

**Chapter IV '**

**VOTING**

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## INTRODUCTORY NOTE

This chapter contains material from the Official Records relating to the practice of the Council under Article 27 of the Charter. The arrangement of the material in this chapter follows that of the corresponding chapter in earlier volumes of the Repertoire.

Part I presents evidence relating to the distinction between procedural and non-procedural matters. Part II is concerned with the proceedings of the Council in connexion with decisions on the question whether or not the matter under consideration was procedural within the meaning of Article 27 (2). Part III deals with the abstention or absence of a Council member in relation to the requirements of Article 27 (3).

Certain questions of procedure in connexion with voting are dealt with in chapter I, part VI, relating to rule 40 of the provisional rules of procedure. Material relating to voting in connexion with the election of judges under Article 10 of the Statute of the International Court of Justice is included in chapter VI, part I, section D. Chapter VII, parts I and V, includes material on the voting procedure employed by the Council in connexion with applications for admission to membership in the United Nations.

As noted in preceding volumes of the Repertoire, most of the occasions on which the Council has voted afford no indication of 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, 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. Nor can any indication be obtained from proceedings in which a proposal, having been put to the vote, has failed to obtain seven votes in its favour.

Part I, section A, comprises those instances (Cases 1-7) wherein the adoption of a proposal, obtained through seven or more votes, with one or more permanent members casting a negative vote, indicated the procedural character of the decision. Cases in this section have been grouped under headings derived from the subject matter dealt with in the decisions; the headings do not constitute general propositions

as to the procedural character of future proposals which might be deemed to fall under them.

Part I, section B, includes those instances in which the rejection of a proposal, which had obtained seven or more votes with one or more permanent members casting a negative vote, indicated the non-procedural character of the matter under consideration. The entries in this section (Cases 8-22) are restricted to a reference whereby the draft resolution or proposal and the vote thereon may be identified in the record of decisions in other parts of this Supplement.

The case histories in part II concern an occasion when the Council voted on the "preliminary question" whether the matter was procedural within the meaning of Article 27 (2). In section A, (Case 23) will be found an outline of the proceedings with an indication of the sequence of steps leading to the final decision on, whether or not the matter under consideration was procedural. In section B are presented two special problems of procedure: Case 24 concerns the discussion on the order in which the main proposal and the preliminary question should be put to the vote; Case 25 is a summary of the discussion on the question whether the decision that a matter was procedural was itself a procedural decision. Statements invoking the San Francisco Statement on Voting Procedure<sup>1/</sup> in connexion with the determination of this question have been included in this case history.

The case history (Case 26) in part III, section A, concerns an occasion when a member of the Council made reference to Article 27 (3) in connexion with the question of participation in the vote.

Part III, section B, covers instances (Cases 27-45) in which permanent members have abstained voluntarily considering that no affirmative decisions could have been taken had they voted against the proposals.

<sup>1/</sup> "Statement by the Delegations of the Four Sponsoring Governments on Voting Procedure in the Security Council", United Nations Conference on International Organization, Documents, Volume II, pp. 711-714; see also Repertory of Practice of United Nations Organs, vol. II, 1955 (U.N.P.1955.V.2), pp. 104-106.

### Part I

## PROCEDURAL AND NON-PROCEDURAL MATTERS

### A. CASES IN WHICH THE VOTE INDICATED THE PROCEDURAL CHARACTER OF THE MATTER

#### 1. Inclusion of items in the agenda

On the following three occasions an item has been included in the agenda by a vote of the Council, notwithstanding the negative vote of a permanent member:

#### CASE 1

At the 847th meeting on 7 September 1959—report by the Secretary-General relating to Laos.<sup>2/</sup>

<sup>2/</sup> 847th meeting: para. 42. Also, at the 848th meeting, para. 4, the representative of the USSR stated that he maintained his objections to the inclusion in the agenda of the item concerning Laos.

