

ARTICLE 27

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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 contains material from the Official Records of the public meetings of the Security Council concerning the voting practice of the Council in relation to Article 27. Voting practice extraneous to Article 27 is not dealt with. The election of judges of the International Court of Justice by the affirmative votes of any six members, in accordance with Article 10 of the Statute, also does not fall within the scope of this study. Certain questions of procedure related to voting are dealt with in this Repertory 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; it also deals with recommendations transmitted by the Assembly to the Council in this connexion. In the Analytical Summary of Practice, specific questions derived from the text of Article 27 are dealt with in the light of the Council's proceedings.
3. The first question dealt with in the Analytical Summary of Practice concerns the distinction between "procedural matters" and "other matters" under Article 27. The evidence consists of discussion within the Council and of certain decisions which, through the application of the criteria stated in paragraph 13, afford evidence as to matters deemed procedural and those deemed non-procedural.
4. The question of procedure in the determination by vote of the Council of the distinction between procedural and "other matters" is dealt with next. Reference is made to discussion within the Council concerning the status of the "Statement by the delegations of the four sponsoring Governments on voting procedure in the Security Council", reproduced in annex IV below, since this statement indicates a procedure to be followed in this connexion.
5. Two other questions are examined in the Analytical Summary; both derive from the terms of Article 27 (3). One deals with the fulfilment in the practice of the Council of the provision of Article 27 (3) that the concurring votes of the permanent members are required for an affirmative decision of the Council on non-procedural matters. That question has arisen in connexion with the practice of the Council on two points: first, voluntary abstention, and, secondly, absence of a member. The other question concerns the practice of the Council regarding abstention under the proviso of Article 27 (3) by a member of the Council in its capacity as party to a dispute.

6. The material under each question includes a general statement on the practice of the Council, followed by a summary of the relevant views expressed in the Council. In this general statement, the distinction between the views of the permanent and of the elected members has, by reason of the difference in their standing under Article 27 and in relation to the San Francisco Statement on voting procedure, been conserved. Relevant decisions follow, with summaries of proceedings in those instances in which the proceedings add to the understanding of the question. Four annexes are appended: the first, listing 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, certain cases in which permanent members have abstained otherwise than in accordance with the proviso of Article 27 (3); and the fourth, reproducing the "Statement by the delegations of the four sponsoring Governments on voting procedure in the Security Council".

I. GENERAL SURVEY

7. Article 27 provides that decisions of the Security Council are to be made by an affirmative vote. The Security Council has had recourse, when necessary, to other methods of reaching a decision in a broad sense; the President may record the decision as taken in the absence of objection, or, on occasion, a presidential statement may indicate the action to be taken. As of 31 August 1954 the Council had taken approximately 1,030 decisions, of which 727 affirmative or negative decisions had been taken by vote. 1/

8. In application of Article 27, the Council, on 16 May 1946, on the recommendation of its Committee of Experts, 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."

9. It has been the practice of the Council to vote by show of hands, and, when so voting, to ask for the votes of those in favour, those against and those abstaining. In the record of votes, members have also been identified as not having participated or as having been absent.

10. In elections, the voting has been conducted by secret ballot. For secret ballots 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.

11. The Security Council has had occasion to consider the question of voting procedure in connexion with General Assembly resolutions 40 (I) of 13 December 1946, 117 (II) of 21 November 1947, and 267 (III) of 14 April 1949. General Assembly resolution 40 (I) was referred by the Security Council, at its 197th meeting on 27 August 1947, to the Committee of Experts. The Committee was instructed 2/ to submit to the Council its recommendations on the measures that the Council should adopt in view of the Assembly's recommendation, but no recommendations were submitted.

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

2/ S C, 2nd yr., No. 85, 197th mtg., p. 2281.

Resolution 117 (II) was included in the agenda of the Security Council at the 224th meeting on 19 December 1947, after discussion on the admissibility of the item. The proceedings concluded with a statement 3/ by the President to record receipt of the communication by the Council. General Assembly resolution 267 (III) 4/ was transmitted to the Security Council, but no debate ensued. By reason, however, of the recommendation that the permanent members seek agreement among themselves regarding the manner of and occasions for the exercise of the veto, the President (United States) made the following statement 5/ at the 452nd meeting on 18 October 1949:

"The five permanent members gathered together yesterday, and again today, to consider this General Assembly resolution in so far as it is addressed to the five permanent members. An effort has been made to find a basis for agreement, but agreement is not now possible in view of the fact that the Soviet Union has not changed its position upon the possibility of agreement under paragraph 2 of the resolution. The other four permanent members also adhere to their original position; they were sponsors of this resolution and voted for it.

"In connexion with the recommendation contained in paragraph 3 of the resolution, our consultations indicate that we are all in agreement on the principle and practice of consultation before important decisions are to be made, and we have agreed to meet again as soon as convenient to arrange for the calling and holding of such consultations."

Reference is made in the Analytical Summary of Practice to the context in which the recommendations of the Assembly have been cited in the course of debate. 6/ On occasion, as mentioned in paragraphs 53-66 below, representatives have referred to the practice of voluntary abstention as a response, in the working of the Council, to the recommendations of the General Assembly regarding voting procedure. 7/ Relevant also are certain occasions 8/ on which the Council did not proceed to a vote in connexion with the admission of new Members in circumstances in which the negative vote of a permanent member could be anticipated.

3/ S C, 2nd yr., No. 107, 224th mtg., p. 2819.

4/ G A resolution 267 (III), in addition to recommendations of a general character to the permanent members, recommended to the members of the Security Council "that, without prejudice to any other decisions which the Security Council may deem procedural, the decisions set forth in the attached annex be deemed procedural and that the members of the Security Council conduct their business accordingly". Resolution 267 (III) was based on the report of the Interim Committee (G A, 3rd session, Suppl. No. 10, A/578) prepared in pursuance of G A resolution 117 (II). This report also recommends to the permanent members that they give favourable consideration to certain specified decisions as decisions on which they would by agreement between themselves forbear to exercise their veto, when seven affirmative votes had been cast in the Council. For these recommendations, see also in this Repertory under Article 10.

5/ S C, 4th yr., No. 48, 452nd mtg., p. 2.

6/ See paras. 16, 19 and 37 below.

7/ S C, 2nd yr., No. 85, 197th mtg., pp. 2267-2281. See also II.C, para. 46 et seqq.

8/ See S C, 2nd yr., No. 81, 190th mtg., pp. 2134-2141; S C, 2nd yr., No. 105, 221st mtg., p. 2767; S C, 3rd yr., No. 55, 280th mtg., p. 3. For General Assembly resolutions concerning the application of Article 27 to votes on applications for membership, see also in this Repertory under Article 4. See also footnote 40 below.

II. ANALYTICAL SUMMARY OF PRACTICE

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

12. In submitting rule 40, the Committee of Experts reported that a view had been expressed within the Committee in favour of drafting a rule indicating the nature of the majority required for the various types of decision to be taken by the Council, but that it had been agreed to postpone further study of this question and to recommend the retention of rule 40. ^{9/} The question of the scope of "procedural matters" has been subsequently considered only on certain occasions in connexion with particular proposals before the Council.

13. In the present section are reviewed those decisions of the Council, with related discussion, which afford evidence as to matters deemed procedural and 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. ^{10/}

The majority of occasions on which the 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. Where a decision has been arrived at by a unanimous vote, or with all permanent members voting in favour of the proposal, the matter so voted upon may have been procedural or it may have been non-procedural; no indication of the view of the Council as to the procedural or non-procedural nature of the matter can be obtained from the vote in such a case. Nor can any indication be obtained from the cases where the proposal, having been put to the vote, has failed to obtain seven votes in its favour. Moreover, Official Records that do not identify the members voting against do not afford information necessary for the application of the above-mentioned criteria.

14. When voting on the preliminary question whether a matter was procedural or non-procedural, the Council has decided the question on the proposal that the matter be considered procedural. All decisions, therefore, conclusively established as procedural are referred to at relevant points in footnotes or in the text. Decisions conclusively established as non-procedural are dealt with in the text only in those instances in which the discussion serves to elucidate the procedural or non-procedural character of the decisions. A full listing of decisions indicated by the character of the vote as non-procedural is appended as annex II. For convenience of exposition, the decisions are related to general headings derived from the subject-matter dealt with in the decisions; this classification is not, however, itself an element in the practice of the Council.

^{9/} S C, 1st yr., 1st Series, Suppl. No. 2, annex 1 d (S/57), p. 23.

^{10/} For consideration of whether the preliminary question is itself procedural see under II.B below, para. 33 et seqq.

15. Decisions within the following categories have, when significant votes in the sense of the criteria stated in paragraph 13 above, have been recorded been considered procedural without any objection having been raised:

1. Inclusion of an item in the agenda; 11/
2. Order of items on the agenda; 12/
3. Adjournment of a meeting; 13/
4. Conduct of business; 14/
5. Removal of an item from the list of matters of which the Council is seized. 15/

16. Decisions within the following categories were the subject of contention as to the majority required for their adoption as well as the subject of significant votes indicative of their procedural or non-procedural character.

11/ S C, 1st yr., 2nd Series, No. 7, 59th mtg., p. 197.
 S C, 2nd yr., No. 48, 143rd mtg., p. 1052.
 S C, 2nd yr., No. 107, 224th mtg., p. 2796.
 S C, 3rd yr., Nos. 36-51, 268th mtg., pp. 101 and 102.
 S C, 4th yr., No. 30, 427th mtg., p. 10.
 S C, 5th yr., No. 24, 482nd mtg., p. 20.
 S C, 5th yr., No. 34, 492nd mtg., p. 12.
 S C, 5th yr., No. 35, 493rd mtg., p. 30.
 S C, 5th yr., No. 44, 502nd mtg., p. 14.
 S C, 5th yr., No. 61, 519th mtg., p. 6.

S C, 6th yr., 559th mtg., para. 54.

S C, 6th yr., 568th mtg., para. 88.

S C, 7th yr., 581st mtg., para. 36.

S C, 9th yr., 670th mtg., para. 73.

S C, 9th yr., 672nd mtg., para. 17.

12/ S C, 5th yr., No. 24, 482nd mtg., p. 20.

S C, 5th yr., No. 39, 497th mtg., p. 26.

S C, 5th yr., No. 45, 503rd mtg., p. 22.

S C, 7th yr., 584th mtg., para. 68.

13/ S C, 5th yr., No. 26, 484th mtg., p. 21.

S C, 5th yr., No. 43, 501st mtg., pp. 29 and 30.

S C, 5th yr., No. 45, 503rd mtg., p. 34.

S C, 5th yr., No. 49, 507th mtg., pp. 15 and 16.

14/ S C, 1st yr., 1st Series, No. 2, 49th mtg., p. 413.

S C, 1st yr., 2nd Series, No. 5, 57th mtg., p. 129.

S C, 2nd yr., No. 92, 206th mtg., p. 2475.

S C, 4th yr., No. 42, 444th mtg., p. 25.

S C, 5th yr., No. 1, 459th mtg., pp. 3 and 4.

S C, 5th yr., No. 22, 480th mtg., p. 9.

S C, 5th yr., No. 24, 482nd mtg., pp. 19 and 20.

S C, 5th yr., No. 39, 497th mtg., p. 29.

S C, 5th yr., No. 43, 501st mtg., p. 13.

S C, 6th yr., 567th mtg., para. 114.

S C, 7th yr., 581st mtg., para. 33.

S C, 7th yr., 599th mtg., para. 185.

S C, 7th yr., 599th mtg., para. 187.

S C, 9th yr., 670th mtg., para. 73.

cf. paras. 29-31 below.

15/ S C, 2nd yr., No. 89, 202nd mtg., p. 2405. The resolution in this case also provided for the transmission of documents on the item to the Assembly.

1. Invitations to participate;
2. Postponement of consideration;
3. Establishment of subsidiary organs for the elucidation of fact;
4. Retention of a question on the list of matters of which the Security Council is seized;
5. Request to the General Assembly pursuant to Article 12 to consider and make recommendations with regard to a dispute or situation;
6. Recommendations to the General Assembly on admission to membership in the United Nations.

The relevant case histories are entered under these headings in the succeeding paragraphs. Implicit in the debate on decisions within these categories was the question of the basis for distinguishing between "procedural matters" and "other matters". On the one hand, the concept of "procedural matters" has been confined to decisions on the internal procedure of the Council; decisions on the procedural aspects of relations with other organs of the United Nations have, however, also on occasion been considered as within the scope of procedural matters. Moreover, while on the one hand it has been maintained that the Charter and the provisional rules of procedure afford authoritative and exclusive evidence as to the scope of procedural matters, attention has also been drawn to the San Francisco Statement on voting procedure as a binding statement of the distinction between procedural and non-procedural matters. The question of the status of the Statement is considered in section B below. 16/ Members of the Security Council have also cited, as a basis for classifying matters as procedural or non-procedural, the recommendation 17/ that certain enumerated decisions be deemed procedural.

