



General Assembly

Seventieth session

57th plenary meeting
 Wednesday, 18 November 2015, 11 a.m.
 New York

Official Records

President: Mr. Lykketoft (Denmark)

The meeting was called to order at 11.05 a.m.

Agenda item 113

Elections to fill vacancies in subsidiary organs and other elections

(f) Election of the United Nations High Commissioner for Refugees

Note by the Secretary-General (A/70/548)

The President: By its decision 59/420 of 27 May 2005, the General Assembly, on the proposal of the Secretary-General, elected Mr. António Manuel de Oliveira Guterres as United Nations High Commissioner for Refugees for a period of five years, beginning on 15 June 2005 and ending on 14 June 2010. By its decision 64/419 of 22 April 2010, the General Assembly, also on the proposal of the Secretary-General, re-elected Mr. Guterres as United Nations High Commissioner for Refugees for a period of five years beginning on 15 June 2010 and ending on 14 June 2015. Members will recall that by its decision 69/417 of 2 February 2015, the General Assembly, on the proposal of the Secretary-General, extended the term of Mr. Guterres until 31 December 2015.

Members will also recall that by paragraph 9 of resolution 58/153 of 22 December 2003, the General Assembly decided to remove the temporal limitation on the continuation of the Office of the High Commissioner contained in its resolution 57/186 and to continue the Office until the refugee problem is solved.

In his note contained in document A/70/548, the Secretary-General proposes that the General Assembly elect Mr. Filippo Grandi as United Nations High Commissioner for Refugees for a period of five years, beginning on 1 January 2016 and ending on 31 December 2020.

May I take it that the General Assembly decides to elect Mr. Filippo Grandi as United Nations High Commissioner for Refugees for a period of five years, beginning on 1 January 2016 and ending on 31 December 2020?

It was so decided.

The President: On behalf of the General Assembly, I congratulate Mr. Grandi on his election as United Nations High Commissioner for Refugees.

Mr. Liu Jieyi (China) (*spoke in Chinese*): On behalf of the Asia-Pacific Group of States, I am honoured to welcome and support the Secretary-General's nomination of Mr. Filippo Grandi as the new United Nations High Commissioner for Refugees.

I congratulate Mr. Grandi on being elected High Commissioner for Refugees and wish him success in his new position. We believe that Mr. Grandi will benefit from his extensive United Nations experience in the field of refugees as he fulfils his responsibilities as High Commissioner. Given the current complex refugee situation, the international community will greatly benefit from his leadership and deep knowledge of the issue of international refugees. We also believe that Mr. Grandi will maintain close communication and

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cooperation with Member States and take full care of other concerns.

The United Nations High Commissioner for Refugees is a critical part of the United Nations system and is mandated to protect refugees, returnees and stateless people. In that light, we look forward to working with Mr. Grandi in the future and we offer our Group's full support to you, Mr. President, and the United Nations High Commissioner for Refugees.

We would also like to express our utmost appreciation to Mr. António Manuel de Oliveira Guterres for his outstanding contributions during his tenure as United Nations High Commissioner for Refugees. On behalf of the Asia-Pacific Group, we would also like to offer him our best wishes for his future endeavours.

The President: I now give the floor the observer of the European Union.

Mr. Díaz Carazo (European Union): I have the honour to speak on behalf of the European Union (EU) and its member States.

The European Union warmly welcomes the election by the General Assembly of Mr. Filippo Grandi of Italy as the next United Nations High Commissioner for Refugees, pursuant to the proposal by the Secretary-General. Mr. Grandi's vast experience on matters related to forced displacement, be it as Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East or in his previous work for the Office of the United Nations High Commissioner for Refugees in the field, will be an invaluable asset for the Office of the High Commissioner. It is therefore with our greatest respect and support that we acknowledge the appointment of Mr. Grandi as the new High Commissioner.

The Office of the United Nations High Commissioner for Refugees plays a fundamental role in safeguarding the rights and well-being of refugees, stateless and other forcibly displaced populations. With 60 million people forcibly displaced worldwide due to simultaneous and large-scale humanitarian crises, the General Assembly has assigned Mr. Grandi the enormous task of promoting the voice of those that are usually the most vulnerable. In this regard, I would like to reassert the EU's and its member States' continuous staunch support for the Organization in the spirit of international cooperation and solidarity.

The European Union would also like to acknowledge the outstanding work of the High Commissioner António Guterres, whose unwavering personal commitment and strong leadership have helped address the protection and assistance needs of displaced persons globally over the past 10 years.

Ms. Al-Thani (Qatar) (*spoke in Arabic*): On behalf of the Gulf Cooperation Council, the United Arab Emirates, the Kingdom of Bahrain, the Sultanate of Oman, the State of Qatar, the State of Kuwait and Saudi Arabia, we congratulate Mr. Filippo Grandi on his appointment and election to succeed Mr. António Guterres as High Commissioner for Refugees.

