

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.¹ 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. No material requiring treatment in part II relating to the practice of the Council in voting upon the question whether a matter is procedural within the meaning of Article 27, paragraph 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, paragraph 3.

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, contains 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*,

¹ By resolution 1991 A (XVIII) of 17 December 1963, the General Assembly adopted amendments to Articles 23 and 27 of the Charter which enlarged the membership of the Security Council from eleven to fifteen, and changed the required majority for its decision from seven to nine. These amendments entered into force on 31 August, 1965 (see *Annual Report of the Secretary-General on the Work of the Organization, 16 June 1965-15 June 1966*, p. 153). Article 27, as amended, reads as follows:

"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".

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 1-4) 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 only two instances where the rejection of a proposal, having obtained seven or more votes with one or more permanent members casting a negative vote, indicated the non-procedural character of the decision. During the period under review, there has been no discussion in the Security Council of the procedural or non-procedural character of the decisions 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.

Part III, section B, lists those occasions (Cases 7-21) on which permanent members have abstained voluntarily considering that no affirmative decision could have been taken had they voted against the proposal.

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

CASE 1

On one occasion an item has been included in the agenda by a vote of the Council, notwithstanding the negative vote of a permanent member.

At the 1170th meeting on 9 December 1964 — situation in the Democratic Republic of the Congo.^{1a}

^{1a} 1170th meeting: para. 63. For procedural discussion concerning inclusion of the item in the agenda, see chapter VIII, p. 179.

** 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

CASE 2

On the following occasion a ruling of the President was challenged and put to the vote and upheld, not-

withstanding the negative vote of a permanent member.

At the 1143rd meeting on 9 August 1964, in connexion with the complaint by the Government of Cyprus, the representative of the USSR proposed that the Council should await the return of the representative of Cyprus to his place before putting the draft resolution to a vote. The President expressed his view in the form of a ruling that a vote should be proceeded on in the absence of the representative of Cyprus. The ruling was challenged and put to the vote. The President's ruling was upheld notwithstanding the negative vote of a permanent member.²

6. Suspension of a meeting

CASE 3

On the following occasion a proposal that the Security Council should recess for a brief period was adopted by a vote of the Council, notwithstanding the negative vote of a permanent member:

At the 1247th meeting on 25 October 1965 — The India-Pakistan question.³

** 7. Adjournment of a meeting

8. Invitation to participate in the proceedings

CASE 4

On the following occasion an invitation to participate in the proceedings was extended to a non-member by a vote of the Council, notwithstanding the negative vote of a permanent member.

At the 1118th meeting on 19 May 1964 in connexion with the complaint by Cambodia, the representative of the United States supported a request of the Republic of Viet-Nam to participate in the discussion of the item. The representative of the USSR objected to the issuing, to the Republic of Viet-Nam, of an invitation to sit at the Council table. The United

² 1143rd meeting: para. 177.

³ 1247th meeting, para. 111.

States proposal to invite the representative of the Republic of Viet-Nam to participate in the discussion was adopted.⁴

** 9. Conduct of business

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

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 5

Decision of 17 July 1964 (1152nd meeting): Rejection of draft resolution submitted by Norway in connexion with the complaint by Malaysia.⁵

CASE 6

Decision of 21 December 1964 (1182nd meeting): Rejection of draft resolution submitted by the United Kingdom and the United States in connexion with the Palestine question.⁶

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

** (a) IN CONNEXION WITH ADMISSION OF NEW MEMBERS TO THE UNITED NATIONS

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

⁴ 1118th meeting: para. 13. For discussion concerning the extension of an invitation to a non-member State, see chapter III, Case 5.

⁵ S/5973, 1150th meeting: para. 72, 1152nd meeting: para. 64. For rejection of the draft resolution, see chapter VIII, p. 163.

⁶ S/6113 and S/6116, O.R., 19th yr., Suppl. for Oct-Dec. 1964, pp. 318-321; 1182nd meeting: para. 41. For rejection of the draft resolution, see chapter VIII, p. 140.

** Part II

PROCEEDINGS OF THE SECURITY COUNCIL REGARDING VOTING UPON THE QUESTION WHETHER THE MATTER WAS PROCEDURAL WITHIN THE MEANING OF ARTICLE 27, PARAGRAPH 2, OF THE CHARTER

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

** 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

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

** 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

Part III

ABSTENTION AND ABSENCE IN RELATION TO ARTICLE 27, PARAGRAPH 3 OF THE CHARTER

** A. OBLIGATORY ABSTENTION

** 1. Cases in which members have abstained in accordance with the proviso of Article 27, paragraph 3

** 2. Consideration of abstention in accordance with the proviso of Article 27, paragraph 3

B. VOLUNTARY ABSTENTION IN RELATION TO ARTICLE 27, PARAGRAPH 3

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

COMPLAINT BY THE GOVERNMENT OF CYPRUS

CASE 7

Decision of 4 March 1964 (1102nd meeting): Draft resolution submitted by Bolivia, Brazil, Ivory Coast, Morocco and Norway (vote on paragraph 4).⁷

CASE 8

Decision of 9 August 1964 (1143rd meeting): Draft resolution submitted by the United Kingdom and the United States.⁸

COMPLAINT BY YEMEN

CASE 9

Decision of 9 April 1964 (1111th meeting): Draft resolution submitted by Ivory Coast and Morocco.⁹

COMPLAINT BY CAMBODIA

CASE 10

Decision of 4 June 1964 (1126th meeting): Draft resolution submitted by Ivory Coast and Morocco (vote on paragraph 5).¹⁰

THE QUESTION OF RACE CONFLICT IN SOUTH AFRICA

CASE 11

Decision of 9 June 1964 (1128th meeting): Draft resolution submitted by Ivory Coast and Morocco.¹¹

⁷ S/5571 issued as S/5575 after its adoption; O.R., 19th yr., Suppl. for Jan.-Mar. 1964, p. 103; 1102nd meeting: para. 27. For vote on the draft resolution (paragraph 4) see chapter VIII, p. 111.

