



CONTENTS

Agenda item 17: Election of five members of the International Court of Justice .....	Page 751
--	-------------

*President:* Mr. Indalecio LIEVANO (Colombia).

AGENDA ITEM 17

**Election of five members of the International  
Court of Justice**

1. The PRESIDENT (*interpretation from Spanish*): This afternoon the General Assembly will proceed to the election of five members of the International Court of Justice in order to fill the vacancies that will occur on 5 February 1979 when the terms of office of the following judges expire: Mr. Eduardo Jiménez de Aréchaga, Mr. Hardy C. Dillard, Mr. Louis Ignacio Pinto, Mr. Federico de Castro and Mr. Platon Dmitrievich Morozov. In connexion with the election I should like to bring some matters to the attention of the members of this Assembly.

2. 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 election in the General Assembly with the same rights as the States Members of the United Nations. On this occasion I am happy to welcome here the representatives of Liechtenstein, San Marino and Switzerland.

3. Secondly, I should like to confirm that at this time, but independently of the General Assembly, the Security Council is 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 each of these organs will not be communicated to the other organ until the voting in both organs is completed.

4. Finally, I should like to draw the attention of members 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/33/222/Rev.1-S/12829/Rev.1. Subsequently, an addendum to that document was issued indicating that the candidacies of Mr. Rudolf L. Bindschedler of Switzerland and Mr. Amadou N'Diaye of Mali had been withdrawn. The *curricula vitae* of the candidates are to be found in document A/33/223/Rev.1-S/12830/Rev.1. The Assembly also has before it document

A/33/221-S/12828 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 in regard to the election.

5. In accordance with Article 10, paragraph 1, of the Statute of the Court, those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered elected. In the Assembly 77 votes constitute an absolute majority.

6. Representatives are requested to use only the ballot papers now being distributed and to place crosses 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.

7. The General Assembly will now proceed to a secret ballot in accordance with rule 92 of the rules of procedure. I request representatives to remain in the hall until the result of the voting is announced.

8. If on the first ballot five candidates do not obtain the required majority it will be necessary to proceed to other ballots until all the vacancies are filled.

9. I know I shall be able to rely on the patience of representatives during the time inevitably required for counting the votes.

*At the invitation of the President, Mr. Kozubik (Czechoslovakia) and Mr. Cox (Grenada) acted as tellers.*

*A vote was taken by secret ballot.*

<i>Number of ballot papers:</i>	150
<i>Invalid ballots:</i>	0
<i>Number of valid ballots:</i>	150
<i>Abstentions:</i>	0
<i>Number of members voting:</i>	150
<i>Required absolute majority:</i>	77

*Number of votes obtained:*

Mr. José Sette Câmara (Brazil) .....	125
Mr. Richard R. Baxter (United States of America) .....	103
Mr. Platon Dmitrievich Morozov, (Union of Soviet Socialist Republics) .....	92
Mr. Abdullah Ali El-Erian (Egypt) .....	83
Mr. Roberto Ago (Italy) .....	67
Mr. Edilbert Razafindralambo (Madagascar) ..	67
Mr. H. W. Jayewardene (Sri Lanka) .....	66
Mr. Eero J. Manner (Finland) .....	65
Mr. Léon Boissier Palun (Benin) .....	43
Mr. Myres S. McDougal (United States of America) .....	8

10. The PRESIDENT (*interpretation from Spanish*): The following candidates have received the necessary absolute majority in the General Assembly: Mr. Sette Câmara, Mr. Baxter, Mr. Morozov and Mr. El-Erian.

11. The Assembly will have to proceed to vote again by unrestricted ballot to fill the remaining vacancy.

12. All candidates whose names appear on the ballot paper are eligible except those who have already obtained an absolute majority in the Assembly.

13. I would remind delegations that only the name of one candidate should be marked with a cross. Any ballot paper on which more than one name is marked will be considered invalid.

14. I call on the representative of Sri Lanka on a point of order.

15. Mr. FERNANDO (Sri Lanka): Mr. President, I find that some of the ballot papers which have been distributed do not contain the name of Mr. Jayewardene of Sri Lanka. I have seen the ballot paper of the representative of Viet Nam and it does not contain that name. I would ask you, Mr. President, to examine the ballot papers, as there is obviously some mistake.

16. The PRESIDENT (*interpretation from Spanish*): I call on the Under-Secretary-General for Political and General Assembly Affairs, Mr. Buffum.

17. Mr. BUFFUM (Under-Secretary-General for Political and General Assembly Affairs): Unfortunately, in the haste to produce the latest ballot paper, in at least one instance the machine did not carry the names at the bottom of the page, and the ballot paper shown to us by the delegation of Viet Nam is in fact, as the representative of Sri Lanka has indicated, in error.

18. I would request all delegations kindly to examine the ballot papers to make sure they contain the following names: Mr. Roberto Ago (Italy), Mr. Léon Boissier Palun (Benin), Mr. H. W. Jayewardene (Sri Lanka), Mr. Eero J. Manner (Finland), Mr. Myres S. McDougal (United States of America) and Mr. Edilbert Razafindralambo (Madagascar).

19. Would any delegation with an incorrect ballot please proceed to the conference officers' table to have the incorrect ballot replaced by a correct one?

20. The PRESIDENT (*interpretation from Spanish*): Now that every delegation has a correct ballot, we shall proceed with the voting.