1. Invitations to participate

17. Proposals to invite non-members to participate have been adopted 18/ without objection, notwithstanding the negative vote of a permanent member. On two occasions objections to classifying the matter as procedural resulted in decisions that the matter was procedural.

a. DECISION OF 10 JULY 1946 IN CONNEXION WITH THE FIRST REPORT OF THE ATOMIC ENERGY COMMISSION

18. A presidential proposal that the Council agree to the request of the representative of Canada to participate in the consideration of the First Report of the Atomic Energy Commission was declared adopted at the 50th meeting on 10 July 1946 by 9 votes in favour, 1 against and 1 abstention, the vote against being that of a permanent member. The representative of the USSR who had voted against claimed that it was a non-procedural matter. Support for considering it procedural was based both on the Charter, in which, it was observed, provisions for invitation to non-members specially affected (Article 31) fell under a section headed "Procedure", and on the San Francisco Statement on voting procedure from which a passage was quoted citing invitations to participate as an example of a procedural matter. The representative

16/ See para. 29 below et seqq.

17/ G A resolution 267 (III).

18/ S C, 1st yr., 2nd Series, No. 10, 64th mtg., pp. 266 and 267.

S C, 1st yr., 2nd Series, No. 24, 82nd mtg., pp. 558 and 559.

S C, 2nd yr., No. 74, 181st mtg., p. 1940.

S C, 3rd yr., Nos. 36-51, 268th mtg., p. 102.

S C, 3rd yr., Nos. 36-51, 272nd mtg., p. 175.

S C, 3rd yr., No. 71, 300th mtg., p. 20.

of the USSR reserved 19/ the right to revert to the question. The President (Mexico) invited 20/ the representative of Canada to take his place at the Council table.

b. DECISION OF 29 SEPTEMBER 1950 IN CONNEXION WITH THE COMPLAINT
OF ARMED INVASION OF TAIWAN (FORMOSA)

19. At the 506th meeting on 29 September 1950, the Council had before it a draft resolution 21/ submitted by Ecuador which would invite a representative of the People's Republic of China to attend meetings in connexion with this item. It was maintained that an invitation to the People's Republic of China could not be considered a procedural matter since China was a member of the Council and only invitations to non-members were considered procedural in the San Francisco Statement. Those maintaining that the proposal fell within the provisions of Article 27 (2) recalled precedents, and observed that the invitation was to be issued under rule 39 of the provisional rules of procedure; and that Article 30 of the Charter, which provided for the adoption of such rules, had been inserted therein under the heading "Procedure". Attention was also drawn to General Assembly resolution 267 (III) as a basis for considering the matter procedural. 22/

Decision

At the 506th meeting on 29 September 1950, the Ecuadorian draft resolution 23/ was declared adopted by 7 votes to 3, with 1 abstention, 2 votes against being those of permanent members. At the 507th meeting on 29 September 1950, the proposal to consider the matter procedural was put to the vote and declared adopted. A challenge to the President's interpretation of the vote on the preliminary question was then put to the vote, and the President's ruling that the Council had decided to consider the Ecuadorian draft resolution procedural was not overruled. 24/

2. Postponement of consideration

20. Proposals to this effect have been adopted 25/ notwithstanding the negative vote of a permanent member. At the 57th meeting on 29 August 1946, however, it was

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- 19/ For texts of relevant statements, see
S C, 1st yr., 2nd Series, No. 1, 50th mtg.: President (Mexico), p. 4;
Australia, p. 5; USSR, pp. 4, 6 and 7; United Kingdom, p. 5.
- 20/ S C, 1st yr., 2nd Series, No. 1, 50th mtg., p. 4.
- 21/ S C, 5th yr., No. 48, 506th mtg., pp. 3-5, S/1823/Corr.1.
- 22/ For texts of relevant statements, see
S C, 5th yr., No. 47, 505th mtg.: China, pp. 18 and 19; USSR, pp. 17 and 18.
S C, 5th yr., No. 48, 506th mtg.: India, p. 8; United States, pp. 12 and 13.
- 23/ S C, 5th yr., 506th mtg., pp. 3-5, S/1823/Corr.1.
- 24/ S C, 5th yr., No. 48, 506th mtg., pp. 3-5.
S C, 5th yr., No. 49, 507th mtg., pp. 4-8. For vote on the preliminary question, see para. 44 below.
- 25/ S C, 2nd yr., No. 6, 95th mtg., p. 123.
S C, 5th yr., No. 48, 506th mtg., pp. 3-5.
S C, 6th yr., 565th mtg., para. 62.
S C, 7th yr., 591st mtg., para. 96.
S C, 8th yr., 628th mtg., para. 133.
S C, 8th yr., 634th mtg., para. 89.
S C, 8th yr., 641st mtg., para. 101.
S C, 8th yr., 647th mtg., para. 43.

decided 26/ by a preliminary decision to consider non-procedural a motion to postpone voting on the applications of Albania and the Mongolian People's Republic until the next occasion on which applications would be considered.

3. Establishment of subsidiary organs for the elucidation of fact

21. The question whether decisions of this character were subject to procedural or non-procedural vote was considered 27/ by the Council at the 70th meeting on 20 September 1946, when a draft resolution which would establish a commission of investigation in connexion with the Ukrainian complaint against Greece failed of adoption by reason of the negative vote of a permanent member. The question was also considered at the 114th meeting on 27 February 1947 when the primary issue dealt with was whether the proviso regarding abstention from voting by parties to a dispute applied to a proposal to establish a sub-committee to examine evidence on the Corfu Channel question. 28/ The most extensive consideration of this matter occurred in connexion with the Czechoslovak question; on this occasion, the discussion resulted in a vote on the preliminary question.

DECISION OF 24 MAY 1948 IN CONNEXION WITH THE CZECHOSLOVAK QUESTION

22. The Council had under consideration a draft resolution 29/ which would appoint a sub-committee to receive or hear evidence, statements and testimony on the Czechoslovak question. The preamble specified that such action should be without prejudice to subsequent decisions under Article 34.

23. The procedural nature of the draft resolution was affirmed on the ground that the appointment of a sub-committee came under Article 29 of the Charter, which appears in Chapter V under the heading "Procedure". In rebuttal, it was contended that the draft resolution was a non-procedural matter inasmuch as it proposed an investigation of the question.

24. The San Francisco Statement on voting procedure was cited in support of both views. As evidence that the matter was procedural, paragraph 2 of part I of the Statement was cited; by this paragraph proposals for the establishment of such bodies or agencies as the Council may deem necessary for the performance of its functions are to be adopted by the affirmative vote of any seven members. As evidence that the draft resolution was non-procedural, paragraphs 4 and 5 of part I of the Statement were cited; by these paragraphs decisions to investigate are denoted as non-procedural. The President (France), in stating his ruling on the subject, maintained that investigation was to be construed in its widest meaning for the purposes of Article 27. 30/

26/ S C, 1st yr., 2nd Series, No. 5, 57th mtg., pp. 125-137. For vote on the preliminary question, see para. 41 below.

27/ S C, 1st yr., 2nd Series, No. 16, 70th mtg., pp. 410-412.

28/ For decision, see para. 61 below.

29/ S C, 3rd yr., No. 56, 281st mtg., p. 2. For text, see in this Repertory under Article 34.

30/ For texts of relevant statements, see S C, 3rd yr., No. 63, 288th mtg.: Argentina, pp. 25-27; Canada, p. 21; Syria, pp. 22 and 23; USSR, pp. 21 and 22; United States, pp. 24 and 25. S C, 3rd yr., No. 73, 303rd mtg.: President (France), p. 20; Syria, p. 4; Ukrainian SSR, pp. 2 and 3.

S C, 3rd yr., No. 74, 305th mtg.: United Kingdom, p. 33.

Decision

At the 303rd meeting on 24 May 1948, the Council voted on the preliminary question whether the draft resolution was non-procedural. The President interpreted the vote in the sense that the draft resolution was non-procedural. This interpretation was challenged and put to the vote. The ruling was upheld. The draft resolution was not adopted. There were 9 votes in favour and 2 against, 1 vote against being that of a permanent member. 31/

*4. Retention of a question on the list of matters of which
the Security Council is seized*

DECISION OF 26 JUNE 1946 IN CONNEXION WITH THE SPANISH QUESTION

25. A draft resolution which would maintain the Spanish question on the list of matters of which the Security Council is seized was declared adopted 32/ by 9 votes in favour and 2 against, 1 vote against being that of a permanent member. The permanent member contended that, since the preamble contained conclusions of the kind envisaged in Chapter VI, the draft resolution was non-procedural. In support of the procedural character of the draft resolution it was observed that the conclusions in question were contained in the preamble, and that the operative part alone determined the character of the requisite vote. 33/

Decision

A vote 34/ was taken on the preliminary question and the Council decided to consider the decision non-procedural. The draft resolution was therefore not adopted.

*5. Request to the General Assembly pursuant to Article 12 to consider and make
recommendations with regard to a dispute or situation*

DECISION OF 15 SEPTEMBER 1947 IN CONNEXION WITH THE GREEK
FRONTIER INCIDENTS QUESTION

26. A draft resolution 35/ which would request the General Assembly pursuant to Article 12 to consider and make recommendations with regard to the Greek frontier incidents question, gave rise to consideration whether it was procedural, and to a vote on the preliminary question. As evidence of its procedural character, the contention was advanced that the proposal related to the internal procedure of the United Nations and to the relations between its organs. It could not be considered non-procedural since it did not in any way indicate a view with regard to the merits of the dispute.

31/ S C, 3rd yr., No. 73, 303rd mtg., pp. 19-29. For vote on the preliminary question, see para. 43 below.

32/ S C, 1st yr., 1st Series, No. 2, 49th mtg., pp. 401 and 413.

33/ For texts of relevant statements, see S C, 1st yr., 1st Series, No. 2, 49th mtg.: President (Mexico), p. 414; Australia, pp. 415 and 416; France, p. 422; Netherlands, pp. 414 and 415; USSR, pp. 413 and 414, 417, 423 and 424.

34/ S C, 1st yr., 1st Series, No. 2, 49th mtg., pp. 413, 421 and 422. For vote on preliminary question, see para. 40 below.

35/ S C, 2nd yr., No. 89, 202nd mtg., p. 2369, S/555.

27. Contrariwise, it was maintained that matters of procedure under Article 27 (2) are confined to matters of internal procedure of the Council and that the importance of the proposal in the handling of the question had also to be taken into account. 36/

Decision

At the 202nd meeting on 15 September 1947, the draft resolution was declared not adopted. There were 9 votes in favour and 2 against, 1 vote against being that of a permanent member. The proposal that the matter was procedural was then voted upon and rejected. 37/

6. Recommendations to the General Assembly on admission to membership in the United Nations

28. On all occasions on which proposals to recommend a State 38/ for membership in the United Nations have received seven or more affirmative votes and the negative vote of a permanent member, the proposals have failed of adoption by reason of the negative vote of that permanent member. 39/ The question of the procedural or non-procedural character of such proposals has, however, been the subject of debate in the proceedings of the Council. 40/

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

29. On occasion, the question whether a draft resolution under consideration was procedural or non-procedural has been the subject of a statement by the President. Statements on that question at times preceded the vote on the main proposal, and at times assumed the form of an announcement of the results of the vote. On five occasions, challenges to the President's statement regarding the character of the main proposal resulted in a vote on the preliminary question and in consideration as to how

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- 36/ For texts of relevant statements, see S C, 2nd yr., No. 89, 202nd mtg.: President (USSR), pp. 2390 and 2391; Australia, pp. 2372, 2373 and 2392; Poland, pp. 2389 and 2395; United States, pp. 2368, 2369, 2390 and 2391.
- 37/ S C, 2nd yr., No. 89, 202nd mtg., p. 2399. For vote on the preliminary question, see para. 42 below.
- 38/ For a list of such States and the votes on the respective draft resolutions, see also in this Repertory under Article 4.
- 39/ For the relevant discussion, see also in this Repertory under Article 4.
- 40/ For texts of relevant statements, see S C, 1st yr., 2nd Series, No. 5, 56th mtg.: Australia, p. 94; China, p. 95; USSR, p. 98.
S C, 4th yr., No. 30, 427th mtg.: President (Norway), p. 5; Argentina, pp. 10-30.
S C, 4th yr., No. 31, 428th mtg.: China, p. 2; France, p. 13; Ukrainian SSR, pp. 15 and 16; USSR, p. 9; United States, pp. 5-7.
S C, 4th yr., No. 32, 429th mtg.: President (Norway), pp. 18 and 19; United Kingdom, pp. 3 and 4.
S C, 4th yr., No. 33, 430th mtg.: USSR, p. 8.
S C, 4th yr., No. 34, 431st mtg.: President (Ukrainian SSR), p. 12.
S C, 4th yr., No. 40, 441st mtg.: Argentina, pp. 17 and 18; China, pp. 16 and 17; Egypt, p. 17.
S C, 4th yr., No. 41, 442nd mtg.: United States, p. 7.
443rd mtg.: Argentina, pp. 29 and 30.

that vote should be taken. On the first occasion, the President put to the vote his ruling that the main proposal was procedural; on all subsequent occasions the Council voted upon a proposal to consider the main draft resolution procedural. The President's interpretation of the vote on the preliminary question was challenged on two occasions (303rd and 507th meetings), and a second vote was then taken in accordance with rule 30 41/ of the provisional rules of procedure.

