

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 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. No material requiring treatment in part II, relating to the practice of the Council in voting upon the question whether the matter is procedural within the meaning of Article 27(2), has been found for the period under review. Part III is concerned with the abstention or absence of a Council member in relation to the requirements of Article 27(3).

During the period under review there has been no discussion 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 previously, 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, 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.

Part I, section A, sets out those instances 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. While 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. Section A includes a new heading (A.9) for the two occasions¹ when decisions to convene an emergency special session of the General Assembly were adopted by the Council, notwithstanding negative votes cast by one or more of its permanent members. Since these proceedings also involve the question of the relations of the Security Council with the General Assembly, further treatment of the matter will be found in chapter VI, part I, section A.

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. During the period under review there has been no discussion in the Security Council of the procedural or non-procedural character of the matters in respect of which decisions were to be taken; the entries in this section are therefore 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*.

There have been no occasions during the period under review of abstention by a permanent member in accordance with Article 27(3). Part III, section B, lists those occasions on which a permanent member has abstained considering that no affirmative decision could have been taken had he voted against the proposal.

¹ Cases 5 and 6.

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

CASES 1-2

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

Case 1

At the 746th and 752nd meetings on 28 October and 2 November 1956 the situation in Hungary.²

² 746th meeting: para. 35; 752nd meeting: para. 6. Also, at the 753rd meeting, para. 3, and 754th meeting, para. 1, the President (France) stated that the objections to the adoption of the agenda raised at the 746th meeting were noted. See chapter II, Case 7.

Case 2

At the 842nd meeting on 9 December 1958, two letters dated 8 December 1958 from the representative of the United States of America addressed to the President of the Security Council.³

****2. Order of items on the agenda******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. Adjournment of a meeting**

CASE 3

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

At the 749th meeting on 30 October 1956, in connexion with the Palestine question, with special reference to steps for the immediate cessation of the military action of Israel in Egypt, when the motion by the representative of France to adjourn the meeting was adopted.⁴

****7. Invitation to participate in the proceedings****8. Conduct of business**

CASE 4

On the following occasion, a proposal with regard to the conduct of business was adopted by vote of the Security Council, notwithstanding the negative vote of a permanent member:

At the 715th meeting on 19 January 1956, in connexion with the Palestine question, with special reference to incidents in the area east of Lake Tiberias, when the Council decided, on the proposal of the United Kingdom, to give priority to the draft resolution jointly submitted by France, the United Kingdom and the United States.⁵

9. Convocation of an emergency special session of the General Assembly

CASES 5-6

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

Case 5

At the 751st meeting on 31 October 1956, in con-

³ 842nd meeting (PV): p. 8.

⁴ 749th meeting: para. 203.

⁵ 715th meeting: para 130. See chapter I, Case 2.

nexion with the situation created by action taken against Egypt when the Council adopted a draft resolution, submitted by the representative of Yugoslavia, calling for an emergency special session of the General Assembly.⁶

Case 6

At the 754th meeting on 4 November 1956, on connexion with the situation in Hungary, when the Council adopted a draft resolution, submitted by the United States, calling for an emergency special session of the General Assembly.⁷

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 7

Decision of 13 October 1956 (743rd meeting): *Rejection of second part of draft resolution submitted by the representatives of France and the United Kingdom in connexion with the Suez Canal question.*⁸

CASE 8

Decision of 30 October 1956 (749th meeting): *Rejection of draft resolution submitted by the United States in connexion with the Palestine question, with special reference to steps for the immediate cessation of the military action of Israel in Egypt.*⁹

CASE 9

Decision of 30 October 1956 (750th meeting): *Rejection of draft resolution submitted by the USSR in connexion with the Palestine question, with special reference to steps for the immediate cessation of the military action of Israel in Egypt.*¹⁰

CASE 10

Decision of 4 November 1956 (754th meeting): *Rejection of draft resolution submitted by the representative of the United States in connexion with the situation in Hungary.*¹¹

CASE 11

Decision of 20 February 1957 (773rd meeting): *Rejection of draft resolution submitted by the representatives of Australia, Cuba, the United Kingdom and*

⁶ 751st meeting: para. 147. See chapter VI, Case 2.

⁷ 754th meeting: para. 75. See chapter VI, Case 3.

⁸ 743rd meeting: para. 106. See chapter VIII, p. 106.

⁹ 749th meeting: para. 186. See chapter VIII, p. 99.

¹⁰ 750th meeting: para. 23. See chapter VIII, p. 100.

¹¹ 754th meeting: para. 68. See chapter VIII, p. 110.

the United States in connexion with the India-Pakistan question.¹²

CASE 12

Decision of 2 May 1958 (817th meeting): *Rejection of draft resolution submitted by the representative of the United States in connexion with the letter¹³ dated 18 April 1958 from the representative of the Union of Soviet Socialist Republics addressed to the President of the Security Council.*¹⁴

CASE 13

Decision of 18 July 1958 (834th meeting): *Rejection of draft resolution submitted by the representative of the United States in connexion with the letter¹⁵ dated 22 May 1958 from the representative of Lebanon addressed to the President of the Security Council.*¹⁶

CASE 14

Decision of 22 July 1958 (837th meeting): *Rejection of draft resolution submitted by the representative of Japan in connexion with the letter¹⁷ dated 22 May 1958 from the representative of Lebanon addressed to the President of the Security Council.*¹⁸

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

a. In connexion with admission of new Members to the United Nations

CASES 15-16

At the 789th meeting on 9 September 1957, the agenda of the Security Council included requests from the General Assembly that the Council reconsider the applications of the Republic of Korea and Viet-Nam for membership in the United Nations.¹⁹

The Council had before it two joint draft resolutions,²⁰ one recommending the Republic of Korea, the other recommending Viet-Nam for admission to membership in the United Nations. In addition, the Council had before it a USSR draft resolution²¹ submitted in connexion with the application²² of the Mongolian People's Republic, recommending to the General Assembly the admission of that country to membership in the United

Nations. During the consideration of the application of the Republic of Korea, the representative of the USSR submitted an amendment²³ to the joint draft resolution to insert the words "The Democratic People's Republic of Korea and" before the words "The Republic of Korea".

