

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 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 deals with the voting practice of the Security Council in relation to Article 27. It is not concerned with voting practice extraneous to that Article, such as the election of judges of the International Court of Justice, in pursuance of Article 10 of its Statute. Certain problems of procedure related to voting are treated under Article 30.
2. The General Survey provides a summary statement on recourse by the Council to voting in accordance with the provisions of Article 27.
3. The material included in the Analytical Summary of Practice affords evidence concerning the distinction between "procedural matters" and "other matters" under Article 27. No significant evidence bearing on the procedure of the Council in determining 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 of Practice also deals with the fulfilment in the practice of the Council of Article 27 (3) concerning the concurring votes of the permanent members for an affirmative decision of the Council on non-procedural matters.
4. Three annexes are appended; the first lists 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; and the third, cases in which permanent members abstained otherwise than in accordance with the proviso of Article 27 (3). The text of the statement issued at San Francisco, during the United Nations Conference on International Organization, concerning voting procedure in the Council was reproduced in a previous Repertory study 1/ of Article 27.

I. GENERAL SURVEY

5. Article 27 stipulates that decisions of the Security Council are to be made by an affirmative vote. The Council has not infrequently taken recourse to other methods of reaching a decision. On occasion, the President has recorded a decision as taken in the absence of objection, or, at other times, a presidential statement has indicated the action to be taken. Between 1 September 1956 and 20 August 1959, the Council took approximately one hundred and five decisions, of which fifty-eight affirmative or negative decisions were taken by vote. 2/
6. In application of Article 27, the Council adopted rule 40 of its provisional rules of procedure:

1/ See 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.

"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 was done by show of hands, the President asking for the votes of those in favour, those against and those abstaining. In the record of votes, members were also identified as not having participated. 4/ In elections, voting was conducted by secret ballot.

II. ANALYTICAL SUMMARY OF PRACTICE

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

8. In the present section are examined those decisions of the Security Council affording evidence 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 stated in the Repertory, 5/ the majority of occasions on which the Security Council voted afford no indication as to the attitude of the Council regarding the character of the matter voted upon, whether deemed procedural or non-procedural. The decisions of the Council do not reflect the views of the Council as to the nature of the matter in this respect, when reached by a unanimous vote, or with all permanent members voting in favour of the proposal or when a proposal, after being put to the vote, failed to obtain seven affirmative votes. Sometimes the above-mentioned criteria could not be applied when the official records did not identify the members voting against the proposal.

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

(a) Inclusion of an item in the agenda; 6/

3/ S/96/Rev.4 (United Nations Publication, Sales No.: 52.I.18), p. 11. The decision of 16 December 1955, in connexion with General Assembly resolution 992 (X) 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 also Repertory, Supplement No. 1, under Articles 108 and 109, paras. 4, 5 and 22-25.

4/ At the 784th meeting, on 20 August 1957, during the Council's voting on the adoption of the agenda, the representative of China was recorded as present and not voting; S C, 12th yr., 784th mtg., para. 87.

5/ Vol. II, under Article 27, para. 13.

6/ S C, 11th yr., 746th mtg., para. 35; 752nd mtg., para. 6; 842nd mtg., para. 8.

- (b) Adjournment of a meeting; 7/
- (c) Conduct of business; 8/
- (d) Convening of an emergency special session of the General Assembly. 9/

** 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 six decisions by a vote in which one of the permanent members abstained, considering that no affirmative decision could have been taken had the privileged vote been cast against the proposal. That such an abstention did not preclude the fulfilment of the requirement of Article 27 (3) concerning affirmative decisions by the Council was affirmed in presidential rulings and by each of the permanent members. A list of instances in which the permanent members 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

7/ S C, 11th yr., 749th mtg., para. 203; S C, 13th yr., 837th mtg., para. 40.
8/ S C, 11th yr., 715th mtg., para. 130.
9/ S C, 11th yr., 751st mtg., para. 147; 754th mtg., para. 75.

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 28 October 1956: inclusion in the agenda: letter dated 27 October 1956 from the representatives of France, United Kingdom and United States to the President of the Security Council concerning the situation in Hungary	S C, 11th yr., 746th mtg., para. 35
Decision of 30 October 1956: French motion to adjourn the meeting	S C, 11th yr., 749th mtg., para. 203
Decision of 31 October 1956: Palestine question: Yugoslav draft resolution to call for an emergency special session of the General Assembly	S C, 11th yr., 751st mtg., para. 147
Decision of 2 November 1956: inclusion in the agenda: letter dated 27 October 1956 from the representatives of France, United Kingdom and United States to the President of the Security Council concerning the situation in Hungary	S C, 11th yr., 752nd mtg., para. 6
Decision of 4 November 1956: situation in Hungary: United States draft resolution to call for an emergency special session of the General Assembly	S C, 11th yr., 754th mtg., para. 75
Decision of 22 July 1958: President's proposal to adjourn the meeting	S C, 13th yr., 837th mtg., para. 40
Decision of 9 December 1958: inclusion in the agenda: letters dated 8 December 1958 from the representative of the United States to the President of the Security Council concerning the application of the Republic of Korea and the application of Viet-Nam for membership	S C, 13th yr., 842nd mtg., para. 8