30. Certain permanent members have held that the question whether a proposal was procedural or non-procedural was not subject to a ruling of the President, that this question had to be decided by vote of the Security Council upon a proposal that the question was procedural, and that for a decision to this effect the concurring votes of the permanent members were required. A distinction was drawn between mere opinions stated by the President, and rulings by the President under rule 30. It was contended that the President might rule only on a point of order, when the subject was procedural, and that the preliminary question whether a matter is procedural within the meaning of Article 27 could not be reduced to a point of order. The application of rule 30 to the preliminary question might contravene the provisions of the San Francisco Statement relating to the majority required to decide the "preliminary question". Contrariwise it was contended that the President, whether a representative of a permanent or of an elected member, had to interpret the results of a vote in accordance with his own judgement, and that, in the event of a challenge, a vote had to be taken in accordance with rule 30 of the provisional rules of procedure to determine whether the ruling was overruled. Rule 30, it was observed, made no distinction as to the circumstances in which challenges to presidential rulings might be offered.

31. Rulings have been put to the vote at three meetings. At the 49th meeting, the President stated that, in accordance with the rules of procedure, he would put to the vote his ruling that the main proposal was procedural; he also affirmed that the concurring votes of the permanent members were required to uphold his ruling. The President declared that his ruling had been overruled. At the 303rd and 507th meetings, the Council, in accordance with rule 30, voted on the challenge to the President's interpretation of the vote on the proposal to consider the main proposal procedural. The President's ruling was upheld on both occasions; the votes were inconclusive for

41/ Rule 30 reads as follows: "If a representative raises a point of order, the President shall immediately state his ruling. If it is challenged, the President shall submit his ruling to the Security Council for immediate decision and it shall stand unless overruled."

the purpose of establishing in accordance with the criteria stated in paragraph 13 above whether the votes under rule 30 in those instances were under Article 27 (2) or (3). 42/

32. An ancillary problem has been the question of the order in which the main proposal and the question whether the main proposal is a procedural matter should be put to the vote. The Security Council has on three occasions voted 43/ first on the main proposal and then on the question whether the main proposal was procedural; on two occasions the Council has voted 44/ in the reverse order. At the 202nd meeting on 15 September 1947, the President ruled that the Council might not vote on a draft resolution before deciding whether it was procedural. The ruling was challenged and put to the vote. The ruling was overruled; 45/ there were 2 votes in favour, 8 against and 1 abstention. The view that determination of the nature of the draft resolution had to come first was advanced on the grounds that the San Francisco Statement referred to this point of procedure as the "preliminary question", and that members should know the majority required for the adoption of a proposal before it was put to the vote. The opposite view rested mainly on the contention that the necessity of deciding the preliminary question arose only when a proposal had received seven or more affirmative votes and a permanent member had voted against it. According to this view, objections should be raised after the President had interpreted the results of the vote on the main proposal. The challenge to the President's interpretation would then be subject to the provisions of rule 30 of the provisional rules of procedure. 46/

- 42/ For texts of relevant statements, see S C, 1st yr., 1st Series, No. 2, 49th mtg.: President (Mexico), pp. 421 and 422; Australia, pp. 421, 424 and 425; USSR, p. 418.
S C, 1st yr., 2nd Series, No. 5, 57th mtg.: President (Poland), pp. 127, 132, 133, 134 and 135; Australia, pp. 134 and 135; Netherlands, pp. 130, 132 and 135; USSR, pp. 130 and 131; United States, p. 134.
S C, 2nd yr., No. 21, 114th mtg.: President (Belgium), p. 426; USSR, pp. 427 and 428.
S C, 2nd yr., No. 89, 202nd mtg.: President (USSR), pp. 2390, 2391, 2394, 2400 and 2401; Australia, p. 2392; United States, pp. 2390, 2391, 2394 and 2400.
S C, 3rd yr., No. 73, 303rd mtg.: President (France), pp. 23-26; Argentina, p. 24; Belgium, p. 23; Canada, pp. 21 and 22; China, p. 27; Colombia, p. 23; Syria, p. 4; USSR, pp. 23, 24 and 27; United States, pp. 29 and 30.
S C, 3rd yr., No. 88, 325th mtg.: President (Syria), pp. 17 and 18; USSR, pp. 18 and 19.
S C, 5th yr., No. 47, 505th mtg.: China, p. 17.
S C, 5th yr., No. 49, 507th mtg.: President (United Kingdom), pp. 4, 7 and 10; China, pp. 5, 6, 7 and 8; Egypt, p. 10; United States, p. 10.
- 43/ S C, 1st yr., 1st Series, No. 2, 49th mtg., pp. 421 and 422.
S C, 2nd yr., No. 89, 202nd mtg., p. 2397.
S C, 5th yr., No. 49, 507th mtg., pp. 4 and 5.
- 44/ S C, 1st yr., 2nd Series, No. 2, 57th mtg., p. 132.
S C, 3rd yr., No. 73, 303rd mtg., p. 19.
- 45/ S C, 2nd yr., No. 89, 202nd mtg., p. 2397.
- 46/ For texts of relevant statements, see S C, 1st yr., 1st Series, No. 2, 49th mtg.: President (Mexico), p. 418; USSR, pp. 413 and 418.
S C, 2nd yr., No. 89, 202nd mtg.: President (USSR), pp. 2394, 2397, 2398 and 2399; Belgium, p. 2395; France, p. 2399; United Kingdom, pp. 2398 and 2399; United States, p. 2395.
S C, 3rd yr., No. 71, 300th mtg.: President (France), p. 37.
S C, 3rd yr., No. 73, 303rd mtg.: President (France), pp. 18 and 19; Syria, pp. 1, 2 and 19; USSR, pp. 10 and 11.
S C, 5th yr., No. 47, 505th mtg.: President (United Kingdom), pp. 17, 19 and 20.
S C, 5th yr., No. 48, 506th mtg.: President (United Kingdom), p. 3; China, p. 3.

33. The proceedings on the five occasions on which the preliminary question was voted upon are indicative of the procedural variations in determining by vote whether a matter is procedural. A synopsis of each of these occasions is given in paragraphs 40-44 below. On each occasion, the vote was accompanied by debate on the question whether the decision that the matter is procedural is itself a procedural matter within the meaning of Article 27 (2).

34. On three occasions 47/ when votes were taken on the preliminary question, the proposal to consider a matter procedural was not adopted by reason of the negative vote of a permanent member. In the fourth case 48/ the proposal was declared by the President to have been rejected, after it had failed to obtain the affirmative votes of seven members. The President ruled that the concurring votes of the permanent members would have been necessary for the adoption of the proposal. In the fifth case, 49/ the proposal to consider the matter procedural was declared adopted by the President, notwithstanding the negative vote of a permanent member. In discussion on these and other occasions both the view that the preliminary question was procedural and the view that it was non-procedural were upheld by members of the Council on the basis of inference from the provisions of Article 27. Discussion on the preliminary question was also accompanied by the invocation of part II of the San Francisco Statement as the basis for classifying the preliminary decision as non-procedural.

35. On three occasions when stating that the concurring votes of the permanent members were necessary in order to decide that the main draft resolution was procedural, the President expressly invoked the San Francisco Statement as the basis for his interpretation. 50/ On a fourth occasion, the President's conclusion to the same effect was contested by certain members on the grounds that it was based on that document. 51/ On a fifth occasion, the invocation of the San Francisco Statement by a permanent member, in support of his contention that his negative vote had defeated a proposal to consider a draft resolution procedural, was unsuccessful. The President, the representative of a permanent member, declared adopted the proposal to consider a draft resolution procedural notwithstanding the negative vote of the permanent member, and his ruling was not overruled. 52/

36. In support of the invocation of the San Francisco Statement as the basis for classifying the vote on the preliminary question as non-procedural, it was maintained by one permanent member that this statement was binding on the permanent members of the Council and that, consequently, if any one of them objected to a proposal being

47/ See paras. 40, 42 and 43 below.

48/ See para. 41 below.

49/ See para. 44 below.

50/ When the President was the representative of Poland - S C, 1st yr., 2nd Series, No. 5, 57th mtg., pp. 127, 131 and 132.

When the President was the representative of the USSR - S C, 2nd yr., No. 89, 202nd mtg., pp. 2397, 2398, 2400 and 2401.

When the President was the representative of France - S C, 3rd yr., No. 73, 303rd mtg., pp. 19 and 20.

51/ When the President was the representative of Mexico - S C, 1st yr., 1st Series, No. 2, 49th mtg., pp. 421-425.

52/ When the President was the representative of the United Kingdom - S C, 5th yr., No. 49, 507th mtg., p. 5. See also the statements by the representative of China - S C, 5th yr., No. 47, 505th mtg., pp. 18 and 19; S C, 5th yr., No. 48, 506th mtg., pp. 5 and 6; S C, 5th yr., No. 49, 507th mtg., pp. 5 and 6. See also para. 44 below.

regarded as procedural, no affirmative decision could be made on it. It was also maintained that, since the Statement constituted an interpretation of the Charter without which the Charter might not have come into force, it was unjustifiable to set the obligations assumed by the permanent members under the San Francisco Statement against those assumed under the Charter. Moreover, the obligations assumed by this Statement remained unaffected by interpretations of votes given by Presidents, whether representatives of permanent or elected members.

37. Certain permanent members considered the San Francisco Statement a statement of general attitude rather than an agreement binding in perpetuity. They also maintained that where the Charter itself and part I of the San Francisco Statement clearly indicated the procedural character of a draft resolution, a permanent member could not rightly negate this by resort to the procedure for a preliminary determination provided for in part II of the Statement. The view was also expressed that General Assembly resolution 267 (III) was intended to provide a procedure whereby any seven members of the Council could restrict the application of Article 27 (3) to votes on the preliminary question relating to matters which did not fall within one of the thirty-five categories of decisions deemed procedural by the Assembly.

38. Some elected members of the Council contended that the San Francisco Statement was neither a part of the Charter nor an authoritative interpretation of Article 27 endorsed by any organ of the Conference. While acknowledging that it might be binding on the permanent members, these elected members insisted that it had no status as far as the other Members of the United Nations and the Council were concerned. The President could rely only on his own interpretation and, if challenged by a permanent member, he must put his ruling to the vote. The view was also expressed that, if the San Francisco Statement did constitute an international agreement, the obligations of the permanent members under the Charter prevailed, in accordance with Article 103, over those assumed under the Statement. Certain elected members also observed that, if the Statement was invoked, it had to be considered in its entirety when determining whether a matter was procedural. 53/

- 53/ For texts of relevant statements, see S C, 1st yr., 1st Series, No. 2, 49th mtg.: President (Mexico), pp. 421 and 422; Australia, p. 425; Netherlands, p. 422; USSR, p. 424.
- S C, 1st yr., 2nd Series, No. 5, 57th mtg.: President (Poland), pp. 127, 131 and 132; Australia, pp. 134 and 135; France, p. 135; Netherlands, pp. 132, 133 and 135; USSR, pp. 130, 132 and 133.
- S C, 2nd yr., No. 21, 114th mtg.: USSR, pp. 427 and 428; United States, p. 430.
- S C, 2nd yr., No. 89, 202nd mtg.: President (USSR), pp. 2397, 2398, 2400 and 2401; Australia, p. 2400; Poland, p. 2401; United Kingdom, pp. 2398 and 2399; United States, p. 2401.
- S C, 3rd yr., No. 63, 288th mtg.: Argentina, pp. 26 and 27; Syria, p. 23; USSR, pp. 21 and 22; United States, pp. 24 and 25.
- S C, 3rd yr., No. 71, 300th mtg.: Canada, pp. 40 and 41; USSR, pp. 41 and 42; United Kingdom, p. 38.
- S C, 3rd yr., No. 73, 303rd mtg.: President (France), pp. 19 and 20; Argentina, p. 21; Belgium, p. 23; Canada, pp. 21 and 22; Colombia, p. 23; Ukrainian SSR, p. 3; United States, pp. 5 and 6.
- S C, 3rd yr., No. 74, 305th mtg.: United Kingdom, p. 33.
- S C, 3rd yr., No. 88, 325th mtg.: President (Syria), pp. 17 and 18; USSR, pp. 17 and 18.
- S C, 5th yr., No. 47, 505th mtg.: China, pp. 18 and 19.
- S C, 5th yr., No. 48, 506th mtg.: China, pp. 5 and 6; United States, pp. 13 and 14.
- S C, 5th yr., No. 49, 507th mtg.: President (United Kingdom), p. 5; China, pp. 5 and 6; United States, pp. 9 and 10.

