



27 November 2017

Memorandum - Elections to the International Court of Justice

1. The Committee requested that a memorandum be provided on the recent elections to the International Court of Justice and the withdrawal of the UK candidate, setting out:
 - how this result transpired;
 - what efforts (1) the UK mission at the UN, (2) FCO ministers and (3) other members of the Government made to have the UK candidate elected;
 - why the UK decided not to press further the case for its candidate;
 - what lessons it has learnt from this episode; and
 - what assessment the FCO has made of the effect of this episode on UK global influence, relating in particular, though not solely, to its work at the UN.
2. The UK put forward its candidate, Sir Christopher Greenwood, due to his outstanding record on the Court and as an academic committed to the development of public international law.
3. The UK mission to the UN in New York lobbied extensively for the candidate, with events held with the candidate and a range of other countries in May and October of this year (including targeted lobbying of states known to be less favourable towards the candidate). This campaign followed the processes used successfully in previous elections. During the election period, the mission in New York reached out to a very high proportion of the UN membership, through bilateral and multilateral meetings and calls. The mission, along with the relevant Directorates in London, have lobbied for this election since the announcement of the UK candidate in autumn of last year, and the wider network joined this effort from February of this year. Further targeted campaign events were held by the embassy in The Hague in autumn of this year, with the candidate.
4. FCO Ministers raised the election on a number of occasions with their counterparts. In addition to engaging at the UN General Assembly high-level week in 2017, Ministers made a large number of calls to their opposite numbers around the election. Lord Ahmad also conducted a series of bilateral calls in New York. Where there were clear indications that states were not planning on supporting the UK candidate, Ministers raised this during visits. Other members of the government also engaged around the elections with their counterparts, and their Departments contributed to the wider effort.

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5. The election process in New York began as expected, with the UK candidate receiving support at the level that the FCO could have reasonably expected, based on commitments received from other states to support the UK candidate. Over five rounds of voting on 9 November the commitments of support for the UK candidate fell away by a magnitude which was unexpected, based on the conduct of past elections. While support held firm in the Security Council, momentum in the General Assembly moved away from the UK candidate. This resulted in a run-off against the Indian candidate, who, although by this point in competition for what traditionally has been a fifth Western European and Others group seat, continued to enjoy the support of the General Assembly, leading to deadlock (to be successful a candidate must secure a majority both in the Security Council (8) and the General Assembly (97)).
6. At the point where it became clear that there was continuing deadlock between the General Assembly and the Security Council (where the UK vote strengthened), the UK considered it appropriate to look to invoke the deadlock-resolution mechanism outlined in Article 12 of the Statute of the ICJ. However, the 'joint conference' is an untried mechanism. Some countries were reticent about initiating it and the Indians actively lobbied against it.
7. We judged that to launch the 'joint conference' option would engender negative reactions, especially in the General Assembly. We further judged that more rounds of voting would continue to result in deadlock. Despite strong and consistent support in the Security Council, the UK believed it wrong to take up the valuable time of the Security Council and the General Assembly on further rounds of elections and procedural wrangling.
8. The election result is a disappointment but the UK remains at the heart of the United Nations. We are a P5 country, the third largest overall financial contributor to the UN, and currently contribute UK troops to UN missions in Somalia, South Sudan, and Cyprus. We are currently undertaking a comprehensive lessons learned exercise but as of the time of writing, we do not believe the ICJ result has had a significant impact on our overall standing.
9. India remains an important bilateral partner. Both India and UK are keen to further strengthen this relationship, including in important areas such as collaboration on cyber security. As a part of this effort, Lord Ahmad was in India last week, where he met with the Prime Minister, the Foreign Minister, and the Law Minister.