## CASE 2

At the 911th meeting on 3/4 December 1960—admission of new Members to the United Nations (application of Mauritania).<sup>3/</sup>

## CASE 3

At the 987th meeting on 18 December 1961—complaint by Portugal (Goa).<sup>4/</sup>

## 2. Order of items on the agenda

## CASE 4

On the following occasion a proposal relating to the order of items on the agenda was adopted by vote of the Security Council, notwithstanding the negative vote of a permanent member:

At the 968th meeting on 26 September 1961—admission of new Members to the United Nations (application of Mauritania).<sup>5/</sup>

\*\*3. Deferment of consideration of items on the agenda

\*\*4. Removal of an item from the list of matters of which the Security Council is seized

\*\*5. Rulings of the President of the Security Council

## 6. Suspension of a meeting

## CASE 5

On the following occasion a proposal that the Security Council should suspend a meeting for a specified time was adopted by a vote of the Council, notwithstanding the negative vote of a permanent member:

At the 982nd meeting on 24 November 1961.<sup>6/</sup>

## 7. Adjournment of a meeting

## CASE 6

On the following occasions a motion to adjourn was adopted by a vote of the Security Council, notwithstanding the negative vote of a permanent member:

At the 898th meeting on 12 September 1960.<sup>7/</sup>

At the 917th meeting on 10 December 1960.<sup>8/</sup>

At the 939th meeting on 17 February 1961.<sup>9/</sup>

At the 987th meeting on 18 December 1961.<sup>10/</sup>

At the 989th meeting on 30 January 1962.<sup>11/</sup>

\*\*8. Invitation to participate in the proceedings

\*\*9. Conduct of business

## 10. Convocation of an emergency special session of the General Assembly

## CASE 7

On the following occasion a proposal to convoke an emergency special session of the General Assembly, as provided in General Assembly resolution 377 A (V), was adopted by vote of the Security Council, notwithstanding the negative vote of a permanent member:

At the 906th meeting on 16 September 1960, in connexion with the situation in the Republic of the Congo, when the Council adopted a draft resolution submitted by the representative of the United States, calling for an emergency special session of the General Assembly.<sup>12/</sup>

## B. CASES IN WHICH THE VOTE INDICATED THE NON-PROCEDURAL CHARACTER OF THE MATTER

1. In connexion with matters considered by the Security Council under its responsibility for the maintenance of international peace and security

## CASE 8

Decision of 26 July 1960 (883rd meeting): Rejection of draft resolution submitted by the United States in connexion with the complaint by the USSR (RB-47 incident).<sup>13/</sup>

## CASE 9

Decision of 26 July 1960 (883rd meeting): Rejection of draft resolution submitted by the representative of Italy in connexion with the complaint by the USSR (RB-47 incident).<sup>14/</sup>

## CASE 10

Decision of 17 September 1960 (906th meeting): Rejection of draft resolution submitted by Ceylon and Tunisia in connexion with the situation in the Congo.<sup>15/</sup>

## CASE 11

Decision of 14 December 1960 (920th meeting): Rejection of draft resolution submitted by Argentina, Italy, the United Kingdom and the United States in connexion with the situation in the Republic of the Congo.<sup>16/</sup>

## CASE 12

Decision of 21 February 1961 (942nd meeting): Rejection of United States amendments to draft resolution submitted by Ceylon, Liberia and the United Arab Republic in connexion with the situation in the Congo.<sup>17/</sup>

<sup>3/</sup> 911th meeting: para. 97.

<sup>4/</sup> 987th meeting: para. 7.

<sup>5/</sup> 968th meeting: para. 73.

<sup>6/</sup> 982nd meeting: para. 94.

<sup>7/</sup> 898th meeting: para. 14.

<sup>8/</sup> 917th meeting: paras. 249 and 250.

<sup>9/</sup> 939th meeting: para. 121.

<sup>10/</sup> 987th meeting: para. 161.

<sup>11/</sup> 989th meeting: para. 75.

<sup>12/</sup> S/4525, 906th meeting: para. 173; 906th meeting: para. 198. See chapter VI, Case 1.

<sup>13/</sup> S/4409/Rev.1, O.R., 15th year, Suppl. for July-Sept. 1960, pp. 35-36; 883rd meeting: para. 188. See chapter VIII, p. 186.

<sup>14/</sup> S/4411, 882nd meeting, para. 42; 883rd meeting: para. 189. See chapter VIII, p. 186.

<sup>15/</sup> S/4523, O.R., 15th year, Suppl. for July-Sept. 1960, pp. 172-173; 906th meeting: para. 157.

<sup>16/</sup> S/4578/Rev.1, O.R., 15th year, Suppl. for Oct.-Dec. 1960, pp. 82-83; 920th meeting: para. 156.

