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## **Chapter IV**

### **Voting**

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## Introductory note

The present chapter contains material relating to the practice of the Security Council on decision-making and voting, with a primary focus on Article 27 of the Charter and rule 40 of the provisional rules of procedure.<sup>1</sup>

### *Article 27*

1. *Each member of the Security Council shall have one vote.*
2. *Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.*
3. *Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.*

### *Rule 40*

*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.*

Part I presents developments in procedures related to decision-making and voting. Part II covers instances in which the procedural or non-procedural nature of a decision is indicated by the results of the vote taken on it. Part III is concerned with the Council actually voting upon whether a matter is procedural or non-procedural. During the period under review, no such vote was taken. Part IV covers the abstention, non-participation or absence of a Council member in relation to the requirements of Article 27, paragraph 3. Part V deals with decisions adopted without a vote.

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<sup>1</sup> Material relating to voting in connection with the election of judges under Article 10 of the Statute of the International Court of Justice is included in chapter VI. More detailed material on voting by the Council in connection with the applications for admission to membership in the United Nations is contained in Chapter VII.

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## Part I

### Procedures relating to decision-making and voting

#### Note

During the period under review, the Council reiterated procedures relating to decision-making, and there was some discussion in the Council on the broader decision-making process.<sup>2</sup>

In a note by the President of 19 July 2006,<sup>3</sup> the members of the Council reaffirmed that all members of the Security Council should be allowed to participate fully in the preparation of, inter alia, the resolutions, presidential statements and press statements of the Council. It was reaffirmed that the drafting of all documents such as resolutions and presidential statements, as well as press statements, should be carried out in a manner that would allow adequate participation of all members of the Council.

The members of the Council indicated their intention to continue to informally consult with the broader United Nations membership, in particular interested Member States, including countries directly involved or specifically affected, neighbouring States and countries with particular contributions to make, as well as with regional organizations and Groups of Friends, when drafting, inter alia, resolutions, presidential statements and press statements, as appropriate.

The members of the Council further agreed to consider making draft resolutions and presidential statements as well as other draft documents available as appropriate to non-members of the Council as soon as such documents were introduced within informal consultations of the whole, or earlier, if so authorized by the authors of the draft document.

At meetings of the Council, various Member States called for greater participation in the decision-making process. During discussion of the item “United

Nations peacekeeping operations” at the 4970th meeting, on 17 May 2004, the representative of Japan stated that “... reform is necessary in order to involve in the Security Council decision-making process those countries contributing human, material, financial and other resources”.<sup>4</sup> The representative of Romania agreed that “improving the basis for decision-making in the Security Council by identifying ways and means to involve stakeholders would create a considerable additional incentive for the general United Nations membership to support peacekeeping operations”.<sup>5</sup>

At the same meeting, focusing specifically on troop-contributing countries and peacekeeping mandates, the representative of Algeria emphasized that “if since the adoption of resolution 1353 (2001) briefings are now being organized regularly between the Council and troop-contributing countries every time a mission mandate is renewed, more should be done to take into account the concerns of those countries and involve them in the decision-making process to define or change the mandate of an operation to which their military units are committed”.<sup>6</sup> Pointing out the significance of available resources in peacekeeping decisions, the representative of the Philippines observed that “despite all the merits of a United Nations rapid deployment capability, such as deterring the further escalation of conflicts, the final arbiter in decision-making is the availability of United Nations resources”.<sup>7</sup>

Many calls were made in the Council during the period for greater consultation with regional organizations.<sup>8</sup> At the 5261st meeting, held at the Summit level on 14 September 2005 to discuss “Threats to international peace and security”, the Council adopted resolution 1625 (2005) wherein it requested the Secretary-General to promote coordination with regional conflict management machinery in Africa which would provide the Security Council with additional reliable and timely information

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<sup>2</sup> Discussion also occurred at workshops for newly elected and current Security Council members, which were held outside of the Council Chambers (see S/2005/228, S/2006/483, S/2007/137 and S/2008/195).

<sup>3</sup> S/2006/507, annex, paras. 41-43. As stated in the note, the material in those paragraphs, which covers resolutions and presidential statements, is recollected from previous note(s) by the President of the Security Council.

<sup>4</sup> S/PV.4970 (Resumption 1), p. 4.

<sup>5</sup> S/PV.4970, p. 11.

<sup>6</sup> *Ibid.*, p. 13.

<sup>7</sup> *Ibid.*, p. 20.

