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2306th MEETING: 5 NOVEMBER 1981

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NOTE

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2306th MEETING

Held in New York on Thursday, 5 November 1981, at 3 p.m.

President: Mr. Taïeb SLIM (Tunisia).

Present: The representatives of the following States: China, France, German Democratic Republic, Ireland, Japan, Mexico, Niger, Panama, Philippines, Spain, Tunisia, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

Provisional agenda (S/Agenda/2306)

1. Adoption of the agenda
2. Election of five members of the International Court of Justice (S/14501, S/14502/Rev.1, S/14503 and Corr.1 and 2, S/14645)

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

Expression of thanks to the retiring President

1. The PRESIDENT (*interpretation from French*): At the beginning of this meeting I should like to express, on behalf of the Council, my deep appreciation to Ambassador Jaime de Piniés, the Permanent Representative of Spain, for his services as President of the Council for the month of October. Ambassador de Piniés, whom I am proud to consider a personal friend of long standing in the United Nations and who represents a country with which Tunisia has always had solid and friendly relations, has, I am sure all the members of the Council will agree, won our complete admiration for the courtesy and competence with which he guided the deliberations of the Council last month. I wish to express to him my warmest congratulations on his outstanding contribution.

Adoption of the agenda

The agenda was adopted.

Election of five members of the International Court of Justice (S/14501,¹ S/14502/Rev.1,² S/14503 and Corr.1 and 2, S/14645³)

2. The PRESIDENT (*interpretation from French*): The Council will now proceed to the election of five members of the International Court of Justice, in accordance with paragraph 1 of Article 13 of the Statute of the Court, to fill the five seats which will become vacant on 5 February 1982 on the expiry of the terms

of office of the following Judges: Sir Humphrey Waldock, Mr. Isaac Forster, Mr. André Gros, Mr. Nagendra Singh and Mr. José María Ruda.

3. I should like to point out that document S/14645 reproduces the text of a note verbale dated 25 August 1981, in which the President of the Security Council informed the Secretary-General of the following:

"The Security Council has taken note with deep regret of the death, on 15 August 1981, of the President of the International Court of Justice, Sir Humphrey Waldock.

"The Security Council has noted that Sir Humphrey's term of office was to have expired on 5 February 1982 and that his seat is one of the five seats which will be filled for nine-year terms, commencing on 6 February 1982, during the elections to the Court to be held in the Security Council and in the General Assembly in the course of the forthcoming thirty-sixth session of the Assembly.

"On the basis of consultations with the members of the Security Council, the President wishes to inform the Secretary-General that the Council considers that, as the vacancy which has arisen in the Court will be filled through the regular election procedure as from 6 February 1982, no purpose would be served by invoking the procedures of the Statute of the Court relating to the filling of a casual vacancy for the remainder of Sir Humphrey's term of office. These procedures are applicable in cases where otherwise a considerable delay would elapse in filling a vacancy. No such delay is involved in this instance, as the seat concerned will be filled as from 6 February 1982."

4. The list of candidates nominated by national groups for the five vacant seats is contained in document S/14502/Rev.1. I should like to draw the attention of the Council to the fact that the Acting Chargé d'affaires of the Permanent Mission of Barbados informed me this morning that Sir William Douglas had decided that he no longer wished to be considered a candidate.

5. Document S/14503 and Corr.1 and 2 contains the curricula vitae of all the candidates.

6. The Security Council also has before it a memorandum by the Secretary-General in document S/14501,

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 Council is eight votes. If, however, more than five candidates obtain the required majority, we shall apply the procedure which has been followed in similar cases in the past and which is described in paragraph 14 of the Secretary-General's memorandum—that is, a new vote will be held on all the candidates. If, on the other hand, fewer than five candidates receive the required majority, the Council will continue balloting until the remaining vacancies are filled, subject, of course, to the concurring vote of the General Assembly.

7. Voting will be by secret ballot. Members of the Council are asked to place a cross next to the name of the candidate for whom they wish to vote. The only votes that will be counted will be those for candidates whose names appear on the ballot paper. I should like to remind members of paragraph 11 of the memorandum by the Secretary-General, which specifies that "Each elector may vote for not more than five candidates on the first ballot." Consequently, any ballot containing votes for more than five names will be declared invalid.

A vote was taken by secret ballot.

<i>Number of ballot papers:</i>	15
<i>Invalid ballots:</i>	0
<i>Number of valid ballots:</i>	15
<i>Required majority:</i>	8

<i>Number of votes obtained:</i>	
Mr. Guy Ladreit de Lacharrière (France)	11
Mr. Robert Y. Jennings (United Kingdom)	10
Mr. Kéba Mbaye (Senegal)	7
Mr. Nagendra Singh (India)	7
Mr. Hector W. Jayewardene (Sri Lanka)	5
Mr. Edilbert Razafindralambo (Madagascar)	5
Mr. Antonio Gómez Robledo (Mexico)	5
Mr. José María Ruda (Argentina)	5
Mr. Juan José Calle y Calle (Peru)	3
Mr. Laurel B. Francis (Jamaica)	1
Mr. Anwarul S. Haq (Pakistan)	1
Mr. Tun Mohamed Suffian (Malaysia)	1

8. The PRESIDENT (*interpretation from French*): The following two candidates have received the required majority of votes in the Council: Mr. Guy Ladreit de Lacharrière and Mr. Robert Y. Jennings.

9. The Council will have to proceed to another ballot for the designation of the three remaining members. In this ballot, members may vote for any of the candidates except those who have already received the required majority. I would remind members that any ballot paper containing votes for more than three names will be regarded as invalid.

A vote was taken by secret ballot.

