



General Assembly

Sixty-sixth session

53rd plenary meeting

Thursday, 10 November 2011, 10 a.m.
New York

Official Records

President: Mr. Al-Nasser (Qatar)

The meeting was called to order at 10.15 a.m.

Agenda item 113 (continued)

Election to fill vacancies in principal organs

(c) Election of five members of the International Court of Justice

Memorandum by the Secretary-General (A/66/182)

List of candidates (A/66/183)

Curricula vitae (A/66/184)

The President (*spoke in Arabic*): This morning, the General Assembly will proceed to the election of five members of the International Court of Justice for a nine-year term of office commencing on 6 February 2012. The terms of office of the following judges expire on 5 February 2012: Ms. Xue Hanqin (China), Mr. Abdul G. Koroma (Sierra Leone), Mr. Hisashi Owada (Japan), Mr. Bruno Simma (Germany) and Mr. Peter Tomka (Slovakia).

I should like to draw the attention of the General Assembly to the following documents relating to this election. Document A/66/182 contains a memorandum by the Secretary-General on the current composition of the Court and on the procedures to be followed in the General Assembly and the Security Council with regard to the election. Document A/66/183 contains the list of candidates nominated by national groups. And document A/66/184 contains the curriculum vitae of the candidates nominated by national groups.

In that connection, the Legal Counsel has informed me that, after the established deadline for nominating candidates, the following additional submissions were received from several national groups, all of which relate to the candidates already nominated by other national groups appearing in documents A/66/182, A/66/183 and A/66/184: Tsvetana Kamenova (Bulgaria) has been nominated also by the national group of Malta; Abdul G. Koroma (Sierra Leone) has been nominated also by the national group of Malta; Mr. Hisashi Owada (Japan) has been nominated also by the national groups of Colombia, the Democratic Republic of the Congo, El Salvador, India, Liechtenstein, Malta and Romania; Julia Sebutinde (Uganda) has been nominated also by the national group Romania; Peter Tomka (Slovakia) has been nominated also by the national groups of Liechtenstein and Romania; and Xue Hanqin (China) has been nominated also by the national groups of India, Liechtenstein and Romania.

This election will be held in accordance with the Statute of the Court, in particular Articles 2 to 4 and 7 to 12, as well as rules 150 and 151 of the Assembly's rules of procedure.

I should like to confirm that, at this time, the General Assembly and the Security Council will proceed, independently of one another, to elect five members of the Court to fill the vacancies in accordance with Article 8 of the Statute. According to Article 2 of the Statute, members of the Court are to be elected, regardless of their nationality, from among persons of high moral character who possess the

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qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law. Article 9 requires electors to bear in mind not only that the person to be elected should individually possess the qualifications required, but also that, in the body as a whole, the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

In accordance with Article 10, paragraph 1, of the Statute of the Court, those candidates who obtain an absolute majority of votes both in the General Assembly and in the Security Council shall be considered as elected. The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all electors, whether or not they vote or are allowed to vote. The electors in the General Assembly are all 193 Member States. Accordingly, for the present election, 97 votes constitute an absolute majority in the General Assembly.

The electors in the General Assembly will indicate the candidates for whom they wish to vote by placing crosses against their names on the ballot papers. Each elector may vote for not more than five candidates on the first ballot and, on subsequent ballots, if any, for five less the number of candidates who have already obtained absolute majorities.

At the 915th plenary meeting of the General Assembly, on 16 November 1960, a procedural discussion was held as to whether rule 94 — then rule 96 — of the rules of procedure of the Assembly should be applied in elections to the International Court of Justice. That rule lays down a procedure for restricted ballots in the event that, after the first ballot, the requisite number of candidates have not obtained the required majority. By 47 votes to 27, with 25 abstentions, the Assembly decided that the rule did not apply to elections to the Court and proceeded to elect the requisite number of candidates by a series of unrestricted ballots. That decision has been followed consistently.

