



General Assembly

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GENERAL ASSEMBLY

PROVISIONAL VERBATIM RECORD OF THE THIRTY-EIGHTH MEETING

Held at Headquarters, New York,
on Thursday, 15 November 1990, at 3 p.m.

President: Mr. THOMPSON (Fiji)
(Vice-President)

later: Mr. de MARCO (Malta)
(President)

- Typhoon in the Philippines
- Election to fill vacancies in principal organs [15] (continued)
 - (c) Election of five members of the International Court of Justice
 - (i) Memorandum by the Secretary-General
 - (ii) List of candidates
 - (iii) Curricula vitae

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In the absence of the President, Mr. Thompson (Fiji), Vice-President, took the Chair.

The meeting was called to order at 3.10 p.m.

TYPHOON IN THE PHILIPPINES

The PRESIDENT: On behalf of all the members of the Assembly, I wish to extend deepest sympathy to the Government and the people of the Philippines for the tragic loss of life and extensive material damage that resulted from the recent typhoon.

Let me also express the hope that the international community will show its solidarity and respond promptly and generously to any request for help.

I call on the representative of the Philippines.

Mr. ORDÓÑEZ (Philippines): We are deeply touched by the President's expression of sympathy and of the willingness to extend assistance in response to the recent events which have resulted in an additional setback on our road to progress. It is very comforting to know that in the midst of problems everywhere there is still time and opportunity for members of the Assembly to listen to calls for aid by countries visited by natural disasters like that recently experienced by our country.

(Mr. Ordoñez, Philippines)

In the name of the President of the Philippines, Corason C. Aquino, I wish to pledge to every member of the Assembly that the political will our people showed in 1986, when it put down a dictatorship and brought our country back into an era of the rule of law, will continue, and that we shall remain steadfast in our resolve that our country will never again allow a recurrence of the unfortunate days when the will of the people was subordinated to the will of a single person.

As we consolidate that resolve by living up to the expectations of the many countries that have applauded our efforts to recover our democracy, we wish to renew our commitment to our colleagues here assembled that there will be a permanent niche in our heart for the very generous assistance they have given. I remember that in May we had occasion to mention here that our country, hobbled as it was by difficulties, had sought to extend some assistance to Iran, which had been visited by an earthquake. Earlier, even with our limited resources, we were willing to extend help to Bangladesh.

Now that it is our turn to come to this forum for assistance in our time of need, we wish not only to reiterate that we shall be grateful but also, as a further commitment, to assure the Assembly that the political will that enabled us to end the period of dictatorship will be the same political will that will inspire us to continue living up to the expectations of this body.

AGENDA ITEM 15 (continued)

ELECTION TO FILL VACANCIES IN PRINCIPAL ORGANS:

(c) ELECTION OF FIVE MEMBERS OF THE INTERNATIONAL COURT OF JUSTICE

- (i) MEMORANDUM BY THE SECRETARY-GENERAL (A/45/453)
- (ii) LIST OF CANDIDATES (A/45/544/Rev.1)
- (iii) CURRICULA VITAE (A/45/545)

The PRESIDENT: The General Assembly will now proceed to the election of five members of the International Court of Justice for a nine-year term commencing

(The President)

on 6 February 1991. The terms of office of the following Judges expire the previous day: Mr. J. M. Ruda, Mr. K. Mbaye, Sir Robert Jennings, Mr. G. Guillaume and Mr. R. S. Pathak.

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

First, in accordance with General Assembly resolution 264 (III), a State which is a party to the Statute of the International Court of Justice but not a Member of the United Nations may participate in the General Assembly in electing the members of the Court in the same manner as States Members of the United Nations. On this occasion I am happy to welcome here the representatives of Nauru, San Marino 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 five members 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 five candidates have obtained the required majority in the Assembly.

Finally, I should like to draw the attention of the Assembly to the documents relating to the election. The list of candidates nominated by national groups is to be found in document A/45/544/Rev.1. The curricula vitae of the candidates are to be found in document A/45/545. The Assembly also has before it document A/45/543, containing a memorandum by the Secretary-General on the present composition of the Court and the procedure to be followed in the Assembly and in the Security Council with regard to the election.

(The President)

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 to be elected. For the present election, 82 votes constitute an absolute majority in the General Assembly.

The General Assembly will now proceed to a secret ballot.

