



Security Council

PROVISIONAL

S/PV.2760
11 November 1987

ENGLISH

PROVISIONAL VERBATIM RECORD OF THE TWO THOUSAND
SEVEN HUNDRED AND SIXTIETH MEETINGHeld at Headquarters, New York,
on Wednesday, 11 November 1987, at 11 a.m.President: Mr. KIKUCHI (Japan)

<u>Members:</u> Argentina	Mr. DELPECH
Bulgaria	Mr. TSVETROV
China	Mr. HUANG Jiahua
Congo	Mr. ADOUKI
France	Mr. BROCHAND
Germany, Federal Republic of	Count YORK von WARTENBURG
Ghana	Mr. GBEHO
Italy	Mr. BUCCI
Union of Soviet Socialist Republics	Mr. SMIRNOV
United Arab Emirates	Mr. AL-SHAALI
United Kingdom of Great Britain and Northern Ireland	Sir Crispin TICKELL
United States of America	Miss BYRNE
Venezuela	Mr. AGUILAR
Zambia	Mr. ZUZE

This record contains the original text of speeches delivered in English and interpretations of speeches in the other languages. The final text will be printed in the Official Records of the Security Council.

Corrections should be submitted to original speeches only. They should be sent under the signature of a member of the delegation concerned, within one week, to the Chief, Official Records Editing Section, Department of Conference Services, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

The meeting was called to order at 12.15 p.m.

TRIBUTE TO THE MEMORY OF HIS EXCELLENCY GENERAL SEYNI KOUNTCHE, PRESIDENT OF THE SUPREME MILITARY COUNCIL AND HEAD OF STATE OF THE REPUBLIC OF NIGER

The PRESIDENT: Before we take up the item on the agenda for this morning, it is my sad duty to inform the Security Council of the untimely death of the President of the Supreme Military Council and Head of State of the Republic of Niger, His Excellency General Seyni Kountché. It is fitting for the Security Council, as the principal organ of the United Nations on which the Members have conferred primary responsibility for the maintenance of international peace and security, to pay a tribute to General Kountché's deep commitment to the cause of world peace and understanding. Permit me, as President of the Security Council and on behalf of the other members of the Council, to convey to the representative of Niger and through him, to the Government and the people of Niger, and to the bereaved family our sincere condolences.

I now invite members of the Council to stand and observe a minute of silence in tribute to the memory of General Seyni Kountché.

The members of the Security Council observed a minute of silence.

EXPRESSION OF THANKS TO THE RETIRING PRESIDENT

The PRESIDENT: I should like, on behalf of the Council, to pay a tribute to His Excellency Mr. Maurizio Bucci, Permanent Representative of Italy to the United Nations, for his services as President of the Security Council in October. Ambassador Bucci earned our profound gratitude for the diplomatic skill and unfailing courtesy with which he guided the Council's deliberations last month. I should like also to take this opportunity to welcome the new Permanent Representative of the Federal Republic of Germany to the United Nations, Ambassador Alexander Count York von Wartenburg, whose qualities are well known to many of us, and to wish him, on behalf of the Council, success in the exercise of his new functions.

ADOPTION OF THE AGENDA

The agenda was adopted.

ELECTION OF FIVE MEMBERS OF THE INTERNATIONAL COURT OF JUSTICE (S/19155,
S/19156/Rev.1 and S/19158)

The PRESIDENT: This morning the Security Council and the General Assembly will proceed independently with the election of five members of the International Court of Justice, in accordance with the relevant provisions of the Statute of the International Court of Justice, to fill the five seats which will become vacant on 5 February 1988 on the expiry of the terms of office of the following five Judges: Mr. Roberto Ago, Mr. José Sette-Camara, Mr. Stephen Schwebel, Mr. Mohammed Bedjaoui and Mr. Nikolai Konstantinovich Tarassov.

(The President)

The consolidated list of candidates nominated by national groups is contained in document S/19156/Rev.1.

Document S/19158 contains the curricula vitae of all the candidates.

The Security Council also has before it a memorandum by the Secretary-General in document S/19155, setting out the procedure to be followed in the conduct of the election.

I should like to remind the Council that Article 9 of the Statute of the International Court of Justice requires electors to bear in mind not only that the persons 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. Article 10, paragraph 1 of the Statute indicates that

"Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected".

The absolute majority in the Security Council is eight votes.

