

Repertory of Practice of United Nations Organs

Supplement Nos. 7-9 (1985-1999)¹

(Advance version, to be issued in volume III of *Supplement Nos. 7-9* (forthcoming) of the
Repertory of Practice of United Nations Organs)

VOLUME III

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.

NOTE

1. Most votes in the Council provide no indication whether the Council considered the matter voted upon as procedural or non-procedural.² This is particularly the case when a proposal is adopted by unanimous vote; when all permanent members vote in favour of a proposal; or when a proposal fails to obtain the necessary nine votes in its favour. However, in instances where a proposal obtains nine or more votes, with one or more permanent members casting a negative vote, and if the proposal is adopted, it indicates that the matter

¹ At the bilateral meeting between the Codification Division of the Office of Legal Affairs and the Security Council Affairs Division of the Department of Political Affairs, on 11 March 2011, it was agreed that in order to expedite the elimination of the backlog in volume III, studies on *Supplements 7, 8 and 9* of the volume would be merged.

² See, for instance, thirteenth supplement to the *Repertoire of the Practice of the Security Council* (1996-1999), chapter IV, part I “Procedural and non-procedural matters”; p. 118.

considered by the Council is procedural.³ Otherwise, it is non-procedural.⁴ The procedural matters that the Council voted upon during the period under review, included the insertion of items on the agenda, order of items on the agenda, deferment of consideration of items on the agenda, removal of an item from the list of matters of which the Council was seized, rulings of the President of the Council, suspension of a meeting, adjournment of a meeting and invitation to participate in the proceedings.⁵ The non-procedural matters that the Council voted upon included matters considered by the Council under its responsibility for the maintenance of international peace and security.⁶

2. On certain occasions the Security Council has found it necessary to decide, by vote, the question whether or not the matter under consideration was procedural within the meaning of Article 27 (2).⁷ This question has come to be termed, after the language used in the San Francisco Statement on Voting Procedure, “the preliminary question”. During the period under review, there was no instance where the Council voted on the “preliminary question”.⁸

3. In accordance with Article 27 (3) of the Charter, a party to a dispute under the scrutiny of the Council shall abstain from voting in decisions under Chapter VI of the Charter. While such abstention is called an obligatory abstention,⁹ abstention other than the proviso in Article 27 (3) is categorized as a voluntary abstention.¹⁰ During the period under review,

³ Ibid.

⁴ Ibid.

⁵ See, for instance, tenth supplement to the *Repertoire of the Practice of the Security Council* (1985-1988), chapter IV, part I, table A “Cases in which the vote indicated the procedural character of the matter”; pp. 59-60.

⁶ See, for instance, tenth supplement to the *Repertoire of the Practice of the Security Council* (1985-1988), chapter IV, part I, table B “Cases in which the vote indicated the non-procedural character of the matter”; pp. 60-61.

⁷ See, for instance, twelfth supplement to the *Repertoire of the Practice of the Security Council* (1989-1992), chapter IV, part II “Proceedings of the Security Council regarding voting upon the question whether the matter was procedural within the meaning of Article 27, paragraph 2, of the Charter”; p. 90.

⁸ See, for instance, thirteenth supplement to the *Repertoire of the Practice of the Security Council* (1996-1999), chapter IV, part II “Proceedings of the Security Council regarding voting upon the question whether the matter was procedural within the meaning of Article 27, paragraph 2, of the Charter”; p. 119.

⁹ See, for instance, eleventh supplement to the *Repertoire of the Practice of the Security Council* (1989-1992), chapter IV, part III, A. “Obligatory abstention”; p. 91.

¹⁰ See, for instance, eleventh supplement to the *Repertoire of the Practice of the Security Council* (1989-1992), chapter IV, part III, B. “Voluntary abstention, non-participation or absence in relation to Article 27, paragraph 3”; p. 92.

instances of obligatory abstention had steadily declined, with no such instance at all between 1993 and 1999, while the practice of voluntary abstention remained unchanged.¹¹

4. During the period under review, in addition to voting, decisions of the Council were also taken: 1) by consensus,¹² 2) without a vote,¹³ 3) in the form of statements by the President on behalf of the Council as agreed upon by the members of the Council during consultations,¹⁴ and 4) in letters or notes from the President of the Council.¹⁵

5. Effective 1 January 1994, the Council began the practice of having statements by the President on behalf of the Council published in an annual series using the prefix “S/PRST/_”¹⁶ followed by the year and the number of the statement, while previously, all “presidential statements” were issued as documents in the S/ series.¹⁷

6. The Security Council’s practice in connection with voting, including the discussions related to voting, is dealt with in detail in the *Repertoire of the Practice of the Security Council*.

7. For detailed information regarding the Council’s practice on voting, as described in paragraphs 1 to 6 above, see Chapter IV of the *Repertoire of the Practice of the Security Council*:

¹¹ See, for instance, twelfth supplement to the *Repertoire of the Practice of the Security Council* (1993-1995), chapter IV, part III “Abstention, non-participation or absence in relation to Article 27, paragraph 3, of the Charter”; pp. 77-83.

¹² See, for instance, tenth supplement to the *Repertoire of the Practice of the Security Council* (1985-1988), chapter IV, part IV, A. “Cases in which the Security Council adopted resolutions and decisions by consensus or without a vote”; p. 64.

¹³ See, for instance, eleventh supplement to the *Repertoire of the Practice of the Security Council* (1989-1992), chapter IV, part IV, table A “Cases in which the Security Council adopted resolutions without a vote”; pp. 94-95.

¹⁴ See, for instance, eleventh supplement to the *Repertoire of the Practice of the Security Council* (1989-1992) chapter IV, part IV, table B “Cases in which Security Council decisions were announced in presidential statements issued after being agreed upon by the members of the Council at consultations”; pp. 95-100.

¹⁵ See, for instance, eleventh supplement to the *Repertoire of the Practice of the Security Council* (1989-1992), chapter IV, part IV, table C “Cases in which Security Council decisions were recorded in letters or notes from the President of the Security Council”; pp. 100-104.

¹⁶ See, for instance, twelfth supplement to the *Repertoire of the Practice of the Security Council* (1993-1995), chapter IV, part IV, table B under “Cases in which Security Council decisions were announced in presidential statements issued after being agreed upon by the members of the Council at consultations”; pp. 88-92.

¹⁷ *Ibid.*, pp. 85-88.

http://www.un.org/en/sc/repertoire/85-88/85-88_04.pdf#page=3 (during 1985-1988);
http://www.un.org/en/sc/repertoire/89-92/89-92_04.pdf#page=4 (during 1989-1992);
http://www.un.org/en/sc/repertoire/93-95/93-95_04.pdf#page=4 (during 1993-1995); and
http://www.un.org/en/sc/repertoire/96-99/96-99_04.pdf#page=4 (during 1996-1999).