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PROVISIONAL VERBATIM RECORD OF THE 47th MEETING

Held at Headquarters, New York,
on Thursday, 14 November 1991, at 10 a.m.

President: Mr. SHIHABI (Saudi Arabia)

later: Mr. Al-Khussaiby (Oman)
(Vice-President)

- Elections to fill vacancies in subsidiary organs [17] (continued)
 - (b) Election of the members of the International Law Commission
 - (i) Notes by the Secretary-General concerning the list of candidates
 - (ii) Curricula vitae

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

AGENDA ITEM 17 (continued)

ELECTIONS TO FILL VACANCIES IN SUBSIDIARY ORGANS:

(b) ELECTION OF THE MEMBERS OF THE INTERNATIONAL LAW COMMISSION

(i) NOTES BY THE SECRETARY-GENERAL CONCERNING THE LIST OF CANDIDATES
(A/46/228 and Add.1-12, A/46/620 and Add.1)

(ii) CURRICULA VITAE (A/46/253 and Add.1-3)

The PRESIDENT: In conformity with the provisions of chapter I of the statute of the International Law Commission, the 34 members of the Commission are to be elected for a five-year term of office beginning on 1 January 1992.

Members will recall that the Assembly, at its 37th plenary meeting, decided to request the Secretary-General to issue a consolidated list incorporating new candidates and information received subsequent to the deadline for the submission of nominations.

In this connection, I should like to draw the attention of the Assembly to document A/46/620 of 8 November 1991, which lists in alphabetical order the candidates nominated by Governments of States Members of the United Nations for election to the International Law Commission. In addendum 1 to this document, which was circulated this morning, the Assembly is informed of the withdrawal of a candidate. Accordingly, that name should be deleted from the list of candidates set out in document A/46/620.

The curricula vitae of the candidates are contained in document A/46/253 and addenda 1 to 3 thereto.

There are now 48 candidates eligible in this election.

I call on the representative of Egypt.

Mr. ELARABY (Egypt): I have asked to speak in order to draw attention to document A/46/620/Add.1, dated 13 November 1991, in which it is stated that Mr. Boutros Boutros Ghali, the Deputy Prime Minister of Egypt, has decided to withdraw his candidature for re-election to the International Law Commission.

The PRESIDENT: The Assembly has taken note of that fact.

I should like to recall that the persons to be elected to the International Law Commission should individually possess the qualifications required - that is to say, they should be persons of recognized competence in international law. The statute also provides that - in the Commission as a whole representation of the main forms of civilization and of the principal legal systems of the world should be assured.

According to the statute, the members of the Commission are eligible for re-election. The present membership of the Commission is set out in the annex to document A/46/228 of 17 June 1991.

In accordance with rule 92 of the rules of procedure of the General Assembly, the election shall be held by secret ballot.

According to paragraph 3 of General Assembly resolution 36/39, the 34 members should be elected as follows:

- (a) Nine nationals from African States;
- (b) Eight nationals from Asian States;
- (c) Three nationals from Eastern European States;
- (d) Six nationals from Latin American and Caribbean States;
- (e) Eight nationals from Western European and other States.

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The ballot papers reflect this pattern. Representatives are requested to place a cross to the left of the names of the candidates for whom they wish to vote, but for no more than the number of seats allocated to each region. Representative may vote only for those candidates whose names appear on the ballot papers.

I should like to inform members that the number of candidates, not exceeding the number of seats to be filled, receiving the greatest number of votes and not less than a majority of the votes of the Member States present and voting shall be declared elected. In the event of a tie vote for a remaining seat, there will be a restricted ballot limited to those candidates who have obtained an equal number of votes.

May I take it that the General Assembly agrees to that procedure?

It was so decided.

The PRESIDENT: Ballot papers marked A, B, C, D and E will now be distributed. I request representatives to use only those ballot papers and, as I said before, they should place a cross to the left of the names of the candidates for whom they wish to vote, but for no more than the number of seats allocated to each region. A ballot paper containing more votes than the number of seats allocated to the relevant region will be declared invalid.

Accordingly, please ensure that the ballot papers marked A, for African States, do not contain votes for more than nine candidates; the ballot papers marked B, for Asian States, do not contain votes for more than eight candidates; the ballot papers marked C, for Eastern European States, do not contain votes for more than three candidates; the ballot papers marked D, for Latin American and Caribbean States, do not contain votes for more than six

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candidates; and the ballot papers marked E, for Western European and other States, do not contain votes for more than eight candidates.

At the invitation of the President, Ms. Kofler (Austria), Mr. Orosa (Bolivia), Mr. Sandoval (Ecuador), Mr. Rokotuiyuna (Fiji), Mr. Mosala (Lesotho), Mr. Maniate (Angola), Ms. Arguillas (Philippines), Mr. Watson (Suriname) and Mr. Eltchenko (Ukraine) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 10.40 a.m. and resumed at 12.40 p.m.