<sup>17/</sup> S/4740, 942nd meeting: para. 97; 942nd meeting: para. 139.

## CASE 13

Decision of 21 February 1961 (942nd meeting): Rejection of United States amendment to draft resolution submitted by Ceylon, Liberia and the United Arab Republic in connexion with the situation in the Congo.<sup>18</sup>

## CASE 14

Decision of 7 July 1961 (960th meeting): Rejection of draft resolution submitted by the United Kingdom in connexion with the complaint by Kuwait.<sup>19</sup>

## CASE 15

Decision of 24 November 1961 (982nd meeting): Rejection of third United States amendment to draft resolution submitted by Ceylon, Liberia and the United Arab Republic in connexion with the situation in the Congo.<sup>20</sup>

## CASE 16

Decision of 24 November 1961 (982nd meeting): Rejection of sixth United States amendment to draft resolution submitted by Ceylon, Liberia and the United Arab Republic in connexion with the situation in the Congo.<sup>21</sup>

## CASE 17

Decision of 18 December 1961 (988th meeting): Rejection of draft resolution submitted by France, Turkey, the United Kingdom and the United States in connexion with the question of Goa.<sup>22</sup>

## CASE 18

Decision of 22 June 1962 (1016th meeting): Rejection of draft resolution submitted by the represen-

<sup>18</sup>/ 942nd meeting: para. 169; 942nd meeting: para. 175.

<sup>19</sup>/ S/4855, O.R., 16th year, Suppl. for July-Sept. 1961, p. 5; 960th meeting: para. 44. See chapter VIII, p. 192.

<sup>20</sup>/ S/4989/Rev.2, O.R., 16th year, Suppl. for Oct.-Dec. 1961, pp. 137-138; 982nd meeting: para. 81.

<sup>21</sup>/ S/4989/Rev.2, *ibid.*; 982nd meeting: para. 84.

<sup>22</sup>/ S/5033, 988th meeting: para. 97; 988th meeting: para. 129. See chapter VIII, p. 197.

tative of Ireland in connexion with the India-Pakistan question.<sup>23</sup>

## CASE 19

Decision of 3 September 1963 (1063rd meeting): Rejection of draft resolution submitted by the United Kingdom and the United States in connexion with the Palestine question, with special reference to the complaints of Israel and Syria.<sup>24</sup>

## CASE 20

Decision of 13 September 1963 (1069th meeting): Rejection of draft resolution submitted by the representatives of Ghana, Morocco and the Philippines in connexion with the question of Southern Rhodesia.<sup>25</sup>

2. In connexion with other matters considered by the Security Council

a. IN CONNEXION WITH ADMISSION OF NEW MEMBERS TO THE UNITED NATIONS

## CASE 21

Decision of 3 December 1960 (911th meeting): The joint draft resolution submitted by the representatives of France and Tunisia to recommend Mauritania for membership was not adopted.<sup>26</sup>

## CASE 22

Decision of 30 November 1961 (985th meeting): The draft resolution submitted by the United Arab Republic to recommend Kuwait for membership was not adopted.<sup>27</sup>

\*\*b). IN CONNEXION WITH APPOINTMENT OF THE SECRETARY-GENERAL.

<sup>23</sup>/ S/5134, O.R., 17th year, Suppl. for April-June 1962, p. 104; 1016th meeting: para. 92.

<sup>24</sup>/ S/5407, O.R., 18th year, Suppl. for July-Sept. 1963, p. 149; 1063rd meeting: para. 64.

<sup>25</sup>/ S/5425/Rev.1, O.R., 18th year, Suppl. for July-Sept. 1963, pp. 164-165; 1069th meeting: para. 64.

<sup>26</sup>/ S/4567/Rev.1, O.R., 15th year, Suppl. for Oct.-Dec. 1960, p. 65; 911th meeting: para. 246.

<sup>27</sup>/ S/5006, 984th meeting: para. 20; 985th meeting: para. 44.

