



Security Council

Fifty-sixth year

4389th meeting

Friday, 12 October 2001, 10 a.m.

New York

Provisional

<i>President:</i>	Mr. Ryan	(Ireland)
<i>Members:</i>	Bangladesh	Mr. Amin
	China	Mr. Chen Xu
	Colombia	Mr. Valdivieso
	France	Mr. Levitte
	Jamaica	Miss Durrant
	Mali	Mr. Ouane
	Mauritius	Mr. Koonjul
	Norway	Mr. Strømme
	Russian Federation	Mr. Karev
	Singapore	Mr. Mahbubani
	Tunisia	Mr. Jerandi
	Ukraine	Mr. Kuchinsky
	United Kingdom of Great Britain and Northern Ireland	Mr. Eldon
	United States of America	Mr. Hume

Agenda

Election of a member of the International Court of Justice (S/2001/881, S/2001/882/Add.1 and S/2001/883/Corr.2)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.



The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

Election of a member of the International Court of Justice (S/2001/881, S/2001/882/Add.1, S/2001/883/Corr.2)

The President: I would like to recall that at its 4345th meeting, on 5 July 2001, the Security Council adopted resolution 1361 (2001), by which it decided that the election to fill the vacancy in the International Court of Justice should take place on 12 October 2001 at a meeting of the Security Council and at a meeting of the General Assembly at its fifty-sixth session.

This morning the Security Council and the General Assembly will proceed independently with the election, in accordance with the relevant provisions of the Statute of the Court, for the purpose of filling the vacancy which occurred on 30 September 2001 owing to the resignation of Judge and former President Mohammed Bedjaoui (Algeria).

The Security Council has before it the following documents: S/2001/882, which contains the list of nominations of the candidates by national groups of States parties to the International Court of Justice Statute; S/2001/882/Add.1, in which the Secretary-General notified of the withdrawal nominated by national groups; and S/2001/883/Corr.2, which contain the curricula vitae of the candidates nominated by national groups of States.

I should also like to inform the Council that, after the expiration of the deadline for the submission of nominations, the Secretariat has been informed that the Italian national group nominated Mr. Nabil Elaraby as a candidate.

The Security Council also has before it a note by the Secretary-General, contained in document S/2001/881, describing the present composition of the Court and 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 Security Council is eight votes.

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 fill the remainder of the term left vacant by the resignation of Judge Mohammed Bedjaoui will serve until 5 February 2006.

The voting will be held by secret ballot. When we proceed to the vote, members of the Council will receive a ballot paper containing the names of the candidates. No withdrawal will be accepted once the ballot papers have been distributed. However, it would be possible to withdraw between ballots. Members of the Council will be requested to place an “X” in the box next to the name of the candidate for whom they wish to vote. Votes may be cast only for a candidate whose name appears on the ballot paper.

I should like to remind members of paragraph 15 of the Secretary-General’s memorandum, contained in document S/2001/881, which specifies that

“Each elector may vote for only one candidate.”

Any ballot paper containing votes for more than one name will be considered invalid. When a candidate has obtained the required majority of votes, I shall communicate the result to the President of the General Assembly, and I shall request the Council to remain in session pending the receipt from the President of the General Assembly of the result of the voting in the Assembly.

The Council will now proceed to draw lots to select two delegations — excluding Ireland, which is presiding over the Council during the month of October — to serve as tellers.

* * *

The President: The names of the delegations of Colombia and Tunisia have been drawn. I request them to appoint one of their members to serve as tellers.

At the invitation of the President, Mr. Franco (Colombia) and Mr. Ben Youssef (Tunisia) acted as tellers.

The President: May I take it that the Council is now ready to proceed with the election of a member of the International Court of Justice?

It is so decided.

I request the Conference Officer to distribute the ballot papers.

Members of the Council should place an "X" in the box next to the name of the candidate for whom they wish to vote.

* * *

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

* * *

The President: All the ballot papers have been collected. I should like to remind the Council that, as agreed during our consultations, the ballots will not be counted until it has been verified that the ballot papers in the General Assembly have been collected. The Council will remain in session pending the receipt of that information.

* * *

The President: I have now been informed that the ballot papers have been collected in the General Assembly.

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

As agreed in our consultations, there will be two independent countings of the ballots, one by each teller.

* * *

The President: I shall communicate the result of the vote to the President of the General Assembly in writing.

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

* * *

The President: I would now like to inform members of the Council of the result of the voting:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Required majority:	8
Number of votes obtained:	
Mr. Nabil Elaraby	13
Mr. Francis Romain Wodie	2

I should now 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 24th plenary meeting of the General Assembly, held today for the purpose of electing one member of the International Court of Justice, Mr. Nabil Elaraby obtained an absolute majority of the votes in the General Assembly."

As both the Security Council and the General Assembly have agreed on the same candidate, the distinguished jurist Mr. Nabil Elaraby has been elected as a member of the International Court of Justice for the remainder of the term of office of Judge Bedjaoui, that is, until 5 February 2006.

I should like to congratulate him and wish him every success in the high office to which he has been elected.

I should also like to thank the tellers for their assistance.

The Security Council has thus concluded its business for this meeting.

The meeting rose at 11.50 a.m.