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CONTENTS

	<i>Page</i>
Provisional agenda (S/Agenda/2262)	1
Tribute to the memory of Mr. Aleksei Nikolaevich Kosygin, former Chairman of the Council of Ministers of the Union of Soviet Socialist Republics	1
Statement by the President	1
Adoption of the agenda	1
<i>Election of two members of the International Court of Justice:</i>	
(a) Vacancy caused by the death of Judge Richard R. Baxter (S/14283, S/14311 and Add.1, S/14312);	
(b) Vacancy caused by the death of Judge Salah El Dine Tarazi (S/14283, S/14313 and Add.1 to 3, S/14314, S/14321)	1

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2262nd MEETING

Held in New York on Thursday, 15 January 1981, at 10.30 a.m.

President: Mr. LING Qing (China).

Present: The representatives of the following States: China, France, German Democratic Republic, Ireland, Japan, Mexico, Niger, Panama, Philippines, Spain, Tunisia, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

Provisional agenda (S/Agenda/2262)

1. Adoption of the agenda
2. Election of two members of the International Court of Justice:
 - (a) Vacancy caused by the death of Judge Richard R. Baxter (S/14283, S/14311 and Add.1, S/14312);
 - (b) Vacancy caused by the death of Judge Salah El Dine Tarazi (S/14283, S/14313 and Add.1 to 3, S/14314, S/14321)

The meeting was called to order at 11.15 a.m.

Tribute to the memory of Mr. Aleksei Nikolaevich Kosygin, former Chairman of the Council of Ministers of the Union of Soviet Socialist Republics

1. The PRESIDENT (*interpretation from Chinese*): Since the Security Council last met, members have learned with sorrow of the passing away of the former Chairman of the Council of Ministers of the Union of Soviet Socialist Republics, Mr. Aleksei Nikolaevich Kosygin. On behalf of the members of the Security Council, I wish to extend to the representative of the Soviet Union and, through him, to his Government and people, as well as to the bereaved family, our expression of deep condolences.

Statement by the President

2. The PRESIDENT (*interpretation from Chinese*): As this is the first meeting of the Security Council to be held in the new year, I should like to extend greetings to all assembled here today.
3. It is a particular pleasure to welcome the newly elected non-permanent members of the Security Council, the representatives of Ireland, Japan, Panama, Spain and Uganda. We look forward with confidence to their participation in the work of the Security Council, which will be of invaluable assistance in the search for a solution of the complex issues which the Council confronts in its important role.

4. I wish also to express, on behalf of the Council, our gratitude to the outgoing non-permanent members for their important and invaluable contributions to our work. The representatives of Bangladesh, Jamaica, Norway, Portugal and Zambia won our esteem and friendship and contributed their talents in immeasurable ways to the work of the Council. I am sure that we shall continue our fruitful co-operation in the future.

5. Before concluding, I wish also to pay a well-deserved tribute to the retiring President of the Security Council, Mr. Donald McHenry of the United States, who conducted the work of the Council in December with great skill and distinction. His experience and the personal qualities that we all appreciate have won our respect and admiration and I am sure I am speaking on behalf of all present and outgoing members of the Security Council when I express our gratitude for having had the opportunity to work together with Mr. McHenry and our best wishes for his future success.

6. Mr. OVINNIKOV (Union of Soviet Socialist Republics) (*interpretation from Russian*): Mr. President, on behalf of the delegation of the Soviet Union, I should like to express my gratitude to you and to all the members of the Council on whose behalf you have spoken for the profound condolences on the death of the outstanding statesman of the Communist Party and the Soviet State, Aleksei Nikolaevich Kosygin.

Adoption of the agenda

Adoption of the agenda

The agenda was adopted.

Election of two members of the International Court of Justice:

- (a) Vacancy caused by the death of Judge Richard R. Baxter (S/14283, S/14311 and Add.1, S/14312);
- (b) Vacancy caused by the death of Judge Salah El Dine Tarazi (S/14283, S/14313 and Add.1 to 3, S/14314, S/14321)

7. The PRESIDENT (*interpretation from Chinese*): I should like to recall that at its 2255th meeting held on 12 November last year, the Security Council

adopted resolution 480 (1980) in which it decided that elections to fill two vacancies in the International Court of Justice should take place at a meeting on 15 January 1981 and at a meeting of the resumed thirty-fifth session of the General Assembly. Those vacancies had been caused by the death of Judge Richard R. Baxter on 25 September and of Judge Salah El Dine Tarazi on 4 October 1980.

8. This morning the Security Council and the General Assembly are meeting separately, in accordance with the relevant provisions of the Statute of the Court, for the purpose of filling those vacancies. Both bodies will proceed concurrently, and will deal with the vacancies separately.

9. The Council has before it a memorandum by the Secretary-General [S/14283] describing the present composition of the Court and the procedure to be followed in the Security Council and the General Assembly for the election of the new members of the Court. 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.

