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GENERAL
ASSEMBLY

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PLENARY MEETING

Monday, 17 November 1975,
at 10.55 a.m.

NEW YORK

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President: Mr. Gaston THORN
(Luxembourg).

In the absence of the President, Mr. Alzamora (Peru), Vice-President, took the Chair.

AGENDA ITEM 17

Election of five members of the International Court of Justice (*concluded*)*

1. The **PRESIDENT** (*interpretation from Spanish*): The General Assembly will proceed to the election of five members of the International Court of Justice in order to fill the vacancies which will occur on 5 February 1976, when the terms of office of the following Judges expire: Mr. Manfred Lachs, Mr. Fouad Ammoun, Mr. Cesar Bengzon, Mr. Sture Petren and Mr. Charles D. Onyeama. In connexion with the election, we should like to bring some matters to the attention of members of the General 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 3 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."

4. 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.

5. Finally, I should like to draw the attention of members of the Assembly to the documents relating to the election. The list of candidates who have been nominated by national groups is to be found in document A/10182/Rev.1-S/11802/Rev.1. Addendum 1 to that document contains the additional information that

the national group of Ghana has withdrawn the candidature of Mr. Patrick Dankwa Anim. His name, nevertheless, remains on the list, as he has been nominated by another national group. Addendum 2 to the same document contains a communication in which Mr. Stephan Verosta indicates that he does not wish to be considered as a candidate.

6. The *curriculum vitae* of each candidate is given in document A/10183-S/11803. The Assembly also has before it document A/10181-S/11801, 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.

7. 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 General Assembly, 74 votes constitute an absolute majority.

8. Representatives are requested to use only the ballot papers now being distributed and to place a cross 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.

9. 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.

10. 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.

11. I know that 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. Prandler (Hungary) and Mr. López Bassols (Mexico) acted as tellers.

A vote was taken by secret ballot.

<i>Number of ballot papers:</i>	141
<i>Number of invalid ballots:</i>	1
<i>Number of valid ballots:</i>	140
<i>Abstentions:</i>	0
<i>Number of Members voting:</i>	140
<i>Required absolute majority:</i>	74

<i>Number of votes obtained:</i>	
Mr. Manfred Lachs (Poland)	102
Mr. Shigeru Oda (Japan)	80
Mr. Salah El Dine Tarazi (Syrian Arab Republic)	77
Mr. Taslim Olawale Elias (Nigeria) ..	67
Mr. Abdul Hakim Tabibi (Afghanistan)	63
Mr. Hermann Mosler (Federal Republic of Germany)	51

* Resumed from the 2393rd meeting.

Mr. Edvard Hambro (Norway)	41
Mr. Thusew Samuel Fernando (Sri Lanka)	35
Mr. Rocheforte L. Weeks (Liberia) ..	28
Mr. Eero Johannes Manner (Finland)	25
Mr. Sture Petré (Sweden)	19
Mr. Mugo Waiyaki (Kenya)	15
Mr. Rudolf Bindschedler (Switzerland)	14
Mr. Ambrosio Alvarez Aybar (Dominican Republic)	11
Mr. Charles D. Onyeama (Nigeria) ...	9
Mr. Patrick Dankwa Anim (Ghana) ..	5
Mr. Ramón Ruiz Tejada (Dominican Republic)	3

12. The PRESIDENT (*interpretation from Spanish*): The following three candidates have obtained an absolute majority in the General Assembly: Mr. Manfred Lachs, Mr. Shigeru Oda and Mr. Salah El Dine Tarazi.

13. The Assembly will have to vote again, by unrestricted ballot, to fill the two remaining vacancies.

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

15. Before proceeding to the second vote, I should like to read the note which I have just received from the Permanent Mission of the Dominican Republic to the United Nations:

“The Permanent Mission of the Dominican Republic to the United Nations presents its compliments to the Secretary-General and has the honour to inform him that, with regard to its letter dated 31 July of this year, it has been decided to withdraw the candidacies of Mr. Ramón Ruiz Tejada and Mr. Ambrosio Alvarez Aybar for election to the membership of the International Court of Justice, reserving the right to submit these same candidacies at another session.”

16. I call on the representative of Switzerland.

17. Mr. MARCUARD (Switzerland) (*interpretation from French*): I should like to ask the Assembly to note the fact that the Government of Switzerland withdraws the candidacy of Mr. Rudolf Bindschedler.

18. The PRESIDENT (*interpretation from Spanish*): I call on the representative of Ghana.

19. Mr. VANDERPUYE (Ghana): I understand that the Ghanaian candidate has withdrawn, and I should like this to be noted.

20. The PRESIDENT (*interpretation from Spanish*): Although the candidacies should have been withdrawn formally by the national groups, the Assembly takes note of the statements just made.

21. Consequently, although the names of Mr. Alvarez Aybar, Mr. Anim, Mr. Bindschedler and Mr. Ruiz Tejada appear on the new ballot papers, they are not to be considered in the vote which is to be held.

22. I would again remind delegations that the names of only two candidates are to be marked with a cross. Any ballot papers with more than two names marked will be invalid.

At the invitation of the President, Mr. Prandler (Hungary) and Mr. López Bassols (Mexico) acted as tellers.

A vote was taken by secret ballot.