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>Suez Canal question</u>		
Draft resolution submitted by France and United Kingdom (S C, 11th yr., 742nd mtg., paras. 16 and 28-31)	13 October 1956	S C, 11th yr., 743rd mtg., para. 106 a/
<u>Palestine question</u>		
Draft resolution submitted by United States (S C, 11th yr., 749th mtg., para. 14)	30 October 1956	S C, 11th yr., 749th mtg., para. 186
Draft resolution submitted by USSR (S C, 11th yr., 749th mtg., para. 188)	30 October 1956	S C, 11th yr., 750th mtg., para. 23
<u>Situation in Hungary</u>		
Draft resolution submitted by United States (S C, 11th yr., 753rd mtg., para. 19; 754th mtg., para. 10)	4 November 1956	S C, 11th yr., 754th mtg., para. 68
<u>India-Pakistan question</u>		
Draft resolution submitted by Australia, Cuba, United Kingdom and United States (S C, 12th yr., 768th mtg., para. 48)	20 February 1957	S C, 12th yr., 773rd mtg., para. 126
<u>Admission of new Members</u>		
Draft resolutions submitted by Australia, China, Colombia, Cuba, France, Philippines, United Kingdom and United States, in connexion with General Assembly resolution 1017 A and B (XI), to reconsider the application of the Republic of Korea and the application of Viet-Nam for membership in the United Nations (S C, 12th yr., 789th mtg., para. 4):		
The Republic of Korea	9 September 1957	S C, 12th yr., 790th mtg., para. 9
Viet-Nam	9 September 1957	S C, 12th yr., 790th mtg., para. 56.

a/ The draft resolution was voted upon in parts. The first part of the draft resolution was adopted unanimously; the second part failed of adoption because of a negative vote of a permanent member of the Council.

<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>Letter dated 18 April 1958 from the representative of the Union of Soviet Socialist Republics</u>		
Draft resolution submitted by United States and amended (S C, 13th yr., 814th mtg., paras. 16 and 53)	2 May 1958	S C, 13th yr., 817th mtg., para. 3
<u>Letter dated 22 May 1958 from the representative of Lebanon; letter dated 17 July 1958 from the representative of Jordan</u>		
Draft resolution submitted by United States (S C, 13th yr., 829th mtg., para. 4; 831st mtg., paras. 36-40)	18 July 1958	S C, 13th yr., 834th mtg., para. 68
Draft resolution submitted by Japan (S C, 13th yr., 834th mtg., paras. 87-89; 835th mtg., paras. 5-10)	22 July 1958	S C, 13th yr., 837th mtg., para. 9
<u>Admission of new Members</u>		
Draft resolution submitted by France, Japan, United Kingdom and United States (S C, 13th yr., 842nd mtg., paras. 73, 78 and 83)	9 December 1958	S C, 13th yr., 843rd mtg., para. 35
Draft resolution submitted by France, Japan, United Kingdom and United States (S C, 13th yr., 843rd mtg., paras. 37, 42, 45 and 46)	9 December 1958	S C, 13th yr., 843rd mtg., para. 48

ANNEX III

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

<u>Decisions arranged under agenda items</u> (with document reference for text)	<u>Document reference for vote</u>
<u>India-Pakistan question</u>	
Decision of 24 January 1957 (765th meeting): Joint draft resolution submitted by Australia, Colombia, Cuba, United Kingdom and United States (S C, 12th yr., 765th mtg., paras. 17, 35, 41, 42, 49, 50 and 56)	S C, 12th yr., 765th mtg., para. 150
Decision of 21 February 1957 (774th meeting): Draft resolution submitted by Australia, United Kingdom and United States (S C, 12th yr., 773rd mtg., para. 130)	S C, 12th yr., 774th mtg., para. 79
Decision of 2 December 1957 (808th meeting): Amendment by Sweden to draft resolution submitted by Australia, Colombia, Philippines, United Kingdom and United States (S C, 12th yr., 807th mtg., para. 3)	S C, 12th yr., 808th mtg., para. 8
Decision of 2 December 1957 (808th meeting): Draft resolution submitted by Australia, Colombia, Philippines, United Kingdom and United States (S C, 12th yr., 807th mtg., para. 1)	S C, 12th yr., 808th mtg., para. 17
<u>Lebanon question</u>	
Decision of 11 June 1958 (825th meeting): Draft resolution submitted by Sweden (S C, 13th yr., 824th mtg., para. 111)	S C, 13th yr., 825th mtg., para. 82
<u>Admission of new Members</u>	
Decision of 9 December 1958 (842nd meeting): Draft resolution submitted by Iraq and Japan (S C, 13th yr., 842nd mtg., paras. 9, 11, 12 and 25)	S C, 13th yr., 842nd mtg., para. 72