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CONTENTS

	<i>Page</i>
Provisional agenda (S/Agenda/2333)	1
Expression of thanks to the retiring President	1
Adoption of the agenda	1
Election of a member of the International Court of Justice: Vacancy caused by the death of Judge Abdullah El-Erian (S/14885 and Corr.1, S/14886/Rev.1, S/14887)	1

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2333rd MEETING

Held in New York on Friday, 19 March 1982, at 10.30 a.m.

President: Mrs. Jeane J. KIRKPATRICK
(United States of America).

Present: The representatives of the following States: China, France, Guyana, Ireland, Japan, Jordan, Panama, Poland, Spain, Togo, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire.

Provisional agenda (S/Agenda/2333)

1. Adoption of the agenda
2. Election of a member of the International Court of Justice:
Vacancy caused by the death of Judge Abdullah El-Erian (S/14885 and Corr.1, S/14886/Rev.1, S/14887)

The meeting was called to order at 11 a.m.

Expression of thanks to the retiring President

1. The PRESIDENT: As this is the first meeting of the Council for the month of March, I should like on behalf of the Council to pay a tribute to the President for the month of February, Sir Anthony Parsons, representative of the United Kingdom of Great Britain and Northern Ireland, for the great diplomatic skill with which he conducted the business of the Council during February.

Adoption of the agenda

The agenda was adopted.

Election of a member of the International Court of Justice:

Vacancy caused by the death of Judge Abdullah El-Erian (S/14885 and Corr.1, S/14886/Rev.1, S/14887)

2. The PRESIDENT: I should like to recall that at its 2321st meeting, on 21 December 1981, the Council adopted resolution 499 (1981), in which it decided that elections to fill the vacancy in the International Court of Justice should take place at a meeting of the Security Council and at a meeting of the General Assembly at its resumed thirty-sixth session. As will be recalled, this vacancy was caused by the death of Judge Abdullah El-Erian on 12 December 1981.

3. This morning the Security Council and the General Assembly will proceed independently, in accordance with the relevant provisions of the Statute of the Court, to hold elections for the purpose of filling this vacancy.

4. The Council has before it a memorandum by the Secretary-General [S/14885 and Corr.1] describing the present composition of the Court and the procedure to be followed in the Security Council and in the General Assembly for the election of the new member. May I remind members of the Council that under Article 10, paragraph 1, of the Statute, "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 Security Council is therefore eight votes.

5. Article 15 of the Statute of the International Court of Justice provides that a member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term. Accordingly, the member elected to replace Judge El-Erian will serve until 5 February 1988.

6. When we proceed to the vote, members of the Council will receive a ballot-paper containing the names of all candidates for the vacancy to be filled and will be asked to vote for one candidate only. Votes may be cast only for those candidates whose names appear on the ballot. The Council has the following documents before it: S/14886/Rev.1, containing a note by the Secretary-General transmitting the up-to-date list of candidates nominated by national groups, and S/14887, setting out the *curricula vitae* of those candidates.

7. Two names therefore appear on the ballot-paper. May I remind members once again that only those candidates whose names appear on the ballot are eligible. No write-ins are allowed.

8. Ballots containing votes for more than one candidate will be considered invalid. The Council will continue balloting to fill the vacancy until one of the candidates whose names appear on the ballot has obtained the required majority. At that stage I shall communicate the result to the President of the General Assembly and I shall request the Council to

remain in session until the President of the General Assembly has informed the Council of the result of the voting in the Assembly.

9. It is now my intention, if I hear no objection, to select the names of two delegations to act as tellers to count the votes cast by members of the Council.

10. The delegations of Ireland and Guyana are those whose names have been drawn. I would ask each of those delegations to appoint one of their members to serve as teller. That being done, I invite the tellers to take a place at the table behind the Council table.

11. I take it that the Council is now ready to proceed with the election to fill the vacancy created by the death of Judge El-Erian.

12. I request the conference officer to distribute the ballots. Members should place a cross at the left of the name of the candidate for whom they wish to vote.

