

ARTICLE 18

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TEXT OF ARTICLE 18

1. Each Member of the General Assembly shall have one vote.
2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the Members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1 (c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.
3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the Members present and voting.

INTRODUCTORY NOTE

1. Article 18 establishes the majority required for the adoption of decisions in the General Assembly. A distinction is drawn regarding the voting procedure to be followed with respect to decisions on two types of questions: decisions on important questions, under paragraph 2 of the Article, which require a vote of a two-thirds majority of the Members present and voting, and decisions on "other questions", under paragraph 3, which require a vote of a majority of the Members present and voting.
2. In the broadest sense, every decision that has been made in the General Assembly has implied an application of Article 18. The present study deals with the Assembly's practice as shown in those decisions and with the application and interpretation given to the various provisions of the Article.
3. The structure of the Article has dictated the sequence of the study. The Assembly's practice under the three paragraphs of the Article is dealt with in separate sections, certain matters common to the two paragraphs being dealt with together. Under each section are headings corresponding either to the wording of the paragraph or to the principal questions which have arisen out of the application of its general provisions to the voting on specific proposals. 1/
4. Thus, section II A deals with the Assembly's practice relating to Article 18 (1)..

1/ The term "proposal" is used in this study in a general sense, applying to draft resolutions, amendments, oral proposals, motions etc.

5. Section II B deals with certain matters common to both paragraphs 2 and 3 of the Article -- the meaning of the terms "decision" and "Members present and voting" and also the methods by which decisions have been made. Since these matters are relevant to both paragraphs, it has seemed best to include them in a separate section preceding the study of the individual paragraphs.

6. Section II C deals with the Assembly's practice relating to paragraph 2 of the Article. It is divided into three sub-sections. The first deals with the practice of the Assembly in connexion with the application of the term "important" to proposals -- for the purpose of voting -- without reference to the questions which are specifically enumerated in the paragraph as requiring a two-thirds majority. This sub-section: (1) covers the procedure through which this practice has been developed; (2) deals with the considerations which have been advanced in determining whether the adoption of a particular proposal requires a two-thirds majority, summarizing the debates in their context, under individual cases; (3) enumerates the cases in which the Assembly has declared a question "important" without a significant debate on the issues involved; and (4) also enumerates the cases in which there has been a decision to apply the two-thirds majority without a direct reference to their "importance". The second sub-section deals with the questions specifically mentioned in Article 18 (2), in the order in which they are enumerated in that paragraph, in so far as they have been the subject of decisions by the Assembly. The third sub-section discusses the question of the majority required for the adoption of amendments to proposals or parts of proposals relating to important questions -- a subject related to both the first and second sub-sections.

7. Section II D deals with practice relating to paragraph 3 of the Article. It is divided into three sub-sections. The first deals with the practice of the Assembly in deciding, by a majority vote, the preliminary question of whether the vote on a particular proposal should be subject to the simple majority or to the two-thirds majority rule. Although the decisions of the Assembly in this connexion are taken under paragraph 3, the debates shed light primarily on considerations involving the application of paragraph 2 and in particular on the issue of "importance" and are therefore dealt with extensively under section II C. The second is concerned with the determination of additional categories of questions to be decided by a two-thirds majority; it covers the rules of procedure which introduce the two-thirds majority procedure to matters relating to the work of the General Assembly. The third sub-section deals with those questions which the Assembly has determined may be decided by a majority vote.

8. The procedure for the application of Article 18 is provided for in section XII, Plenary Meetings, rules 84 to 97 of the rules of procedure ^{2/} of the General Assembly, ^{3/} entitled "Voting". Rules 84, 85 and 87 reproduce textually the three paragraphs of Article 18. Rule 86 governs the voting on amendments to proposals and parts of proposals relating to important questions. ^{4/} Rules 88 to 93 and 97, which

^{2/} United Nations Publication, Sales No. : 1954.1.17. The numbers of the rules referred to in the text are from this edition unless otherwise indicated.

^{3/} See also in this Repertory under Article 21.

^{4/} See II.C.3, paras. 127-130 below.

deal with questions relating to method and conduct of the voting, and rules 94 to 96, which apply with respect to election, have been treated individually, as appropriate, in the corresponding parts of the study.

I. GENERAL SURVEY

9. A review of the proceedings in the General Assembly reveals that the vast majority of the Assembly's decisions have in fact been made by the affirmative vote of two thirds or more of the Members and that, with comparatively few exceptions, the question of the application of a particular provision of Article 18 has not been raised or discussed in connexion with the voting in plenary meeting.

10. By 9 December 1953, when the eighth session was recessed, the General Assembly had adopted 806 resolutions. Of these, twelve were adopted by a majority vote. The remaining 794 were adopted by a vote of two thirds or more of the Members present and voting, or unanimously. Reference to the application of Article 18, however, was made only in connexion with the voting on twenty of these resolutions as well as with the voting on some thirty proposals which were not adopted, having failed to obtain the required majority.

11. From the above, it can be seen that there have been only relatively few proposals with respect to which the Assembly has found it necessary to refer to the provisions of Article 18 in order to establish the majority required for the adoption of a decision. This would appear to be the result, to some extent at least, of the Assembly's procedure for the consideration of agenda items.

12. Rule 67 of the rules of procedure provides that:

"The General Assembly shall not, unless it decides otherwise, make a final decision upon any item on the agenda until it has received the report of a committee on that item."