39. At the 303rd meeting four elected members formally challenged the President's (France) interpretation of the vote on the preliminary question because it was based on part II of the San Francisco Statement, the binding force of which they did not recognize. 54/

1. Decision of 26 June 1946 in connexion with the Spanish question

40. At the 49th meeting the President (Mexico) ruled that a draft resolution 55/ had been adopted by 9 votes to 2, 1 vote against being that of a permanent member. When the representative of the permanent member who had voted against the draft resolution objected to the President's interpretation of the vote, the President put his ruling to the vote by asking: "Those who are in favour of the ruling that this is a question of procedure, please raise their hands." There were 8 votes in favour, 2 against and 1 abstention, the 2 votes against being those of permanent members. The President concluded that his ruling had been overruled for, to arrive at a decision that the matter was procedural, the five permanent members had to concur. One elected member observed that the vote had in fact upheld the President's ruling. 56/

2. Decision of 29 August 1946 in connexion with the admission of new Members

41. At the 57th meeting, before putting a motion 57/ to the vote, the President (Poland) ruled that the motion was a procedural matter. Upon the request of a permanent member, the President asked "all those who believe that it is a matter of procedure to raise their hands". There were 5 votes in favour, 4 against and 2 abstentions, the 4 votes against being those of permanent members. The President ruled that the Council had voted to consider the main motion non-procedural. Objections were raised to the President's interpretation of the vote on the grounds that, according to rule 30 of the provisional rules of procedure, a majority was required to overrule and that the concurring votes of five permanent members were required for an effective challenge. The President thereupon declared that he maintained his interpretation, and invited those who disagreed to challenge his ruling. Two elected members expressed their disagreement with this ruling, but the matter was not pressed to a vote. 58/

3. Decision of 15 September 1947 in connexion with the Greek frontier incidents question

42. At the 202nd meeting, before putting a draft resolution 59/ to the vote, the President (USSR) announced that the Council would vote in accordance with the provisions of Article 27 (3). The representative of the United States maintained that the draft resolution was a procedural matter and requested that the Council determine the preliminary question after the President had interpreted the vote on the main draft resolution. In reply to the contention that he had already ruled on the point, the President maintained that he had merely stated his opinion and that the President could only rule on a point of order. After the vote on the main draft resolution, the President ruled that the draft resolution had been rejected because of the negative

54/ S C, 3rd yr., No. 73, 303rd mtg., pp. 21-23.

55/ See para. 25 above.

56/ S C, 1st yr., 1st Series, No. 2, 49th mtg., pp. 421 and 422.

57/ See para. 20 above.

58/ S C, 1st yr., 2nd Series, No. 5, 57th mtg., pp. 132-135.

59/ See paras. 26 and 27 above.

vote of a permanent member. When the representative of the United States challenged the President's interpretation, the President announced that the vote would be upon the proposal that the question was one of procedure. There were 8 votes in favour, 2 against and 1 abstention, 1 vote against being that of a permanent member. The President ruled that the proposal had been rejected because of the negative vote of a permanent member. He further declared that until he was overruled, the ruling would stand. The ruling was not challenged. 60/

4. Decision of 24 May 1948 in connexion with the Czechoslovak question

43. At the 303rd meeting, the President (France), confronted with a draft resolution the procedural nature of which had been questioned, 61/ proposed that the Council decide the preliminary question before voting on the main draft resolution because a presidential ruling interpreting the vote on the main draft resolution might not be in accordance with the views held by the majority. The President put the preliminary question to the Council in the following words: "Should the vote to be taken on the draft resolution be considered a procedural vote?" There were 8 votes in favour, 2 against and 1 abstention, 1 vote against being that of a permanent member. The President ruled that, in accordance with the San Francisco Statement, the Council had decided to consider the main draft resolution non-procedural. The ruling was challenged by four elected members. The President stated that, since the challenge to his ruling constituted a point of order, rule 30 of the provisional rules of procedure was applicable to the vote on the challenge. The President put the ruling to the vote in the following words: "Will those who object to my interpretation raise their hands?" There were 6 votes in favour of overruling, 2 against and 3 abstentions, 1 permanent member voting in favour, 1 against and 3 abstaining. The President stated that in these circumstances the ruling was upheld. 62/

5. Decision of 29 September 1950 in connexion with the armed invasion of Taiwan (Formosa)

44. At the 507th meeting the President (United Kingdom) asked the Council to vote on whether the Ecuadorian draft resolution 63/ voted upon that morning was a procedural matter. There were 9 votes in favour, 1 against and 1 abstention, the vote against being that of a permanent member, and the President declared adopted the proposal to consider the matter procedural. The representative of China objected that his negative vote had prevented the adoption of the proposal. The President thereupon ruled that notwithstanding the objection of the representative of China, the vote on the main draft resolution was procedural. The representative of China considered the ruling ultra vires and offered to submit the ruling to the International Court of Justice for an advisory opinion. The President interpreted these remarks as a formal challenge and, after citing rule 30 of the provisional rules of procedure, put the challenge to his ruling to the vote. There were no votes in favour, none against and no abstentions. The President concluded that, since there had been no vote in favour of overruling his decision, it stood. The representative of China wished it to be recorded that the President's action was arbitrary and his decisions illegal and invalid. 64/

60/ S C, 2nd yr., No. 89, 202nd mtg., pp. 2390-2401.

61/ See paras. 21-24 above.

62/ S C, 3rd yr., No. 73, 303rd mtg., pp. 19-27.

63/ See para. 19 above.

64/ S C, 5th yr., No. 49, 507th mtg., pp. 4-10.

45. The procedure for determining whether a matter is procedural has also been discussed on four occasions when the question of voting on the preliminary question had been raised, but when no such vote had been taken. 65/

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"

46. During the period 1946-1954, sixty-four decisions of a seemingly non-procedural character were adopted by the Council by a vote in which one or more of the permanent members abstained. That the abstention 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 has been affirmed in presidential rulings, and by each of the permanent members. 66/ One permanent member has placed before the Committee of Experts a proposal to embody this practice in a rule of procedure. 67/

47. On certain occasions, some elected members have expressed doubt regarding the legality of decisions taken when a permanent member has abstained. One instance is cited in the proceedings of the Council when such an objection was raised.

DECISION OF 4 MARCH 1949 IN CONNEXION WITH THE ADMISSION
OF ISRAEL TO MEMBERSHIP

48. At the 414th meeting, the Council voted upon a draft resolution 68/ recommending the admission of Israel to membership in the United Nations. The vote was 9 in favour, 1 against, and 1 abstention, the abstention being that of a permanent member. The President (Cuba), declaring the resolution adopted, observed that in accordance "with the principle established by the Security Council", abstention by a permanent member did not render the Council's decision invalid. Certain elected members of the Council expressed doubts concerning the President's interpretation of Article 27 (3). It was contended that the draft resolution had not been supported by the five permanent

65/ S C, 1st yr., 1st Series, No. 1, 7th mtg., pp. 125-132.
S C, 1st yr., 1st Series, No. 1, 19th mtg., pp. 272-281.
S C, 2nd yr., No. 21, 114th mtg., pp. 426-431.
S C, 3rd yr., No. 88, 325th mtg., pp. 17 and 18.

66/ For explicit rulings, see
S C, 2nd yr., No. 68, 173rd mtg., pp. 1711-1713.
S C, 3rd yr., No. 73, 303rd mtg., p. 21.
S C, 4th yr., No. 17, 414th mtg., pp. 14 and 15.
For affirmations by permanent members, see
S C, 1st yr., 2nd Series, No. 5, 56th mtg., p. 95.
S C, 2nd yr., No. 85, 197th mtg., p. 2269.
S C, 3rd yr., Nos. 1-15, 232nd mtg., pp. 170 and 171.
S C, 4th yr., No. 17, 414th mtg., pp. 14 and 15.

Since the existence of practice is substantiated by the frequency of recourse to it by the Security Council, a list of such occasions is appended in annex III to the present study.

67/ S C, 2nd yr., No. 85, 197th mtg., pp. 2269-2271 and 2273.
68/ S C, 4th yr., No. 17, 414th mtg., S/1276, pp. 8 and 9.

members of the Council as required by paragraph (3), and that the Council can "not establish principles to modify the Charter". No formal challenge was made to the President's ruling. 69/

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" 70/

49. In 1946 and 1950 the representative of the USSR absented himself from meetings of the Council. In his absence in 1946, decisions 71/ taken in connexion with the Iranian question were justified on the grounds that they were procedural, that the absence of a permanent member could not affect voting procedure under Article 27, that the absence was equivalent to an abstention from voting by a permanent member, and that the Council had no rule relating to a necessary quorum. 72/

50. The question of the effect of the absence of a permanent member on the voting procedure of the Council was considered again in connexion with the decisions taken in June and July 1950 on the complaint of aggression upon the Republic of Korea. In January 1950 the representative of the USSR announced that his Government would not consider legal any decision taken with the participation of the representative of China and that he could not participate in the work of the Council until the said representative had been excluded. He absented himself from the 462nd meeting on 17 January 1950 until the 480th meeting on 1 August 1950.

51. The discussion regarding the validity of such decisions had two related aspects: first, the alleged absence of the legal representative of China, and second, the refusal of the representative of the USSR to participate in meetings of the Council until 1 August 1950.

52. Challenging the legality of the decisions on the complaint of aggression against the Republic of Korea, the USSR maintained that these decisions had not been taken in conformity with Article 27, representatives of two permanent members having been absent. Moreover, it was contended that the Security Council resolution of 27 June 1950 had been adopted by only 6 votes in favour, the seventh vote having been cast by a representative whose legal right to vote was challenged by the USSR. The validity of the decisions was upheld by other representatives on the grounds that the absence of a permanent member was not equivalent to a negative vote by that permanent member under Article 27 (3); that it was established practice to consider an absence in

69/ For texts of relevant statements, see S C, 4th yr., No. 17, 414th mtg.: President (Cuba), p. 14; Argentina, p. 14; Egypt, p. 14; USSR, pp. 14 and 15. See also S C, 3rd yr., Nos. 1-15, 232nd mtg., pp. 169-171, and S C, 4th yr., No. 18, 415th mtg., pp. 9-11.

70/ At the 392nd meeting, the Council accepted the President's ruling that the absence of an elected member should be counted as an abstention. S C, 3rd yr., No. 134, 392nd mtg., pp. 30-33.

71/ S C, 1st yr., 1st Series, No. 2, 27th mtg.: p. 61.
30th mtg.: p. 97.
40th mtg.: pp. 247-252.

72/ For texts of relevant statements, see S C, 1st yr., 1st Series, No. 2, 27th mtg.: p. 60.
32nd mtg.: p. 128.
40th mtg.: pp. 249-252.

the same light as an abstention; that the question of the representation of a member of the Council was not germane, and could only be decided by vote of the Council; and that the non-procedural resolutions had been adopted with the concurring votes of all the permanent members present. 73/

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

53. By the proviso of Article 27 (3), a member of the Council is required, when a party to a dispute, to abstain from voting in decisions taken under Chapter VI. While it has been recognized that the proviso's main significance stems from the privileged vote of permanent members, both permanent and elected members have been affected by its application. In implementing the proviso, members have been recorded either as abstaining 74/ or as not participating in the vote, 75/ there being no practical effect of the distinction for the adoption of a decision.

