia), Mr. Zamporlini (Italy) and Mr. Waweru (Kenya) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 11.35 a.m. and resumed at 12.15 p.m.

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

| | |
|--|-----|
| Number of ballot papers: | 193 |
| Number of invalid ballots: | 0 |
| Number of valid ballots: | 193 |
| Abstentions: | 0 |
| Number of members voting: | 193 |
| Required absolute majority: | 97 |
| Number of votes obtained: | |
| Mr. Ronny Abraham (France) | 159 |
| Mr. Antônio Augusto Cançado Trindade (Brazil) | 150 |
| Mr. Nawaf Salam (Lebanon) | 150 |
| Mr. Dalveer Bhandari (India) | 141 |
| Mr. Abdulqawi Ahmed Yusuf (Somalia) | 141 |
| Mr. Christopher Greenwood (United Kingdom of Great Britain and Northern Ireland) | 137 |

Since once again more than five candidates have obtained an absolute majority, we shall proceed to another unrestricted ballot to fill all the remaining five vacancies.

We shall now begin the voting process. Ballot papers will now be distributed.

Ballot papers will be given only to the representatives seated directly behind their countries' nameplates. Representatives are requested to use only the ballot papers now being distributed. All the candidates whose names appear on the ballot papers are eligible. I would like to once again remind delegations that the names of no more than five candidates should be marked with a cross. Any ballot paper on which more than five names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Mr. Aldoseri (Bahrain), Ms. Sánchez Rodríguez (Cuba), Mrs. Le Diffard (Hungary), Ms. Rheindrayani (Indonesia), Mr. Zamporlini (Italy) and Mr. Waweru (Kenya) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 12.25 p.m. and resumed at 12.50 p.m.

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

| | |
|----------------------------|-----|
| Number of ballot papers: | 193 |
| Number of invalid ballots: | 0 |

| | |
|--|-----|
| Number of valid ballots: | 193 |
| Abstentions: | 0 |
| Number of members voting: | 193 |
| Required absolute majority: | 97 |
| Number of votes obtained: | |
| Mr. Ronny Abraham (France) | 144 |
| Mr. Abdulqawi Ahmed Yusuf (Somalia) | 141 |
| Mr. Nawaf Salam (Lebanon) | 136 |
| Mr. Antônio Augusto Cançado Trindade (Brazil) | 131 |
| Mr. Dalveer Bhandari (India) | 120 |
| Mr. Christopher Greenwood (United Kingdom of Great Britain and Northern Ireland) | 109 |

Since once again more than five candidates have obtained an absolute majority, we shall proceed to another unrestricted ballot to fill all the remaining five seats.

In view of the lateness of the hour, I would like to suggest that we suspend the meeting until 4 p.m., at which time we will continue with the voting.

The meeting was suspended at 12.55 p.m. and resumed at 4 p.m.

The President: We shall now begin the voting process. Ballot papers will now be distributed.

Ballot papers will be given only to the representatives seated directly behind their countries' nameplates. Representatives are requested to use only the ballot papers now being distributed. All the candidates whose names appear on the ballot papers are eligible. I would like to remind delegations that the names of no more than five candidates should be marked with a cross. Any ballot paper on which more than five names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Mr. Aldoseri (Bahrain), Ms. Sánchez Rodríguez (Cuba), Mrs. Le Diffard (Hungary), Ms. Rheindrayani (Indonesia), Mr. Zamporlini (Italy) and Mr. Waweru (Kenya) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 4.25 p.m. and resumed at 4.50 p.m.

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

| | |
|----------------------------|-----|
| Number of ballot papers: | 192 |
| Number of invalid ballots: | 0 |
| Number of valid ballots: | 192 |

| | |
|--|-----|
| Abstentions: | 0 |
| Number of members voting: | 192 |
| Required absolute majority: | 97 |
| Number of votes obtained: | |
| Mr. Ronny Abraham (France) | 137 |
| Mr. Nawaf Salam (Lebanon) | 136 |
| Mr. Abdulqawi Ahmed Yusuf (Somalia) | 136 |
| Mr. Antônio Augusto Cançado Trindade (Brazil) | 131 |
| Mr. Dalveer Bhandari (India) | 121 |
| Mr. Christopher Greenwood (United Kingdom of Great Britain and Northern Ireland) | 102 |

Since once again more than five candidates have obtained an absolute majority, we shall proceed to another unrestricted ballot to fill all the remaining five vacancies.

We shall now begin the voting process. Ballot papers will now be distributed.

Ballot papers will be given only to the representatives seated directly behind their countries' nameplates. Representatives are requested to use only the ballot papers now being distributed. All the candidates whose names appear on the ballot papers are eligible. I would like to once again remind delegations that the names of no more than five candidates should be marked with a cross. Any ballot paper on which more than five names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Mr. Aldoseri (Bahrain), Ms. Sánchez Rodríguez (Cuba), Mrs. Le Diffard (Hungary), Ms. Rheindrayani (Indonesia), Mr. Zamporlini (Italy) and Mr. Waweru (Kenya) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 5 p.m. and resumed at 6.05 p.m.

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

| | |
|-----------------------------|-----|
| Number of ballot papers: | 192 |
| Number of invalid ballots: | 0 |
| Number of valid ballots: | 192 |
| Abstentions: | 0 |
| Number of members voting: | 192 |
| Required absolute majority: | 97 |
| Number of votes obtained: | |
| Mr. Ronny Abraham (France) | 139 |

| | |
|--|-----|
| Mr. Abdulqawi Ahmed Yusuf (Somalia) | 137 |
| Mr. Nawaf Salam (Lebanon) | 135 |
| Mr. Antônio Augusto Cançado Trindade (Brazil) | 127 |
| Mr. Dalveer Bhandari (India) | 118 |
| Mr. Christopher Greenwood (United Kingdom of Great Britain and Northern Ireland) | 96 |

The following five candidates have obtained an absolute majority in the General Assembly: Mr. Ronny Abraham, Mr. Dalveer Bhandari, Mr. Antônio Augusto Cançado Trindade, Mr. Nawaf Salam and Mr. Abdulqawi Ahmed Yusuf.

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

I have also received a letter from the President of the Security Council, which reads:

“I have the honour to inform you that at the 8092nd meeting of the Security Council, held on 9 November 2017, for the purpose of electing five members of the International Court of Justice for a term of office beginning on 6 February 2018, Mr. Ronny Abraham (France), Mr. Antônio Augusto Cançado Trindade (Brazil), Mr. Christopher Greenwood (United Kingdom of Great Britain and Northern Ireland), Mr. Nawaf Salam (Lebanon) and Mr. Abdulqawi Ahmed Yusuf (Somalia) obtained an absolute majority of votes.”

As a result of the independent voting in the General Assembly and in the Security Council, the following four candidates have obtained an absolute majority in both bodies: Mr. Ronny Abraham, Mr. Antônio Augusto Cançado Trindade, Mr. Nawaf Salam and Mr. Abdulqawi Ahmed Yusuf. They are therefore duly elected members of the International Court of Justice to serve for a nine-year term commencing on 6 February 2018. I would like to take this opportunity to extend to them the congratulations of the Assembly on their election.

In accordance with the provisions of Article 11 of the Statute of the Court, it will be necessary to hold another meeting to fill the remaining vacancy.

I propose that the present meeting be adjourned and that the 45th meeting be held immediately to vote on the remaining vacancy.

It was so decided.

The meeting rose at 6.10 p.m.