Accordingly, pursuant to rule 151 of the rules of procedure of the Assembly, if in the first ballot the number of candidates obtaining an absolute majority is less than five, a second ballot will be held and balloting will continue at the same meeting until five candidates have obtained the required majority. Only

when five candidates have obtained the required majority in the Assembly will the President of the Assembly notify the President of the Security Council of the names of the five candidates. Accordingly to Article 11 of the Statute, if, upon comparison of the respective lists of names that have obtained an absolute majority in the General Assembly and in the Security Council, fewer than five candidates have been thus elected, the Assembly and the Council will proceed, again independently of one another, at a second meeting — and, if necessary, a third meeting — to elect candidates by further ballots for seats remaining vacant, the results again being compared after the required number of candidates have obtained an absolute majority in each organ.

May I take it that the General Assembly agrees to those procedures at this election?

It was so decided.

The President (*spoke in Arabic*): I should like to remind representatives that, pursuant to rule 88 of the rules of procedure,

"After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting."

Any announcements, including those concerning withdrawals of candidatures, should therefore be made prior to the commencement of the voting process, that is to say, before the announcement of the beginning of the voting process.

I should like to seek the usual cooperation of representatives during the time of the conduct of the election. Please be reminded that during the voting process, all campaigning should cease in the General Assembly Hall. That means in particular that once the election has begun, no more campaign material can be distributed inside the Hall. All representatives are also requested to remain at their seats so that the voting process can proceed in an orderly manner. I thank members for their cooperation.

We shall now begin the voting process. Ballot papers will now be distributed.

Ballot papers will only be given to the representatives seated directly behind country name plates. Representatives are requested to use only the ballot papers now being distributed. Only those

candidates whose names appear on the ballot papers are eligible. Representatives will indicate the five candidates for whom they wish to vote by placing crosses to the left of their names on the ballot papers. Ballot papers on which more than five names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Ms. Bonkougou (Burkina Faso), Ms. Shiolashvili (Georgia), Ms. Mannion (Ireland), Mrs. Azmee (Malaysia), Ms. Martínez (Mexico) and Ms. Kloeg (Netherlands) acted as tellers.

A vote was taken by secret ballot.

Ms. Kamara (Liberia), Vice-President, took the Chair.

The meeting was suspended at 10.35 a.m. and resumed at 11.40 a.m.

The Acting President: The result of the voting is as follows:

Number of ballot papers:	192
Number of invalid ballots:	0
Number of valid ballots:	192
Abstentions:	0
Number of members voting:	192
Required absolute majority:	97
Number of votes obtained:	
Mr. Hisashi Owada (Japan)	170
Mr. Giorgio Gaja (Italy)	164
Ms. Xue Hanqin (China)	162
Mr. Peter Tomka (Slovakia)	149
Ms. Julia Sebutinde (Uganda)	109
Mr. Abdul G. Koroma (Sierra Leone)	88
Ms. Tsvetana Kamenova (Bulgaria)	73
El Hadji Mansour Tall (Senegal)	38

The following five candidates have obtained an absolute majority in the General Assembly: Mr. Giorgio Gaja, Mr. Hisashi Owada, Ms. Julia Sebutinde, Mr. Peter Tomka and Ms. Xue Hanqin.

I have communicated the result of the voting to the President of the Security Council.

I have also received a letter from the President of the Security Council, which reads:

“I have the honour to inform you that at the 6651st meeting of the Security Council, held on 10 November 2011, for the purpose of electing five members of the International Court of Justice for a term of office beginning on 6 February 2012, Mr. Giorgio Gaja, Mr. Abdul G. Koroma, Mr. Hisashi Owada, Mr. Peter Tomka and Ms. Xue Hanqin obtained an absolute majority of votes.”

As a result of the independent voting in the Security Council and in the General Assembly, the following four candidates have obtained an absolute majority in both organs: Mr. Giorgio Gaja, Mr. Hisashi Owada, Mr. Peter Tomka and Ms. Xue Hanqin. They are therefore duly elected members of the International Court of Justice to serve for a nine-year term commencing on 6 February 2012. I should like to take this opportunity to extend to them the congratulations of the Assembly on their election.

In accordance with the provisions of Article 11 of the Statute of the Court, it will be necessary to hold another meeting to fill the remaining vacancy.

I propose that the present meeting should be adjourned and that the 54th meeting should be held immediately to vote on the remaining vacancy.

The meeting rose at 11.45 a.m.