54. In the early meetings of the Council, attention was directed to determining the circumstances in which the proviso applied. Discussion centred in varying degree on three subsidiary questions: (a) the determination that the question before the Council

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- 73/ For texts of relevant statements, see
 S C, 5th yr., No. 4, 462nd mtg.: United States, p. 10; Yugoslavia, pp. 7 and 8.
 S C, 5th yr., No. 17, 475th mtg.: China, p. 15; France, pp. 7 and 8.
 S C, 5th yr., No. 18, 476th mtg.: Cuba, p. 7.
 S C, 5th yr., No. 22, 480th mtg.: President (USSR), pp. 15, 16 and 20.
 S C, 5th yr., No. 24, 482nd mtg.: President (USSR), pp. 4, 8 and 17.
 S C, 5th yr., No. 28, 486th mtg.: President (USSR), p. 22;
 United Kingdom, pp. 6 and 7.
 S C, 5th yr., No. 29, 487th mtg.: France, pp. 11 and 12; Norway, p. 8.
 S C, 5th yr., No. 30, 488th mtg.: Cuba, p. 3.
 S C, 5th yr., No. 36, 494th mtg.: France, p. 20.
 S C, 5th yr., No. 61, 519th mtg.: USSR, p. 4.
 S C, 5th yr., No. 65, 523rd mtg.: USSR, pp. 20, 21 and 24.
 S C, 5th yr., No. 68, 526th mtg.: United States, p. 13.
 S C, 5th yr., No. 70, 528th mtg.: USSR, p. 20.
 S C, 5th yr., No. 72, 530th mtg.: People's Republic of China, p. 19.
 S C, 5th yr., 531st mtg., USSR, paras. 42 and 43.
- 74/ India (India-Pakistan question):
 S C, 5th yr., No. 13, 471st mtg., pp. 5, 6 and 11.
 S C, 6th yr., 539th mtg., para. 62.
 S C, 6th yr., 543rd mtg., para. 22.
 S C, 6th yr., 548th mtg., para. 99.
 S C, 6th yr., 566th mtg., para. 65.
 Egypt (Palestine question):
 S C, 5th yr., No. 66, 524th mtg., pp. 7, 8 and 16.
- 75/ United Kingdom (Corfu Channel question):
 S C, 2nd yr., No. 29, 122nd mtg., p. 609.
 S C, 2nd yr., No. 34, 127th mtg., p. 727.
 (Egyptian question):
 S C, 2nd yr., No. 86, 198th mtg., pp. 2302-2305.
 S C, 2nd yr., No. 87, 200th mtg., pp. 2338-2340.
 S C, 2nd yr., No. 88, 201st mtg., p. 2362.
 Pakistan (India-Pakistan question):
 S C, 7th yr., 611th mtg., para. 111.

was a dispute; (b) the finding that the decision to be taken was a decision under Chapter VI; (c) the identification of the parties. Primarily because of the fewness of relevant cases, it has been considered inappropriate to classify the cases in accordance with these subsidiary questions and they are, therefore, dealt with chronologically in paragraphs 55-66 below. Relevant cases are infrequent because the Council preferred to refrain from entering into constitutional questions arising in connexion with Article 27 (3) by reason of their implications in connexion with the application of other Articles of the Charter. In this connexion, the Council, at its 19th meeting, decided not to vote on a proposal that the decision on whether the question was a dispute or a situation was a procedural matter. 76/ Certain developments in procedure facilitated the functioning of the Council without recourse to preliminary findings on such questions. Draft resolutions were amended for unanimous approval without vote; 77/ draft resolutions were withdrawn in favour of a statement by the President summarizing the proceedings; 78/ and members did not take part in the vote while indicating that such abstention was not in application of the proviso. 79/ Beginning in 1947, members abstained in accordance with the proviso but without indication by the Council of an obligation to do so.

*1. Decision of 6 February 1946 in connexion with the Greek question—
USSR communication dated 21 January 1946*

55. At its 7th meeting on 4 February 1946 the Council had before it two proposals,80/ the first submitted by Poland and the second by Egypt concerning the presence of British troops in Greece. Before voting on the Polish proposal to take note of the declaration of the United Kingdom that British troops would be withdrawn, the question was raised whether the parties to the dispute had the right to vote. The President (Australia) replied that the proviso of Article 27 applied at such time as the Council declared the matter to be a dispute. All members were permitted to vote. After the Polish proposal had been rejected, 81/ the President put the Egyptian proposal to the vote. In addition to taking note of the United Kingdom declaration, the Egyptian proposal contained the following phrase: "appreciating that the presence of British troops in Greece, in the present circumstances, does not constitute a threat to international peace and security". The representative of the USSR informed the Council that his delegation would vote against the Egyptian proposal, thus preventing its adoption under Article 27 (3). This gave rise to the contention that the proposal fell under Chapter VI, with the consequence that neither the United Kingdom nor the USSR had the right to vote. The representative of the USSR maintained that the proposal would not fall under Chapter VI. The view was also expressed that by applying Chapter VI the Council would avoid the possibility of the veto being used for every dispute. 82/

76/ S C, 1st yr., 1st Series, No. 1, 19th mtg., pp. 272-281.

77/ S C, 1st yr., 1st Series, No. 1, 3rd mtg., p. 44.

S C, 1st yr., 1st Series, No. 1, 5th mtg., pp. 70 and 71.

78/ S C, 1st yr., 1st Series, No. 1, 7th mtg., pp. 125-132.

S C, 1st yr., 1st Series, No. 1, 10th mtg., pp. 171 and 172.

79/ For ruling at the 23rd meeting, S C, 1st yr., 1st Series, No. 1, 23rd mtg., p. 363, see paras. 57-60 below.

80/ S C, 1st yr., 1st Series, No. 1, 7th mtg., pp. 122 and 123.

81/ S C, 1st yr., 1st Series, No. 1, 7th mtg., pp. 125 and 126.

82/ For texts of relevant statements, see S C, 1st yr., 1st Series, No. 1, 7th mtg.: President (Australia), pp. 125, 126 and 129; Brazil, p. 132; Egypt, pp. 131 and 132; Netherlands, pp. 125 and 129; USSR, pp. 126, 128, 129 and 130.

56. At its 8th meeting on 5 February 1946 the Council accepted 83/ the suggestion that the matter be disposed of by accepting a presidential statement summarizing the proceedings. At its 10th meeting on 6 February 1946 the Council accepted 84/ the President's statement. The Egyptian proposal was not put to the vote.

*2. Decision of 16 February 1946 in connexion with the
Syrian and Lebanese question*

57. By letter dated 4 February 1946, the delegations of Syria and Lebanon referred their dispute with France and the United Kingdom to the Council. In opening the discussion, the President noted that the Council would have to decide whether a dispute existed for the purpose of Article 27 (3) after the States immediately concerned had been heard. This view was countered with the assertion that the party submitting the question could determine for the Council whether a dispute existed. The representatives of France and the United Kingdom contended that the question was not a dispute.

58. A preliminary motion to determine that the decision whether a question is a dispute or situation was itself a procedural decision was supported on the ground that otherwise a permanent member might, by a negative vote, defeat a proposal to consider a question a dispute, and thereby nullify the proviso of Article 27 (3). A permanent member, on the other hand, considered that, since to decide whether a dispute existed it was necessary to evaluate the substance of the question, the vote to determine the existence of a dispute was non-procedural. The Council decided 85/ not to vote on the preliminary motion.

59. In response to an inquiry at the 23rd meeting on 16 February 1946, as to which delegations were entitled to take part in the voting on several proposals, the President ruled that, if there were no objections, he would consider it to be a decision of the Council that a dispute existed. The representatives of France and the United Kingdom objected to the ruling, but indicated their intention to abstain voluntarily from voting. 86/

60. The Council thereupon adopted 87/ the following suggestion by the President:

"Having regard to the declarations made by the representatives of France and the United Kingdom that, without prejudice to the question whether a dispute exists, they will not exercise their vote in this matter ... I suggest ... the Council proceed to a vote ... without taking any formal decision on the question of the voting rules."

83/ S C, 1st yr., 1st Series, No. 1, 8th mtg., pp. 132 and 133.

84/ S C, 1st yr., 1st Series, No. 1, 10th mtg., pp. 171-173.

85/ S C, 1st yr., 1st Series, No. 1, 19th mtg., p. 281.

86/ For text of relevant statements, see S C, 1st yr., 1st Series, No. 1, 19th mtg.: President (Australia), p. 272; Brazil, pp. 274 and 275; Egypt, pp. 273, 274 and 276; Mexico, p. 277; Netherlands, pp. 277 and 280; USSR, pp. 276, 279, 280 and 281.

23rd mtg.: President (Australia), pp. 357 and 363; Egypt, pp. 358, 363 and 364; France, pp. 357 and 358; USSR, pp. 357 and 360-362; United Kingdom, pp. 358, 359-360, 362 and 363.

87/ S C, 1st yr., 1st Series, No. 1, 23rd mtg., pp. 363 and 364.

3. Decision of 27 February 1947 in connexion with the Corfu Channel question

61. At its 114th meeting the Council proceeded to vote upon a draft resolution 88/ which would appoint a sub-committee to examine all evidence and report on the facts in connexion with the Corfu Channel question. The representative of the United Kingdom asked guidance as to whether the matter was a decision under Chapter VI and consequently whether he could exercise his vote. The President maintained that the draft resolution which would establish a sub-committee did not fall under Chapter VI. Others, in support of the President, observed that it fell under Article 29. The opposite view was expressed by a permanent member that the draft resolution was non-procedural since it covered a decision about an investigation; the permanent member, however, did not insist on a vote on the preliminary question inasmuch as it did not oppose the draft resolution. 89/

62. At the 114th meeting on 27 February 1947 the representative of the United Kingdom cast his vote. 90/

4. Decision of 1 September 1951 in connexion with the Palestine question

63. The question whether five members 91/ of the Security Council were required to abstain from voting because of their interests and actions was raised at the 553rd meeting on 16 August 1951 in connexion with the complaint by Israel against restrictions imposed by Egypt on shipping in the Suez Canal. It was contended that since these members had themselves forwarded similar complaints to Egypt, they had taken the position of directly interested parties, and were, therefore, required under the proviso to abstain from voting. The fact that five abstentions would preclude the Council from discharging its duties, it was contended, could not prevail against the application of the principle that parties should not be judges and parties in their own cases.

64. The members involved maintained that parties to a dispute before the Council consisted of the State bringing the complaint and the State against which the complaint had been made. Although it was conceded that it was possible to have more than two States involved, in this case the parties were Egypt and Israel. They rejected the analogy between the Council and a court of law implied in the reference to "judge" and "party", contending that it was inevitable that the Council should be composed of members with interests in a dispute, but that this consideration should not debar them from voting. To uphold the opposite reasoning, it was held, would paralyse the Council in dealing with disputes.

88/ S C, 2nd yr., No. 18, 111th mtg., pp. 364 and 365. See also in this Repertory under Article 34.

89/ For texts of relevant statements, see S C, 2nd yr., No. 21, 114th mtg.: President (Belgium), p. 426; Australia, p. 431; Colombia, pp. 428 and 429; Syria, pp. 429 and 430; USSR, pp. 425, 426, 427 and 428; United Kingdom, p. 425; United States, pp. 430 and 431.

90/ S C, 2nd yr., No. 21, 114th mtg., p. 432.

91/ France, Netherlands, Turkey, United Kingdom and United States.

65. The representative of Egypt, who was invited as a non-member to participate in the discussion, submitted a draft resolution 92/ resolving that the Council request an advisory opinion from the International Court of Justice to determine whether the five members were required to abstain. The draft resolution was not sponsored by a member and was not put to the vote. 93/

66. At the 558th meeting on 1 September 1951, all five members cast their votes 94/ in favour of the pending draft resolution.

92/ S C, 6th yr., 555th mtg., para. 72, S/2313.

93/ For texts of relevant statements, see S C, 6th yr.,

553rd mtg.: Egypt, paras. 98-112.

555th mtg.: China, paras. 87-91 and 99-101; Egypt, paras. 65-72;

United Kingdom, paras. 3-14.

556th mtg.: China, para. 20; Egypt, paras. 17-19.

94/ S C, 6th yr., 558th mtg., paras. 5 and 6.

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 26 June 1946: consideration of Australian-United Kingdom draft resolution as amendment to Polish draft resolution.	S C, 1st yr., 1st Series, No. 2, 49th mtg., p. 413.
Decision of 10 July 1946: invitation to Canada to participate.	S C, 1st yr., 2nd Series, No. 1, 50th mtg., p. 4.
Decision of 29 August 1946: order of voting on United States motion to postpone voting on applications of Albania and Mongolian People's Republic.	S C, 1st yr., 2nd Series, No. 5, 57th mtg., p. 129.
Decision of 3 September 1946: admission of Ukrainian SSR communication to agenda.	S C, 1st yr., 2nd Series, No. 7, 59th mtg., p. 197.
Decision of 9 September 1946: invitation to Albania to participate.	S C, 1st yr., 2nd Series, No. 10, 64th mtg., pp. 266 and 267.
Decision of 10 December 1946: Netherlands draft resolution inviting Albania and Bulgaria to participate should the question be considered a dispute.	S C, 1st yr., 2nd Series, No. 24, 82nd mtg., p. 559.
Decision of 20 January 1947: United States draft resolution deferring consideration of items 2, 3 and 4.	S C, 2nd yr., No. 6, 95th mtg., p. 123.
Decision of 20 June 1947: inclusion in agenda: "Appointment of governor of the Free Territory of Trieste".	S C, 2nd yr., No. 48, 143rd mtg., p. 1052.
Decision of 12 August 1947: invitation to Indonesia to participate.	S C, 2nd yr., No. 74, 181st mtg., p. 1940.
Decision of 1 October 1947: Belgian draft resolution recommending holding of separate vote on each application.	S C, 2nd yr., No. 92, 206th mtg., p. 2475.
Decision of 19 December 1947: inclusion in agenda: question of voting in the Security Council.	S C, 2nd yr., No. 107, 224th mtg., p. 2796.