## Part II

**PROCEEDINGS OF THE SECURITY COUNCIL REGARDING VOTING UPON THE QUESTION WHETHER THE MATTER WAS PROCEDURAL WITHIN THE MEANING OF ARTICLE 27 (2) OF THE CHARTER**

**A. PROCEEDINGS ON OCCASIONS WHEN THE SECURITY COUNCIL VOTED ON "THE PRELIMINARY QUESTION"**

## CASE 23

At the 847th meeting on 7 September 1959, in connexion with the report by the Secretary-General relating to Laos, the representative of the United States submitted a draft resolution,<sup>28</sup> jointly sponsored

<sup>28</sup>/ S/4214, same text as S/4216, O.R., 14th year, Suppl. for July-Sept. 1959, pp. 8-9. See also Cases 24 and 25; for the consideration of procedure in the establishment of subsidiary organs, see chapter V, Case 9.

with the representatives of France and the United Kingdom, under which the Security Council would:

"... appoint a sub-committee consisting of Argentina, Italy, Japan and Tunisia... to examine the statements made before the Security Council concerning Laos, to receive further statements and documents and to conduct such inquiries as it may determine necessary, and to report to the Council as soon as possible."

The representative of the United States stated that the proposed sub-committee would be a subsidiary organ of the Council under Article 29 of the Charter.

The Council discussed the question whether the draft resolution was procedural or non-procedural at the 847th and 848th meetings. The representative of the USSR contended that the proposal could not be regarded as procedural.

On a motion submitted by the representative of the USSR, the Council took a preliminary vote to decide whether the vote on the draft resolution should be regarded as a procedural one.

*Decision: The President (Italy) asked that those who considered that the draft resolution was procedural should vote in favour. There were 10 votes in favour and 1 against (that of a permanent member).*

The President ruled that, as a result of the vote, the draft resolution should be considered procedural.<sup>29/</sup>

The Council then voted upon the draft resolution submitted by France, the United Kingdom and the United States.<sup>30/</sup>

*Decision: There were 10 votes in favour and 1 against. The President declared that he considered the draft resolution adopted.<sup>31/</sup>*

## B. CONSIDERATION OF PROCEDURES INVOLVED IN VOTING ON "THE PRELIMINARY QUESTION"

1. Consideration of the order in which the matter itself, and the question whether the matter is procedural, should be voted upon

### CASE 24

At the 848th meeting on 7 September 1959, in connexion with the report by the Secretary-General relating to Laos, the President (Italy) invited the members of the Council to take a decision on the draft resolution<sup>32/</sup> submitted by France, the United Kingdom and the United States to establish a sub-committee instructed to conduct inquiries and to report to the Council.

The representative of the USSR raised the question of the procedure to be followed in voting on the draft resolution, and asserted that the proposal was substantive and not procedural.

The President stated that the question raised by the representative of the USSR "could more properly be taken up after the vote on the draft resolution". This was a practice, he added, which had some precedent within the Council. The first step for the Council should be, therefore, to proceed to the vote on the draft resolution.

The representative of the USSR contended that the practice of the Council had varied, and that there had been a number of cases in which the Council, before

<sup>29/</sup> 848th meeting: paras. 78-79.

<sup>30/</sup> For texts of relevant statements, see: 847th meeting: Argentina, paras. 101-104; Canada, paras. 95-96; China, paras. 114-115; Tunisia, para. 123; United States, paras. 59-64; 848th meeting: President (Italy), paras. 74, 76, 78, 125-130; USSR, paras. 30, 51-69, 72-73, 114-123; United Kingdom, paras. 103-113; United States, para. 77.

<sup>31/</sup> 848th meeting: paras. 131-132.

<sup>32/</sup> S/4214, same text as S/4216, O.R., 14th year, Suppl. for July-Sept. 1959, pp. 8-9.

voting on a draft resolution, had taken a decision on whether the vote was to be of a procedural or a non-procedural character. He requested that a vote should be taken on the question whether the vote on the draft resolution was to be considered a procedural vote.

The President stated:

"I would like to note again that the cases in which the votes on the draft resolution have been taken first are quite numerous and I think that they outnumber the cases of the reverse order by at least one. But in any case, I think that I understand correctly that the Soviet representative wants me to put to a formal vote the question whether the draft resolution under consideration is a procedural one, and we shall proceed accordingly. I will now put to the vote of the Council the following question: Should the vote on this draft resolution be considered a procedural one?"

"...