During eight regular and two special sessions, the Assembly has decided to consider only some thirty substantive agenda items directly in plenary meeting. In general, therefore, its decisions have been based on draft resolutions which have been previously discussed and voted upon in committee.

13. As for those relatively few proposals with respect to which the question of the application of Article 18 has been specifically raised in plenary meeting, the Official Records show that in most cases the Committee's recommendation on the item in question had been made with a number of abstentions and negative votes, and that divergent views of principle had been expressed during the discussion of that item in committee. At the time a decision was taken in the General Assembly there was, consequently, either an indication that a two-thirds majority might not be obtained if it were determined that Article 18 (2) should apply to the voting, or that there existed a difference of opinion among the Members concerning the "importance" of a particular proposal.

14. The Official Records further reveal that, as a rule, it has not been the practice of the General Assembly expressly to determine, for the purpose of voting, that a proposal was related to one of the questions enumerated in Article 18 (2). When there

has been discussion as to the majority required for the adoption of a particular decision, the Assembly has followed one of two procedures. On some occasions, it has determined that the proposal under consideration was "important" within the meaning of paragraph 2 as a whole and, as such, was subject to the two-thirds majority rule; it has done so either by assent to a suggestion by the President or by a vote of a majority of the Members present and voting. On other occasions, the Assembly has voted directly on the issue of whether a two-thirds or a simple majority was required for the adoption of a given proposal, without any explicit reference to Article 18 (2).

15. Both of these procedures deal with the preliminary question of deciding which provision of Article 18 should govern a particular vote. They would appear, therefore, to constitute an application of paragraph 3 which provides, *inter alia*, that "Decisions on other questions ... shall be made by a majority of the Members present and voting". However, the significance of the debates on this subject resides in the interpretations which have been advanced by Members regarding the meaning of the term "important", and the intent and construction of paragraph 2.

II. ANALYTICAL SUMMARY OF PRACTICE

A. Practice relating to Article 18 (1)

16. Article 18 (1) provides that "Each Member of the General Assembly shall have one vote". A State which is a Member of the United Nations is a "member of the General Assembly". ^{5/} As regards an applicant State, membership becomes effective in accordance with the provisions of rule 139 of the rules of procedure, which states:

"The Secretary-General shall inform the applicant State of the decision of the General Assembly. If the application is approved, membership will become effective on the date on which the General Assembly takes its decision on the application."

B. Practice relating to both paragraphs 2 and 3 of Article 18

1. *Meaning of the term "decision" as used in Article 18*

17. The question of the meaning of the term "decision" as used in Article 18 was raised at the fourth session in connexion with the question of the majority required for the adoption of amendments to proposals and parts of proposals relating to important questions within the meaning of the Article 18 (2). ^{6/} As a result, the Secretary-General was requested ^{7/} "to make a thorough legal analysis" of the matter and to submit a report to the Assembly at its fifth session.

18. The report ^{8/} prepared by the Secretary-General dealt at length with the background of the question and, with respect to the term "decisions" stated as follows:

^{5/} See also in this Repertory under Article 9.

^{6/} See also II.C.3 below, paras. 127-130.

^{7/} G A resolution 362 (IV).

^{8/} G A (V), Annexes, a.i. 49, pp. 1-6, A/1356.

"22. As to the text of the Charter itself, it may be of some interest to note the manner in which the expression 'decisions' is used in the various Articles regarding voting in the Assembly and in the Councils. With respect to the General Assembly, the term 'decisions', as used in Article 18, refers to all types of action which the General Assembly takes by a vote while performing its functions under the Charter; whether it makes 'recommendations' under Articles 10, 11, 13, 14 and others, or takes 'decisions' to admit a State to membership in the United Nations under Article 4 or to expel a Member from the Organization under Article 6, or acts on reports from the Councils, or gives its 'approval' to the budget of the Organization under Article 17 and so forth.

"23. ...

"24. These observations show that the term 'decisions' in the Charter Articles relating to voting is used in a broad sense to cover all types of action by United Nations organs. The text of the Charter, however, furnishes no specific answer to the question whether these 'decisions' are only the final decisions of these organs on matters submitted to them, or whether this term also applies to procedural decisions of these organs made prior to the adoption of final resolutions."

2. Meaning of the expression "Members present and voting"

19. Article 18 refers to decisions of the General Assembly made by "Members present and voting". Rule 88 of the rules of procedure provides that:

"For the purpose of these rules, the phrase 'Members present and voting' means Members casting an affirmative or negative vote. Members which abstain from voting are considered as not voting."

20. The effect of the rule is that the majority required for the adoption of a decision is calculated on the basis of the number of affirmative and negative votes.

21. No such provision was contained in the provisional rules of procedure as adopted and revised by the General Assembly at its first session. ^{9/} At the second part of the first session, during the discussions in the First Committee on the admission of new Members to the United Nations, ^{10/} the Chairman ruled that an amendment which had received 19 votes in favour, 14 against and 16 abstentions had failed to receive the majority necessary for adoption. He stated that those who abstained must be considered as participating in the voting. His ruling was rejected by the Committee by 46 votes to 4, with 1 abstention. The same point arose during the first special session of the General Assembly. ^{11/} In this instance, the Chairman of the First Committee ruled that those voting included only those voting for or against. His ruling, though questioned, was not formally challenged.

^{9/} United Nations Publications, Sales No.: 1947.1.4.

