



Security Council

Seventy-sixth year

8897th meeting

Friday, 5 November 2021, 10 a.m.

New York

Provisional

President: Mr. De la Fuente Ramírez (Mexico)

Members:

China	Mr. Zhang Jun
Estonia	Mr. Jürgenson
France	Mrs. Dime Labille
India	Mr. Raguttahalli
Ireland	Ms. Byrne Nason
Kenya	Mr. Kiboino
Niger	Mr. Ousman
Norway	Ms. Juul
Russian Federation	Mr. Kuzmin
Saint Vincent and the Grenadines	Ms. King
Tunisia	Mr. Ben Lagha
United Kingdom of Great Britain and Northern Ireland . .	Mr. Wickremasinghe
United States of America	Mr. Mills
Viet Nam	Mrs. Tra Phuong Nguyen

Agenda

Election of a member of the International Court of Justice

Memorandum by the Secretary-General on the election of a member of the International Court of Justice (S/2021/821)

Note by the Secretary-General on the election of a member of the International Court of Justice: list of candidates nominated by national groups (S/2021/822)

Note by the Secretary-General on the election of a member of the International Court of Justice: curriculum vitae of the candidates (S/2021/823)

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

Election of a member of the International Court of Justice

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The President (*spoke in Spanish*): The Security Council will now proceed to the election of one member of the International Court of Justice, in accordance with Article 13 of the Statute of the International Court of Justice, to fill the seat that has become vacant following the death of Judge James Richard Crawford on 31 May 2021.

The nominated candidates are as follows: Hilary Charlesworth (Australia) and Linos-Alexander Sicilianos (Greece). The list of candidates, indicating the national groups by which each candidate was nominated, is contained in document S/2021/822.

I should like to inform members of the Council that I have received a letter addressed to me by the Legal Counsel, dated 3 November 2021, informing me, on behalf of the Secretary-General, that after the established deadline for nominating candidates, namely, 15 September 2021, two 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 a candidate already nominated by other national groups and whose name therefore already appears in document S/2021/822.

The Legal Counsel recommended that, in accordance with established practice, I inform Council members orally on the day of the election about the decision 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 Hilary Charlesworth, Austria and Malta.

The Security Council has before it a memorandum by the Secretary-General, contained in document S/2021/821, 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 in the Security Council, no candidate receives an absolute majority, then pursuant to rule 61 of the provisional rules of procedure of the Security Council, a second ballot will be held. Balloting will continue at the same meeting until a candidate has obtained the absolute majority of votes.

The voting will be held by secret ballot. When we proceed to the vote, members of the Council will receive a ballot containing the names of 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 name of the candidate for whom they wish to vote. Only those candidates whose names appear on the ballot are eligible for election. If a ballot paper contains any notation other than the vote in favour of an eligible candidate, those notations will be disregarded.

I should like to remind members of paragraph 15 of the Secretary-General's memorandum (S/2021/821), which specifies that “[e]ach elector may vote for only one candidate”. Any ballot paper containing votes for more than one candidate will be considered invalid.

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.

However, in view of the coronavirus disease pandemic, and the fact that the casting of ballots will

be completed in the Security Council earlier than in the General Assembly, the Security Council will suspend its meeting as soon as the casting of ballots has been completed so that members may leave the Council Chamber.

The Council will now proceed to draw lots to select two delegations to serve as tellers.

The names of the delegations of India and Tunisia 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. Parihar (India) and Mr. Zenati (Tunisia) acted as tellers.

The President: May I take it that the Council is now ready to proceed with the election of a member of the International Court of Justice?

It was so decided.

The President: 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 name of the candidate for whom they wish to vote.

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

* * *

The President: All the ballot papers have been collected. As I mentioned earlier, I will hereby suspend the meeting so that the ballots can be counted.

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

It is my intention to resume this meeting, simultaneously with the meeting in the General Assembly, as soon as the votes have been counted and the President of the General Assembly and the President of the Security Council can simultaneously announce the results.

The announcement of the results will be webcast. I invite the members of the Council to return to the Chamber when the President announces the results.

The meeting was suspended at 10.20 a.m. and resumed at 11.05 a.m.

The President (*spoke in Spanish*): 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:	
Ms. Hilary Charlesworth	11
Mr. Linos-Alexander Sicilianos	4

Accordingly, the candidate Ms. Hilary Charlesworth (Australia) received the required majority of votes in the Security Council. 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 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 27th plenary meeting of the General Assembly, held today for the purpose of electing one member of the International Court of Justice for a term beginning today, 5 November 2021, and ending on 5 February 2024, Ms. Hilary Charlesworth (Australia) obtained an absolute majority of votes in the General Assembly."

(spoke in Spanish)

As the candidate Ms. Hilary Charlesworth received the required majority both in the Security Council and the General Assembly, she is therefore duly elected as a member of the International Court of Justice for a term beginning today, 5 November 2021, and ending on 5 February 2024. I should like to congratulate her and wish her every success in the high office to which she has 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 11.10 a.m.