



Security Council

Seventy-eighth year

9471st meeting

Thursday, 9 November 2023, 10 a.m.

New York

Provisional

President: Mr. Zhang Jun (China)

Members:

Albania	Ms. Dautllari
Brazil	Mr. França Danese
Ecuador	Mr. Montalvo Sosa
France	Mrs. Dime Labille
Gabon	Ms. Oye
Ghana	Mr. Korbieh
Japan	Mr. Ishikane
Malta	Mrs. Frazier
Mozambique	Mr. Afonso
Russian Federation	Mr. Nebenzia
Switzerland	Mrs. Baeriswyl
United Arab Emirates	Mrs. Nusseibeh
United Kingdom of Great Britain and Northern Ireland	Mr. Wickremasinghe
United States of America	Mr. Wood

Agenda

Election of five members of the International Court of Justice (S/2023/445, S/2023/446 and S/2023/447)

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Election of five members of the International Court of Justice (S/2023/445, S/2023/446 and S/2023/447)

The President (*spoke in Chinese*): The Security Council will now proceed to the election of five members of the International Court of Justice, in accordance with Articles 2 to 4 and 7 to 12 of the Statute of the International Court of Justice and rules 40 and 61 of the provisional rules of procedure of the Security Council, to fill the five seats that will become vacant upon the expiry of the terms of the following Judges on 5 February 2024: Judge Mohamed Bennouna (Morocco), Judge Hilary Charlesworth (Australia), Judge Joan E. Donoghue (United States of America), Judge Kirill Gevorgian (Russian Federation) and Judge Patrick Lipton Robinson (Jamaica).

The nominated candidates are as follows: Bogdan-Lucian Aurescu (Romania), Chaloka Beyani (Zambia), Hilary Charlesworth (Australia), Sarah Hull Cleveland (United States of America), Ahmed Amin Fathalla (Egypt), Kirill Gevorgian (Russian Federation), Juan Manuel Gómez Robledo Verduzco (Mexico), Antoine Kesia-Mbe Mindua (Democratic Republic of the Congo) and Dire Tladi (South Africa). The list of candidates, indicating the national groups by which each candidate was nominated, is contained in document S/2023/446.

I should like to inform members of the Council that I have received a letter addressed to me by the Legal Counsel, dated 8 November 2023, informing me, on behalf of the Secretary-General, that after the established deadline for nominating candidates, namely, 29 June 2023, seven national groups submitted nominations to the Secretariat.

I should like to draw the Council's attention to the fact that the additional nominations relate to candidates already nominated by other national groups and whose names therefore already appear in document S/2023/446.

The Legal Counsel recommended that, in accordance with established practice, I inform Council members orally on the day of the election about the decisions of the aforementioned national groups. I am also informed

that the Legal Counsel made a similar recommendation to the President of the General Assembly.

The nominations of the aforementioned national groups are as follows: for Bogdan-Lucian Aurescu, New Zealand; for Chaloka Beyani, Morocco; for Hilary Charlesworth, Albania and the Philippines; for Sarah Hull Cleveland, Albania, Costa Rica, Paraguay, the Philippines and Spain; for Ahmed Amid Fathalla, Morocco; and for Antoine Kesia-Mbe Mindua, Morocco and Spain.

The Security Council has before it a memorandum by the Secretary-General, contained in document S/2023/445, describing the present composition of the Court and setting out the procedure to be followed in the conduct of the election. I should like to remind the Council that, under Article 10, paragraph 1, of the Statute of the International Court of Justice,

“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 required majority in the Security Council is eight votes.

If, in the first ballot, the number of candidates obtaining an absolute majority is less than five, then pursuant to rule 61 of the provisional rules of procedure of the Security Council, the Council will proceed to a second ballot on the remaining vacancies. Balloting will continue in the same manner until five candidates have obtained the required majority of votes.

If, on the other hand, more than five candidates obtain the required majority, according to established practice and as set forth in paragraph 16 of the Secretary-General's memorandum, a new vote will be held on all the candidates.

This rule will also apply to any subsequent ballots, if the number of candidates obtaining the absolute majority is greater than the number of vacancies remaining.

The voting will be held by secret ballot. When we proceed to the voting, members of the Council will receive a ballot containing the names of all the candidates. No withdrawal will be accepted once the Council has commenced the voting process. However, it will be possible to withdraw between ballots.

Members of the Council will be requested to place an “X” in the box next to the names of the candidates for

whom they wish to vote. Only those candidates whose names appear on the ballot are eligible for election.

I should like to remind members of paragraph 12 of the Secretary-General's memorandum (S/2023/445), which specifies that "[e]ach elector may vote for not more than five candidates on the first ballot". Any ballot paper containing votes for more than five candidates will be considered invalid. A blank ballot paper will be considered an abstention. If a ballot paper contains any notation other than the votes in favour of eligible candidates, those notations will be disregarded.

I should like to inform Council members that, in accordance with established practice, the votes cast in the Security Council will not be counted until it has been verified that the ballot papers in the General Assembly have been collected. The Council will remain in session pending the receipt of that information.