^{10/} G A (I/2), 1st Com., 13th mtg., pp. 43-46. In addition to the Chairman's ruling, see relevant statements by Bolivia, Cuba, El Salvador, New Zealand, Poland and Union of South Africa.

^{11/} G A (S-I), 1st Com., 57th mtg., pp. 346 and 347. In addition to the Chairman's ruling, see relevant statements by Iran and USSR.

22. The new rule was proposed by the Committee on Procedures and Organization ^{12/} established under General Assembly resolution 102 (I) and was adopted unchanged by the General Assembly at its second session. ^{13/} An amendment, ^{14/} submitted in the Sixth Committee, to state that "For the purpose of these rules, the phrase 'Members present and voting' means Members casting an affirmative or negative vote or abstaining" was rejected by 21 votes to 16. On that occasion, ^{15/} it was stated in favour of the amendment that abstention was a means of voting on a par with casting an affirmative or negative vote; against the amendment it was said that to count Members abstaining as participating in the vote would make an abstention equal to a negative vote.

23. The expression "members present and voting" is not used in Articles 108 and 109. Article 108 provides that amendments of the Charter shall come into force when they have been adopted "by a vote of two thirds of the members of the General Assembly" and ratified by two thirds of the Members. Article 109 concerning the holding of a General Conference to review the Charter, refers in paragraph 1 to "a two-thirds vote of the members of the General Assembly", and in paragraph 3 to "a majority vote of the members of the General Assembly". Moreover Article 10 (1) of the Statute of the Court, concerning the election of the members of the Court, provides that "Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected"; the words "absolute majority" have consistently been interpreted in the United Nations as the smallest number greater than half the potential voters, regardless of whether they were present or voted.

3. Method of making decisions

a. BY VOTE IN PLENARY MEETING

i. Show of hands or roll-call

24. Rule 89 of the rules of procedure provides that:

"The General Assembly shall normally vote by show of hands or by standing, but any representative may request a roll-call. The roll-call shall be taken in the English alphabetical order of the names of the Members, beginning with the Member whose name is drawn by lot by the President. The name of each Member shall be called in any roll-call and one of its representatives shall reply 'Yes', 'No' or 'Abstention'. The result of the voting shall be inserted in the record in the English alphabetical order of the names of the Members."

ii. Secret ballot

25. Rule 94 of the rules of procedure provides that:

"All elections shall be held by secret ballot. There shall be no nominations."

^{12/} G A (II), Plen., pp. 1455-1483, annex 4 (A/388).

^{13/} G A (II), Plen., vol. II, 118th mtg., p. 1100. The resolution was adopted without objection, but six abstentions were recorded.

^{14/} G A (II), 6th Com., annex 4g, (A/C.6/186), p. 274, para. 8, draft resolution submitted by USSR.

^{15/} G A (II), 6th Com., 57th mtg., p. 138, relevant statements by Egypt and United Kingdom.

26. Whether a ballot is valid or invalid is decided by the President on the advice of the tellers. This procedure was confirmed during the first part of the first session, 16/ when the President was requested to inform the Assembly why certain ballots had been declared invalid in connexion with the election of the members of the Economic and Social Council. The President expressed the view that the tellers and the Chair must decide on the validity of a ballot, and that no explanation was called for. By 24 votes to 13, the Assembly rejected the request for information concerning the invalid ballots.

27. At a previous meeting 17/ the President had, however, consulted the Assembly on a point which he did not wish to settle on his own authority, namely, whether a ballot bearing only four names was invalid when there were six elective places to be filled. In the light of the views which were expressed, the President understood it to be the sense of the Assembly that a ballot paper bearing more names than places to be filled was invalid, but that a paper bearing less names than places was a valid partial vote. On the same occasion, when one place remained to be filled, the President stressed that the Members could only vote for one of the two candidates who had received the highest number of votes in the last ballot, or abstain. A ballot paper bearing any other name would be considered as invalid.

iii. Non-participation in the vote

28. Statements have been made by a group of Members or by one Member alone, announcing non-participation in a vote.

29. During the second part of the first session, 18/ several representatives stated that the Trusteeship Agreements which had been approved earlier by the Assembly could not serve as a basis for the establishment of the Trusteeship Council and that, therefore, they were unable to participate in the election of two members to the Council.

30. During the fourth session, 19/ certain representatives announced that they would not participate in the debate on the item relating to the political independence and territorial integrity of China. When a question arose regarding the quorum in connexion with a vote, 20/ one representative stated that his delegation had been present but had not participated in the voting.

31. At the conclusion of the debate on the Korean question during the seventh session, 21/ one representative, speaking in plenary meeting on his Government's position with respect to the Korean question as a whole, explained the reasons why his delegation had declined to participate in all but one of the votes which had taken place in the First Committee and requested that it should appear in the Official Records that his delegation had not participated in the voting.

16/ G A (I/1), Plen., 6th mtg., pp. 96-98, relevant statements by China, Cuba, Ecuador and United Kingdom.

17/ G A (I/1), Plen., 4th mtg., pp. 81 and 82, relevant statements by China, El Salvador and United Kingdom.

18/ G A (I/2), Plen., 63rd mtg., pp. 1321 and 1322, statements by Byelorussian SSR, Ukrainian SSR, USSR and Yugoslavia.

19/ G A (IV), Plen., 272nd mtg., p. 565, statements by Poland and USSR.

20/ G A (IV), Plen., 273rd mtg., p. 571, statement by Yugoslavia.