"Those who believe that it is a procedural matter will say 'yes' and raise their hands."<sup>33/</sup>

*Decision: There were 10 votes in favour and 1 against (that of a permanent member), and the President ruled that the draft resolution should be considered procedural.<sup>34/</sup>*

2. Consideration whether the decision that the matter is procedural is itself a procedural decision

### CASE 25

At the 848th meeting on 7 September 1959, in connexion with the report by the Secretary-General relating to Laos, the representative of the USSR asserted that the draft resolution introduced by France, the United Kingdom and the United States<sup>35/</sup> to establish a sub-committee to conduct inquiries was non-procedural. He said that if anyone had any doubt on the point, the procedure for resolving the doubt was that indicated in the last sentence of the San Francisco Statement on Voting Procedure, namely, to decide by a vote of seven members of the Security Council, including the concurring votes of the permanent members. He added that the Council had no alternative but to decide the question by this procedure.

The preliminary question was put to the vote. The President then declared:

"The result of the vote is as follows: 10 in favour and 1 against. Therefore, the resolution should be considered procedural. . . . The Chair can act only in accordance with the Charter and the rules of procedure, and this is my ruling."

The representative of the USSR objected to this ruling:

"The President's interpretation of the vote is at variance with the Charter of the United Nations, at variance with the procedure laid down in the four-

<sup>33/</sup> For texts of relevant statements, see:

848th meeting: President (Italy), paras. 50, 71, 74, 78; USSR, paras. 51-52, 68, 72-73.

<sup>34/</sup> 848th meeting: paras. 78-79.

<sup>35/</sup> S/4214, same text as S/4216, O.R., 14th year, Suppl. for July-Sept. 1959, pp. 8-9.

Power declaration issued at the San Francisco Conference on 7 June 1945 and at variance with the whole practice of the Security Council. . . .

"I have just quoted from the four-Power declaration of 7 June 1945 in which the four Powers, with the adherence of France, established the procedure for deciding the preliminary question whether a procedural vote might be taken in a particular case. That procedure provides that such a vote shall be subject to the unanimity rule, in other words, the adoption of an affirmative decision shall require the concurring votes of all the permanent members.

"In the vote which has just taken place, a vote on this very question which is dealt with in the declaration and to which the procedure I have mentioned applies, the Soviet Union, a permanent member of the Security Council, voted 'against'.

"Consequently, the President's interpretation is at variance with the Charter, with the declaration of which I have just spoken and with the practice of the Security Council. Hence I protest against his ruling. I consider that he has announced the results of the vote incorrectly. The vote on the draft resolution, which he intends to put to the vote, will be a vote not on a procedural matter but on a matter of substance, to which the unanimity rule is applicable.

"I am surprised at the attitude of the representatives of the United States, the United Kingdom and France, who were parties to the San Francisco declaration of 7 June 1945. . . .

". . .

"Accordingly, I should now like to ask the representatives of France and the United Kingdom whether they uphold their statements that they continue to regard the San Francisco declaration as being in force. . . ."

The representative of France replied as follows:

"I should like to dispel any incorrect interpretations which might arise from the vote we have just taken. Every matter put before this Council must be regarded as a separate case; every resolution adopted by the Council is first of all subject to individual appraisal by every State represented here, in the light of the texts which are binding on all the Members of the United Nations, of the purpose of the resolution and of the consequences which it involves.

". . .

". . . I am convinced that the resolution before us is procedural in character, and that this character arises out of the Charter, our rules of procedure, the San Francisco declaration and the role we intend to assign to the sub-committee."

The representative of the United Kingdom declared:

"Of course, we stand by the San Francisco declaration, but what we stand by is its applicability to cases to which it applies. This is not one of them. . . ."

The representative of the USSR welcomed the United Kingdom representative's declaration of continued

support for the San Francisco Statement but urged that he support it in its entirety. Concerning the statement of the representative of France, he observed:

"He expressed the view that the resolution before us is a procedural resolution. He is entitled to hold that opinion and I respect it. Nevertheless, in accordance with the San Francisco declaration, to which France subscribed, all the permanent members must be unanimous on this point. If any permanent member takes a different view, what happens then? Then, obviously, the other permanent members, who signed that declaration, must respect the opinion of the member of the Security Council who thinks differently, for the simple reason that, under the terms of the declaration in question, they undertook to decide whether a particular question is or is not procedural by a vote which is subject to the unanimity rule. For that reason, I say that I respect the opinion of the representative of France. If, however, the French Government stands by this declaration, I ask that, in accordance with its terms, respect should be shown for the opinion of another member of the Security Council who takes a divergent position on this question and who considers that the resolution before us is not procedural. This situation is specifically covered by the San Francisco declaration."