At the outset, I would like to congratulate Mr. Guterres who, throughout his mandate over the past 10 years, has shown a high level of responsibility at a time when the world has experienced a very high number of refugees and a large number of refugee crises, particularly Syrian refugees, which is the greatest refugee crisis since the Second World War. Many crises have been going on for decades, including that of the Palestinian refugees. Mr. Guterres has mobilized the necessary efforts to bring assistance to millions of those who have been forced to leave their country. He consistently saw to meeting the needs and mitigating the suffering of these refugees.

In these extremely challenging circumstances, Mr. Grandi is assuming his responsibilities. Mr. Grandi is well known in the Organization and in our States. We have cooperated and collaborated with him when he was the Head of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which is the largest United Nations entity dealing with refugees. His work as a Commissioner-General of UNRWA and his other noble qualities put him in an excellent position at a time when the flow of refugees is a global challenge. These refugees are living in deplorable conditions, having been forced to leave their countries and risk their lives in order to have a better life.

The Gulf Cooperation Council consists of States which are among the primary ones to bring assistance to refugees and support the United Nations in this area. We will continue our cooperation and collaboration with Mr. Grandi and the Office of the United Nations High Commissioner for Refugees so that they can fulfil their noble mission.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (f) of agenda item 113?

It was so decided.

Agenda item 114 (continued)

Appointments to fill vacancies in subsidiary organs and other appointments

(g) Appointment of the judges of the United Nations Dispute Tribunal

Memorandum by the Secretary-General (A/70/538)

Report of the Internal Justice Council (A/70/190)

The President: As indicated in document A/70/538, the terms of office of one full-time judge of the Dispute Tribunal based in Nairobi, Judge Vinod Boolell; one full-time judge of the Dispute Tribunal based in Geneva, Judge Thomas Laker; and one half-time judge of the Dispute Tribunal, Judge Coral Shaw, are due to expire on 30 June 2016.

It is therefore necessary for the General Assembly during its current session to appoint a full-time judge based in Nairobi, a full-time judge based in Geneva and a half-time judge to the Dispute Tribunal, to fill the resulting vacancies. In accordance with paragraph 4 of article 4 of the statute of the United Nations Dispute Tribunal, the term of office of the full-time judges and the half-time judge will be seven years.

In its report to the General Assembly (A/70/190), the Internal Justice Council has recommended to the Assembly for its consideration two candidates each for the full-time vacancies in Nairobi and Geneva, respectively, and two candidates for the half-time vacancy. Also in its report, the Council has provided the names, by position, location and Tribunal, of candidates it considers suitable for election to the Dispute Tribunal.

The candidates recommended by the Council for appointment as a full-time judge in Nairobi are Agnieszka Klonowiecka-Milart (Poland) and Fredrick Indran X. A. Nicholas (Malaysia). The candidates recommended by the Council for appointment as a full-time judge in Geneva are Teresa Maria da Silva Bravo (Portugal) and Vincent Cador (France). The candidates recommended by the Council for appointment as a half-time judge are Alexander Hunter (United States of America) and Valérie Laemmel-Juillard (Switzerland).

The appointment of the two full-time judges and the half-time judge of the United Nations Dispute Tribunal will be made in accordance with the statute of the Dispute Tribunal and the rules of procedure of the General Assembly.

Article 4 of the statute of the United Nations Dispute Tribunal states that

“[t]he Dispute Tribunal shall be composed of three full-time judges and two half-time judges ... The judges shall be appointed by the General Assembly on the recommendation of the Internal Justice Council in accordance with Assembly resolution 62/228. No two judges shall be of the same nationality. Due regard shall be given to geographical distribution and gender balance”.

Paragraph 3 of article 4 of the statute of the Dispute Tribunal requires that, in order to be eligible for appointment, a person shall be of high moral character and possess at least 10 years of judicial experience in the field of administrative law or the equivalent within one or more national jurisdictions.

Paragraph 4 of article 4 of the statute of the Dispute Tribunal provides that

“A judge of the Dispute Tribunal shall be appointed for one non-renewable term of seven years. As a transitional measure, two of the judges (one full-time judge and one half-time judge) initially appointed ... shall serve three years and may be reappointed to the same Dispute Tribunal for a further non-renewable term of seven years. A current or former judge of the United Nations Appeals Tribunal shall not be eligible to serve in the Dispute Tribunal”.

In document A/70/538, it is proposed that the General Assembly proceed to appoint the full-time judges in Nairobi and in Geneva and the half-time judge of the Dispute Tribunal through an election, bearing in mind paragraph 58 of resolution 63/253, in which the Assembly invited Member States, when electing judges to the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, to take due consideration of geographical distribution and gender balance.