<i>Number of ballot papers:</i>	15
<i>Invalid ballots:</i>	0
<i>Number of valid ballots:</i>	15
<i>Required majority:</i>	8

<i>Number of votes obtained:</i>	
Mr. Kéba Mbaye (Senegal)	11
Mr. Nagendra Singh (India)	8
Mr. Hector W. Jayewardene (Sri Lanka)	6
Mr. José María Ruda (Argentina)	6
Mr. Antonio Gómez Robledo (Mexico)	5
Mr. Juan José Calle y Calle (Peru)	4
Mr. Edilbert Razafindralambo (Madagascar)	3
Mr. Anwarul S. Haq (Pakistan)	1
Mr. Tun Mohamed Suffian (Malaysia)	1

10. The PRESIDENT (*interpretation from French*): The following two candidates have received the required majority of votes in the Council: Mr. Kéba Mbaye and Mr. Nagendra Singh.

11. The Council will have to proceed to another ballot for the fifth place. In this ballot, members may vote for any of the candidates except those who have already received the required majority. I would remind members that any ballot papers containing votes for more than one name will be regarded as invalid.

12. I should like to inform members of the Council that I have just received a letter from the representative of Pakistan in which he informs me that the candidacy of Mr. Anwarul S. Haq has been withdrawn. I trust that he has also so informed the President of the General Assembly. The Council is hereby informed that there is one less candidate.

A vote was taken by secret ballot.

<i>Number of ballot papers:</i>	15
<i>Invalid ballots:</i>	0
<i>Number of valid ballots:</i>	15
<i>Required majority:</i>	8

<i>Number of votes obtained:</i>	
Mr. José María Ruda (Argentina)	7
Mr. Antonio Gómez Robledo (Mexico)	4
Mr. Juan José Calle y Calle (Peru)	3
Mr. Hector W. Jayewardene (Sri Lanka)	1

13. The PRESIDENT (*interpretation from French*): Since no candidate has received the required majority, the Council will proceed to another ballot for the election of one member. Once again I would remind members that all candidates are eligible, except, of course, for the four candidates who have already obtained the required majority. I would also remind members that any ballot paper which contains votes for more than one name will be considered invalid.

A vote was taken by secret ballot.

Number of ballot papers:	15
Invalid ballots:	0
Number of valid ballots:	15
Required majority:	8

<i>Number of votes obtained:</i>	
Mr. José María Ruda (Argentina)	9
Mr. Juan José Calle y Calle (Peru)	3
Mr. Antonio Gómez Robledo (Mexico)	3

14. The PRESIDENT (*interpretation from French*): Since five candidates have now obtained the majority required for the five vacancies, I shall communicate the results of the vote to the President of the General Assembly. I would request the Council to remain in session until the President of the Assembly has informed the Council of the results of the voting in the Assembly.

The meeting was suspended at 4.15 p.m. and resumed at 5.45 p.m.

15. The PRESIDENT (*interpretation from French*): I should like to inform the members of the Council that I have just received from the President of the General Assembly the following letter:

"I have the honour to inform you that at the 48th plenary meeting of the General Assembly, held today for the purpose of electing five members of the International Court of Justice, the following five candidates obtained an absolute majority of votes in the General Assembly: Mr. Guy Ladreit de Lacharrière, Mr. Robert Y. Jennings, Mr. Kéba Mbaye, Mr. Nagendra Singh and Mr. José María Ruda.

"I note from your letter of today's date that at the 2306th meeting of the Security Council the following five candidates obtained the necessary majority of votes in the Council: Mr. Guy Ladreit de Lacharrière, Mr. Robert Y. Jennings, Mr. Kéba Mbaye, Mr. Nagendra Singh and Mr. José María Ruda.

"I informed the General Assembly that Mr. Guy Ladreit de Lacharrière, Mr. Robert Y. Jennings, Mr. Kéba Mbaye, Mr. Nagendra Singh and Mr. José María Ruda had received an absolute majority both

in the General Assembly and in the Security Council and are, therefore, elected members of the International Court of Justice."¹*

16. It would therefore appear that the Security Council and the General Assembly, which have held concurrent elections for the five vacancies in the International Court of Justice, have concluded their work. Our task is therefore concluded, and I should like to thank all members of the Council for their co-operation, patience and courtesy.

17. Mr. OVINNIKOV (Union of Soviet Socialist Republics) (*interpretation from Russian*): Mr. President, I believe that today's meeting should not constitute a precedent, since many members of the Council were absent when you read out the communication, and it would have been more correct to have waited until all the members of the Council were present at the table. Therefore I consider that today's meeting should not and does not constitute a precedent.

18. The PRESIDENT (*interpretation from French*): I do not believe there is any precedent, since the Council was in session. Members of the Council were supposed to be in their places when I began to make my statement. This statement was a formality, since we have all been following what has been happening there and here. I am sure this creates no precedent, and it will not do so if members of the Council remain in their places during meetings.

19. Sir Anthony PARSONS (United Kingdom): Mr. President, I wish to apologize very sincerely to you and through you to the Council for not having been in my seat at the correct time. My problem is that I am rather slow on my feet these days and I just did not make it.

20. Mr. ARCILLA (Philippines): I too should like to express apologies for the absence of my delegation at the time when you called the meeting, Mr. President. It simply happened that my Permanent Representative was called elsewhere, and I had to be fetched from another room. I should like to express support for what the representative of the Soviet Union said, that it is hoped that this will not constitute a precedent.

The meeting rose at 5.50 p.m.

NOTES

¹ *Official Records of the General Assembly, Thirty-sixth Session, Annexes, agenda item 15 (c), document A/36/301-S/14645.*

² *Ibid.*, document A/36/302/Rev.1-S/14502/Rev.1.

³ *Ibid.*, document A/36/451-S/14645.

* Read in English by the President.

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