<sup>8</sup> For a more in-depth consideration of regional arrangements, see chap. XII, part III, sect. D.

to facilitate rapid decision-making.<sup>9</sup> A few months earlier, the representative of Benin, at the wrap-up discussion on the work of the Security Council for the current month on 30 March 2005, emphasized that a regular exchange of information with regional African organizations would provide the Council with reliable and timely information to facilitate rapid decision-making.<sup>10</sup> At that same meeting, the representative of Romania considered that value could be added to the Council's decision-making on African issues by increased use of the capacities provided by the Special Adviser to the Secretary-General for Special Assignments in Africa, the Special Adviser to the

Secretary-General on Africa, or the Office of the Special Representative of the Secretary-General for West Africa.<sup>11</sup>

The inclusion of non-State stakeholders in the deliberative process was also mentioned during the period. At the 4890th meeting, held on 28 May 2004 to consider the item "Complex crises and the United Nations response", the representative of Germany noted that "while decision-making in the United Nations will remain the business of Governments, the integration of non-State stakeholders and non-State expertise in the deliberative process is in everybody's best interest: in the interest of informed decision-making and in the interest of popular acceptance".<sup>12</sup>

<sup>9</sup> Resolution 1625 (2005), para. 3 (c).

<sup>10</sup> S/PV.5156, p. 19.

<sup>11</sup> *Ibid.*, p. 4.

<sup>12</sup> S/PV.4890, p. 26.

## Part II

### Procedural and non-procedural matters

#### Note

Most votes in the Council do not indicate by themselves whether the Council considers the matter voted upon as procedural or non-procedural. This is the case, for instance, when a proposal is adopted by a unanimous vote, when all permanent members vote in favour of a proposal or when a proposal fails to obtain the necessary nine votes in its favour. However, the record of voting may be conclusive in this respect when a proposal obtains nine or more votes, with one or more permanent members casting a negative vote. Adoption by the Council in such circumstances indicates the procedural character of the matter; rejection by the Council in such circumstances indicates the non-procedural character of the matter.

During the period under review, there were two instances in which the vote indicated the procedural character of the matter under consideration, and six instances in which the vote indicated the non-procedural character.

**A. Cases in which the vote indicated the procedural character of the matter**

<i>Agenda item</i>	<i>Meeting and date</i>	<i>Proposal</i>	<i>Vote</i>	<i>Permanent members casting negative vote<sup>a</sup></i>
Letters dated 26 July 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council	5237 27 July 2005	Adoption of the agenda	Proposal adopted by 9 votes to 5, with 1 abstention	China, Russian Federation
The situation in Myanmar	5526 15 September 2006	Adoption of the agenda	Proposal adopted by 10 votes to 4, with 1 abstention.	China, Russian Federation

<sup>a</sup> For the context and explanations of vote, see chapter II, case studies 1 and 2.

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

<i>Agenda item</i>	<i>Meeting and date</i>	<i>Proposals (draft resolutions, etc.)</i>	<i>Submitted by</i>	<i>Vote (in each case, the proposal was defeated)</i>	<i>Permanent members casting negative vote<sup>a</sup></i>
The situation in the Middle East, including the Palestinian question	4934 25 March 2004	S/2004/240	Algeria, Libyan Arab Jamahiriya	11-1-3	United States
The situation in Cyprus	4947 21 April 2004	S/2004/302	United Kingdom, United States	14-1-0	Russian Federation
The situation in the Middle East, including the Palestinian question	5051 5 October 2004	S/2004/783	Algeria, Pakistan, Tunisia	11-1-3	United States

<i>Agenda item</i>	<i>Meeting and date</i>	<i>Proposals (draft resolutions, etc.)</i>	<i>Submitted by</i>	<i>Vote (in each case, the proposal was defeated)</i>	<i>Permanent members casting negative vote<sup>a</sup></i>
The situation in the Middle East, including the Palestinian question	5488 13 July 2006	S/2006/508	Qatar	10-1-4	United States
The situation in the Middle East, including the Palestinian question	5565 11 November 2006	S/2006/878	Qatar	10-1-4	United States
The situation in Myanmar	5619 12 January 2007	S/2007/14, as orally revised	United Kingdom, United States	9-3-3	China, Russian Federation

<sup>a</sup> For the context and explanations of vote, see the relevant case studies in chapter VIII.