Only those candidates recommended by the Internal Justice Council whose names appear in document A/70/538 are eligible for election. The electors in the General Assembly will indicate the candidates for whom they wish to vote by placing an “X” against each name

on the ballot papers. Electors may vote for not more than one candidate each for the full-time appointments in Geneva and Nairobi, and one candidate for the half-time appointment.

Those candidates who obtain the highest number of votes and a majority of votes in the General Assembly of the members present and voting will be considered as elected and thereby appointed by the Assembly to the Dispute Tribunal. Balloting shall continue in accordance with the rules of procedure until as many candidates as are required for the full-time and half-time seats on the Dispute Tribunal to be filled have obtained, in one or more ballots, a majority of votes of the members present and voting.

May I take it that the Assembly agrees to these procedures?

It was so decided.

The President: The General Assembly will now proceed to the election of two full-time judges, one in Geneva and one in Nairobi, and one half-time judge of the United Nations Dispute Tribunal, using the voting procedures just outlined.

The election will be held in accordance with the relevant rules of procedure of the General Assembly. Therefore, in accordance with rule 92 of the rules of procedure, the election shall be held by secret ballot and there shall be no nominations. Again, I should like to repeat that the two full-time seats on the Dispute Tribunal are distributed among two locations of the Tribunal, namely, Geneva and Nairobi. The ballot papers reflect this pattern. A ballot will be declared invalid if more than one name is marked for the full-time appointment to a given location of the Dispute Tribunal or for the half-time appointment to the Tribunal.

Before we begin the voting process, I would like to remind members that pursuant to rule 88 of the rules of procedure of the General Assembly, no representative shall interrupt the voting except on a point of order on the actual conduct of the voting. In addition, ballot papers will only be given to the delegate seated directly behind the country's nameplate.

We shall now begin the voting process. Members are requested to remain seated until all ballots have been collected.

At the invitation of the President, Mr. Garrido (Chile), Mr. Ben-Ezra (Israel), Ms. Jazukevičiūtė

(Lithuania), Mr. Ammar (Pakistan), Ms. Mokwar (Sudan) and Mr. Pyvovarov (Ukraine) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 11.35 a.m. and resumed at 12.30 p.m.

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

Full-time judge (Geneva):

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| Number of ballot papers: | 186 |
| Number of invalid ballots: | 1 |
| Number of valid ballots: | 185 |
| Abstentions: | 2 |
| Number of members voting: | 183 |
| Required majority: | 92 |
| Number of individual votes obtained: | |
| Ms. Teresa Maria da Silva Bravo (Portugal) | 93 |
| Mr. Vincent Cador (France) | 90 |

Full-time judge (Nairobi):

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|---|-----|
| Number of ballot papers: | 186 |
| Number of invalid ballots: | 0 |
| Number of valid ballots: | 186 |
| Abstentions: | 1 |
| Number of members voting: | 185 |
| Required majority: | 93 |
| Number of individual votes obtained: | |
| Ms. Agnieszka Klonowiecka-Milart (Poland) | 120 |
| Mr. Fredrick Indran X. A. Nicholas (Malaysia) | 65 |

Half-time judge:

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| Number of ballot papers: | 186 |
| Number of invalid ballots: | 0 |
| Number of valid ballots: | 186 |
| Abstentions: | 6 |
| Number of members voting: | 180 |
| Required majority: | 91 |
| Number of individual votes obtained: | |
| Mr. Alexander Hunter, Jr. (United States of America) | 104 |
| Ms. Valérie Laemmel-Juillard (Switzerland) | 76 |

Having obtained the required majority of members present and voting and the largest number of votes, Ms. Teresa Maria da Silva Bravo (Portugal) was elected a full-time judge of the United Nations Dispute Tribunal in Geneva; Ms. Agnieszka Klonowiecka-Milart (Poland) was elected a full-time judge of the United Nations Dispute Tribunal in Nairobi; and Mr. Alexander Hunter, Jr. (United

States of America) was elected a half-time judge of the United Nations Dispute Tribunal, for terms of office beginning on 1 July 2016 and ending on 30 June 2023.

The President: I take this opportunity to extend to those who have been elected the congratulations of the Assembly and to thank the tellers for their assistance in this election.

May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (g) of agenda item 114?

It was so decided.

(h) Appointment of the judges of the United Nations Appeals Tribunal

Memorandum by the Secretary-General (A/70/538)

Report of the Internal Justice Council (A/70/190)

The President: As indicated in document A/70/538, since the terms of office of four judges, namely, Judges Inés Weinberg de Roca, Luis María Simón, Sophia Adinyira and Mary Faherty are due to expire on 30 June 2016, it will be necessary during the current session for the General Assembly to appoint four judges to the Appeals Tribunal to fill the resulting vacancies. In accordance with paragraph 4 of article 3 of the statute, the term of office of the judges will be seven years, beginning 1 July 2016.