21/ G A (VII), Plen., 430th mtg., p. 724, statement by India.

b. BY ACQUIESCENCE

32. In practice, proposals representing a decision of the General Assembly have frequently been considered as adopted without a formal vote having been taken in plenary meeting. Thus, for example, applicant States have been admitted to the United Nations by "acclamation"; 22/ draft resolutions recommended by Committees, in particular the Fifth Committee have been declared by the President to be adopted in the absence of objections; 23/ procedural matters have most often been decided at the suggestion of the President with the consent of the Members, and tacit assent has been given, as well, to rulings on matters of consequence such as the application of Article 18 (2) to the voting on a particular proposal. 24/ On occasion, in the case of a resolution declared adopted by the President, abstentions or negative votes have been recorded at the request of Members after the decision had been announced. 25/

c. BY CONSULTATION OF MEMBERS

33. The rules of procedure provide for two types of decisions which can be made by means other than a vote in plenary meeting: the place of meetings of the General Assembly and the summoning of special sessions.

34. Rules 3 and 4 provide for the holding of sessions elsewhere than at the Headquarters of the United Nations -- rule 3, in pursuance of a decision of the General Assembly at a previous session, or at the request of a majority of the Members and rule 4, at the request of any Member with the concurrence of a majority. Both of the sessions held away from Headquarters have taken place pursuant to a decision taken in plenary meeting at a previous session.

35. Rules 8 and 9 provide for the summoning of special sessions of the General Assembly on request -- rule 8, at the request of a majority of the Members and rule 9, at the request of any Member with the concurrence of a majority.

36. The Assembly has held one special session at the request of the Security Council and one at the request of a Member.

37. On 2 April 1947, the United Kingdom requested the Acting Secretary-General to summon a special session of the General Assembly for the purpose of constituting and instructing a special committee to prepare for the consideration of the question of Palestine at the second regular session of the General Assembly. In transmitting the United Kingdom request to the other Members of the United Nations, the Acting Secretary-General asked that he be notified whether the Governments concurred. On the day that a majority had signified its concurrence, the Secretary-General informed the Members that a special session would be convened. 26/

38. The same procedure of consultation was followed in June 1952 upon receipt by the Secretary-General of a request by a group of Members that a special session should

22/ G A (V), Plen., 289th mtg., p. 176.

23/ G A (VII), Plen., 409th mtg., p. 452.

24/ G A (VII), Plen., 401st mtg., p. 333. See also II.C.1.a, paras. 43-46 below.

25/ G A (II), Plen., vol. II, 119th mtg., p. 1100; 123rd mtg., pp. 1280 and 1281.

26/ A/295 and Corr.1.

be summoned to give urgent consideration to the situation in Tunisia. At the expiration of the thirty-day period provided for in rule 9 of the rules of procedure, the Secretary-General notified the Members that the number of replies received signifying concurrence in the request had been less than the majority required for the summoning of the session. 27/

C. Practice relating to Article 18 (2)

1. *Question of the application of the term "important" to proposals without reference to the questions enumerated in Article 18 (2)*

39. A large variety of subjects have been qualified as "important" in the General Assembly. In effect, the Official Records reveal that more often than not the importance of a particular question is stressed by speakers in debate, at times unanimously, before a decision is reached in the Assembly.

40. The term is relevant to the practice of the General Assembly under Article 18 only in so far as it has been applied to questions in connexion with the determination of the majority required for the adoption of decisions. Even in this more limited sense, however, the view of the Assembly has not always been expressly stated. Many decisions have been made by two thirds or more of the Members present and voting, without any indication as to whether the Assembly considered that a two-thirds majority was, in fact, required for their adoption. Except for those which can be readily identified as relating to questions enumerated in paragraph 2, it clearly cannot be asserted that all such decisions constitute an application of that paragraph. Neither can it be inferred that none of these relate to "important questions" within the meaning of that paragraph, solely because the Assembly did not so state when the voting took place.

41. Each case in which it has been expressly determined that a question is "important" represents a separate action of the General Assembly taken in particular circumstances. It must be pointed out, however, that the decisions in this regard often refer to draft resolutions containing several parts. It is not always possible, therefore, to establish precisely the elements of a given draft resolution which led the Assembly to determine that the vote of a two-thirds majority of the Members present and voting was required. Furthermore, only in a few instances has there been a procedural discussion or an interpretation by the President which would indicate the grounds on which a draft resolution was considered important. Five such cases are reviewed in paragraphs 46-100, below. In other instances, the Assembly has determined, without significant discussion, that a question was important (for examples, see paragraph 101) within the meaning of Article 18 (2) or it has applied the two-thirds majority rule without reference to the importance of the question (for examples, see paragraph 102). Even when the Assembly has held a procedural discussion, the Official Records show that while Members might agree generally on the importance of a particular question, they did not always agree on the reasons for its importance.

a. PROCEDURE FOR APPLICATION

42. Whether a particular question was important within the meaning of Article 18 (2) has been determined in the General Assembly by a vote of the majority of the Members

27/ A/2143.

present and voting or by tacit assent to a statement by the President to which no objection was raised.

