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President: Mr. Stanisław TREPCZYŃSKI (Poland).

AGENDA ITEM 18

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

1. The PRESIDENT (*interpretation from French*): 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 1973, when the terms of office of the following Judges expire: Sir Muhammad Zafrulla Khan, Sir Gerald Fitzmaurice, Mr. Luis Padilla Nervo, Mr. Isaac Forster and Mr. André Gros. In connexion with the election, I should like to bring some matters to the attention of the members of the General Assembly.

2. Firstly, 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 within the required time is to be found in document A/8745. Addenda 1 to 5 to that document contain additional information regarding the candidates on the list, including the withdrawal of the candidatures of Professor Holguín, Sir Muhammad Zafrulla Khan, Mr. El-Erian and Mr. Ago. The list of candidates will also be found in document A/8745/Add.6.

5. The *curriculum vitae* of each candidate is given in document A/8756. The Assembly also has before it document A/8744 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.

6. 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 as elected." In the General Assembly, 68 votes constitute an absolute majority.

7. 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. Any ballot paper on which more than five names are marked will be considered invalid.

8. The General Assembly will now proceed to a secret ballot, in accordance with rule 94 of the rules of procedure. I request representatives to remain in the hall until the result of the voting is announced. If on the first ballot five candidates do not obtain the required majority, it will be necessary to proceed to another ballot until all the vacancies are filled.

At the invitation of the President, Mr. Ceausu (Romania) and Mr. Gastli (Tunisia) acted as tellers.

A vote was taken by secret ballot.

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| <i>Number of ballot papers:</i> | 126 |
| <i>Number of invalid ballots:</i> | 0 |
| <i>Number of valid ballots:</i> | 126 |
| <i>Abstentions:</i> | 0 |
| <i>Number of Members voting:</i> | 126 |
| <i>Required absolute majority:</i> | 68 |

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| <i>Number of votes obtained:</i> | |
| Mr. Isaac Forster (Senegal) | 115 |
| Mr. Nagendra Singh (India) | 114 |
| Sir Humphrey Waldock (United Kingdom of Great Britain and Northern Ireland) | 109 |
| Mr. André Gros (France) | 107 |
| Mr. José María Ruda (Argentina) | 79 |
| Mr. Carlos García-Bauer (Guatemala) | 59 |
| Mr. Luis Padilla Nervo (Mexico) | 15 |
| Mr. Andrés Cordova (Ecuador) | 4 |

9. The PRESIDENT (*interpretation from French*): The following five candidates have obtained an absolute majority in the General Assembly: Mr. Isaac Forster, Mr. Nagendra Singh, Sir Humphrey Waldock, Mr. André Gros and

Mr. José María Ruda. I have communicated the result of the vote to the President of the Security Council.

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

“I have the honour to inform you that at the 1671st meeting of the Security Council, which was held today, 30 October 1972, for the purpose of electing five members of the International Court of Justice, the following five candidates obtained an absolute majority in the Security Council:

“Mr. Isaac Forster, Mr. André Gros, Mr. Nagendra Singh, Mr. José María Ruda, Sir Humphrey Waldock”.

11. As a result of the independent voting 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. Isaac Forster, Mr. André Gros, Mr. Nagendra Singh, Mr. José María Ruda and Sir Humphrey Waldock.

12. I therefore declare these candidates duly elected members of the International Court of Justice and I take the opportunity to extend to them the congratulations of the Assembly. I should also like to congratulate the members of the Assembly on having completed the voting on the first ballot.

The meeting rose at 11.45 a.m.