### **Part III**

#### **Proceedings of the Security Council regarding voting upon the question whether the matter was procedural within the meaning of Article 27, paragraph 2, of the Charter**

#### **Note**

On certain occasions the Security Council has found it necessary to decide, by vote, the question whether or not the matter under consideration was procedural within the meaning of Article 27 (2). This question has come to be termed, after the language used in the San Francisco Statement on Voting Procedure, “the preliminary question”.

There were no instances of voting on the preliminary question during the period under review.

## Part IV

### Abstention, non-participation or absence in relation to Article 27, paragraph 3, of the Charter

#### Note

According to Article 27 (3) of the Charter, decisions of the Security Council on non-procedural matters require an affirmative vote of nine members including “the concurring votes of the permanent members”. Part IV concerns the application of this requirement: (a) in the light of the proviso to Article 27 (3) which requires abstention by a party to a dispute; and (b) in circumstances when a permanent member voluntarily abstains, does not participate in the vote, or is absent at the time of the vote.

#### A. Obligatory abstention

The proviso to Article 27 (3) states:

*provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.*

In the period under review, there was no instance in which a member abstained in accordance with the proviso to Article 27 (3).

#### B. Voluntary abstention, non-participation or absence in relation to Article 27, paragraph 3

Listed below are those instances in which permanent members voluntarily abstained from voting. During the period under review, there were no instances of non-participation by permanent members or of votes taken in their absence.

#### Cases in which permanent members abstained otherwise than in accordance with the proviso to Article 27, paragraph 3

<i>Proposals and resolutions</i>	<i>Agenda item</i>	<i>Meeting and date</i>	<i>Vote</i>	<i>Abstaining</i>
S/2004/240 (not adopted owing to the negative vote of a permanent member)	The situation in the Middle East, including the Palestinian question	4934 25 March 2004	11-1-3	United Kingdom
1544 (2004)	The situation in the Middle East, including the Palestinian question	4972 19 May 2004	14-0-1	United States



<i>Proposals and resolutions</i>	<i>Agenda item</i>	<i>Meeting and date</i>	<i>Vote</i>	<i>Abstaining</i>
1556 (2004)	Reports of the Secretary-General on the Sudan	5015 30 July 2004	13-0-2	China (and elected member Pakistan)
1559 (2004)	The situation in the Middle East	5028 2 September 2004	9-0-6	Russian Federation (and elected members Algeria, Brazil, China, Pakistan, Philippines)
1564 (2004)	Reports of the Secretary-General on the Sudan	5040 18 September 2004	11-0-4	China, Russian Federation (and elected members Algeria, Pakistan)
S/2004/783 (not adopted owing to the negative vote of a permanent member)	The situation in the Middle East, including the Palestinian question	5051 5 October 2004	11-1-3	United Kingdom (and elected members Germany, Romania)
1591 (2005)	Reports of the Secretary-General on the Sudan	5153 29 March 2005	12-0-3	China, Russian Federation (and elected member Algeria)
1593 (2005)	Reports of the Secretary-General on the Sudan	5158 31 March 2005	11-0-4	China, United States (and elected members Algeria, Brazil)
1680 (2006)	The situation in the Middle East	5440 17 May 2006	13-0-2	China, Russian Federation
S/2006/508 (not adopted owing to the negative vote of a permanent member)	The situation in the Middle East, including the Palestinian question	5488 13 July 2006	10-1-4	United Kingdom (and elected members Denmark, Peru, Slovakia)
1706 (2006)	Reports of the Secretary-General on the Sudan	5519 31 August 2006	12-0-3	China, Russian Federation (and elected member Qatar)
S/2006/878 (not adopted owing to the negative vote of a permanent member)	The situation in the Middle East, including the Palestinian question	5565 11 November 2006	10-1-4	United Kingdom (and elected members Denmark, Japan, Slovakia)
1757 (2007)	The situation in the Middle East	5685 30 May 2007	10-0-5	China, Russian Federation (and elected members Indonesia, Qatar, South Africa)

<i>Proposals and resolutions</i>	<i>Agenda item</i>	<i>Meeting and date</i>	<i>Vote</i>	<i>Abstaining</i>
1762 (2007)	The situation concerning Iraq	5710 29 June 2007	14-0-1	Russian Federation
1776 (2007)	The situation in Afghanistan	5744 19 September 2007	14-0-1	Russian Federation

