

ARTICLE 27

Table of Contents

	<u>Paragraphs</u>
Text of Article 27	
Introductory Note	1 - 4
I. General Survey	5 - 7
II. Analytical Summary of Practice	8 - 11
A. The question of the distinction between "procedural matters" and "all other matters"	8 - 10
** B. The question of procedure in deciding the preliminary question: whether a matter is procedural within the meaning of Article 27	
C. The question of the fulfilment of the requirement of Article 27 (3) regarding "the concurring votes of the permanent members"	11
1. The question whether the abstention of a permanent member precludes fulfilment of the requirements of Article 27 (3) concerning "the concurring votes of the permanent members" . .	11
** 2. The question whether the absence of a permanent member precludes fulfilment of the requirements of Article 27 (3) concerning "the concurring votes of the permanent members"	
** D. The question of the application of the proviso of Article 27 (3) regarding abstention from voting by a party to a dispute	
Annexes	
I. Cases in which the vote indicated the procedural character of the matter	
II. Cases in which the vote indicated the non-procedural character of the matter	
III. Certain cases in which permanent members have abstained otherwise than in accordance with the proviso of Article 27 (3)	

TEXT OF ARTICLE 27

1. Each member of the Security Council shall have one vote.
2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of seven members.
3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

INTRODUCTORY NOTE

1. This study is concerned with the voting practice of the Council in relation to Article 27 and does not deal with voting practice extraneous to that Article, such as the election of the judges of the International Court of Justice. Some other questions of procedure relating to voting are dealt with under Article 30.
2. The General Survey includes a summary statement on recourse by the Council to voting in accordance with the provisions of Article 27.
3. The Analytical Summary of Practice presents evidence concerning the distinction between "procedural matters" and "other matters" under Article 27. No significant material relating to the procedure of the Council in deciding the preliminary question whether a matter was procedural within the meaning of Article 27 has been found for the period under review. The Analytical Summary also includes material on the practice of the Council relating to the requirements of the provisions of Article 27 (3) concerning the concurrent votes of the permanent members for an affirmative decision of the Council on non-procedural matters.
4. Three annexes are appended: the first, cases in which the vote indicated the procedural character of the matter; the second, cases in which the vote indicated the non-procedural character of the matter; the third, cases in which permanent members have abstained otherwise than in accordance with the proviso of Article 27 (3). The text of the San Francisco Statement has been given in the Repertory. 1/

I. GENERAL SURVEY

5. The Security Council, in reaching its decisions, has availed itself of the provisions of Article 27, that the decisions are to be made by an affirmative vote. On occasions, the Council has taken recourse to other methods of reaching a decision. For instance, the President has recorded the decision as taken in the absence of objection, or a presidential statement has indicated the action to be taken. Between 1 September 1954 and 1 September 1956 the Council has taken approximately seventy-one decisions, of which fifty affirmative or negative decisions had been taken by vote. 2/
6. In application of Article 27, the Council has adopted rule 40 of the provisional rules of procedure:

"Voting in the Security Council shall be in accordance with the relevant Articles of the Charter and of the Statute of the International Court of Justice." 3/
7. The voting in the Council is customarily done by show of hands, and the President asks for the votes of those in favour, those against and those abstaining. In the

1/ See in the Repertory, vol. II, under Article 27, annex IV.

2/ The figures do not include decisions on the adoption of the agenda or on adjournment when no vote was taken.

3/ The decision of 16 December 1955, in connexion with the General Assembly resolution of 21 November 1955, concerning the calling of a General Conference for the purpose of reviewing the Charter, constituted an application of Article 109 (3) and not of Article 27. See in this Supplement under Article 109.

record of votes, members have also been identified as not having participated or as having been absent. In elections, the voting has been conducted by secret ballot.

II. ANALYTICAL SUMMARY OF PRACTICE

A. The question of the distinction between "procedural matters" and "all other matters"

8. This section reviews the decisions of the Security Council on matters deemed procedural and on those deemed non-procedural. In analysing the record of voting the following criteria have been applied:

a. Whether the decision was procedural is deemed to have been established in those instances where a proposal obtained seven or more votes, with one or more permanent members casting a negative vote. Adoption by the Council in such circumstances indicates the procedural character of the decision; rejection by the Council in such circumstances indicates the non-procedural character of the decision.

b. Whether the decision was procedural is established where there has been an express decision by vote of the Council that a matter is procedural or non-procedural.