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

Document reference for vote

Decision of 17 March 1948: invitation to Chile to participate.	S C, 3rd yr., Nos. 36-51, 268th mtg., p. 102.
Decision of 22 March 1948: invitation to Mr. Papanek to participate.	S C, 3rd yr., Nos. 36-51, 272nd mtg., p. 175.
Decision of 21 May 1948: President's proposal to hear Mr. Papanek.	S C, 3rd yr., No. 71, 300th mtg., p. 20.
Decision of 16 June 1949: adoption of agenda item concerning admission of new Members.	S C, 4th yr., No. 30, 427th mtg., p. 10.
Decision of 15 September 1949: United States proposal to vote upon applications separately.	S C, 4th yr., No. 42, 444th mtg., p. 25.
Decision of 1 August 1950: proposal to overrule President's ruling on China's participation.	S C, 5th yr., No. 22, 480th mtg., p. 9.
Decision of 3 August 1950: priority be given to item: "Complaint of aggression upon the Republic of Korea".	S C, 5th yr., No. 24, 482nd mtg., p. 20.
Decision of 8 August 1950: United States proposal to adjourn discussion.	S C, 5th yr., No. 26, 484th mtg., p. 21.
Decision of 29 August 1950: inclusion in agenda: "Complaint of armed invasion of Taiwan (Formosa)".	S C, 5th yr., No. 34, 492nd mtg., p. 12.
Decision of 31 August 1950: inclusion of item as amended: "Complaint of air bombing of the territory of China".	S C, 5th yr., No. 35, 493rd mtg., p. 30.
Decision of 7 September 1950: priority be given to item 4: "Complaint of bombing by air forces of the territory of China".	S C, 5th yr., No. 39, 497th mtg., p. 26.
Decision of 7 September 1950: proposal to deal with USSR draft resolution on the representation of the People's Republic of China first.	S C, 5th yr., No. 39, 497th mtg., p. 29.
Decision of 12 September 1950: proposal to vote upon United States draft resolution first.	S C, 5th yr., No. 43, 501st mtg., p. 13.
Decision of 12 September 1950: Chinese motion to adjourn the meeting.	S C, 5th yr., No. 43, 501st mtg., p. 30.

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

Document reference for vote

Decision of 18 September 1950: inclusion in agenda: "Complaint of aggression upon the Republic of Korea" in the positive form.	S C, 5th yr., No. 44, 502nd mtg., p. 14.
Decision of 26 September 1950: President's proposal that agenda be limited to two items: "Application for membership of the Republic of Indonesia" and "Complaint of armed invasion of Taiwan (Formosa)".	S C, 5th yr., No. 45, 503rd mtg., p. 22.
Decision of 26 September 1950: President's proposal for adjournment.	S C, 5th yr., No. 45, 503rd mtg., p. 34.
Decision of 29 September 1950: Ecuadorian draft resolution to defer consideration of that item and to invite People's Republic of China to participate.	S C, 5th yr., No. 48, 506th mtg., p. 5.
Decision of 29 September 1950: whether vote taken on the Ecuadorian resolution was procedural.	S C, 5th yr., No. 49, 507th mtg., pp. 4 and 5.
Decision of 29 September 1950: Egyptian motion to adjourn.	S C, 5th yr., No. 49, 507th mtg., p. 15.
Decision of 8 November 1950: adoption of agenda.	S C, 5th yr., No. 61, 519th mtg., p. 6.
Decision of 8 November 1950: invitation to People's Republic of China to participate.	S C, 5th yr., No. 62, 520th mtg., p. 8.
Decision of 1 October 1951: adoption of agenda.	S C, 6th yr., 559th mtg., para. 54.
Decision of 19 October 1951: French proposal to adjourn debate on the Anglo-Iranian Oil Company case.	S C, 6th yr., 565th mtg., para. 62.
Decision of 6 December 1951: United States proposal to hold second ballot on election of judges of the International Court of Justice.	S C, 6th yr., 567th mtg., para. 114.
Decision of 18 December 1951: adoption of agenda concerning Italy's application for membership in the United Nations.	S C, 6th yr., 568th mtg., para. 88.

<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 1952: United Kingdom's challenge to the President's ruling to vote first on the USSR amendment to President's proposal to adopt agenda.	S C, 7th yr., 581st mtg., para. 33.
Decision of 25 June 1952: inclusion of item 4, "Question of a request for investigation of alleged bacterial warfare".	S C, 7th yr., 581st mtg. para. 36.
Decision of 1 July 1952: United States proposal that item 3, "Question of a request for investigation of alleged bacterial warfare", be discussed before item 2, question of "Admission of new Members".	S C, 7th yr., 584th mtg., para. 68.
Decision of 9 July 1952: Greek proposal for postponement of discussion.	S C, 7th yr., 591st mtg., para. 96.
Decision of 12 September 1952: United States proposal to consider Japan's application without reference to Committee on Admission of New Members.	S C, 7th yr., 599th mtg., para. 185.
Decision of 12 September 1952: French proposal to consider Laos, Cambodia and Viet-Nam applications without reference to Committee on Admission of New Members.	S C, 7th yr., 599th mtg., para. 187.
Decision of 20 October 1953: Colombian proposal for postponement of discussion.	S C, 8th yr., 628th mtg., para. 133.
Decision of 2 November 1953: Greek proposal for postponement of discussion.	S C, 8th yr., 634th mtg., para. 89.
Decision of 23 November 1953: United States proposal for postponement of discussion.	S C, 8th yr., 641st mtg., para. 101.
Decision of 14 December 1953: United States proposal for postponement of discussion.	S C, 8th yr., 647th mtg., para. 43.
Decision of 4 May 1954: Brazilian-Colombian proposal concerning adoption of agenda.	S C, 9th yr., 670th mtg., para. 73.
Decision of 3 June 1954: adoption of agenda.	S C, 9th yr., 672nd mtg., para. 17.

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>Syrian and Lebanese question</u> Draft resolution submitted by United States (S C, 1st yr., 1st Series, No. 1, 23rd mtg., pp. 332 and 333)	16 February 1946	S C, 1st yr., 1st Series, No. 1, 23rd mtg., p. 367.
<u>Spanish question</u> Draft resolution submitted by Chairman of the Sub-Committee on the Spanish question (S C, 1st yr., 1st Series, No. 2, 45th mtg., p. 326)	18 June 1946	S C, 1st yr., 1st Series, No. 2, 47th mtg., pp. 378 and 379 <u>a/</u>
Draft resolution submitted by majority of drafting committee: Australia and United Kingdom (S C, 1st yr., 1st Series, No. 2, 49th mtg., p. 401)	26 June 1946	S C, 1st yr., 1st Series, No. 2, 49th mtg., p. 413
President's ruling that the preceding draft resolution was procedural (S C, 1st yr., 1st Series, No. 2, 49th mtg., p. 421)	26 June 1946	S C, 1st yr., 1st Series, No. 2, 49th mtg., pp. 421 and 422
Draft resolution submitted by Australia (S C, 1st yr., 1st Series, No. 2, 49th mtg., p. 444)	26 June 1946	S C, 1st yr., 1st Series, No. 2, 49th mtg., p. 446
<u>Ukrainian complaint against Greece</u> Draft resolution submitted by United States (S C, 1st yr., 2nd Series, No. 16, 70th mtg., p. 396)	20 September 1946	S C, 1st yr., 2nd Series, No. 16, 70th mtg., p. 412
<u>Corfu Channel question</u> Draft resolution submitted by United Kingdom and amended (S C, 2nd yr., No. 29, 122nd mtg., pp. 608 and 609)	25 March 1947	S C, 2nd yr., No. 29, 122nd mtg., p. 609

a/ The three parts of the draft resolution were voted upon separately and not adopted by reason of the negative vote of a permanent member. The draft resolution as a whole was then voted upon with the same result.

<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>Greek frontier incidents question</u> Draft resolution submitted by United States and amended (S C, 2nd yr., No. 66, 170th mtg., pp. 1602-1611)	29 July 1947	S C, 2nd yr., No. 66, 170th mtg., p. 1612
Draft resolution submitted by Australia and amended (S C, 2nd yr., No. 79, 188th mtg., S/471 and Add.1, pp. 2093 and 2094)	19 August 1947	S C, 2nd yr., No. 79, 188th mtg., p. 2094
Draft resolution submitted by United States (S C, 2nd yr., No. 79, 188th mtg., S/486, p. 2098)	19 August 1947	S C, 2nd yr., No. 79, 188th mtg., pp. 2098 and 2099
Draft resolution submitted by United States (S C, 2nd yr., No. 89, 202nd mtg., S/552, p. 2369)	15 September 1947	S C, 2nd yr., No. 89, 202nd mtg., p. 2399
United States proposal to consider preceding draft resolution procedural (S C, 2nd yr., No. 89, 202nd mtg., p. 2400)	15 September 1947	S C, 2nd yr., No. 89, 202nd mtg., p. 2400
<u>Indonesian question (II)</u> Amendment submitted by USSR to joint draft resolution contained in S/513 (S C, 2nd yr., No. 83, 194th mtg., p. 2197)	25 August 1947	S C, 2nd yr., No. 83, 194th mtg., pp. 2199 and 2200
Draft resolution submitted by Canada (S C, 4th yr., Suppl. for Dec., S/1431, pp. 13 and 14)	13 December 1949	S C, 4th yr., No. 52, 456th mtg., pp. 33 and 34 <u>b/</u>
<u>Czechoslovak question</u> Proposal by the President to consider the following draft resolution procedural (S C, 3rd yr., No. 73, 303rd mtg., p. 19)	24 May 1948	S C, 3rd yr., No. 73, 303rd mtg., p. 19
Draft resolution submitted by Chile (S C, 3rd yr., No. 73, 303rd mtg., p. 28)	24 May 1948	S C, 3rd yr., No. 73, 303rd mtg., pp. 28 and 29
<u>Identic notifications dated 29 September 1948</u> Draft resolution submitted by Argentina, Belgium, Canada, China, Colombia and Syria (S C, 3rd yr., No. 119, 370th mtg., S/1048, pp. 5 and 6)	25 October 1948	S C, 3rd yr., no. 120, 372nd mtg., p. 14

b/ The draft resolution was put to the vote in two parts; both parts were not adopted by reason of the negative vote of a permanent member.

<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>Complaint of aggression upon the Republic of Korea</u> Draft resolution submitted by United States (S C, 5th yr., No. 21, 479th mtg., S/1653, pp. 7 and 8)	6 September 1950	S C, 5th yr., No. 38, 496th mtg., pp. 18 and 19
Draft resolution submitted by Cuba, Ecuador, France, Norway, United Kingdom and United States. (S C, 5th yr., No. 72, 530th mtg. S/1894, pp. 22 and 23)	30 November 1950	S C, 5th yr., No. 72, 530th mtg., pp. 23-25
<u>Complaint of bombing by air forces of the territory of China</u> Draft resolution submitted by United States (S C, 5th yr., No. 53, 501st mtg., S/1752, pp. 4 and 5)	12 September 1950	S C, 5th yr., No. 43, 501st mtg., p. 28
<u>Question of a request for investigation of alleged bacteriological warfare</u> Draft resolution submitted by United States (S C, 7th yr., Suppl. for April, May and June, p. 17, S/2671)	3 July 1952	S C, 7th yr., 587th mtg., para. 16
Draft resolution submitted by United States (S C, 7th yr., 587th mtg., S/2688, para. 23)	9 July 1952	S C, 7th yr., 590th mtg., para. 17
<u>Palestine question</u> Draft resolution submitted by France, United Kingdom and United States (S C, 8th yr., Suppl. for Oct., Nov. and Dec., p. 79, S/3151/Rev.2)	22 January 1954	S C, 9th yr., 656th mtg., para. 135
Draft resolution submitted by New Zealand (S C, 9th yr., Suppl. for Jan., Feb. and March, p. 44, S/3188 and Corr.1)	29 March 1954	S C, 9th yr., 664th mtg., para. 69
<u>Letter dated 29 May 1954 from the Acting Permanent Representative of Thailand</u> Draft resolution submitted by Thailand (S C, 9th yr., 673rd mtg., para. 10, S/3229)	18 June 1954	S C, 9th yr., 674th mtg., para. 71
<u>Cablegram dated 19 June 1954 from the Minister for External Relations of Guatemala</u> Draft resolution submitted by Brazil and Colombia and amended (S C, 9th yr., 675th mtg., S/3236/Rev.1, paras. 69 and 77)	20 June 1954	S C, 9th yr., 675th mtg., paras. 194 and 195