The representative of the United Kingdom, in the course of a further statement, made the following observations concerning the bearing of the San Francisco statement:

"The representative of the Soviet Union also referred to the last sentence of the San Francisco declaration and argued that this is a case when the question of whether a matter is procedural must be decided by a vote of seven members of the Security Council, including the concurring votes of the permanent members. We should also read paragraph 1 of part II of the declaration which immediately precedes that paragraph. It says:

"In the opinion of the delegations of the sponsoring Governments, the draft charter"—as it then was—"itself contains an indication of the application of the voting procedures to the various functions of the Council."

"The second paragraph of part II on which the Soviet representative relied was therefore clearly intended to apply only when the Charter did not give any guidance; it was intended to apply to those cases where there was genuine doubt as to whether a matter was procedural or substantive. In the present case, Article 29 of the Charter gives a clear indication, namely, that, as a matter of procedure and administrative convenience, the Security Council can appoint such sub-committees of its members as is now proposed.

"It is for these reasons . . . that in my view your ruling, Mr. President, was entirely correct and the representative of the Soviet Union was not entitled to claim that the question of whether the draft resolution was procedural should be settled in accordance with the practice under the San Francisco declaration which provided for a different set of circumstances."

The representative of the USSR commented as follows on the statement by the representative of the United Kingdom:

"One thing that is hard to understand is why Sir Pierson Dixon accepts paragraphs 2 and 3, yet refers in, to my mind, extremely indefinite terms to the second part of that same San Francisco declaration, which deals with this very question of how to resolve any doubt which may arise as to whether a given matter is or is not procedural. The Charter does not touch on this directly. That was why the declaration, which was confirmed by the San Francisco Conference, was drafted. That declaration specifies the action to be taken if any doubt arises in the Council as to whether a particular matter is or is not procedural."

"As far as the question of voting is concerned, the declaration has the same force as the Charter itself ... that has hitherto been universally recognized ... it has been the practice to apply the declaration in its entirety, including the part which deals with the question of determining whether or not a matter is procedural. ..."

The President commented as follows on the observations of the representative of the USSR concerning the San Francisco Statement:

"... I repeat that the Chair can act only in accordance with the Charter and with the rules of procedure. Any other document cannot be binding if its interpretation might run contrary to the Charter itself."

The President then put the draft resolution to the vote and announced the result as follows: "There are 10 votes in favour, 1 against, and no abstentions. I consider therefore the draft resolution adopted."<sup>36/</sup>

The representative of the USSR stated that because of the illegal voting procedure followed by the Council

<sup>36/</sup> 848th meeting: paras. 131-132.

the USSR delegation regarded the resolution as non-existent, illegal and not binding upon anyone. He said:

"The San Francisco declaration is an interpretation of the Charter and cannot be opposed to the Charter, since it is an interpretation upon which formal agreement was reached. It is the only document adopted at the conference concerned with the interpretation of specific provisions of the Charter, and by virtue of that fact those parts of it which relate to the Charter are as important as the Charter itself."

The representative of the United States declared:

"... I happen to think that the San Francisco declaration is significant largely as a matter of attitude. I agree with the President that the thing that governs us here is the Charter and the rules of the Security Council ...

"..."

"The United States has consistently taken the view that the so-called double veto cannot be used to make substantive a matter declared by the four-Power statement to be procedural. ..."

The representative of the USSR rejoined:

"A declaration is a declaration, and it is not possible to accept one part and not to accept another, in this instance, the part which has the greatest relevance to the Security Council's present deliberations and which specifically indicates how a controversial issue is to be settled."<sup>37/</sup>

- \*\*3. Consideration of the use of rule 30 of the provisional rules of procedure of the Security Council in determining whether a matter is procedural

<sup>37/</sup> For texts of relevant statements, see:

848th meeting: President (Italy), paras. 79, 129; France, paras. 90, 93; USSR, paras. 69, 80-84, 89, 95-96, 122, 123, 134, 135, 160; United Kingdom, paras. 94, 111-113; United States, paras. 145, 148.