13. I take it that all the members of the Council have now voted, and I request the conference officer to collect the ballots.

14. All the ballots having been collected, the tellers will now count the ballots.

15. I would remind the Council that we decided yesterday that there would be two independent countings of the ballots by each of the two tellers.

16. Mr. DORR (Ireland): On a point of order, I should like to say that I thought we had also decided that we would not begin the counting until we were aware that the Assembly had completed balloting in the sense of having cast the votes but not counted them. If in fact that is the case, then I assume we would begin to count.

17. The PRESIDENT: I think that the Secretariat's understanding of the decision was that the ballots would simply be collected, but that they would not be counted until it had been verified that the counting had been completed in the General Assembly.

18. Mr. DORR (Ireland): I am sorry, but my understanding was until the actual voting had been completed, not necessarily the counting.

19. The PRESIDENT: That is right, until the voting has been completed.

20. I am informed by the Secretariat that the ballots are now being collected in the General Assembly. Once those ballots have been collected, we shall proceed with the counting.

21. I have now been informed that the ballots have been collected in the General Assembly. The As-

sembly has suspended its meeting for 10 minutes, during which the ballots will be counted.

22. If I hear no objection, I would propose that the counting of the ballots for the Council begin now.

23. Mr. de PINIÉS (Spain) (*interpretation from Spanish*): Madam President, now that the balloting is finished, I should like to know why we cannot have the results. Yesterday we agreed that we would begin the vote after the voting had been concluded in the Assembly, but that as soon as the results here were known, we were entitled to be informed of them. I should appreciate being informed of the results.

24. The PRESIDENT: I should like to advise the representative of Spain that the results of our balloting have not yet been communicated to me; the reason is that our Secretariat assistants are typing the letter by which we shall communicate the results to the General Assembly. I shall inquire now to see if we cannot have the results before the letter is in fact typed.

25. Mr. de PINIÉS (Spain) (*interpretation from Spanish*): Madam President, past practice has been not to wait until the letter is written. The letter is written if the Assembly's decision is the same as this body's. So first you notify the members; if the Assembly's decision is the same, then the letter is written.

26. The PRESIDENT: I should like to inform the representative of Spain that I have now been given the results of the balloting in the Security Council. They are as follows:

<i>Number of ballots:</i>	15
<i>Number of invalid ballots:</i>	0
<i>Number of blank ballots:</i>	1
<i>Number of valid ballots:</i>	15
<i>Required majority:</i>	8

<i>Number of votes obtained:</i>	
Mr. Mohammed Bedjaoui	10
Mr. Ahmed Esmat Abdel Meguid	4

27. The PRESIDENT: Mr. Mohammed Bedjaoui has accordingly received the required absolute majority of votes in the Security Council. I shall communicate the result to the President of the General Assembly and I would request the Council to remain in session until we are formally informed by the President of the General Assembly of the results of the vote in that body.

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* *

28. The PRESIDENT: I have just received the following communication from the President of the General Assembly:

"I have the honour to inform you that, at the 107th plenary meeting of the General Assembly,

held today for the purpose of electing a member of the International Court of Justice to fill the vacancy caused by the death of Judge Abdullah El-Erian, Mr. Mohammed Bedjaoui of Algeria has obtained an absolute majority in the General Assembly.

"I note from your letter of the same date that, at the 2333rd meeting of the Security Council, Mr. Mohammed Bedjaoui has also obtained a required absolute majority for the above-mentioned vacancy.

"I have, therefore, informed the General Assembly that Mr. Mohammed Bedjaoui has been elected member of the International Court of Jus-

tice for a term of office expiring on 5 February 1988."

That letter is signed by Mr. Ismat Kittani, President of the General Assembly.

29. As both the Security Council and the General Assembly have agreed on the same candidate, the distinguished jurist Mr. Mohammed Bedjaoui has been elected a member of the International Court of Justice for a term of office expiring on 5 February 1988. I should like to congratulate Mr. Bedjaoui and to wish him every success in the high office he will assume.

The meeting rose at 12.45 p.m.

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