<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>		
United States motion to postpone voting on Albania's application (S C, 1st yr., 2nd Series, No. 4, 55th mtg., pp. 55, 67 and 68)	29 August 1946	S C, 1st yr., 2nd Series, No. 5, 57th mtg., p. 132
<u>Applications for membership and draft resolutions relating thereto</u>		
<u>1946</u>		
Transjordan (Jordan) Ireland Portugal	29 August 1946	S C, 1st yr., 2nd Series, No. 5, 57th mtg., p. 139
<u>1947</u>		
Transjordan (Jordan) Ireland Portugal	18 August 1947	S C, 2nd yr., No. 78, 186th mtg., pp. 2041, 2042 and 2045
Italy Austria	21 August 1947	S C, 2nd yr., No. 81, 190th mtg., pp. 2127, 2130 and 2131
Italy Finland	1 October 1947	S C, 2nd yr., No. 92, 206th mtg., p. 2476
<u>1948</u>		
Italy	10 April 1948	S C, 3rd yr., No. 54, 279th mtg., pp. 15 and 16
Ceylon	18 August 1948	S C, 3rd yr., No. 105, 351st mtg., p. 22
Ceylon	15 December 1948	S C, 3rd yr., No. 129, 384th mtg., p. 39
<u>1949</u>		
Republic of Korea	8 April 1949	S C, 4th yr., No. 26, 423rd mtg., p. 15
Nepal	7 September 1949	S C, 4th yr., No. 39, 439th mtg., pp. 8 and 16
Portugal Transjordan (Jordan) Italy Finland	13 September 1948	S C, 4th yr., No. 41, 443rd mtg., pp. 28-33

<u>Draft resolutions et cetera arranged under agenda items (with document reference for text)</u>	<u>Date</u>	<u>Document reference for vote</u>
Ireland Austria Ceylon	13 September 1948	S C, 4th yr., No. 41, 443rd mtg., pp. 28-33
<u>1952</u>		
Italy	6 February 1952	S C, 7th yr., 573rd mtg., para. 105
Libya	16 September 1952	S C, 7th yr., 600th mtg., para. 97
Japan	18 September 1952	S C, 7th yr., 602nd mtg., para. 73
Viet-Nam Laos Cambodia	19 September 1952	S C, 7th yr., 603rd mtg., paras. 64-66
<u>Reports of the Atomic Energy Commission and the Commission for Conventional Armaments</u>		
Draft resolution submitted by United States (S C, 3rd yr., No. 88, 325th mtg., S/836, pp. 11 and 12)	22 June 1948	S C, 3rd yr., No. 88, 325th mtg., p. 12
Draft resolution submitted by United States (S C, 4th yr., No. 46, 450th mtg., S/1398, pp. 2 and 3)	11 October 1949	S C, 4th yr., No. 46, 450th mtg., p. 14
Draft resolution submitted by France (S C, 4th yr., Suppl. for Sept., Oct., Nov. and Dec., pp. 12 and 13, S/1399/Rev.1)	18 October 1949	S C, 4th yr., No. 48, 452nd mtg., pp. 21 and 22
Draft resolution submitted by France (S/1408/Rev.1)	18 October 1949	S C, 4th yr., No. 48, 452nd mtg., p. 23
<u>Appointment of the Secretary-General c/ Proposal by Denmark to recommend the appointment of Mr. Lester B. Pearson</u>	13 March 1953	S C, 8th yr., 613th mtg., p. 1

c/ The official communiqués issued after private meetings to consider this item have, prior to 1953, not contained any indication of the vote. For this reason the vote taken at the 510th meeting on 12 October 1950 does not figure in this tabulation.

ANNEX III

**Certain cases in which permanent members have 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

Spanish question

Decision of 29 April 1946 (39th meeting): Australian draft resolution as amended (S C, 1st yr., 1st Series, No. 2, 39th mtg., p. 244)	S C, 1st yr., 1st Series, No. 2, 39th mtg., p. 245
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Greek frontier incidents question

Decision of 19 December 1946 (87th meeting): Paragraph 3 of United States draft resolution as amended by Mexico and United Kingdom (S C, 1st yr., 2nd Series, No. 28, p. 681)	S C, 1st yr., 2nd Series, No. 28, 87th mtg., p. 681
Decision of 19 December 1946 (87th meeting): Paragraph 5 of United States draft resolution as amended by Poland (S C, 1st yr., 2nd Series, No. 28, pp. 686 and 687)	S C, 1st yr., 2nd Series, No. 28, 87th mtg., p. 688
Decision of 10 February 1947 (101st meeting): United States draft resolution (S C, 2nd yr., No. 10, 100th mtg., p. 176)	S C, 2nd yr., No. 10, 101st mtg., p. 189
Decision of 18 April 1947 (131st meeting): United States draft resolution as amended by France and China (S C, 2nd yr., No. 37, S/330, pp. 799 and 800)	S C, 2nd yr., No. 37, 131st mtg., p. 800

Corfu Channel question

Decision of 27 February 1947 (114th meeting): Australian draft resolution (S C, 2nd yr., No. 18, 111th mtg., pp. 364 and 365)	S C, 2nd yr., No. 21, 114th mtg., p. 432
Decision of 9 April 1947 (127th meeting): United Kingdom draft resolution (S C, 2nd yr., No. 34, S/324, pp. 726 and 727)	S C, 2nd yr., No. 34, 127th mtg., p. 727

Indonesian question (II)

Decision of 1 August 1947 (173rd meeting): Australian draft resolution as amended (without part II of the preamble) (S C, 2nd yr., No. 72, S/459, footnote 1 to p. 1839)	S C, 2nd yr., No. 68, 173rd mtg., pp. 1700-1703
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<u>Decisions arranged under agenda items</u> <u>(with document reference for text)</u>	<u>Document reference for vote</u>
Decision of 25 August 1947 (194th meeting): Australian-Chinese draft resolution (S C, 2nd yr., No. 82, S/513, footnote 3 to p. 2173)	S C, 2nd yr., No. 83, 194th mtg., p. 2200
Decision of 25 August 1947 (194th meeting): United States draft resolution (S C, 2nd yr., No. 82, S/514, footnote 1 to p. 2179)	S C, 2nd yr., No. 83, 194th mtg., p. 2209
Decision of 26 August 1947 (195th meeting): Polish draft resolution (S C, 2nd yr., No. 84, S/521, footnote 1 to p. 2224) (S C, 3rd yr., No. 135, S/525, p. 21)	S C, 2nd yr., No. 84, 195th mtg., p. 2232
Decision of 3 October 1947 (207th meeting): Australian draft resolution (S C, 2nd yr., No. 93, S/574, p. 2503)	S C, 2nd yr., No. 93, 207th mtg., p. 2503
Decision of 1 November 1947 (219th meeting): United States draft resolution as amended by Sub-Committee (S C, 2nd yr., No. 103, S/594, pp. 2723 and 2724; S/597)	S C, 2nd yr., No. 103, 219th mtg., p. 2750
Decision of 28 February 1948 (259th meeting): Chinese draft resolution (S C, 3rd yr., Nos. 16-35, 259th mtg., S/689, p. 381)	S C, 3rd yr., Nos. 16-35, 259th mtg., p. 384
Decision of 28 February 1948 (259th meeting): Canadian draft resolution (S C, 3rd yr., Nos. 16-35, S/678, p. 187)	S C, 3rd yr., Nos. 16-35, 259th mtg., p. 393
Decision of 6 July 1948 (329th meeting): Chinese proposal (S C, 3rd yr., No. 92, p. 30)	S C, 3rd yr., No. 92, 329th mtg., p. 30
Decision of 29 July 1948 (342nd meeting): Chinese draft resolution (S C, 3rd yr., No. 99, 342nd mtg., S/931, p. 22)	S C, 3rd yr., No. 99, 342nd mtg., pp. 38 and 39
Decision of 24 December 1948 (392nd meeting): Colombian-Syrian-United States draft resolution as amended (S C, 3rd yr., No. 134, 392nd mtg., S/1150, pp. 30-32)	S C, 3rd yr., No. 134, 392nd mtg., p. 38
Decision of 28 December 1948 (395th meeting): Chinese draft resolution as amended (S C, 3rd yr., No. 136, 395th mtg., S/1164, pp. 51, 65 and 67)	S C, 3rd yr., No. 136, 395th mtg., p. 67
Decision of 28 December 1948 (395th meeting): Colombian draft resolution (S C, 3rd yr., No. 136, S/1165, p. 80)	S C, 3rd yr., No. 136, 395th mtg., pp. 82 and 83

<u>Decisions arranged under agenda items</u> (with document reference for text)	<u>Document reference for vote</u>
Decision of 28 January 1949 (406th meeting): Chinese-Cuban-Norwegian-United States draft resolution. Paragraph by paragraph (S C, 4th yr., Suppl. for Feb., S/1234, pp. 1-4)	S C, 4th yr., No. 9, 406th mtg., pp. 21, 24, 26 and 28-33
Decision of 23 March 1949 (421st meeting): Canadian proposal (S C, 4th yr., No. 24, p. 5)	S C, 4th yr., No. 24, 421st mtg., pp. 25-26
<u>India-Pakistan question</u>	
Decision of 17 January 1948 (229th meeting): Belgian draft resolution (S C, 3rd yr., Nos. 1-15, 229th mtg., S/651, pp. 121-123)	S C, 3rd yr., Nos. 1-15, 229th mtg., p. 125
Decision of 20 January 1948 (230th meeting): Belgian draft resolution (S C, 3rd yr., Nos. 1-15, S/654, pp. 130-131)	S C, 3rd yr., Nos. 1-15, 230th mtg., p. 143
Decision of 21 April 1948 (286th meeting): Belgian-Canadian-Chinese-Colombian-United Kingdom-United States draft resolution. Paragraph by paragraph (S C, 3rd yr., Suppl. for Nov., p. 66, S/726; Suppl. for May, pp. 40-42, S/735)	S C, 3rd yr., No. 61, 286th mtg., pp. 9-40
Decision of 23 April 1948 (287th meeting): French proposal (S C, 3rd yr., No. 62, p. 2)	S C, 3rd yr., No. 62, 287th mtg., p. 3
Decision of 3 June 1948 (312th meeting): Syrian draft resolution as amended by United Kingdom (S C, 3rd yr., No. 79, S/819, p. 21)	S C, 3rd yr., No. 79, 312th mtg., p. 21
Decision of 30 March 1951 (539th meeting): United Kingdom-United States draft resolution (S C, 6th yr., Suppl. for Jan., Feb. and March, pp. 25-27, S/2017/Rev.1)	S C, 6th yr., 539th mtg., para. 62
Decision of 30 April 1951 (543rd meeting): United Kingdom-United States proposal (S C, 6th yr., 543rd mtg., para. 11)	S C, 6th yr., 543rd mtg., para. 22
Decision of 29 May 1951 (548th meeting): Text of President's letter (S C, 6th yr., 548th mtg., para. 89)	S C, 6th yr., 548th mtg., para. 99
Decision of 10 November 1951 (566th meeting): United Kingdom-United States draft resolution (S/2390)	S C, 6th yr., 566th mtg., para. 65
Decision of 23 December 1952 (611th meeting): United Kingdom-United States draft resolution as amended (S C, 7th yr., Suppl. for Oct., Nov. and Dec., p. 66, S/2883)	S C, 7th yr., 611th mtg., para. 111

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Palestine question

- Decision of 5 March 1948 (263rd meeting):
 United States draft resolution as amended
 (S C, 3rd yr., Nos. 36-51, S/691, p. 43)
- S C, 3rd yr., Nos. 36-51,
 263rd mtg., p. 44
- Decision of 1 April 1948 (277th meeting):
 United States draft resolution (S C, 3rd
 yr., Suppl. for April, S/714/II, p. 5)
- S C, 3rd yr., No. 52,
 277th mtg., pp. 34 and 35
- Decision of 16 April 1948 (283rd meeting):
 Colombian draft resolution (S C, 3rd yr.,
 Suppl. for April, S/723, pp. 7 and 8)
- S C, 3rd yr., No. 58,
 283rd mtg., p. 41
- Decision of 23 April 1948 (287th meeting):
 United States draft resolution as amended
 (S C, 3rd yr., No. 62, S/727, pp. 32 and 33)
- S C, 3rd yr., No. 62
 287th mtg., p. 33
- Decision of 22 May 1948 (302nd meeting):
 United States draft resolution as amended
 (S C, 3rd yr., Suppl. for May, p. 97, S/773)
- S C, 3rd yr., No. 72,
 302nd mtg., p. 66
- Decision of 29 May 1948 (310th meeting):
 All paragraphs except paragraph 2 of
 United Kingdom draft resolution as amended
 (S C, 3rd yr., Suppl. for May, pp. 103 and
 104, S/801)
- S C, 3rd yr., No. 77,
 310th mtg., pp. 38, 39,
 52-54 and 61-63
- Decision of 7 July 1948 (331st meeting):
 United Kingdom draft resolution (S C,
 3rd yr., No. 93, S/867, p. 35)
- S C, 3rd yr., No. 93,
 331st mtg., p. 35
- Decision of 15 July 1948 (338th meeting):
 United States draft resolution as amended
 (S C, 3rd yr., Suppl. for July, S/902,
 pp. 76 and 77)
- S C, 3rd yr., No. 97,
 338th mtg., p. 66
- Decision of 19 August 1948 (354th meeting):
 Sub-paragraphs (c), (d) and (e) of Canadian-
 French-United Kingdom-United States draft
 resolution (S C, 3rd yr., No. 107, 355th mtg.,
 S/981, pp. 49-51)
- S C, 3rd yr., No. 107,
 354th mtg., pp. 50 and 51
- Decision of 19 October 1948 (367th meeting):
 Syrian amendment to paragraph 18 of Mediator's
 Report and the Syrian proposal as amended
 (S/1044, reproduced in G A (IV), Suppl. No. 2,
 pp. 43 and 44)
- S C, 3rd yr., No. 118,
 367th mtg., p. 38
- Decision of 4 November 1948 (377th meeting):
 Sub-Committee's proposal as amended. Paragraph
 by paragraph and resolution as a whole
 (S C, 3rd yr., Suppl. for Nov. S/1070, p. 7)
- S C, 3rd yr., No. 124,
 377th mtg., pp. 38-43