At the 790th meeting on 9 September 1957, the first of the joint draft resolutions referred to above was rejected by 10 votes in favour to 1 against. The President, speaking as the representative of Cuba, then observed:

"The delegation of Cuba has consistently held, since the foundation of the United Nations, that in dealing with the question of the admission of new Members, the Security Council should adopt the position that a favourable decision is one which obtains the votes of seven States, whether permanent members of the Council or not.

"... The Council's practice, which has the backing of a majority whose opinion has hitherto remained unchanged, is to consider that a recommendation against which a permanent member has voted does not constitute a favourable recommendation. As the representative of the Soviet Union has cast a negative vote in the present case, I am compelled, as President, while reserving my own position and that of my Government, to declare, in conformity with the majority view which has hitherto prevailed in the Council, that this application for admission has not obtained the votes required for it to be recommended to the General Assembly."

Following the consideration of the application of Viet-Nam, the second joint draft resolution was rejected, the vote being 10 in favour and 1 against (the negative vote being that of a permanent member). The President, speaking as the representative of Cuba, then reiterated the statements he had made regarding the position of his delegation, as quoted above.

The representative of the USSR commented on the President's statement as follows:

"I should like to point out that this is not only the practice of the Council, but it is also required by the Charter. Under Article 27 decisions of the Security Council on all matters except procedural matters require an affirmative vote of seven members including the concurring votes of the permanent members. It is quite obvious that the question of the admission of new Members is not a procedural matter, but a matter of substance, and as such is covered by Article 27. In other words, my emendation of your conclusion is that this procedure is not only the established practice of the Security Council, but that it is also required by the United Nations Charter."²⁴

Decision: *The joint draft resolution submitted by the representatives of Australia, China, Colombia, Cuba,*

¹² 773rd meeting: para. 126. See chapter VIII, p. 113.

¹³ S/3990, O.R., 13th year, Suppl. for Apr.-June 1958, p. 8.

¹⁴ 817th meeting: para. 3.

¹⁵ S/4007, O.R., 13th year, Suppl. for Apr.-June 1958, p. 33.

¹⁶ 834th meeting (PV): p. 46.

¹⁷ S/4007, O.R., 13th year, Suppl. for Apr.-June 1958, p. 33.

¹⁸ 837th meeting (PV): pp. 7-10.

¹⁹ Resolution 1017 A-B (XI), 28 February 1957.

²⁰ S/3884, S/3885, O.R., 12th year, Suppl. for July-Sept. 1957, p. 37.

²¹ S/3877, O.R., 12th year, Suppl. for July-Sept. 1957, p. 33.

²² S/3873, O.R., 12th year, Suppl. for July-Sept. 1957, p. 23.

²³ S/3887, O.R., 12th year, Suppl. for July-Sept. 1957, p. 37.

²⁴ For texts of relevant statements, see: 790th meeting: President (Cuba), paras. 11-12, 58-59; USSR, para. 60.

*France, the Philippines, the United Kingdom and the United States to recommend the Republic of Korea for membership was not adopted.*²⁵

Decision: *The joint draft resolution submitted by the representatives of Australia, China, Colombia, Cuba, France, the Philippines, the United Kingdom and the United States to recommend Viet-Nam for membership was not adopted.*²⁶

CASE 17

Decision of 24 January 1957 (765th meeting): *Australia-Colombia-Cuba-United Kingdom-United States joint draft resolution.*²⁷

²⁵ 790th meeting, para. 9.

²⁶ 790th meeting, para. 56.

²⁷ 765th meeting, para. 150.

CASE 18

Decision of 9 December 1958 (843rd meeting): *The joint draft resolution submitted by the representatives of France, Japan, the United Kingdom and the United States to recommend the Republic of Korea for trusteeship was not adopted.*²⁸

CASE 19

Decision of 9 December 1958 (843rd meeting): *The joint draft resolution submitted by the representatives of France, Japan, the United Kingdom and the United States to recommend Viet-Nam for membership was not adopted.*²⁹

****b. In connexion with appointment of the Secretary-General**

²⁸ 843rd meeting (PV): p. 22.

²⁹ 843rd meeting (PV): p. 27.

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**

Part III

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

****A. OBLIGATORY ABSTENTION**

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)

INDIA-PAKISTAN QUESTION

CASE 20

Decision of 24 January 1957 (765th meeting): *Australia-Colombia-Cuba-United Kingdom-United States joint draft resolution.*³⁰

CASE 21

Decision of 21 February 1957 (774th meeting): *Australia-United Kingdom-United States joint draft resolution.*³¹

³⁰ 765th meeting: para. 150.

³¹ 774th meeting: para. 79.

CASE 22

Decision of 2 December 1957 (808th meeting): *Amendments by Sweden to the Australia-Colombia-Philippines-United Kingdom-United States joint draft resolution.*³²

CASE 23

Decision of 2 December 1957 (808th meeting): *Australia-Colombia-Philippines-United Kingdom-United States joint draft resolution.*³³

CASE 24

Decision of 11 June 1958 (825th meeting): *Swedish draft resolution.*³⁴

****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)**

³² 808th meeting: para. 8.

³³ 808th meeting: para. 17.

³⁴ 825th meeting: para. 82.