As also indicated in document A/70/538, in accordance with paragraph 2 of article 3 of the statute of the Appeals Tribunal, the

“judges shall be appointed by the General Assembly on the recommendation of the Internal Justice Council in accordance with General Assembly resolution 62/228. No two judges shall be of the same nationality”.

The names of the candidates recommended for appointment to the Appeals Tribunal are contained in document A/70/538 and their profiles are contained in document A/70/190. In order to be eligible for appointment, paragraph 3 of article 3 of the statute of the Appeals Tribunal requires that a person be of high moral character and possess at least 15 years of judicial experience in the field of administrative law, employment law or the equivalent within one or more national jurisdictions.

In document A/70/538, it is proposed that the General Assembly proceed to appoint the judges of the Appeals Tribunal by way of an election, bearing in mind paragraph 58 of General Assembly resolution 63/253, in which the Assembly invited Member States when electing judges to the United Nations Dispute Tribunal and the United Nations Appeals Tribunal to take due consideration of geographical distribution and gender balance.

If there is no objection, may I take it that the General Assembly agrees to the proposal?

It was so decided.

The President: The candidates who obtain the highest number of votes and a majority of the votes of those present and voting, shall be considered elected and thereby appointed by the Assembly to the Appeals Tribunal. Also, balloting shall continue, in accordance with the rules of procedure of the General Assembly, until as many candidates as are required for the seats on the Appeals Tribunal to be filled have obtained, in one or more ballots, a majority of votes of the members present and voting. Also, consistent with past practice, in case, due to a tied vote, it becomes necessary to determine the candidate to be elected or who will proceed to the next round of restricted balloting, there will be a special restricted ballot limited to those candidates who have obtained an equal number of votes.

May I take it that the General Assembly agrees to these procedures?

It was so decided.

The President: The General Assembly will now proceed to the election of the four judges of the United Nations Appeals Tribunal. Only those candidates whose names appear on the ballot papers are eligible for election. Representatives are requested to indicate the candidates for whom they wish to vote by placing an “X” against their names on the ballot papers. Each representative may vote for not more than four candidates for appointment to the Appeals Tribunal. A ballot will be declared invalid if more than four names are marked on the ballot. The election will be held in accordance with the relevant rules of procedure of the General Assembly. Therefore, in accordance with rule 92 of the rules of procedure, the election shall be held by secret ballot and there shall be no nominations.

Before we begin the voting process, I should like to remind members that pursuant to rule 88 of the rules of

procedure of the General Assembly, no representative shall interrupt the voting except on a point of order on the actual conduct of the voting. In addition, ballot papers will only be given to the representative seated directly behind the country's nameplate.

We shall now begin the voting process. Members are requested to remain seated until all ballots have been collected.

At the invitation of the President, Mr. Garrido (Chile), Mr. Ben-Ezra (Israel), Ms. Jazukevičiūtė (Lithuania), Mr. Ammar (Pakistan), Ms. Mokwar (Sudan) and Mr. Pyvovarov (Ukraine) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 12.45 p.m. and resumed at 1.15 p.m.

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

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| Number of ballot papers: | 183 |
| Number of invalid ballots: | 0 |
| Number of valid ballots: | 183 |
| Abstentions: | 1 |
| Number of members voting: | 182 |
| Required majority: | 92 |
| Number of individual votes obtained: | |
| Ms. Martha Halfeld Furtado De Mendonça | |

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|---|-----|
| Schmidt (Brazil) | 148 |
| Mr. John Raymond Murphy (South Africa) | 124 |
| Ms. Sabine Knierim (Germany) | 103 |
| Mr. Dimitrios Raikos (Greece) | 93 |
| Ms. Joëlle Adda (France) | 84 |
| Mr. Boštjan Zalar (Slovenia) | 65 |
| Ms. Constance Darlene Hunt (Canada) | 51 |
| Ms. Fiona Monk (United Kingdom of Great Britain and Northern Ireland) | 45 |

Having obtained the required majority and the largest number of votes, Ms. Martha Halfeld Furtado De Mendonça Schmidt (Brazil), Mr. John Raymond Murphy (South Africa), Ms. Sabine Knierim (Germany) and Mr. Dimitrios Raikos (Greece) were elected judges of the United Nations Appeals Tribunal for a term of office beginning on 1 July 2016 and ending on 30 June 2023.

The President: I take this opportunity to extend to those who have been elected the congratulations of the Assembly and to thank the tellers for their assistance in this election.

May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (h) of agenda item 114?

It was so decided.

The meeting rose at 1.20 p.m.