⁸ S/5868, O.R., 19th yr., Suppl. for July-Sept. 1964, p. 152, 1143rd meeting: para. 178. For vote on the draft resolution, see chapter VIII, p. 117.

⁹ S/5650, O.R., 19th yr., Suppl. for Apr.-June 1964, p. 9, 1111th meeting: para. 24. For vote on the draft resolution, see chapter VIII, p. 128.

¹⁰ S/5741, O.R., 19th yr., Suppl. for Apr.-June 1964, p. 190, 1126th meeting: para. 48. For vote on the draft resolution (paragraph 5), see chapter VIII, p. 130.

¹¹ S/5761, O.R., 19th yr., Suppl. for Apr.-June 1964, pp. 208-209; 1128th meeting: para. 34. For vote on the draft resolution, see chapter VIII, p. 132.

CASE 12

Decision of 18 June 1964 (1135th meeting): Draft resolution submitted by Bolivia and Norway.¹²

THE PALESTINE QUESTION

CASE 13

Decision of 21 December 1964 (1182nd meeting):
(i) Third Moroccan amendment to the United Kingdom-United States draft resolution.¹³
(ii) Fifth Moroccan amendment to the United Kingdom-United States draft resolution.¹⁴

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

CASE 14

Decision of 30 December 1964 (1189th meeting): Draft resolution submitted by Ivory Coast and Morocco.¹⁵

SITUATION IN THE DOMINICAN REPUBLIC

CASE 15

Decision of 22 May 1965 (1217th meeting): Draft resolution submitted by France.¹⁶

THE INDIA-PAKISTAN QUESTION

CASE 16

Decision of 5 November 1965 (1251st meeting): Draft resolution submitted by Bolivia, Ivory Coast, Malaysia, the Netherlands and Uruguay.¹⁷

SITUATION IN SOUTHERN RHODESIA

CASE 17

Decision of 6 May 1965 (1202nd meeting): Draft resolution submitted by Ivory Coast, Jordan and Malaysia.¹⁸

CASE 18

Decision of 12 November 1965 (1258th meeting): Draft resolution submitted by Jordan as amended.¹⁹

¹² S/5773, O.R., 19th yr., Suppl. for Apr.-June 1964, pp. 249-251; 1135th meeting: para. 43. For vote on the draft resolution, see chapter VIII, p. 134.

¹³ S/6116, O.R., 19th yr., Suppl. for Oct.-Dec. 1964, pp. 320-321. 1182nd meeting: para. 24. For vote on the 3rd Moroccan amendment to the United Kingdom and United States draft resolution, see chapter VIII, p. 140.

¹⁴ S/6116, *ibid.*, pp. 320-321. 1182nd meeting: para. 26. For vote on the 5th Moroccan amendment to the United Kingdom and United States draft resolution, see chapter VIII, p. 140.

¹⁵ S/6129, O.R., 19th yr., Suppl. for Oct.-Dec. 1964, pp. 328-329; 1189th meeting: para. 34. For vote on the draft resolution, see chapter VIII, p. 142.

¹⁶ 1217th meeting, para. 46. For vote on the draft resolution, see chapter VIII, part II, p. 152.

¹⁷ 1251st meeting, para. 80. For vote on the draft resolution, see chapter VIII, part II, p. 107.

¹⁸ 1202nd meeting, para. 87. For vote on the draft resolution, see chapter VIII, part II, p. 144.

¹⁹ 1258th meeting. (S/PV), p. 26. For vote on the draft resolution, see chapter VIII, part II, p. 146.

CASE 19

Decision of 20 November 1965 (1265th meeting):
*Draft resolution submitted by Bolivia and Uruguay.*²⁰

SITUATION IN TERRITORIES IN AFRICA UNDER
PORTUGUESE ADMINISTRATION

CASE 20

Decision of 23 November 1965 (1268th meeting):

- (i) *First Uruguayan amendment to draft resolution submitted by Ivory Coast, Jordan, Liberia, Malaysia, Sierra Leone, Tunisia and Madagascar;*²¹
- (ii) *Second Uruguayan amendment to draft resolution submitted by Ivory Coast, Jordan, Libe-*

²⁰ 1265th meeting para. 4. For vote on the draft resolution, see chapter VIII, part II, p. 148.

²¹ 1268th meeting, para. 15. For vote on the first Uruguayan amendment to seven-Power draft resolution, see chapter VIII, part II, p. 156.

*ria, Malaysia, Sierra Leone, Tunisia and Madagascar.*²²

CASE 21

Decision of 23 November 1965 (1268th meeting):
*Draft resolution submitted by Ivory Coast, Jordan, Liberia, Malaysia, Sierra Leone, Tunisia and Madagascar as amended.*²³

**** 2. Consideration of the practice of voluntary abstention in relation to Article 27, paragraph 3**

**** C. ABSENCE OF A PERMANENT MEMBER IN RELATION TO ARTICLE 27, PARAGRAPH 3**

²² 1268th meeting, para. 16. For vote on the second Uruguayan amendment to seven-Power draft resolution, see chapter VIII, part II, p. 156.

²³ S/RES/218 (1965), 1268th meeting, para. 30. For vote on the draft resolution see chapter VIII, part II, p. 156.