*At the invitation of the President, Mr. Kozubík (Czechoslovakia) and Mr. Cox (Grenada) acted as tellers.*

*A vote was taken by secret ballot.*

<i>Number of ballot papers:</i>	150
<i>Invalid ballots:</i>	1
<i>Number of valid ballots:</i>	149
<i>Abstentions:</i>	0
<i>Number of members voting:</i>	149
<i>Required absolute majority:</i>	77

*Number of votes obtained:*

Mr. Roberto Ago (Italy)	50
Mr. H. W. Jayewardene (Sri Lanka)	43
Mr. Edilbert Razafindralambo (Madagascar)	28
Mr. Eero J. Manner (Finland)	18
Mr. Léon Boissier Palun (Benin)	10

21. The PRESIDENT (*interpretation from Spanish*): Since no candidate obtained the required absolute majority, the Assembly will proceed to another vote by unrestricted ballot to fill the remaining vacancy.

22. Mr. FERNANDO (Sri Lanka): If you, Mr. President, and the representatives would look at the vote on the second ballot, you will see that it is quite clear that we might even have a third inconclusive ballot. However, I am confident that if you, Mr. President, would suspend the meeting for about 10 minutes so that we could have consultations, we might be able to arrange a conclusive ballot. I make this suggestion so that we can save time.

23. The PRESIDENT (*interpretation from Spanish*): If I hear no objection, I shall suspend the meeting for 10 minutes.

*The meeting was suspended at 5.50 p.m. and resumed at 6 p.m.*

24. The PRESIDENT (*interpretation from Spanish*): I shall give the floor to the representative of Finland for a point of order.

25. Mr. PASTINEN (Finland): I think that what I am about to say will simplify the ensuing election process. I should like to announce from this rostrum that Judge Eero J. Manner has decided to withdraw his candidature for election to the International Court of Justice. He has asked me to express his gratitude to those Governments and national groups that supported his candidature.

26. The PRESIDENT (*interpretation from Spanish*): The Assembly has taken note of the statement made by the representative of Finland. We shall now proceed to the voting.

*At the invitation of the President, Mr. Kozubík (Czechoslovakia) and Mr. Cox (Grenada) acted as tellers.*

*A vote was taken by secret ballot.*

<i>Number of ballot papers:</i>	148
<i>Invalid ballots:</i>	1
<i>Number of valid ballots:</i>	147
<i>Abstentions:</i>	0
<i>Number of members voting:</i>	147
<i>Required absolute majority:</i>	77

*Number of votes obtained:*

Mr. Roberto Ago (Italy)	70
Mr. H. W. Jayewardene (Sri Lanka)	54
Mr. Edilbert Razafindralambo (Madagascar)	17
Mr. Léon Boissier Palun (Benin)	6

27. The PRESIDENT (*interpretation from Spanish*): Since no candidate has obtained the required absolute majority,

the Assembly will proceed to another vote by unrestricted ballot to fill the remaining vacancy.

28. Mr. RABETAFIKA (Madagascar) (*interpretation from French*): Mr. Razafindralambo, the Malagasy candidate for a seat in the International Court of Justice, has asked me to announce that he is no longer a candidate in this election.

29. He has also asked me to express his appreciation to the two national groups that proposed his candidature as well as to all those delegations that were kind enough to vote for him during the three preceding ballots.

30. The PRESIDENT (*interpretation from Spanish*): The Assembly has taken note of the statement of the representative of Madagascar, and we shall now proceed to the voting.

*At the invitation of the President, Mr. Kozubík (Czechoslovakia) and Mr. Cox (Grenada) acted as tellers.*

*A vote was taken by secret ballot.*

Number of ballot papers:	148
Invalid ballots:	0
Number of valid ballots:	148
Abstentions:	1
Number of members voting:	147
Required absolute majority:	77

*Number of votes obtained:*

Mr. Roberto Ago (Italy) . . . . .	84
Mr. H. W. Jayewardene (Sri Lanka) . . . . .	57
Mr. Léon Boissier Palun (Benin) . . . . .	6

31. The PRESIDENT (*interpretation from Spanish*): Since Mr. Roberto Ago has received the necessary majority, the following five candidates have now obtained the required

absolute majority in the General Assembly: Mr. Roberto Ago, Mr. Richard R. Baxter, Mr. Abdullah Ali El-Erian, Mr. Platon Dmitrievich Morozov and Mr. José Sette Câmara. I shall convey the result of the voting to the President of the Security Council.

32. I have received from the President of the Security Council the following letter:

“I have the honour to inform you that at the 2093rd meeting of the Security Council, held on 31 October 1978 for the purpose of electing members of the International Court of Justice to fill the five vacancies which will occur on 5 February 1979, the following candidates obtained an absolute majority of votes: Mr. Roberto Ago, Mr. Richard R. Baxter, Mr. Abdullah Ali El-Erian, Mr. Platon Dmitrievich Morozov, Mr. José Sette Câmara.”

*Having obtained the required absolute majority in elections held independently in the General Assembly and the Security Council, Mr. Roberto Ago (Italy), Mr. Richard R. Baxter (United States of America), Mr. Abdullah Ali El-Erian (Egypt), Mr. Platon Dmitrievich Morozov (Union of Soviet Socialist Republics) and Mr. José Sette Câmara (Brazil) were elected members of the International Court of Justice for a nine-year term beginning on 6 February 1979 (decision 33/305).*

33. The PRESIDENT (*interpretation from Spanish*): I therefore declare these candidates duly elected members of the International Court of Justice and I take this opportunity to extend to them the congratulations of the Assembly.

*The meeting rose at 7.05 p.m.*