43. The first procedure has been followed at the request of a Member or at the suggestion of the President. 28/

44. Alternatively, the President has ruled that a particular vote referred to an important question or that a particular resolution required a two-thirds majority in order to be adopted, or has based a ruling on a precedent established at a previous session with respect to the voting on the subject under consideration. 29/ In some cases, the President's statement has been made after the vote had been taken when the adoption of a resolution, or the failure of adoption, has been announced on the basis of whether or not a two-thirds majority of the Members present and voting had been obtained. 30/

45. The scope of the questions to which the term "important" has been applied, for the purpose of voting, has varied widely; sometimes an item has been termed important for the purpose of voting; one particular paragraph of a resolution has been singled out as requiring a two-thirds majority; and the vote on a paragraph has been divided into two parts for the purpose of voting, one part being considered "procedural" and the other "substantive". 31/

**b. CONSIDERATIONS INVOLVED IN DETERMINING WHETHER THE ADOPTION
OF A PROPOSAL REQUIRES A TWO-THIRDS MAJORITY**

46. As mentioned above, only in a few instances has the General Assembly engaged in a procedural discussion which would give some indication of the grounds on which it has based its decision that a particular proposal was or was not important within the meaning of Article 18 (2). Below are considered five cases in which the Assembly's decision was preceded by a significant discussion concerning the application of Article 18.

- i. Treatment of Indians in the Union of South Africa;
- ii. Question of South West Africa;
- iii. Admission of new Members;
- iv. Libya;
- v. Information from Non-Self-Governing Territories.

47. During the discussions relating to one or more of these subjects, the following questions were raised: 32/

(1) Whether the subject in question came within the definition of one of the "important questions" listed in Article 13 (2) (i, ii, iii, iv).

28/ G A (II), Plen., vol. I, 108th mtg., pp. 743 and 744; 106th mtg., p. 666.

29/ G A (VII), Plen., 409th mtg., p. 451; G A (I/2), Plen., 61st mtg., p. 1264; G A (VII), Plen., 401st mtg., p. 330.

30/ G A (III/1), Plen., 136th mtg., p. 996.

31/ G A (III/2), Plen., 218th mtg., p. 583; G A (II), Plen., Vol. II, 118th mtg., pp. 1095 and 1096; G A (IV), Plen., 273rd mtg., p. 570.

32/ The numbers in parentheses at the end of the following paragraphs refer to the cases under which the questions were discussed.

(2) Whether the enumeration of important questions in Article 13 (2) was intended to be exhaustive or illustrative (i, ii, v).

(3) Whether, if the subject did not fall within one of these categories, a prior decision was not required under Article 13 (3) to establish a new category of important questions, or whether a decision could be taken under that paragraph determining that the particular question was "important" for the purpose of voting (i, v).

(4) Whether the two-thirds majority rule should be applied to the entire resolution if one or more paragraphs of it fell within one of the categories enumerated in Article 18 (2) (iv).

(5) Whether that rule should be applied if the subject-matter of the draft resolution in question was related to the subject-matter of a resolution previously adopted by a two-thirds majority (iii).

(6) Whether a two-thirds majority was required for the reaffirmation of a resolution previously adopted by a two-thirds majority (ii).

(7) Whether the intrinsic importance of the subject under discussion was, in itself, sufficient to justify a two-thirds majority (i, ii, iii, iv, v).

(8) Whether the importance of the subject under consideration or that of the decision to be taken on that subject should be the deciding factor in judging whether a two-thirds majority was required (i).

(9) Whether the importance of the decision should be judged from the importance of the effects which the draft resolution would have if adopted (i, ii, iii, iv, v).

48. The following is a brief summary of the five cases, showing the context and the manner in which these issues were raised.

i. Treatment of Indians in the Union of South Africa

49. During the second part of the first session, the Assembly considered a draft resolution recommended by the Joint First and Sixth Committee, 33/ which took note of the application of the Government of India and, in the operative part, stated that the friendly relations between the two Member States had been impaired, expressed an opinion regarding the international obligations existing between the two Governments and requested them to report on the situation at the next regular session.

50. An amendment to the draft resolution was submitted in plenary meeting by the Union of South Africa, 34/ requesting an advisory opinion of the International Court of Justice on whether the matters raised in the Indian application were essentially within the jurisdiction of the Union.

33/ A/205.

34/ A/205/Add.1.

51. At the conclusion of the general discussion, ^{35/} the President stated that before proceeding to the vote he wished to know whether the Assembly considered the question to be an important matter requiring a decision by a two-thirds majority of the Members.

52. In favour of such a decision the importance of the question was stressed and the view was expressed that the greatest measure of agreement should be ensured on all matters of importance; therefore a two-thirds majority was necessary so that the full weight of the Organization might be behind every important decision as a protection for minorities. The decision which the Assembly was about to take would determine the fundamental rights of a Member to appeal to the International Court of Justice, and if the two-thirds majority rule were not applied, the Assembly would stultify the rules of procedure which were devised to protect a small nation from the vote of a simple majority on a matter which was vital to its own existence.

53. Further, the case had been presented originally in the First Committee as a very serious one because friendly relations between two countries had been affected, and it was for that reason that a recommendation had to be made by the General Assembly. Thus, the recommendation which was about to be made fell within the phrase "recommendations with respect to the maintenance of international peace and security" and was, therefore, specified in Article 18 (2) as requiring a two-thirds majority.