If in the first ballot fewer than five candidates obtain an absolute majority of votes, the Council will proceed to a second ballot, and balloting will continue in the same meeting until five candidates have obtained the required majority of votes. If more than five candidates obtain the required majority of votes, the Council will hold a new ballot on all the candidates. This is consistent with the practice followed on previous occasions, as set forth in paragraph 14 of the Secretary-General's memorandum.

(The President)

The voting will be by secret ballot. When we proceed to the vote members of the Council will receive a ballot containing the names of all the candidates. Only those candidates whose names appear on the ballot paper are eligible. Members of the Council will indicate the candidates for whom they wish to vote by placing an "x" against their names on the ballot paper.

I should like to remind members of paragraph 11 of the Secretary-General's memorandum, which specifies that

"Each elector may vote for not more than five candidates on the first ballot ...".

Any ballot containing votes for more than five candidates will be considered invalid.

On subsequent ballots, if any, each elector may vote for five, less the number of candidates who have already obtained absolute majorities. When five candidates have obtained an absolute majority of votes, I shall notify the President of the General Assembly of the names of those candidates, and I shall request the Council to remain in session pending receipt from the President of the General Assembly of the result of the vote in the Assembly.

I shall now proceed to draw lots to select the names of two members of the Council to act as Tellers.

* * *

The PRESIDENT: The names of the delegations of Ghana and Zambia have been drawn. I therefore request each of them to appoint one of its members to serve as teller.

At the invitation of the President, Mr. Nwaneameh (Ghana) and Mr. Mfula (Zambia) acted as tellers.

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

It is so decided.

I shall ask the Conference Officer to distribute the ballots.

Members of the Council should indicate the candidates for whom they wish to vote by placing an "X" at the left of their names on the ballot paper.

A vote was taken by secret ballot.

* * *

The PRESIDENT: I take it that all the members of the Council have now voted, and I ask the Conference Officer to collect the ballots.

All the ballot papers have been collected. I have been informed that the ballot papers have been collected in the General Assembly as well.

The counting of the ballots in the Security Council will now begin. The tellers will now count the ballots.

There will be two independent countings of the ballots, one by each of the tellers.

* * *

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

<u>Number of ballot papers:</u>	15
<u>Number of invalid ballots:</u>	0
<u>Number of valid ballots:</u>	15
<u>Required majority:</u>	8
<u>Number of votes obtained:</u>	

Mr. Stephen Schwebel (United States of America).....	15
---	----

Mr. Nikolai Tarassov (Union of Soviet Socialist Republics).	15
--	----

Mr. Roberto Ago (Italy)	14
-------------------------------	----

Mr. Mohammed Bedjaoui (Algeria).....	14
--------------------------------------	----

Mr. José Sette-Camara (Brazil)	11
--------------------------------------	----

The PRESIDENT: Five candidates have obtained an absolute majority in the first ballot: Mr. Stephen Schwebel, Mr. Nikolai Tarassov, Mr. Roberto Ago, Mr. Mohammed Bedjaoui and Mr. José Sette-Camara.

I shall communicate the result of the vote to the President of the General Assembly.

I request the Council to remain in session while we wait for the President of the Assembly to inform the Council of the result of the voting in the General Assembly.

* * *

The PRESIDENT: I have just been informed that the ballot in the General Assembly is still inconclusive. The President of the Assembly has suspended the meeting for two hours.

With the concurrence of the Council, I propose, therefore, to suspend this meeting for two and one-half hours. We shall meet again at 4.30 p.m.

* * *

The meeting was suspended at 2.10 p.m. and resumed at 5.30 p.m.

The PRESIDENT: I have just received from the President of the General Assembly the following letter:

"I have the honour to inform you that, at the 64th 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. Roberto Ago

Mr. Mohammed Bedjaoui

Mr. Stephen M. Schwebel

Mr. Mohamed Shahabuddeen

Mr. Nikolai K. Tarassov

"Accept, Sir, the assurances of my highest consideration."

As a result of the independent voting in the Security Council and in the General Assembly the following four candidates, Mr. Roberto Ago, Mr. Mohammed Bedjaoui, Mr. Stephen Schwebel and Mr. Nikolai Tarassov, having obtained the required majority of votes in both bodies, are elected members of the International Court of Justice for a term of office of nine years beginning on 6 February 1988.

On behalf of the Council, I should like to congratulate them and wish them every success in the high office to which they have been elected.

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

I propose that this meeting be adjourned and that a second meeting be called to order this afternoon at 5.45 p.m. to vote on the remaining vacancy.

The meeting rose at 5.35 p.m.