9. As noted in the Repertory, the majority of occasions on which the Security Council has voted afford no indication as to the attitude of the Council regarding the procedural or non-procedural character of the matter voted upon. Decisions of the Council do not reflect the views of the Council as to the character of the matter in this respect when the decisions have been arrived at by a unanimous vote, or with all permanent members voting in favour of the proposal, or when a proposal, having been put to the vote, has failed to obtain seven votes in its favour. Moreover, Official Records which do not identify the members voting against do not afford information necessary for the application of the above-mentioned criteria.

10. During the period under review, decisions within the following categories, when significant votes in the sense of the criteria stated in paragraph 8 above have been recorded, have been considered procedural without objection having been raised.

1. Inclusion of an item in the agenda; 4/
2. Adjournment of a meeting; 5/
3. Conduct of business; 6/
4. Invitations to participate. 7/

4/ S C, 9th yr., 679th mtg., para. 25; 680th mtg., para. 4;

S C, 10th yr., 690th mtg., paras. 111 and 112; 691st mtg., paras. 10 and 13.

5/ S C, 10th yr., 690th mtg., paras. 148 and 149; 703rd mtg., provisional record, p. 28.

6/ S C, 9th yr., 676th mtg., para. 63;

S C, 10th yr., 689th mtg., paras. 25 and 26; 703rd mtg., provisional record, p. 28.

7/ S C, 10th yr., 690th mtg., para. 143.

**** B.** The question of procedure in deciding the preliminary question:
whether a matter is procedural within the meaning of Article 27

C. The question of the fulfilment of the requirement of Article 27 (3)
regarding "the concurring votes of the permanent members"

1. *The question whether the abstention of a permanent member precludes fulfilment of the requirements of Article 27 (3) concerning "the concurring votes of the permanent members"*

11. During the period under review the Council adopted four decisions by a vote in which one or more of the permanent members abstained, considering that no affirmative decision could have been taken had the privileged vote or votes been cast against the proposal. Such an abstention on the part of a permanent member otherwise than in accordance with the proviso of Article 27 (3) does not preclude fulfilment of the requirement of Article 27 (3) concerning affirmative decisions by the Council. ^{8/} A list of occasions on which permanent members have thus abstained is appended in annex III.

****2.** *The question whether the absence of a permanent member precludes fulfilment of the requirements of Article 27 (3) concerning "the concurring votes of the permanent members"*

**** D.** The question of the application of the proviso of Article 27 (3)
regarding abstention from voting by a party to a dispute

ANNEX I

Cases in which the vote indicated the procedural character of the matter

<u>Decisions arranged in chronological order</u> (with indication as to the nature of the question involved)	<u>Document reference for vote</u>
Decision of 25 June 1954: Guatemalan question. USSR challenge to the President's ruling that the Council was not engaged in a discussion within the meaning of Article 32 and rule 27 until the agenda had been adopted.	S C, 9th yr., 676th mtg., para. 63.
Decision of 10 September 1954: inclusion in the agenda: letter dated 8 September 1954 from the representative of the United States to the President of the Security Council.	S C, 9th yr., 679th mtg., para. 25; 680th mtg., para. 4.
Decision of 31 January 1955: United States motion to give priority to the United States proposal over that of the USSR.	S C, 10th yr., 689th mtg., para. 25.

^{8/} For presidential rulings and for statements by permanent members of the Council in this connexion, see in Repertory, vol. II, under Article 27, para. 46.

Decisions arranged in chronological order
(with indication as to the nature of the
question involved)

Document reference for vote

Decision of 31 January 1955:

United States motion not to consider any proposals to exclude the representative of the Government of the Republic of China, or to seat representatives of the Central People's Government of the People's Republic of China.

S C, 10th yr., 689th mtg.,
para. 26.

Decisions of 31 January and 14 February 1955:

inclusion in the agenda: letter dated 28 January 1955 from the representative of New Zealand to the President of the Security Council...

S C, 10th yr., 690th mtg.,
para. 111; 691st mtg.,
para. 10.

Decisions of 31 January and 14 February 1955:

inclusion in the agenda: letter dated 30 January 1955 from the representative of the USSR to the President of the Security Council...

S C, 10th yr., 690th mtg.,
para. 112; 691st mtg.,
para. 13.

