

ARTICLE 27

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ARTICLE 27

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 nine members.
3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine 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 pertains to the treatment of the voting practice of the Security Council in relation to Article 27. Voting practice extraneous to that Article, such as the election of judges of the International Court of Justice, in accordance with Article 10 of the Court's Statute, is not dealt with in this study. Certain questions of procedure relating to voting are treated under Article 30.
2. The General Survey contains a summary statement on recourse by the Council to voting in accordance with the provisions of Article 27.
3. The first question included in the Analytical Summary of Practice concerns the distinction between "procedural matters" and "all other matters" under Article 27. During the period under review no evidence bearing on the procedure of the Council in determining the preliminary question whether a matter was procedural within the meaning

of Article 27 was found. The Analytical Summary of Practice 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: annex I lists cases in which the vote indicated the procedural character of the matter; annex II, cases in which the vote indicated the non-procedural character of the matter; and annex III, 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 concerning voting procedure in the Council was included in the *Repertory*.¹

¹ See *Repertory*, vol. II, under Article 27, annex IV, pp. 104-106.

I. GENERAL SURVEY

5. Article 27 stipulates that decisions of the Security Council are to be made by an affirmative vote. The Security Council has, however, frequently resorted to other methods of reaching a decision. For instance, the President has recorded a decision as taken in the absence of objection, or a presidential statement has indicated the action to be taken or has expressed the consensus of the views of the members of the Council relating to the matter under consideration. Between 1 September 1966 and 31 December 1969, the Council took approximately 317 decisions, of which 78 affirmative or negative decisions were taken by vote.

6. The voting in the Council is customarily done by a show of hands and the President asks for the votes of those in favour, those against and those abstaining. During the period under review no members were identified in the record of votes as not having participated. In elections, the voting was conducted by secret ballot.²

² In the secret ballot in connexion with the election of the Secretary-General, two ballots have been used to enable the tellers to distinguish the votes of the permanent and those of the elected members.

II. ANALYTICAL SUMMARY OF PRACTICE

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

7. This section reviews the decisions of the Security Council on matters which, together with the related discus-

sion, afford evidence on matters considered procedural or non-procedural. In the analysis of 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 nine 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.

8. The majority of occasions on which the Security Council has voted affords no indication of its attitude 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 a decision has been reached by a unanimous vote, or when all permanent members have voted in favour of the proposal, or when a proposal has failed to obtain nine affirmative votes.

9. During the period under review, decisions within the following categories were considered procedural without any objection having been raised when votes corresponding to the criteria set out in paragraph 7 above were recorded:

- (a) Inclusion of an item in the agenda³
- (b) Adjournment of a meeting.⁴

³ S C, 23rd yr., 1388th mtg., para. 40; 1441st mtg., para. 121.

⁴ S C, 22nd yr., 1358th mtg., paras. 330-334.

****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 REQUIREMENT OF ARTICLE 27 (3) CONCERNING "THE CONCURRING VOTES OF THE PERMANENT MEMBERS"

10. During the period under review the Council adopted six decisions by a vote in which one or more of the permanent members abstained. No affirmative decision could have been taken, had these members voted 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. A list of certain instances in which the permanent members have thus abstained is appended in Annex III.

****2. THE QUESTION WHETHER THE ABSENCE OF A PERMANENT MEMBER PRECLUDES FULFILMENT OF THE REQUIREMENT OF ARTICLE 27 (3) CONCERNING "THE CONCURRING VOTES OF THE PERMANENT MEMBERS"**

ANNEX I

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

<i>Decisions arranged in chronological order (with indication as to the nature of the question involved)</i>	<i>Document reference for vote</i>
Decision of 13 June 1967: United Kingdom proposal to adjourn the meeting: The situation in the Middle East	S C, 22nd yr., 1358th mtg., para. 333
Decision of 26 January 1968: Inclusion in the agenda: Complaint by the United States of America concerning the <i>U.S.S. Pueblo</i>	S C, 23rd yr., 1388th mtg., para. 40
Decision of 21 August 1968: Inclusion in the agenda: Question concerning Czechoslovakia	S C, 23rd yr., 1441st mtg., para. 121

ANNEX II

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

<i>Draft resolutions et cetera arranged under agenda items (with document reference for text)</i>	<i>Date</i>	<i>Document reference for vote</i>
<i>Palestine question</i>		
Draft resolution submitted by Argentina, Japan, Netherlands, New Zealand, Nigeria and Uganda (S C, 21st yr., Suppl. for Oct.-Dec., p. 69, S/7575/Rev.1)	3 November 1966	S C, 21st yr., 1319th mtg., para. 55
<i>Question concerning Czechoslovakia</i>		
Draft resolution submitted by Brazil, Canada, Denmark, France, Paraguay, Senegal, the United Kingdom and the United States (S C, 23rd yr., 1442nd mtg., paras. 29 and 30)	22 August 1968	S C, 23rd yr., 1443rd mtg., para. 284

ANNEX III

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

Decisions arranged under agenda items (with document reference for text)

Document reference for vote

Situation in Southern Rhodesia

Decision of 16 December 1966 (1340th meeting)