If in the first ballot fewer than five candidates obtain an absolute majority it will be necessary to proceed to other ballots until five candidates have obtained that majority. Pursuant to the decision taken by the General Assembly at its 915th meeting, held on 15 November 1960, these ballots shall be unrestricted.

Representatives are requested to use only the ballot papers now being distributed and to place a cross at the left of the names of the five candidates for whom they wish to vote. 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. Panov (Bulgaria), Ms. Cepeda (Dominican Republic), Mr. Conmy (Ireland) and Mr. Mfula (Zambia) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 3.30 p.m. and resumed at 4.35 p.m.*

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

<u>Number of ballot papers:</u>	156
<u>Number of invalid ballots:</u>	0
<u>Number of valid ballots:</u>	156
<u>Abstentions:</u>	0
<u>Number of members voting:</u>	156
<u>Required majority:</u>	82
<u>Number of votes obtained:</u>	
Mr. Andres Aguilar Mawdsley (Venezuela)	143
Mr. Gilbert Guillaume (France)	140
Sir Robert Yewdall Jennings	
(United Kingdom of Great Britain	
and Northern Ireland)	124
Mr. Enrique P. Syquia (Philippines)	68
Mr. Christopher Gregory Weeramantry	
(Sri Lanka)	64
Mr. Raymond Ranjeva (Madagascar)	60
Mr. Seydou Madani Sy (Senegal)	58
Mr. Samuel K.B. Asante (Ghana)	41
Mr. Dorab Patel (Pakistan)	23
Mr. Atsu-Koffi Amega (Togo)	21
Mr. Edilbert Razafindralambo	
(Madagascar)	12
Mr. Sompong Sucharitkul (Thailand)	9

* The President took the Chair.

The PRESIDENT: The following three candidates have obtained an absolute majority in the General Assembly: Mr. Andres Aguilar Mawdsley, Mr. Gilbert Guillaume and Sir Robert Yewdall Jennings.

The Assembly will have to proceed to another unrestricted ballot to fill the two remaining vacancies. Ballot papers are being distributed. All candidates whose names appear on the ballot papers are eligible. The names of the three candidates who have already obtained the necessary majority of votes have been deleted.

I again remind delegations that the names of only two candidates should be marked with a cross. Any ballot papers on which more than two 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. Panov (Bulgaria), Ms. Cepeda (Dominican Republic), Mr. Conmy (Ireland) and Mr. Mfula (Zambia) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 4.50 p.m. and resumed at 5.15 p.m.

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

<u>Number of ballot papers:</u>	157
<u>Number of invalid ballots:</u>	4
<u>Number of valid ballots:</u>	153
<u>Abstentions:</u>	0
<u>Number of members voting:</u>	153
<u>Required majority:</u>	82
<u>Number of votes obtained:</u>	

Mr. Christopher Gregory Weeramantry (Sri Lanka)	70
Mr. Enrique P. Syquia (Philippines)	64
Mr. Raymond Ranjeva (Madagascar)	62
Mr. Seydou Madani Sy (Senegal)	54
Mr. Samuel K.B. Asante (Ghana)	27
Mr. Atsu-Koffi Amega (Togo)	10
Mr. Dorab Patel (Pakistan)	10
Mr. Edilbert Razafindralambo (Madagascar)	6
Mr. Sompong Sucharitkul (Thailand)	1

Since no candidate has obtained an absolute majority, the Assembly will proceed to another unrestricted ballot to fill the remaining vacancies.

Ballot papers are being distributed. All individuals whose names appear on the ballot paper are eligible.

Once again I remind delegations that the names of only two candidates should be marked with a cross. Any ballot paper on which more than two names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot paper.

At the invitation of the President, Mr. Pancev (Bulgaria), Ms. Cepeda (Dominican Republic), Mr. Conroy (Ireland) and Mr. Mfula (Zambia) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 5.30 p.m. and resumed at 6.35 p.m.