Only when five candidates have obtained the required majority of votes in the Security Council will I communicate the result to the President of the General Assembly. I will request the Council to remain in session the receipt from the President of the General Assembly of the result of the voting in the Assembly.

The Council will now proceed to draw lots to select two delegations to serve as tellers. According to established practice, the delegations of the Russian Federation and the United States will not be considered to serve as tellers because candidates of their nationalities have been nominated.

The names of the delegations of Japan and Switzerland have been drawn. I request each of them to appoint one of their members to serve as teller.

At the invitation of the President, Mr. Maeda (Japan) and Mr. Crettex (Switzerland) acted as tellers.

The President (*spoke in Chinese*): May I take it that the Council is now ready to proceed with the election of five members of the International Court of Justice?

It is so decided.

I am informed that the General Assembly is now ready to proceed with the voting process.

I request the Conference Officer to distribute the ballot papers.

Members of the Council should place an "X" in the boxes next to the names of the five candidates for whom they wish to vote.

I take it that all members of the Council have now voted. I ask the Conference Officer to collect the ballot papers.

* * *

The President (*spoke in Chinese*): All the ballot papers have been collected.

I should like to remind Council members that, in accordance with established practice, the votes will not be counted until it has been verified that the ballot papers in the General Assembly have been collected.

* * *

The President (*spoke in Chinese*): I have been informed that the ballot papers have been collected in the General Assembly. The counting of the votes in the Security Council will now begin.

The tellers will now count the votes. As per practice, there will be two independent counts of the votes, one by each teller.

I should like to remind Council members that, in accordance with established practice, I will wait for the General Assembly to complete its count before I announce the results of the voting in the Security Council.

* * *

The President (*spoke in Chinese*): The result of the voting is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Number of abstentions:	0
Required majority:	8
Number of votes obtained:	
Bogdan-Lucian Aurescu	9
Chaloka Beyani	4
Hilary Charlesworth	11
Sarah Hull Cleveland	14
Ahmed Amin Fathalla	8
Kirill Gevorgian	6
Juan Manuel Gómez Robledo Verduzco	14
Antoine Kesia-Mbe Mindua	1
Dire Tladi	8

I would like to inform Council members that the ballot is conclusive in the General Assembly, but inconclusive in the Security Council in the first round. As more than five candidates have obtained the absolute majority, in accordance with established practice, the Council will now proceed to a new vote on all the candidates, as noted in paragraph 16 of the memorandum by the Secretary-General contained in document S/2023/445.

I would like to remind the members of the Council that each member may vote for not more than five candidates and that only the candidates whose names appear on the ballot papers are eligible. Any ballot paper containing votes for more than five candidates will be considered invalid. A blank ballot paper will be considered an abstention.

I take it that the Council is now ready to proceed with the second ballot to elect five members of the International Court of Justice.

I request the Conference Officer to distribute the ballot papers.

Members of the Council should place an "X" in the boxes next to the names of the five candidates for whom they wish to vote.

I take it that all members of the Council have now voted. I ask the Conference Officer to collect the ballot papers.

* * *

The President (*spoke in Chinese*): All the ballot papers have been collected.

The tellers will now count the votes. As per practice, there will be two independent counts of the votes, one by each teller.

* * *

The President (*spoke in Chinese*): The result of the voting is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Number of abstentions:	0
Required majority:	8
Number of votes obtained:	
Bogdan-Lucian Aurescu	10
Chaloka Beyani	2
Hilary Charlesworth	11

Sarah Hull Cleveland	14
Ahmed Amin Fathalla	8
Kirill Gevorgian	5
Juan Manuel Gómez Robledo Verduzco	13
Antoine Kesia-Mbe Mindua	1
Dire Tladi	8

As more than five candidates have obtained the absolute majority, in accordance with established practice, the Council will now proceed to a new vote on all the candidates, as noted in paragraph 16 of the memorandum by the Secretary-General contained in document S/2023/445.

I would like to remind the members of the Council that each member may vote for not more than five candidates and that only the candidates whose names appear on the ballot papers are eligible. Any ballot paper containing votes for more than five candidates will be considered invalid. A blank ballot paper will be considered an abstention. If a ballot paper contains any notation other than the votes in favour of eligible candidates, those notations will be disregarded.

I take it that the Council is now ready to proceed with the third ballot to elect five members of the International Court of Justice.

I request the Conference Officer to distribute the ballot papers.

Members of the Council should place an "X" in the boxes next to the names of the five candidates for whom they wish to vote.

I take it that all members of the Council have now voted. I ask the Conference Officer to collect the ballot papers.

* * *

The President (*spoke in Chinese*): All the ballot papers have been collected.

The tellers will now count the votes. As per practice, there will be two independent counts of the votes, one by each teller.