### Part III

#### ABSTENTION AND ABSENCE IN RELATION TO ARTICLE 27 (3) OF THE CHARTER

##### A. OBLIGATORY ABSTENTION

###### 1. Cases in which members have abstained in accordance with the proviso of Article 27 (3)

###### CASE 26

At the 868th meeting on 23 June 1960, in connexion with the complaint by Argentina (Eichmann Case), a draft resolution<sup>38/</sup> submitted by the representative of Argentina, incorporating two amendments<sup>39/</sup> submitted by the representative of the United States and accepted by the original sponsor, was put to the vote. Before the vote was taken, the representative of Argentina stated:

"Article 27, paragraph 3, of the Charter states that 'a party to a dispute shall abstain from voting.'

<sup>38/</sup> S/4345, 865th meeting: para. 47.

<sup>39/</sup> S/4346, 866th meeting: paras. 78-79.

My delegation does not wish to enter into a legal or procedural analysis of the application of that wording to the case we are considering, but for reasons of tact, which I am sure the Council will understand, my delegation requests the President and, through him, the Council for permission not to take part in the vote."

The President (China) observed that the representative of Argentina had "a perfect right to refrain from participation in the vote."<sup>40/</sup>

Decision: *The draft resolution, as amended, was adopted by 8 votes in favour to none against, with 2 abstentions.*<sup>41/</sup>

<sup>40/</sup> For texts of relevant statements, see:

868th meeting: President (China), para. 52; Argentina, para. 51.

<sup>41/</sup> 868th meeting: para. 52.



\*\*2. Consideration of abstention in accordance with the proviso of Article 27 (3)

#### B. VOLUNTARY ABSTENTION IN RELATION TO ARTICLE 27 (3)

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

##### SITUATION IN THE REPUBLIC OF CONGO

###### Case 27

Decision of 14 July 1960 (873rd meeting): *Tunisian draft resolution.*<sup>42/</sup>

###### Case 28

Decision of 9 August 1960 (886th meeting): *Ceylonese-Tunisian draft resolution.*<sup>43/</sup>

###### Case 29

Decision of 17 September 1960 (906th meeting): *Ceylonese-Tunisian draft resolution.*<sup>44/</sup>

###### Case 30

Decision of 17 September 1960 (906th meeting): *United States draft resolution.*<sup>45/</sup>

###### Case 31

Decision of 21 February 1961 (942nd meeting): *Ceylonese-Liberian-United Arab Republic draft resolution.*<sup>46/</sup>

###### Case 32

Decisions of 24 November 1961 (982nd meeting):

(i) *First United States amendment to the Ceylonese-Liberian-United Arab Republic draft resolution.*<sup>47/</sup>

(ii) *Second United States amendment (paragraph 1) to the Ceylonese-Liberian-United Arab Republic draft resolution.*<sup>48/</sup>

(iii) *Second United States amendment (paragraph 2) to the Ceylonese-Liberian-United Arab Republic draft resolution.*<sup>49/</sup>

(iv) *Third United States amendment to the Ceylonese-Liberian-United Arab Republic draft resolution.*<sup>50/</sup>

<sup>42/</sup> S/4383, same text as S/4387, O.R., 15th year, Suppl. for July-Sept. 1960, p. 16; 873rd meeting: para. 232.

<sup>43/</sup> S/4424, same text as S/4426, *ibid.*, pp. 91-92; 886th meeting: para. 272.

<sup>44/</sup> S/4523, *ibid.*, pp. 172-173; 906th meeting: para. 157.

<sup>45/</sup> S/4525, same text as S/4526, *ibid.*, p. 174; 906th meeting: para. 198.

<sup>46/</sup> S/4722, same text as S/4741, O.R., 16th year, Suppl. for Jan.-March 1961, pp. 147-148; 942nd meeting: para. 95.

<sup>47/</sup> S/4989/Rev.2, O.R., 16th year, Suppl. for Oct.-Dec. 1961, pp. 137-138; 982nd meeting: para. 78.

<sup>48/</sup> S/4989/Rev.2, *ibid.*; 982nd meeting: para. 79.

<sup>49/</sup> S/4989/Rev.2, *ibid.*; 982nd meeting: para. 80.

<sup>50/</sup> S/4989/Rev.2, *ibid.*; 982nd meeting: para. 81.