54. Against the application of the two-thirds majority rule, it was argued that while every question that the Assembly discussed was important, Article 18 indicated the matters which were to be considered important for the purpose of voting. The matters under discussion were not important from that point of view. The "scheme" of Article 18, it was contended, showed that if that Article stopped at paragraph 2, the definition of important questions would appear to be illustrative but not exhaustive; paragraph 3, however, made the category in paragraph 2 exhaustive and it could be added to only by a majority of the Members present and voting. The Assembly should make decisions to this effect only in exceptional cases where drastic action was to be taken against a Member. In the present case, however, the operative part of the draft resolution submitted by the Joint First and Sixth Committee merely requested the Union of South Africa and India to report at the next session on the measures the two Governments had taken. The Assembly had suspended action and only at the next session, if the South African Government had not acted, would the Assembly call it to account; if the question came up at that time, it might be argued with some force that it would be a matter of such importance as was contemplated in Article 18. The amendment proposed no action either; the Union of South Africa merely proposed that the International Court be asked for an advisory opinion.

55. In connexion with the interpretation of paragraphs 2 and 3 of Article 18, it was stated that the important questions referred to in paragraph 2 were exceptional and as such must be interpreted very strictly, whereas paragraph 3 mentioned "decisions on other questions", meaning individual questions, as distinct from "categories of questions to be decided by a two-thirds majority". If, therefore, the Assembly wished to consider a question important, the decision must be preceded by another decision to add a new category into which the particular question would enter.

56. Summing up the debate, the President concluded that there was no reason to apply Article 18 (2) on that occasion and that, in fact, the terms of the paragraph referred

^{35/} G A (I/2), Plen., 52nd mtg., pp. 1048-1060, relevant statements by Argentina, Colombia, El Salvador, India, Saudi Arabia, Union of South Africa, USSR and Uruguay.

not to questions taken individually but to categories of questions. As to whether the matter before the Assembly related to the maintenance of international peace and security, the President suggested that the situation would be clearer if Article 14 were read in conjunction with Article 18 (2).

57. During the discussion, a distinction was, however, drawn by some Members between the draft resolution which, it was stated, referred to a question of substance involving the maintenance of international peace and security, and required a two-thirds majority in accordance with Article 18 (2) and the amendment which, it was held, referred to a matter of simple procedure dealing with the question of competence, on which advice was to be sought. With respect to the latter, it was also argued that, in accordance with Article 96, a request for an advisory opinion was not a question calling for a two-thirds majority and that, moreover, the Assembly in so deciding would create a dangerous precedent.

58. Before proceeding to the vote, the President stated that if the Assembly decided, by a majority vote, that the question was important and had to be decided by a two-thirds majority, then all related questions would also require a two-thirds majority. The question which was to be decided was not whether the decision was an important decision but whether the question which had been discussed was an important question. An objection was raised to this formulation on the ground that the Assembly did not have to decide whether the matter was important or not but had to decide, rather, the method or procedure to be adopted in voting on the draft resolution. A question might be very important, but the decision to be taken on that question might be unimportant so that it would not be necessary to declare the decision important or to vote on it with the same majority as on the question itself. Article 18 (3), said nothing about the importance or unimportance of a question. It said only that decisions on other questions -- apart from those mentioned in paragraph 2 -- were to be made by a majority vote. It was suggested, therefore, that the Assembly should vote on whether it considered it necessary, in conformity with Article 18 (3), to call for a vote by a two-thirds majority.

59. The President, expressing practical agreement with that view, put the question to the Assembly as follows:

"Does the Assembly consider it necessary to apply the two-thirds majority rule to the decisions which will be taken on the question referred to in document A/205?"

60. By 29 votes to 24, with 1 abstention, the Assembly decided that the decisions to be taken required a two-thirds majority. (Immediately preceding the vote, the President confirmed that the manner in which the question was put to the Assembly could not create any precedent.)

ii. Question of South West Africa

61. During the second session, the Fourth Committee recommended the adoption of a draft resolution on the question of South West Africa under the agenda item "Consideration of proposed new Trusteeship Agreements, if any". The draft resolution, 36/ in its preamble, dealt with the background of the question in relation to General Assembly resolutions 9 (I) and 65 (I) and to Chapter XII. In its

36/ G A (II), Plen., vol. II, pp. 1537-1543, annex 13 (A/422).

operative part, the draft resolution (1) maintained the recommendation that South West Africa should be placed under the Trusteeship System; (2) urged the Government of the Union of South Africa to propose a Trusteeship Agreement for the Territory and expressed the hope that the Union Government might find it possible to do so "in time to enable the General Assembly to consider the Agreement at its third session"; (3) authorized the Trusteeship Council to examine the report on South West Africa which had been submitted by the Union Government and "to submit its observations thereon to the General Assembly".

62. Immediately following the introduction of the Committee's report, 37/ the President was requested to inform the Assembly as to whether a two-thirds majority was required for the adoption of the draft resolution. Attention was drawn to the fact that, during the first and second parts of the first session, at the time of the adoption of resolution 9 (I), concerning the submission of Trusteeship Agreements, and resolution 65 (I), concerning the future status of South West Africa, there had been no ruling to the effect that a two-thirds majority was required. 38/ Thus, for two consecutive sessions the Assembly had made no decision on the matter. The recommendation which was being considered at present was substantially a reaffirmation of previous resolutions, and if the Assembly were required to adopt a similar resolution in successive years, it would be strange to hold that a two-thirds majority would be required on each occasion.