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

<u>Number of ballot papers:</u>	156
<u>Number of invalid ballots:</u>	0
<u>Number of valid ballots:</u>	156
<u>Abstentions:</u>	0
<u>Number of members voting:</u>	156
<u>Required majority:</u>	82
<u>Number of votes obtained:</u>	

Mr. Christopher Gregory	
Weeramantry (Sri Lanka)	97
Mr. Raymond Ranjeva (Madagascar)	82
Mr. Seydou Madani Sy (Senegal)	58
Mr. Enrique P. Syquia (Philippines)	51
Mr. Samuel K. B. Asante (Ghana)	11
Mr. Atsu-Koffi Amega (Togo)	7
Mr. Dorab Patel (Pakistan)	2
Mr. Edilbert Razafindralambo	
(Madagascar)	1
Mr. Sompong Sucharitkul	
(Thailand)	0

Since Mr. Raymond Ranjeva and Mr. Christopher Gregory Weeramantry have obtained the required majority, the following five candidates have now received an absolute majority in the General Assembly: Mr. Andrés Aguilar Mawdsley, Mr. Gilbert Guillaume, Sir Robert Yewdall Jennings, Mr. Raymond Ranjeva and Mr. Christopher Gregory Weeramantry.

(The President)

I have communicated the result of the voting to the President of the Security Council and have received from the President of the Security Council the following letter:

"I have the honour to inform you that at the 2955th meeting of the Security Council, held on 15 November 1990 for the purpose of electing five members of the International Court of Justice for the seats which will become vacant on 5 February 1991, the following candidates obtained an absolute majority of votes: Mr. Andrés Aguilar Mawdsley, Mr. Gilbert Guillaume, Sir Robert Yewdall Jennings, Mr. Seydou Madani Sy and Mr. Christopher Gregory Weeramantry."

(The President)

As a result of the voting which has taken place independently in the General Assembly and the Security Council, the following four candidates have obtained absolute majorities in both bodies: Mr. Andrés Aguilar Mawdsley, Mr. Gilbert Guillaume, Sir Robert Yewdall Jennings and Mr. Christopher Gregory Weeramantry. They are therefore duly elected members of the International Court of Justice to serve for a nine-year term commencing 6 February 1991.

I take this opportunity to extend to them the congratulations of the Assembly on their election.

Mr. PENNANEACH (Togo) (interpretation from French): We wish first of all sincerely to thank the delegations of the States parties to the Statute of the International Court of Justice which were so kind as to support the Togolese candidate, Mr. Atsu-Koffi Amega. In putting forward Mr. Amega as a candidate for a seat on the International Court of Justice, the Togolese national group and the Togolese Government had two principal motives: first, to demonstrate their attachment to the jurisdiction of the Court, which plays an important role as the principal judicial organ of the United Nations; and, secondly, to make a modest contribution to the discharge of the very important role the Court has been assigned, particularly in view of the fact that a Togolese has never been a member of the Court.

Strengthening the role of the Court requires, in particular, that its composition should reflect compliance with Article 9 of its Statute. That Article provides that

"At every election, the electors shall 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."

(Mr. Rennanach, Togo)

It was in the light of all these conditions that the Togolese national group and Government decided to put forward a highly competent candidate with a fund of experience in the field of international law.

Out of our concern for co-operation, we are withdrawing the candidacy of Mr. Atsu-Koffi Amega. In so doing we sincerely hope that the candidate who will be chosen from among those still on the list will meet the requirements I have just cited - namely, the intrinsic value of the candidate and his representation of the main forms of civilisation and of the principal legal systems of the world.

The PRESIDENT: In view of the statement we have just heard that the national group of Togo has withdrawn the candidacy of Mr. Atsu-Koffi Amega, his name will no longer appear on the ballot paper.

Mr. ANKOROR (Ghana): I want to thank the Assembly for the kind-hearted way in which this exercise has been conducted. We believed that our candidate, Mr. Asante, was one whose candidacy would cut across so-called sectional interests in the legal profession, but, in some wise, this belief has not been borne out by the voting. As a result, and in spite of the fact that we still retain, as a delegation and on behalf of the national group of Ghana and the various countries which supported his candidacy, a great deal of faith in Mr. Asante as an able jurist and a lawyer with an international reputation, particularly in the area of economic and developmental law, we wish to state on our own behalf and that of Mr. Asante that we are withdrawing his candidacy and are asking that his name be removed from the ballot paper.

The PRESIDENT: In view of the statement we have just heard, that the candidacy of Mr. Samuel Asante has been withdrawn, his name will no longer appear on the ballot paper.

(The President)

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 therefore propose to adjourn this meeting and to convene a second meeting immediately to vote on the remaining vacancy.

The meeting rose at 6.50 p.m.