- (i) First amendment submitted by Mali, Nigeria and Uganda to draft resolution submitted by United Kingdom (S C, 21st yr., Suppl. for Oct.-Dec., amendments S/7630/Rev.1 to draft resolution S/7621/Rev.1) S C, 21st yr., 1340th mtg., para. 84
- (ii) Paragraph 1 of second amendment submitted by Mali, Nigeria and Uganda to draft resolution submitted by United Kingdom (S C, 21st yr., Suppl. for Oct.-Dec., amendment S/7630/Rev.1 to draft resolution S/7621/Rev.1) S C, 21st yr., 1340th mtg., para. 85
- (iii) Fourth amendment submitted by Mali, Nigeria and Uganda to add a new sub-paragraph (f) of paragraph 1 of draft resolution submitted by the United Kingdom (S C, 21st yr., Suppl. Oct.-Dec., amendment S/7630/Rev.1 to draft resolution S/7621/Rev.1) S C, 21st yr., 1340th mtg., para. 89
- (iv) Paragraph 6 in fifth amendment submitted by Mali, Nigeria and Uganda to draft resolution submitted by United Kingdom (S C, 21st yr., Suppl. for Oct.-Dec., amendment S/7630/Rev.1 to draft resolution S/7621/Rev.1) S C, 21st yr., 1340th mtg., para. 92
- (v) Paragraph 7 in fifth amendment submitted by Mali, Nigeria and Uganda to draft resolution submitted by United Kingdom (S C, 21st yr., Suppl. for Oct.-Dec., amendment S/7630/Rev.1 to draft resolution S/7621/Rev.1) S C, 21st yr., 1340th mtg., para. 93
- (vi) Paragraph 8 in fifth amendment submitted by Mali, Nigeria and Uganda to draft resolution submitted by United Kingdom (S C, 21st yr., Suppl. for Oct.-Dec., amendment S/7630/Rev.1 to draft resolution S/7621/Rev.1) S C, 21st yr., 1340th mtg., para. 94
- (vii) Paragraph 12 in sixth amendment submitted by Mali, Nigeria and Uganda to draft resolution submitted by United Kingdom (S C, 21st yr., Suppl. for Oct.-Dec., amendment S/7630/Rev.1 to draft resolution S/7621/Rev.1) S C, 21st yr., 1340th mtg., para. 95
- (viii) Paragraph 13 in sixth amendment submitted by Mali, Nigeria and Uganda to draft resolution submitted by United Kingdom (S C, 21st yr., Suppl. for Oct.-Dec., amendment S/7630/Rev.1 to draft resolution S/7621/Rev.1) S C, 21st yr., 1340th mtg., para. 96
- (ix) Draft resolution submitted by United Kingdom, as amended (S C, 21st yr., Suppl. for Oct.-Dec., S/7621/Rev.1. Same text as S C resolution 232 (1966)) S C, 21st yr., 1340th mtg., para. 110

Situation in the Middle East

Decision of 21 May 1968 (1426th mtg.):

Draft resolution submitted by Pakistan and Senegal (S C, 23rd yr., Suppl. for Apr.-June, amendment S/8590/Rev.2 to replace draft resolution S/8590/Rev.1). Same text as S C resolution 252 (1968). S C, 23rd yr., 1426th mtg., para. 53

Decision of 27 September 1968 (1454th mtg.):

Draft resolution submitted by Pakistan and Senegal (S C, 23rd yr., Suppl. for Apr.-June, amendment S/8825/Rev.2 to replace draft resolution S/8825/Rev.1). Same text as S C resolution 259 (1968) S C, 23rd yr., 1454th mtg., para. 252

Question relating to measures to safeguard non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons

Decision of 19 June 1968 (1433rd mtg.):

Draft resolution submitted by USSR, United Kingdom and the United States (S C, 23rd yr., Suppl. for Apr.-June, S/8630. Same text as S C resolution 255 (1969) S C, 23rd yr., 1433rd mtg., para. 115

Situation in Namibia

Decision of 20 March 1969 (1465th mtg.):

Draft resolution submitted by Colombia, Nepal, Pakistan, Paraguay, Senegal and Zambia (S C, 24th yr., Suppl. for Jan.-March, S/9100. Same text as S C resolution 264 (1969) S C, 24th yr., 1465th mtg., para. 165

Complaint by Zambia

Decision of 28 July 1969 (1491st mtg.):

Draft resolution submitted by Algeria, Nepal, Pakistan and Senegal (S C, 24th yr., 1491st mtg., para. 26. Same text as S C resolution 268 (1969) S C, 24th yr., 1491st mtg., para. 26

Complaint by Senegal

Decision of 9 December 1969 (1520th mtg.):

Draft resolution submitted by Algeria, Nepal, Pakistan and Zambia (S C, 24th yr., Suppl. for Oct.-Dec., S/9542/Rev.1. Same text as S C resolution 273 (1969) S C, 24th yr., 1520th mtg., para. 56

Decision of 22 December 1969 (1526th mtg.):

Draft resolution submitted by Algeria, Nepal, Pakistan, Senegal and Zambia (S C, 24th yr., Suppl. for Oct.-Dec., S/9574. Same text as S C resolution 275 (1969) S C, 24th yr., 1526th mtg., para. 48