63. Regarding the words "operation of the Trusteeship System" contained in Article 18 (2), it was argued that they covered a field much narrower than would be the case if the words "Trusteeship System" alone had been used. The term "operation" was meant to apply to situations where the Trusteeship System was enforced and working; the resolution under consideration related to a stage prior to that of operation. In conclusion, it was urged that the two-thirds majority rule not be unduly extended, lest the decision of a simple majority in committee should give way in plenary meeting to the views of a minority.

64. In reply, the President stated that the matter would be settled by a decision of the Assembly after the subject had been fully discussed.

65. In connexion with an amendment 39/ submitted in plenary meeting, it was pointed out by the sponsor that, as a result of negotiations which had taken place in a sub-committee established by the Fourth Committee, a joint text had been agreed upon and at that time the only point remaining at issue had been whether a definite time-limit should be fixed for the submission of a Trusteeship Agreement for South West Africa. However, the Fourth Committee had decided, by a vote of 27 to 20, with 4 abstentions, to recommend instead the text which was before the General Assembly. This text had not obtained the two-thirds majority which it was felt was necessary in plenary meeting inasmuch as the question was important and was also related to the operation of the Trusteeship System; the amendment was submitted in the hope that the necessary majority might be obtained, and this would not be the case if the Committee's recommendation were put to the vote. It was of the highest importance, it was

37/ G A (II), Plen., vol. II, 104th and 105th mtgs., pp. 573-648, relevant statements by Argentina, Australia, Denmark, France, Haiti, India, Iraq, Pakistan, USSR and United States.

38/ This statement was subsequently corrected. During the second part of the first session (64th plenary meeting), the President had stated that a two-thirds majority was required for the adoption of a draft resolution on this question, and no objection was raised to the ruling.

39/ A/429, amendment submitted by Denmark.

emphasized, that the appeal should be made with the authority derived from the support of two thirds or more of the Members.

66. The view that the question was both important and related to the operation of the Trusteeship System was supported by other Members. The placing of a Non-Self-Governing Territory under trusteeship was a step of vital importance affecting the lives and living conditions of every inhabitant of the Territory. Moreover, the question of whether or not a sovereign State was under obligation to place a territory under trusteeship was a still more important question. In addition, a resolution which authorized the Trusteeship Council to engage in specified activities was certainly concerned with the "operation" of the Trusteeship System.

67. In favour of the opposite view, it was maintained that Article 18 and the rules of procedure taken together showed that the case under consideration did not require a two-thirds majority. The list of "important questions" contained in paragraph 2 of the Article was absolutely restrictive and since "the legislators" had thought it necessary to enumerate the cases considered important, the Assembly could not, without misinterpreting the law, distort the limitations which that Article established nor, by a process of assimilation, admit other cases which appeared to be similar. It was further maintained that Article 18 clearly stated which trusteeship questions were considered important. These questions were confined to the election of the non-permanent members of the Trusteeship Council and questions relating to the operation of the Trusteeship System; all other trusteeship questions not mentioned in the Article were not considered important under paragraph 2. A recommendation that a Member should submit a draft Trusteeship Agreement could not be considered as relating to the "operation" of the System; it was not a matter of discussing the terms of the Agreement itself nor the operation of an Agreement already in existence, but merely the fact that such an Agreement should be submitted.

68. It was further stated that the draft resolution simply repeated a decision taken the previous year; although the subject matter of a question might be important, its repetition in a draft resolution was not necessarily an important question within the meaning of Article 18 (2). The importance of a question had to be judged from the facts of the particular case, on which there might be varying opinions. The best procedure would be to leave it to each Member to interpret whether the question was important, and the decision of the majority should be binding on all.

69. During the discussion which ensued as to whether the issue should be settled by a decision of the Assembly itself or upon an appeal against a ruling of the President, additional views were expressed regarding the application of Article 18.

70. It was maintained that the matter was important because it implied a vote of censure upon the conduct of a Member. The scope of the discussion and the far-reaching consequences which the adoption of the draft resolution might have, also showed that the question was undoubtedly of sufficient intrinsic importance to lead to the application of Article 18 (3). Regarding the opinion that the list of important questions contained in paragraph 2 was restrictive, it was noted that the list was, in fact, an unusually comprehensive one, ending as it did with a category regarding budgetary questions; if the paragraph were truly restrictive in its effect, it would not end with a reference to so comprehensive an item.

71. As to the question of the connexion of the draft resolution with the "operation of the Trusteeship System", it was stated that the reference in Article 18 (2) was simply an indication that the trusteeship category, in itself, marked the subject-matter as important. In addition, the question of whether a Trusteeship Agreement had to be submitted for a particular territory was at least as important a question as the

details of the Agreement when it was submitted. Finally, whatever interpretation was given to the provision of Article 18 concerning the operation of the Trusteeship System, the draft resolution proposed to give certain powers to the Trusteeship Council itself; it thus fell within the scope of that provision.

72. It was further maintained that if a similar draft resolution had been sufficiently important the previous year to require a two-thirds majority, the same majority would be required for the present and future draft resolutions on the question, since nothing could alter the substance of that question.

73. At the conclusion of the discussion, the Assembly was requested to vote "on the interpretation of the President that the subject was one of importance" requiring a two-thirds majority. Requested to clarify this, the President stated that Members of the Assembly were to judge the question as a matter of substance, and that those considering it to require a two-thirds majority should vote affirmatively. The proposal that the subject was one of importance requiring a two-thirds vote was adopted by 31 votes to 20, with 5 abstentions. The amendment was adopted by 36 votes to 9, with 11 abstentions. The resolution, as amended, was adopted by 41 votes to 10, with 4 abstentions.

iii. Admission of new Members

74. During the sixth session, the Assembly considered three draft resolutions submitted by the First Committee under the item "Admission of new Members, including the right of candidate States to present proof of the conditions required under Article 4 of the Charter". The first and the third draft resolutions were adopted by more than two thirds of the Members without reference to the application of Article 18.