Decision of 31 January 1955:

United Kingdom motion that the Council conclude its consideration of the New Zealand item before taking up the USSR item.

S C, 10th yr., 690th mtg.,
paras. 96 and 114.

Decision of 31 January 1955:

New Zealand proposal to invite the People's Republic of China to participate.

S C, 10th yr., 690th mtg.,
para. 143.

Decision of 31 January 1955:

Belgian motion to adjourn the meeting.

S C, 10th yr., 690th mtg.,
para. 149.

Decision of 13 December 1955:

Question of admission of new Members: Iranian proposal to give priority to the joint New Zealand-Brazilian draft resolution.

S C, 10th yr., 703rd mtg.,
provisional record,
p. 28.

Decision of 13 December 1955:

Question of admission of new Members: Turkish motion to adjourn the meeting.

S C, 10th yr., 703rd mtg.,
para. 69.

ANNEX II

Cases in which the vote indicated the non-procedural character of the matter

<u>Draft resolutions et cetera arranged under agenda items (with document reference for text</u>	<u>Date</u>	<u>Document reference for vote</u>
<u>Admission of new Members</u>		
Joint draft resolution, submitted by Brazil and New Zealand, in connexion with General Assembly resolution 918 (X) (A/RES/357), to consider separately the applications for membership of 18 countries enumerated, and to recommend to the General Assembly the admission of those countries (S C, 10th yr., 701st mtg., para. 101, S/3502).		
Chinese amendment thereto to add the names of the Republic of Korea and Viet-Nam to the list of applications for membership (S C, 10th yr., 703rd mtg., paras. 18-24, S/3506).		
The Republic of Korea (Chinese amendment)	13 December 1955	704th mtg., provisional record, pp. 23-24
The Republic of Viet-Nam (Chinese amendment)	13 December 1955	704th mtg., provisional record, p. 24
Mongolian People's Republic	13 December 1955	704th mtg., provisional record, pp. 24-25
Jordan	13 December 1955	704th mtg., provisional record, p. 25
Ireland	13 December 1955	704th mtg., provisional record, pp. 25-27
Portugal	13 December 1955	704th mtg., provisional record, pp. 26-27
Italy	13 December 1955	704th mtg., provisional record, p. 28
Austria	13 December 1955	704th mtg., provisional record, p. 28

<u>Draft resolutions et cetera arranged under agenda items (with document reference for text)</u>	<u>Date</u>	<u>Document reference for vote</u>
Finland	13 December 1955	704th mtg., provisional record, p. 29
Ceylon	13 December 1955	704th mtg., provisional record, pp. 29 and 30
Nepal	13 December 1955	704th mtg., provisional record, p. 30
Libya	13 December 1955	704th mtg., provisional record, p. 30
Cambodia	13 December 1955	704th mtg., provisional record, pp. 30 and 31
Japan	13 December 1955	704th mtg., provisional record, p. 31
Laos	13 December 1955	704th mtg., provisional record, p. 31
Spain	13 December 1955	704th mtg., provisional record, pp. 31 and 32
USSR draft resolution, recommending the admission of 16 States to the United Nations (S/3508, 705th mtg., pp. 4-7)		
United States amendment to include the application of Japan in the USSR draft resolution (705th mtg., provisional record, pp. 4-7)	14 December 1955	705th mtg., provisional record, p. 12
United States draft resolution recommending the admission of Japan to the United Nations (S C, 10th yr., 706th mtg., p. 2, S/3510)	15 December 1955	706th mtg., provisional record, p. 50

ANNEX III

Certain cases in which permanent members have abstained otherwise than
in accordance with the proviso of Article 27 (3)

Admission of new Members to the United Nations

<u>Decisions arranged under agenda items</u> <u>(with document reference for text)</u>	<u>Document reference for vote</u>
Decision of 14 December 1955 (705th meeting): Albania: USSR draft resolution	705th mtg., provisional record, p. 12
Decision of 14 December 1955 (705th meeting): Hungary: USSR draft resolution	705th mtg., provisional record, p. 13
Decision of 14 December 1955 (705th meeting): Romania: USSR draft resolution	705th mtg., provisional record, p. 14
Decision of 14 December 1955 (705th meeting): Bulgaria: USSR draft resolution	705th mtg., provisional record, p. 14