<i>Number of ballot papers:</i>	145
<i>Number of invalid ballots:</i>	2
<i>Number of valid ballots:</i>	143
<i>Abstentions:</i>	0
<i>Number of members voting:</i>	143
<i>Required absolute majority:</i>	74
<i>Number of votes obtained:</i>	
Mr. Taslim Olawale Elias (Nigeria) ..	87
Mr. Hermann Mosler (Federal Republic of Germany)	58
Mr. Edvard Hambro (Norway)	43
Mr. Abdul Hakim Tabibi (Afghanistan)	39
Mr. Mugo Waiyaki (Kenya)	13
Mr. Rocheforte L. Weeks (Liberia) ..	13
Mr. Eero Johannes Manner (Finland)	7
Mr. Sture Petré (Sweden)	7
Mr. Thusew Samuel Fernando (Sri Lanka)	6
Mr. Charles D. Onyeama (Nigeria) ...	5

23. The PRESIDENT (*interpretation from Spanish*): Consequently, Mr. Taslim Olawale Elias has obtained the necessary absolute majority in the General Assembly. The Assembly will now have to proceed to another unrestricted ballot for the remaining vacancy. Only those candidates whose names appear on the ballot papers are eligible. Any ballot paper on which more than one name is marked will be considered invalid.

At the invitation of the President, Mr. Prandler (Hungary) and Mr. López Bassols (Mexico) acted as tellers.

A vote was taken by secret ballot.

<i>Number of ballot papers:</i>	141
<i>Number of invalid ballots:</i>	2
<i>Number of valid ballots:</i>	139
<i>Abstentions:</i>	0
<i>Number of members voting:</i>	139
<i>Required absolute majority:</i>	74
<i>Number of votes obtained:</i>	
Mr. Hermann Mosler (Federal Republic of Germany)	66
Mr. Edvard Hambro (Norway)	30
Mr. Abdul Hakim Tabibi (Afghanistan)	27
Mr. Sture Petré (Sweden)	6
Mr. Rocheforte L. Weeks (Liberia) ..	4
Mr. Eero Johannes Manner (Finland)	3
Mr. Thusew Samuel Fernando (Sri Lanka)	2
Mr. Mugo Waiyaki (Kenya)	1

24. The PRESIDENT (*interpretation from Spanish*): None of the candidates has obtained the necessary absolute majority. Therefore the Assembly will be obliged to vote once again.

The meeting was suspended at 1.35 p.m. and resumed at 3.55 p.m.

25. The PRESIDENT (*interpretation from Spanish*): I would remind representatives that this morning the third vote was inconclusive and no candidate obtained the necessary absolute majority. We will accordingly proceed to the fourth vote by unrestricted ballot to fill the vacancy.

26. Before we proceed to the vote, I have been asked to announce to the Assembly that the national group of Liberia has decided to withdraw the candidacy of Mr. Rocheforte L. Weeks, reserving its right to submit this nomination at the next election.

27. Mr. RYDBECK (Sweden): I should like to announce that my Government has decided not to press for the election of Mr. Sture Petrén to the International Court of Justice.

28. Mr. VRAALSEN (Norway): My delegation has communicated to Mr. Hambro, in Geneva, the results of the balloting which has so far taken place. After having carefully considered the matter, Mr. Hambro has asked me to inform the Assembly that in view of the voting this morning he has decided to withdraw his candidature for election to the International Court of Justice. He has asked me to express his appreciation to those Members of the Assembly which have actively supported his candidature, as well as to those national groups which considered him worthy of nomination for election to the International Court of Justice.

29. The PRESIDENT (*interpretation from Spanish*): Members of the Assembly, although the names of Mr. Weeks, Mr. Petrén and Mr. Hambro are on the ballot papers that have been distributed, I would ask you to take into account, for the purposes of the vote, the statements that have just been made.

30. The voting, as before, will be by secret ballot. I would remind delegations that the name of only one candidate should be marked with a cross and that any ballot paper on which more than one name is marked will be invalid.

At the invitation of the President, Mr. Prandler (Hungary) and Mr. López Bassols (Mexico) acted as tellers.

A vote was taken by secret ballot.

<i>Number of ballot papers:</i>	141
<i>Number of invalid ballots:</i>	1
<i>Number of valid ballots:</i>	140
<i>Abstentions:</i>	1

<i>Number of Members voting:</i>	139
<i>Required absolute majority:</i>	74

Number of votes obtained:

Mr. Hermann Mosler (Federal Republic of Germany)	78
Mr. Abdul Hakim Tabibi (Afghanistan)	39
Mr. Eero Johannes Manner (Finland)	18
Mr. Thusew Samuel Fernando (Sri Lanka)	2
Mr. Mugo Waiyaki (Kenya)	2

31. The PRESIDENT (*interpretation from Spanish*): Mr. Hermann Mosler has accordingly received the required absolute majority in the General Assembly.

32. The five following candidates have now received the absolute majority required in the General Assembly: Mr. Manfred Lachs, Mr. Shigeru Oda, Mr. Salah El Dine Tarazi, Mr. Taslim Olawale Elias and Mr. Hermann Mosler.

33. I have conveyed the results of the vote to the President of the Security Council and I have received the following letter from him:

"I have the honour to inform you that at the 1855th meeting of the Security Council, held today, 17 November 1975, for the purpose of electing members of the International Court of Justice to fill the five vacancies which will occur on 5 February 1976, the following candidates obtained an absolute majority of votes: Mr. Taslim Olawale Elias, Mr. Manfred Lachs, Mr. Hermann Mosler, Mr. Shigeru Oda and Mr. Salah El Dine Tarazi."

34. As a result of the voting which has taken place independently in the General Assembly and in the Security Council, the following candidates, having received the necessary majority in both bodies, are elected members of the International Court of Justice: Mr. Taslim Olawale Elias, Mr. Manfred Lachs, Mr. Hermann Mosler, Mr. Shigeru Oda and Mr. Salah El Dine Tarazi.

35. 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 4.40 p.m.