* * *

The President (*spoke in Chinese*): The result of the voting is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15

Number of abstentions:	0
Required majority:	8
Number of votes obtained:	
Bogdan-Lucian Aurescu	9
Chaloka Beyani	2
Hilary Charlesworth	11
Sarah Hull Cleveland	13
Ahmed Amin Fathalla	9
Kirill Gevorgian	6
Juan Manuel Gómez Robledo Verduzco	14
Antoine Kesia-Mbe Mindua	1
Dire Tladi	10

As more than five candidates have obtained the absolute majority, in accordance with established practice, the Council will now proceed to a new vote on all the candidates, as noted in paragraph 16 of the memorandum by the Secretary-General contained in document S/2023/445.

I would like to remind the members of the Council that each member may vote for not more than five candidates and that only the candidates whose names appear on the ballot papers are eligible. Any ballot paper containing votes for more than five candidates will be considered invalid. A blank ballot paper will be considered an abstention. If a ballot paper contains any notation other than the votes in favour of eligible candidates, those notations will be disregarded.

I take it that the Council is now ready to proceed with the fourth ballot to elect five members of the International Court of Justice.

I request the Conference Officer to distribute the ballot papers.

Members of the Council should place an "X" in the boxes next to the names of the five candidates for whom they wish to vote.

I take it that all members of the Council have now voted. I ask the Conference Officer to collect the ballot papers.

* * *

The President (*spoke in Chinese*): All the ballot papers have been collected.

The tellers will now count the votes. As per practice, there will be two independent counts of the votes, one by each teller.

* * *

The President (*spoke in Chinese*): The result of the voting is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Number of abstentions:	0
Required majority:	8
Number of votes obtained:	
Bogdan-Lucian Aurescu	9
Chaloka Beyani	1
Hilary Charlesworth	10
Sarah Hull Cleveland	13
Ahmed Amin Fathalla	8
Kirill Gevorgian	6
Juan Manuel Gómez Robledo Verduzco	14
Antoine Kesia-Mbe Mindua	2
Dire Tladi	12

As more than five candidates have obtained the absolute majority, in accordance with established practice, the Council will now proceed to a new vote on all the candidates, as noted in paragraph 16 of the memorandum by the Secretary-General contained in document S/2023/445.

I would like to remind the members of the Council that each member may vote for not more than five candidates and that only the candidates whose names appear on the ballot papers are eligible. Any ballot paper containing votes for more than five candidates will be considered invalid. A blank ballot paper will be considered an abstention. If a ballot paper contains any notation other than the votes in favour of eligible candidates, those notations will be disregarded.

I take it that the Council is now ready to proceed with the fifth ballot to elect five members of the International Court of Justice.

I request the Conference Officer to distribute the ballot papers.

Members of the Council should place an "X" in the boxes next to the names of the five candidates for whom they wish to vote.

I take it that all members of the Council have now voted. I ask the Conference Officer to collect the ballot papers.

* * *

The President (*spoke in Chinese*): All the ballot papers have been collected.

The tellers will now count the votes. As per practice, there will be two independent counts of the votes, one by each teller.

* * *

The President (*spoke in Chinese*): The result of the voting is as follows:

Number of ballot papers:	15
Number of invalid ballots:	1
Number of valid ballots:	14
Number of abstentions:	0
Required majority:	8
Number of votes obtained:	
Bogdan-Lucian Aurescu	9
Chaloka Beyani	1
Hilary Charlesworth	9
Sarah Hull Cleveland	12
Ahmed Amin Fathalla	7
Kirill Gevorgian	5
Juan Manuel Gómez Robledo Verduzco	13
Antoine Kesia-Mbe Mindua	2
Dire Tladi	10

Five candidates obtained the required majority in the Security Council.

Accordingly, the following candidates received the required majority of votes in the Security Council: Bogdan-Lucian Aurescu, Hilary Charlesworth, Sarah Hull Cleveland, Juan Manuel Gómez Robledo Verduzco and Dire Tladi.

I have communicated the result of the vote to the President of the General Assembly in writing.

I should like to inform the members of the Council that I have just received from the President of the General Assembly the following letter:

(*spoke in English*)

“I have the honour to inform you that, at the 31st plenary meeting of the General Assembly, held today for the purpose of electing five members of the International Court of Justice, the following candidates obtained an absolute majority of votes in the General Assembly: Bogdan-Lucian Aurescu (Romania), Hilary Charlesworth (Australia), Sarah Hull Cleveland (United States of America), Juan Manuel Gómez Robledo Verduzco (Mexico) and Dire Tladi (South Africa).”

(*spoke in Chinese*)

As both the Security Council and the General Assembly have agreed on the same candidates, the jurists Mr. Bogdan-Lucian Aurescu, Ms. Hilary Charlesworth, Ms. Sarah Hull Cleveland, Mr. Juan Manuel Gómez Robledo Verduzco and Mr. Dire Tladi have been elected as members of the International Court of Justice for a term of office of nine years, beginning on 6 February 2024. I should like to congratulate them and wish them every success in the high office to which they have been elected.

On behalf of the Council, I would like to thank the tellers for their assistance in the conduct of the elections.

The Security Council has thus concluded its consideration of the item on its agenda.

The meeting rose at 1.10 p.m.