## Part V

### Adoption of resolutions and decisions without a vote

#### Note

During the period under review, most procedural motions at meetings of the Council were adopted without a vote, the two exceptions being votes on the adoption of the agenda noted in part II.A of this chapter. Four resolutions were also adopted without a vote: resolution 1571 (2004), concerning the date of election to fill a vacancy in the International Court of Justice, and resolution 1691 (2006), concerning admission of new Members, were described by the President as being adopted “without a vote”. Resolution 1715 (2006), concerning the recommendation for the appointment of the Secretary-General, and resolution 1733 (2006), a tribute to the outgoing Secretary-General Kofi Annan, were adopted by “acclamation”.<sup>13</sup> Of the remaining 269 resolutions that were adopted by a vote (six draft resolutions, as indicated in part II.B, were voted upon but not adopted owing to the negative votes of one or more permanent

members), 260 were adopted unanimously.<sup>14</sup> A majority of the latter (178) consisted of texts “prepared in the course of the Council’s prior consultations”; the remaining texts were submitted by one or more delegations. The only resolution adopted at a closed meeting during the period was that by which the Council recommended the appointment of a Secretary-General, resolution 1715 (2006).

No votes were taken on decisions which took the form of statements by the President on behalf of the Council. These “presidential statements” were issued after having been agreed upon by members of the Council during consultations. In the periods covered by previous volumes of the *Repertoire*, some statements were read out at a formal meeting of the Council, while others were simply issued in written form. In the period 2004-2007, of 224 statements, only one, while referred to, was not read out at a formal meeting.<sup>15</sup> On several occasions, a presidential statement was read out immediately following the adopting of a resolution, as a complementary text. This was the case, in accordance with the usual practice, in connection with resolutions adopted on the admission of new Members and on the

<sup>13</sup> Resolution 1571 (2004) was adopted on 4 November 2004 (5070th meeting); resolution 1691 (2006) was adopted on 22 June 2006 (5473rd meeting); resolution 1715 (2006) was adopted on 9 October 2006 at a closed meeting (5547th) and resolution 1733 (2006) was adopted on 9 October 2006 (5607th meeting).

<sup>14</sup> On occasion, the unanimous adoption of a resolution was preceded or followed by an explanation of vote or explanations of vote by individual delegations. See for example, S/PV.4987 (with respect to resolution 1546 (2004) on the situation between Iraq and Kuwait); S/PV.5093 (with respect to resolution 1577 (2004) on the situation in Burundi); S/PV.5297 (a ministerial-level meeting with respect to resolution 1636 (2005) on the situation in the Middle East); S/PV.5406 (with respect to resolution 1667 (2006) on the situation in Liberia); S/PV.5727 (with respect to resolution 1769 (2007) on the reports of the Secretary-General on the Sudan).

<sup>15</sup> S/PRST/2006/39.

extensions of the mandate of the United Nations Disengagement Observer Force.<sup>16</sup>

Many decisions, largely of a procedural or operative nature, were also recorded in letters and notes by the President of the Council. No votes were

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<sup>16</sup> See S/PV.4998 (resolution 1550 (2004) and S/PRST/2004/3); S/PV.5101 (resolution 1578 (2004) and S/PRST/2004/47); S/PV.5205 (resolution 1605 (2005) and S/PRST/2005/24); S/PV.5339 (resolution 1648 (2005) and S/PRST/2005/65); S/PV.5456 (resolution 1685 (2006) and S/PRST/2006/26); S/PV.5473 (resolution 1691 (2006) and S/PRST/2006/27); S/PV.5596 (resolution 1729 (2006) and S/PRST/2006/54); S/PV.5698 (resolution 1759 (2007) and S/PRST/2007/20); and S/PV.5802 (resolution 1788 (2007) and S/PRST/2007/48).

taken on those notes and letters. However, at the 5092nd meeting, held on 30 November 2004 to consider the situation between Iraq and Kuwait, the President drew the attention of the Council to the draft of a letter which he proposed to send to the Secretary-General to inform him that the Council specifically endorsed the creation of a trust fund in connection with the security arrangements for the United Nations Assistance Mission for Iraq. In the absence of any objection, the President took it that the Council agreed to that proposal.<sup>17</sup>

The texts of all resolutions, presidential statements and procedural decisions taken at Security Council meetings, as well as decisions contained in notes or letters by the President, are published in the yearly volumes of *Resolutions and Decisions of the Security Council*.<sup>18</sup>

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<sup>17</sup> S/PV.5092, p. 2. The letter was subsequently circulated under the symbol S/2004/93.

<sup>18</sup> S/INF/59, for 2003/04; S/INF/60, for 2004/05; S/INF/61, for 2005/06; S/INF/62, for 2006/07; and S/INF/63, for 2007/08. The decisions are organized by agenda item.