10. When we come to the balloting, members of the Council will receive a separate ballot for each vacancy to be filled and will vote for one candidate only on each ballot. The only votes that will be counted are those for candidates whose names appear on the ballot papers. The Security Council will continue balloting to fill the first vacancy until the candidate whose name appears on the ballot has obtained the required majority of votes. 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. Thereafter, the Security Council and the General Assembly will proceed to vote on the second vacancy. The Council will now turn to the voting to fill the vacancy caused by the death of Judge Richard R. Baxter, which appears as subitem (a) of the item on today's agenda.

11. 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 Baxter will serve until 5 February 1988.

12. Document S/14311 contains a list of persons nominated for that post, and document S/14312 sets out the curricula vitae of those persons. Document

S/14311/Add.1 indicates that one of the candidates has requested that his name be withdrawn. Consequently, only one name will appear on this ballot paper. May I remind members that only the candidate whose name appears on the ballot paper is eligible.

13. I take it that the Council is now prepared to proceed with the election to fill the vacancy created by the death of Judge Baxter.

14. The vote will be taken by secret ballot. I request the conference officer to distribute the ballots. Members should place a cross at the left of the name of the candidate if they wish to vote for him.

A vote was taken by secret ballot.

<i>Number of ballot papers:</i>	15
<i>Invalid ballots:</i>	0
<i>Number of valid ballots:</i>	15
<i>Required majority:</i>	8

Number of votes obtained:

Mr. Stephen Schwebel (United States of America)	15
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15. The PRESIDENT (*interpretation from Chinese*): Mr. Schwebel of the United States of America 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. I would request the Council to remain in session until the President of the General Assembly has informed the Council of the results of the voting in the Assembly.

The meeting was suspended at 11.35 a.m. and resumed at 11.50 a.m.

16. The PRESIDENT (*interpretation from Chinese*): I have just received the following communication from the President of the General Assembly:

“I have the honour to inform you that, at the 100th 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 Richard R. Baxter, Mr. Stephen Schwebel of the United States of America has obtained an absolute majority in the General Assembly.

“I note from your letter of the same date that, at the 2262nd meeting of the Security Council, Mr. Stephen Schwebel has also obtained an absolute majority for the above-mentioned vacancy.

“I have, therefore, informed the General Assembly that Mr. Stephen Schwebel has been elected member of the International Court of Justice for a term of office expiring on 5 February 1988.”

17. As President of the Security Council, I have the honour of declaring the distinguished jurist Mr. Stephen Schwebel of the United States of America elected

a member of the International Court of Justice for a term of office ending on 5 February 1988. I should like to congratulate Mr. Schwebel, and I wish him every success in the high office he will assume.

18. The Security Council will now proceed to sub-item (b) of the item on its agenda, entitled "Vacancy caused by the death of Judge Salah El Dine Tarazi", whose term of office would have expired on 5 February 1985. Accordingly, in accordance with article 15 of the Statute of the Court, the member elected to replace Judge Tarazi will serve until 5 February 1985.

19. Document S/14313 contains a list of persons nominated for that post and document S/14314 sets out the curricula vitae of those persons. Documents S/14313/Add.1 to 3 indicate that three of those nominated have requested that their names be withdrawn. Consequently, their names do not appear on the ballots.

20. I take it that the Council is now prepared to proceed with the election to fill the vacancy created by the death of Judge Tarazi.

21. The vote will be taken by secret ballot. Members should place a cross at the left of the name of the candidate for whom they wish to vote. Ballot papers on which more than one name are marked will be considered invalid. If, on the first ballot, no candidate obtains the required majority, it will be necessary to proceed to other ballots until the vacancy is filled.

A vote was taken by secret ballot.

<i>Number of ballot papers:</i>	15
<i>Invalid ballots:</i>	0
<i>Number of valid ballots:</i>	15
<i>Required majority:</i>	8

Number of votes obtained:

Mr. Abdallah Fikri El-Khani (Syrian Arab Republic)	8
Mr. Mustafa Kamil Yasseen (Iraq)	6
Mr. Antoine Fattal (Lebanon)	1

22. The PRESIDENT (*interpretation from Chinese*): Mr. Abdallah Fikri El-Khani of the Syrian Arab Republic 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 the President of the Assembly informs the Council of the results of the vote in the Assembly.

The meeting was suspended at noon and resumed at 1.25 p.m.

23. The PRESIDENT (*interpretation from Chinese*): I shall now read out the communication which I have just received from the President of the General Assembly:

"I have the honour to inform you that, at the 100th 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 Salah El Dine Tarazi, Mr. Abdallah Fikri El-Khani of the Syrian Arab Republic has obtained an absolute majority in the General Assembly.

"I note from your letter of the same date that, at the 2262nd meeting of the Security Council, Mr. Abdallah Fikri El-Khani has also obtained an absolute majority for the above-mentioned vacancy.

"I have, therefore, informed the General Assembly that Mr. Abdallah Fikri El-Khani of the Syrian Arab Republic has been elected member of the International Court of Justice for a term of office expiring on 5 February 1985."

24. As President of the Security Council, I have the honour of declaring that the distinguished jurist, Mr. Abdallah Fikri El-Khani of the Syrian Arab Republic has been elected a member of the International Court of Justice for a term of office ending on 5 February 1985. I should like to extend congratulations to Mr. Abdallah Fikri El-Khani and offer best wishes for success in his high office.

The meeting rose at 1.30 p.m.

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