



# General Assembly

Fifty-fourth session

**90<sup>th</sup>** plenary meeting

Thursday, 2 March 2000, 5 p.m.

New York

*Official Records*

*President:* Mr. Gurirab . . . . . (Namibia)

*The meeting was called to order at 5.20 p.m.*

## Floods in southern Africa

**The President:** Before turning to the items on our agenda this afternoon, may I, on behalf of the members of the Assembly and on my own behalf, extend to the Governments and the peoples of the southern African countries recently struck by disastrous floods — in particular, Mozambique — our deepest sympathy for the tragic loss of lives and extensive material damage.

May I also express the hope that the international community will demonstrate its usual solidarity by responding promptly and generously to any request from these countries for assistance in their present plight.

In the face of this massive tragedy, Mozambique will require many years of sustained assistance from external sources, in order to be able to rebuild infrastructure, schools, hospitals and houses.

## Agenda item 125 (*continued*)

### Scale of assessments for the apportionment of the expenses of the United Nations (A/54/730/Add.1)

**The President:** In the letter contained in document A/54/730/Add.1, the Secretary-General informs me that, since the issuance of his communication contained in document A/54/730, Afghanistan, Belize, the Democratic People's Republic of Korea, Guyana, Honduras, Latvia,

Mongolia, the Sudan and Uzbekistan have made the necessary payments to reduce their arrears below the amount specified in Article 19 of the Charter.

May I take it that the General Assembly duly takes note of the information contained in this document?

*It was so decided.*

## Agenda item 8 (*continued*)

### Adoption of the agenda and allocation of items

#### Request for the inclusion of an additional item: note by the Secretary-General (A/54/237)

**The President:** The Secretary-General has the honour to request, pursuant to rule 15 of the rules of procedure of the General Assembly, the inclusion in the agenda of the fifty-fourth session of an additional item entitled, "Financing of the United Nations Organization Mission in the Democratic Republic of the Congo".

Owing to the nature of the item, the Secretary-General further requests that it be allocated to the Fifth Committee.

Unless there is an objection, in view of the urgency of this request, I shall take it that the General Assembly agrees that the relevant provision of rule 40 of the rules of procedure, which would require a meeting of the General Committee on the question of the inclusion of this item on the agenda, could be waived.

*It was so decided.*

**The President:** May I take it that the General Assembly, on the proposal of the Secretary-General, wishes to include in the agenda of the current session an additional item entitled, "Financing of the United Nations Organization Mission in the Democratic Republic of the Congo"?

*It was so decided.*

**The President:** May I further take it that the General Assembly, also on the proposal of the Secretary-General, wishes to allocate this item to the Fifth Committee?

*It was so decided.*

**The President:** The Chairman of the Fifth Committee will be informed of the decision just taken.

#### **Agenda item 17 (continued)**

#### **Appointments to fill vacancies in subsidiary organs and other appointments**

##### **(i) Appointment of the Under-Secretary-General for Internal Oversight Services**

##### **Note by the Secretary-General (A/54/109)**

**The President:** Members will recall that the Assembly, in its resolution 48/218 B of 29 July 1994, decided to establish an Office of Internal Oversight Services under the authority of the Secretary-General, the head of which would be at the rank of Under-Secretary-General.

By this resolution, the Assembly further decided that the Under-Secretary-General for Internal Oversight Services:

should be an expert in the fields of accounting, auditing, financial analysis and investigations, management, law or public administration;

should be appointed by the Secretary-General, following consultations with Member States, and approved by the General Assembly. For that purpose, the Secretary-General should appoint the Under-Secretary-General for Internal Oversight Services with due regard for geographic rotation and in so doing should be guided by the provisions of paragraph 3 (e)

of General Assembly resolution 46/232 of 2 March 1992 whereby the Assembly decided, in particular, that, as a general rule, no national of a Member State should succeed a national of that State in a senior post and there should be no monopoly on senior posts by nationals of any State or group of States;

should serve for one fixed term of five years without possibility of renewal;

might be removed by the Secretary-General only for cause and with the approval of the General Assembly.

In light of the provisions of resolution 48/218 B, the Secretary-General proposes to appoint Mr. Dileep Nair (Singapore) as Under-Secretary-General for Internal Oversight Services for one fixed term of five years, effective 24 April 2000.

May I take it that it is the wish of the General Assembly to approve this appointment?

*It was so decided.*

**The President:** We have thus concluded our consideration of sub-item (i) of agenda item 17.

#### **Agenda item 15 (continued)**

#### **Elections to fill vacancies in principal organs:**

##### **(c) Election of a member of the International Court of Justice**

##### **Memorandum by the Secretary-General (A/54/750)**

##### **List of nominations (A/54/751 and Add.1 and 2)**

##### **Curriculum vitae (A/54/752)**

**The President:** Members will recall that, at its 70th meeting on 6 December 1999, the General Assembly decided to reopen consideration of this sub-item.