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- Decision of 16 November 1948 (381st meeting):
 Belgian-Canadian-French draft resolution in
 separate paragraphs (S C, 3rd yr., Suppl. for
 Nov., S/1080, pp. 13 and 14)
- S C, 3rd yr., No. 126,
 381st mtg., pp. 53-55
- Decision of 29 December 1948 (396th meeting):
 United Kingdom draft resolution as amended.
 Paragraph by paragraph and resolution as a
 whole (S C, 3rd yr., No. 137, 396th mtg.,
 S/1169, pp. 23-26)
- S C, 3rd yr., No. 137,
 396th mtg., pp. 23-26
- Decision of 11 August 1949 (437th meeting):
 Canadian-French draft resolution (S/1376/II,
 same text as S/1367, see G A (V), Suppl. No. 2,
 p. 19)
- S C, 4th yr., No. 38,
 437th mtg., pp. 12 and 13
- Decision of 17 November 1950 (524th meeting):
 French-United Kingdom-United States draft
 resolution (S C, 5th yr., Suppl. for Sept.,
 Oct., Nov. and Dec., pp. 122-124, S/1907)
- S C, 5th yr., No. 66,
 524th mtg., p. 16
- Decision of 8 May 1951 (545th meeting):
 French-Turkish-United Kingdom-United States
 draft resolution (S C, 6th yr., 545th mtg.,
 para. 15, S/2130)
- S C, 6th yr., 545th mtg.,
 para. 115
- Decision of 13 May 1951 (547th meeting):
 French-Turkish-United Kingdom-United States
 draft resolution (S C, 6th yr., 546th mtg.,
 para. 2, S/2152/Rev.1)
- S C, 6th yr., 547th mtg.,
 para. 170
- Decision of 1 September 1951 (558th meeting):
 French-United Kingdom-United States draft
 resolution (S C, 6th yr., 558th mtg.,
 para. 5, S/2298/Rev.1)
- S C, 6th yr., 558th mtg.,
 para. 6
- Decision of 24 November 1953 (642nd meeting):
 French-United Kingdom-United States draft
 resolution (S C, 8th yr., Suppl. for Oct.,
 Nov. and Dec., pp. 57 and 58, S/3139/Rev.2)
- S C, 8th yr., 642nd mtg.,
 para. 128

General regulation and reduction of armaments

- Decision of 13 February 1947 (105th meeting):
 Draft resolution resulting from consultation
 of the President (Belgium) with representatives
 of Australia, Colombia, France, United States and
 USSR, as amended by the United Kingdom (S C, 2nd
 yr., Suppl. No. 5, Annex 13 (S/268/Rev.1),
 pp. 58 and 59)
- S C, 2nd yr., No. 13,
 105th mtg., p. 274

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(with document reference for text)

Document reference for vote

Reports of the Commission for Conventional Armaments

Decision of 8 July 1947 (152nd meeting):
 Plan of work proposed by Commission for
 Conventional Armaments (S C, 2nd yr.,
 Suppl. No. 14, pp. 141-143, S/387)

S C, 2nd yr., No. 55,
 152nd mtg., p. 1227

Draft trusteeship agreement for the former
Japanese mandated islands

Decision of 2 April 1947 (124th meeting):
 Article 15 of the draft agreement (S C,
 2nd yr., No. 31, p. 680)

S C, 2nd yr., No. 31,
 124th mtg., p. 680

Decision of 7 March 1949 (415th meeting):
 Draft resolution proposal by majority of the
 Committee of Experts (S C, 3rd yr., Suppl.
 for June, pp. 1-10, S/642)

S C, 4th yr., No. 18,
 415th mtg., p. 9

Reports of the Atomic Energy Commission

Decision of 18 June 1948 (325th meeting):
 Canadian draft resolution (S C, 3rd yr.,
 No. 88, S/852, p. 13)

S C, 3rd yr., No. 88,
 325th mtg., p. 20

Admission of new Members to the United Nations

Decision of 4 March 1949 (414th meeting):
 Israel: United States draft resolution
 (S C, 4th yr., No. 17, S/1276, pp. 8-9)

S C, 4th yr., No. 17,
 414th mtg., p. 14

Decision of 26 September 1950 (503rd meeting):
 Indonesia: President's (United Kingdom)
 proposal (S C, 5th yr., No. 45, p. 28)

S C, 5th yr., No. 45
 503rd mtg., p. 28

Decision of 12 September 1952 (599th meeting):
 Pakistan proposal (S C, 7th yr., 599th mtg.,
 para. 180)

S C, 7th yr., 599th mtg.,
 para. 181

Decision of 12 September 1952 (599th meeting):
 United States proposal (S C, 7th yr.,
 599th mtg., para. 184)

S C, 7th yr., 599th mtg.,
 para. 185

Application of Liechtenstein to become a Party to Statute
of International Court of Justice

Decision of 27 July 1949 (432nd meeting):
 Proposal by a majority of the Committee of
 Experts (S C, 4th yr., Suppl. for July,
 pp. 2-3, S/1342)

S C, 4th yr., No. 35,
 432nd mtg., p. 6

Decisions arranged under agenda items
(with document reference for text)Document reference for voteConditions under which Japan may become a Party to the
Statute of the International Court of Justice

Decision of 5 December 1953 (645th meeting):
Proposal contained in Report of the Chairman
of the Committee of Experts concerning the
conditions on which Japan may become a Party
to the Statute of the International Court of
Justice (S C, 8th yr., Suppl. for Oct., Nov.
and Dec., p. 72, S/3146)

S C, 8th yr., 645th mtg.,
paras. 10 and 11

Decision of 3 December 1953 (645th meeting):
Proposal contained in Report of the Chairman
of the Committee of Experts concerning the
conditions on which the Republic of San Marino
may become a Party to the Statute of the
International Court of Justice (S C, 8th yr.,
Suppl. for Oct., Nov. and Dec., p. 73, S/3147)

S C, 8th yr., 645th mtg.,
paras. 13 and 14

Report of the Security Council to the General Assembly

Decision of 12 September 1950 (500th meeting):
Proposal to approve the text of the Report
(S C, 5th yr., No. 42, p. 1)

S C, 5th yr., No. 42,
500th mtg., p. 1

ANNEX IV

**Statement by the delegations of the four sponsoring Governments
on voting procedure in the Security Council^{d/}**

Specific questions covering the voting procedure in the Security Council have been submitted by a Sub-Committee of the Conference Committee on Structure and Procedures of the Security Council to the Delegations of the four Governments sponsoring the Conference -- the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and the Republic of China. In dealing with these questions, the four Delegations desire to make the following statement of their general attitude towards the whole question of unanimity of permanent members in the decisions of the Security Council.

I

1. The Yalta voting formula recognizes that the Security Council, in discharging its responsibilities for the maintenance of international peace and security, will have two broad groups of functions. Under Chapter VIII, the Council will have to make decisions which involve its taking direct measures in connexion with settlement of disputes, adjustment of situations likely to lead to disputes, determination of threats to the peace, removal of threats to the peace, and suppression of breaches of the peace. It will also have to make decisions which do not involve the taking of such measures. The Yalta formula provides that the second of these two groups of decisions will be governed by a procedural vote -- that is, the vote of any seven members. The first group of decisions will be governed by a qualified vote -- that is, the vote of seven members, including the concurring votes of the five permanent members, subject to the proviso that in decisions under Section A and a part of Section C of Chapter VIII parties to a dispute shall abstain from voting.

2. For example, under the Yalta formula a procedural vote will govern the decisions made under the entire Section D of Chapter VI. This means that the Council will, by a vote of any seven of its members, adopt or alter its rules of procedure; determine the method of selecting its President; organize itself in such a way as to be able to function continuously; select the times and places of its regular and special meetings; establish such bodies or agencies as it may deem necessary for the performance of its functions; invite a member of the Organization not represented on the Council to participate in its discussions when that Member's interests are specially affected; and invite any State when it is a party to a dispute being considered by the Council to participate in the discussion relating to that dispute.

3. Further, no individual member of the Council can alone prevent consideration and discussion by the Council of a dispute or situation brought to its attention under paragraph 2, Section A, Chapter VIII. Nor can parties to such dispute be prevented by these means from being heard by the Council. Likewise, the requirement for unanimity of the permanent members cannot prevent any member of the Council from reminding the Members of the Organization of their general obligations assumed under the Charter as regards peaceful settlement of international disputes.

^{d/} The Statement was also subscribed to by the Delegation of France. It was issued as a Security Council document on 4 May 1946 (S/Procedure/79).

4. Beyond this point, decisions and actions by the Security Council may well have major political consequences and may even initiate a chain of events which might, in the end, require the Council under its responsibilities to invoke measures of enforcement under Section B, Chapter VIII. This chain of events begins when the Council decides to make an investigation, or determines that the time has come to call upon States to settle their differences, or makes recommendations to the parties. It is to such decisions and actions that unanimity of the permanent members applies, with the important proviso, referred to above, for abstention from voting by parties to a dispute.

5. To illustrate: in ordering an investigation, the Council has to consider whether the investigation -- which may involve calling for reports, hearing witnesses, dispatching a commission of inquiry, or other means -- might not further aggravate the situation. After investigation, the Council must determine whether the continuance of the situation or dispute would be likely to endanger international peace and security. If it so determines, the Council would be under obligation to take further steps. Similarly, the decision to make recommendations, even when all parties request it to do so, or to call upon parties to a dispute to fulfil their obligations under the Charter, might be the first step on a course of action from which the Security Council could withdraw only at the risk of failing to discharge its responsibilities.

6. In appraising the significance of the vote required to take such decisions or actions, it is useful to make comparison with the requirements of the League Covenant with reference to decisions of the League Council. Substantive decisions of the League of Nations Council could be taken only by the unanimous vote of all its members, whether permanent or not, with the exception of parties to a dispute under Article XV of the League Covenant. Under Article XI, under which most of the disputes brought before the League were dealt with and decisions to make investigations taken, the unanimity rule was invariably interpreted to include even the votes of the parties to a dispute.

7. The Yalta voting formula substitutes for the rule of complete unanimity of the League Council a system of qualified majority voting in the Security Council. Under this system non-permanent members of the Security Council individually would have no "veto". As regards the permanent members, there is no question under the Yalta formula of investing them with a new right, namely, the right to veto, a right which the permanent members of the League Council always had. The formula proposed for the taking of action in the Security Council by a majority of seven would make the operation of the Council less subject to obstruction than was the case under the League of Nations rule of complete unanimity.

8. It should also be remembered that under the Yalta formula the five major powers could not act by themselves, since even under the unanimity requirement any decisions of the Council would have to include the concurring votes of at least two of the non-permanent members. In other words, it would be possible for five non-permanent members as a group to exercise a "veto". It is not to be assumed, however, that the permanent members, any more than the non-permanent members, would use their "veto" power wilfully to obstruct the operation of the Council.

9. In view of the primary responsibilities of the permanent members, they could not be expected, in the present condition of the world, to assume the obligation to act in so serious a matter as the maintenance of international peace and security in consequence of a decision in which they had not concurred. Therefore, if a majority voting in the Security Council is to be made possible, the only practicable method is to provide, in respect of non-procedural decisions, for unanimity of the permanent members plus the concurring votes of at least two of the non-permanent members.

10. For all these reasons, the four sponsoring Governments agreed on the Yalta formula and have presented it to this Conference as essential if an international organization is to be created through which all peace-loving nations can effectively discharge their common responsibilities for the maintenance of international peace and security.

II

In the light of the considerations set forth in Part I of this statement, it is clear what the answers to the questions submitted by the Sub-Committee should be, with the exception of Question 19. The answer to that question is as follows:

1. In the opinion of the Delegations of the Sponsoring Governments, the Draft Charter itself contains an indication of the application of the voting procedures to the various functions of the Council.

2. In this case, it will be unlikely that there will arise in the future any matters of great importance on which a decision will have to be made as to whether a procedural vote would apply. Should, however, such a matter arise, the decision regarding the preliminary question as to whether or not such a matter is procedural must be taken by a vote of seven members of the Security Council, including the concurring votes of the permanent members.