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

GROUP A

<u>Number of ballot papers:</u>	164
<u>Number of invalid ballots:</u>	0
<u>Number of valid ballots:</u>	164
<u>Abstentions:</u>	0
<u>Number of members voting:</u>	164
<u>Required majority:</u>	83
<u>Number of votes obtained:</u>	
Mr. Doudou Thiam (Senegal)	148
Mr. Abdul G. Koroma (Sierra Leone)	146
Mr. Ahmed Mahiou (Algeria)	142
Mr. Edilbert Razafindralambo (Madagascar)	139
Mr. Kamil E. Idris (Sudan)	138
Mr. Guillaume Pambou-Tchivounda (Gabon)	134
Mr. Mohamed Bennouna (Morocco)	122
Mr. Salifou Fomba (Mali)	111
Mr. Peter C. R. Kabatsi (Uganda)	111
Ms. Mwangala Beatrice Kamuwanga (Zambia)	95
Mr. Mikuin Leliel Balanda (Zaire)	74

GROUP B

<u>Number of ballot papers:</u>	164
<u>Number of invalid ballots:</u>	0
<u>Number of valid ballots:</u>	164
<u>Abstentions:</u>	0
<u>Number of members voting:</u>	164
<u>Required majority:</u>	83
<u>Number of votes obtained:</u>	
Mr. Chusei Yamada (Japan)	148
Mr. Shi Jiuyong (China)	134
Mr. Pemmaraju Sreenivasa Rao (India)	127
Mr. Andreas J. Jacovides (Cyprus)	124
Mr. Husain M. Al-Baharna (Bahrain)	121
Mr. Awn S. Al-Khasawneh (Jordan)	118
Mr. Mochtar Kusuma-Atmadja (Indonesia)	118
Mr. John De Saram (Sri Lanka)	110
Mr. Djamchid Momtaz (Islamic Republic of Iran)	101
Mr. Peter D. Donigi (Papua New Guinea)	64
Mr. Riad Siage (Syrian Arab Republic)	58

GROUP D

<u>Number of ballot papers:</u>	164
<u>Number of invalid ballots:</u>	0
<u>Number of valid ballots:</u>	164
<u>Abstentions:</u>	0
<u>Number of members voting:</u>	164
<u>Required majority:</u>	83
<u>Number of votes obtained:</u>	
Mr. Edmundo Vargas Carreño (Chile)	138
Mr. Carlos Calero Rodrigues (Brazil)	129
Mr. Patrick Lipton Robinson (Jamaica)	126
Mr. Alberto Szekely (Mexico)	124
Mr. Julio Barboza (Argentina)	113
Mr. Francisco Villagrau Kramer (Guatemala)	107
Mr. Luis Solari Tudela (Peru)	97
Mr. Rafael Rivas Posada (Colombia)	91

Mr. Salifou Fomba (Mali), Mr. Peter C. R. Kabatsi (Uganda), Mr. Chusei Yamada (Japan), Mr. Shi Jiuyong (China), Mr. Pemmaraju Sreenivasa Rao (India), Mr. Andreas J. Jacovides (Cyprus), Mr. Hussain M. Al-Baharna (Bahrain), Mr. Awad S. Al-Khasawneh (Jordan), Mr. Mochtar Kusuma-Atmadja (Indonesia), Mr. John De Saram (Sri Lanka), Mr. Vladlen Vereshetin (Union of Soviet Socialist Republics), Mr. Vaclav Mikulka (Czechoslovakia), Mr. Edmundo Vargas Carreño (Chile), Mr. Carlos Calero Rodriguez (Brazil), Mr. Patrick Lipton Robinson (Jamaica), Mr. Alberto Fzekely (Mexico), Mr. Julio Barbosa (Argentina), Mr. Francisco Villegan Kramer (Guatemala), Mr. James R. Crawford (Australia), Mr. Gaetano Arangio-Ruiz (Italy), Mr. Derek William Bowett (United Kingdom of Great Britain and Northern Ireland), Mr. Alain Pellet (France), Robert B. Rosenstock (United States of America), Mr. Christian Tomuschat (Germany), Mr. Gudmundur Eiriksson (Iceland), Mr. Mehmet Güney (Turkey) were elected members of the International Law Commission for a period of five years beginning on 1 January 1992.

The PRESIDENT: I congratulate the persons who have been elected to the International Law Commission.

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Since one seat remains to be filled from among the Eastern European States, we shall now proceed to the first restricted ballot.

In accordance with rule 94 of the rules of procedure, this second round of balloting will be restricted to the candidates having obtained the greatest number of votes in the previous ballot to a number not more than twice the number of seats remaining to be filled. Consequently, only the following candidates are eligible at this time: Mrs. Renata Szafars of Poland and Mr. Alexander Yankov of Bulgaria.

The ballot papers, which will now be distributed, contain only the names of the candidates eligible in this round of balloting. I request representatives to use only those ballot papers and to place a cross before the name of the candidate for whom they wish to vote. Ballot papers containing more than one vote will be declared invalid.*

At the invitation of the President, Ms. Kofler (Austria), Mr. Sandoval (Ecuador), Mr. Mosala (Lesotho), Ms. Arguillas (Philippines), and Mr. Eltchenko (Ukraine) acted as tellers.

A vote was taken by secret ballot.

* Mr. Al-Khussaiby (Oman), Vice-President, took the Chair.

The meeting was suspended at 1.05 p.m. and resumed at 1.20 p.m.

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

GROUP C

<u>Number of ballot papers:</u>	162
<u>Number of invalid ballots:</u>	3
<u>Number of valid ballots:</u>	159
<u>Abstentions:</u>	6
<u>Number of members voting:</u>	153
<u>Required majority:</u>	77
<u>Number of votes obtained:</u>	
Mr. Alexander Yankov (Bulgaria)	78
Mrs. Renata Szafarz (Poland)	75

Having obtained the required majority, Mr. Yankov (Bulgaria) was elected a member of the International Law Commission for a period of five years beginning on 1 January 1992.

The PRESIDENT: On behalf of the General Assembly, I congratulate the person who has just been elected to the International Law Commission and I thank the tellers for their assistance in this election.

The Assembly has concluded its consideration of agenda item 17 (b).

The meeting rose at 1.25 p.m.