In accordance with resolution 1278 (1999) adopted by the Security Council on 30 November 1999, the General Assembly will proceed to the election of a member of the International Court of Justice for the

unexpired term of office of Judge Stephen Schwebel, whose resignation took effect on 29 February 2000.

In connection with this election, I should like to bring the following matters to the attention of the members of the General Assembly:

First, in accordance with General Assembly resolution 264 (III) of 8 October 1948, a State which is a party to the Statute of the International Court of Justice, but not a Member of the United Nations, shall participate in the General Assembly in electing the members of the Court in the same manner as the States Members of the United Nations. Therefore, on this occasion, the representative of Switzerland may participate in the election.

Secondly, I should like to confirm that, at this time, the Security Council, independently of the General Assembly, is also proceeding to elect one member 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 the General Assembly will not be communicated to the Security Council until one candidate has obtained the required majority in the Assembly.

Thirdly, I should like to draw the attention of the Assembly to the documents relating to the election. The Assembly has before it document A/54/750, which contains a memorandum by the Secretary-General on the present composition of the Court and the procedure to be followed in the General Assembly and in the Security Council with regard to the election; document A/54/751, which contains the name of the candidate who has been nominated by national groups within the required time for submission, that is, by 7 February 2000; and addendums 1 and 2, which contain additional information regarding nominations received from national groups after 7 February; as well as document A/54/752, which contains the curriculum vitae of the candidate nominated by national groups.

In accordance with article 10, paragraph 1, of the Statute of the Court, the candidate who obtains an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected.

The consistent practice of the United Nations has been to interpret the words “absolute majority” as meaning a majority of all electors whether or not they vote or are allowed to vote. The electors in the General Assembly are all 188 Member States, plus the one non-Member State which is a party to the Statute of the Court, namely Switzerland, for a total of 189 electors. Accordingly, for the present election, 95 votes constitute an absolute majority in the General Assembly.

The General Assembly will now proceed to a secret ballot. If in the first ballot no candidate obtains an absolute majority, it will be necessary to proceed to other ballots until a candidate has obtained the required majority. Pursuant to the decision taken by the General Assembly at its 915th meeting, held on 16 November 1960, these ballots shall be unrestricted.

I should like to remind representatives that, pursuant to rule 88 of the Assembly's rules of procedure,

“After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting.”

May I take it that the Assembly agrees to the procedures I have just outlined?

*It was so decided.*

**The President:** We shall now begin the voting process. Ballot papers will now be distributed.

Representatives are requested to use only the ballot papers that are now being distributed, and to place a cross to the left of the name of the candidate for whom they wish to vote. Votes may be cast only for the candidate whose name appears on the ballot papers.

*At the invitation of the President, Mr. Al-Dosari (Bahrain), Mr. Mmualefe (Botswana), and Ms. Smolcic (Uruguay) acted as tellers.*

*A vote was taken by secret ballot.*

*The meeting was suspended at 6 p.m. and resumed at 6.15 p.m.*

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

Number of ballot papers:	124
Number of invalid ballots:	0
Number of valid ballots:	124
Abstentions:	7
Number of members voting:	117
Required absolute majority:	95
Number of votes obtained:	

Mr. Thomas Buergenthal (United States of America)	117
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Mr. Thomas Buergenthal has obtained an absolute majority in the General Assembly.

I have communicated the result of the voting to the President of the Security Council.

I have received from the President of the Security Council the following letter dated 2 March 2000:

“I have the honour to inform you that at the 4107th meeting of the Security Council, held on 2 March 2000, for the purpose of electing a member of the International Court of Justice for a term of office to expire on 5 February 2006, Mr. Thomas Buergenthal obtained an absolute majority of votes.”

As a result of the independent voting in the Security Council and in the General Assembly, Mr. Thomas Buergenthal has obtained an absolute majority in both organs. He is therefore duly elected a member of the International Court of Justice, to serve for a term of office

commencing on 2 March 2000 and ending on 5 February 2006. I take this opportunity to extend to him the congratulations of the Assembly on his election and to thank the tellers for their assistance.

We have thus concluded this stage of our consideration of sub-item (c) of agenda item 15.

#### **Announcement**

**The President:** I should like to draw the attention of members to my communication of 14 February 2000 transmitted to Permanent Representatives concerning the Open-ended Informal Consultative Process on Ocean Affairs.

I should like to again recall that, pursuant to General Assembly resolution 54/33 of 24 November 1999, which decided

“to establish an open-ended informal consultative process in order to facilitate the annual review by the General Assembly, in an effective and constructive manner, of developments in ocean affairs”

and, in implementation of paragraph 3 (e) thereof and after the appropriate consultation with member States, I have decided to appoint Mr. Tuiloma Neroni Slade of Samoa and Mr. Alan Simcock of the United Kingdom of Great Britain and Northern Ireland as co-Chairpersons of the Open-ended Informal Consultative Process on Ocean Affairs.

*The meeting rose at 6.20 p.m.*