(v) *Fourth United States amendment to the Ceylonese-Liberian-United Arab Republic draft resolution.*<sup>51/</sup>

(vi) *Ceylonese-Liberian-United Arab Republic draft resolution as amended by the United States.*<sup>52/</sup>

#### PALESTINE QUESTION

##### Case 33

Decision of 11 April 1961 (949th meeting): *United Arab Republic-Ceylon draft resolution as amended.*<sup>53/</sup>

##### Case 34

Decision of 9 April 1962 (1006th meeting): *Draft resolution submitted by the United Kingdom and the United States.*<sup>54/</sup>

#### THE SITUATION IN TERRITORIES IN AFRICA UNDER PORTUGUESE ADMINISTRATION

##### Case 35

Decision of 31 July 1963 (1049th meeting): *Draft resolution submitted by Ghana, Morocco and the Philippines.*<sup>55/</sup>

##### Case 36

Decision of 11 December 1963 (1083rd meeting): *Draft resolution submitted by Ghana, Morocco and the Philippines (vote on operative paragraph 3).*<sup>56/</sup>

##### Case 37

Decision of 11 December 1963 (1083rd meeting): *Draft resolution submitted by Ghana, Morocco and the Philippines (vote on draft resolution as a whole).*<sup>57/</sup>

#### QUESTION OF RACE CONFLICT IN SOUTH AFRICA

##### Case 38

Decision of 7 August 1963 (1056th meeting): *Draft resolution submitted by Ghana, Morocco and the Philippines.*<sup>58/</sup>

#### ADMISSION OF NEW MEMBERS TO THE UNITED NATIONS

##### Case 39

Decision of 25 October 1961 (971st meeting): *Mongolia: Draft resolution submitted by the USSR.*<sup>59/</sup>

<sup>51/</sup> S/4989/Rev.2, *ibid.*; 982nd meeting: para. 82.

<sup>52/</sup> S/4985/Rev.1, as orally amended, see S/5002, O.R., 16th year, Suppl. for Oct.-Dec. 1961, pp. 148-150; 982nd meeting: para. 99.

<sup>53/</sup> S/4784, 948th meeting: para. 20; 949th meeting: para. 76.

<sup>54/</sup> S/5110 and Corr.1, same text as S/5111, O.R., 16th year, Suppl. for April-June 1962, pp. 95-96; 1006th meeting: para. 106.

<sup>55/</sup> S/5372, 1044th meeting: para. 4, as amended by S/5379; 1048th meeting: para. 21; 1049th meeting: para. 17.

<sup>56/</sup> S/5480, same text as S/5481, O.R., 18th year, Suppl. for Oct.-Dec. 1963, pp. 110-111; 1083rd meeting: para. 157.

<sup>57/</sup> S/5480, *ibid.*; 1083rd meeting: para. 158.

<sup>58/</sup> S/5384, 1054th meeting: para. 62; 1056th meeting: para. 18.

<sup>59/</sup> S/4950, 971st meeting: para. 15; 971st meeting: para. 70.

## Case 40

Decision of 25 October 1961 (971st meeting):  
*Mauritania: Draft resolution submitted by France and Liberia.*<sup>60/</sup>

## Case 41

Decision of 4 October 1962 (1020th meeting):  
*Algeria: Draft resolution submitted by Chile, France, Ghana, Ireland, Romania, USSR, United Arab Republic, United Kingdom, United States and Venezuela.*<sup>61/</sup>

<sup>60/</sup> S/4967, same text as S/4969, O.R., 16th year, Suppl. for Oct.-Dec. 1961, p. 66; 971st meeting: para. 228.

<sup>61/</sup> S/5173, same text as S/5174, O.R., 17th year, Suppl. for Oct.-Dec. 1962, p. 143; 1020th meeting: para. 90.

REPORTS BY THE SECRETARY-GENERAL  
CONCERNING YEMEN

## Case 42

Decision of 11 June 1963 (1039th meeting): *Draft resolution submitted by Ghana and Morocco.*<sup>62/</sup>

\*\*2. Consideration of the practice of voluntary abstention in relation to Article 27 (3)

\*\*C. ABSENCE OF A PERMANENT MEMBER IN RELATION TO ARTICLE 27 (3)

<sup>62/</sup> S/5330, 1038th meeting: para. 27; 1039th meeting: para. 7.