75. The second draft resolution 40/ contained a recommendation to the Security Council to reconsider the applications of certain States and to consider the application of Libya for membership in the United Nations.

76. Before a vote was taken on this draft resolution, 41/ the view was expressed that the two-thirds majority rule should be applied since (a) there could be no subject more important than the admission of new Members, (b) the question involved the "admission of new Members to the United Nations" as mentioned in Article 18 (2) and (c) the draft resolution contained a declaration of policy from the General Assembly of the most serious import involving a fundamental interpretation of Article 4. Even if rule 84 42/ did not apply, the question was obviously of the type which under rule 85 43/ the Assembly might consider to be a category of questions additional to those specified in rule 84 and thus subject to the two-thirds majority rule. The President was requested to confirm that rule 84 applied, or alternatively, to permit the Assembly itself to decide. Should the Assembly decide that rule 84 did not apply, the same procedure, it was suggested, should be applied with respect to rule 85 (Article 18 (3)).

40/ G A (VI), Annexes, a.i. 60, pp. 5-8, A/2100.

41/ G A (VI), Plen., 370th mtg., pp. 463-469, relevant statements by Colombia, Poland and United States.

42/ Now rule 85.

43/ Now rule 86.

77. On the other hand, it was maintained that Article 18 (2) did not apply to the recommendation which was to be made to the Security Council; according to that paragraph, a two-thirds majority was required for "the admission of new Members" and the draft resolution did not mean admission; only if the Security Council were to consider the matter and then make a recommendation to the General Assembly in accordance with Article 4 would a two-thirds majority be required.

78. The President replied that, in his opinion, the reference in rule 84 to "the admission of new Members" applied to substantive decisions taken by the Assembly on the subject and did not, on the basis of the text of the draft resolution which was before the Assembly, apply to the case in question. He added that he did not wish to state this opinion in the form of a ruling and that, in order to avoid establishing any dangerous precedents for the future, it would be better for the Assembly to decide only on the majority required in that particular case.

79. The President then consulted the Assembly as to whether "the draft resolution, to be adopted, requires a two-thirds majority of the Members present and voting". The Assembly so decided by 29 votes to 21, with 5 abstentions. The draft resolution failed to obtain the required majority. An explanation of vote 44/ was made to the effect that the resolution had constituted a recommendation to the Security Council for a favourable reconsideration and was therefore a substantive and important question requiring a two-thirds majority. Had it been a mere recommendation for a free reconsideration, the representative added, he would have voted differently.

iv. Libya

80. During the same session, under the agenda item "Libya: (a) Annual report of the United Nations Commissioner in Libya: (b) Annual reports of the Administering Powers in Libya", the Ad Hoc Political Committee recommended a draft resolution 45/ which contained seven operative paragraphs. The second paragraph noted that elections would be held in Libya "in accordance with the provisions of the constitution of the United Kingdom of Libya"; the third, fourth and fifth paragraphs requested the Economic and Social Council and the Secretary-General to undertake certain studies relative to additional assistance to Libya; the sixth requested the Secretary-General and the specialized agencies to extend technical assistance to Libya; and the seventh concluded that Libya "should now be admitted to the United Nations in accordance with Article 4 of the Charter and the General Assembly's previous recommendations on this subject".

81. Before a vote was taken on the draft resolution, the view was expressed that the two-thirds majority rule should apply to the vote for the following reasons: (a) the question was important within the meaning of Article 18 (2), and the recommendation under discussion was one of the most significant draft resolutions before the Assembly; (b) the ratification by the General Assembly of the constitution of a new independent State was, on the face of it, of the greatest importance; (c) if this argument were not accepted, there was the additional argument that paragraph 7 of the draft resolution was related in some degree to the question of the admission of new Members and the General Assembly had previously decided that a resolution regarding new admissions required a two-thirds majority; 46/ (d) if those arguments were rejected,

44/ G A (VI), Plen., 370th mtg., p. 469, statement by Thailand.

45/ G A (VI), Annexes, a.i. 20, pp. 2-5, A/2097.

46/ See "Admission of new Members", paras. 74-79 above.

paragraphs 3 and 4 of the draft resolution and, even more particularly, paragraphs 5 and 6 involved potential budgetary implications, which would seem to imply that the draft resolution required a two-thirds majority.

82. In opposition to this view, it was argued that the request for a two-thirds vote related to paragraphs 3 and 4 of the draft resolution because only a few votes had been cast in committee against the remainder. Article 18 (2) it was pointed out, left the door open for the Assembly, by majority vote, to list other subjects as requiring a two-thirds majority; this had been done because it was not possible to mention in Article 18 all questions of real importance. The Assembly had to employ some principle in adopting the exceptional requirement and one such principle would be to require the two-thirds majority for resolutions which would have permanent effects, would have irreparable results or would place some Member in particular in difficulties by laying upon it some burden that it would be bound, even though only morally, to assume. None of these situations obtained under paragraphs 3 and 4 of the above-mentioned draft resolution which were purely procedural.

83. At the conclusion of the discussion, the President stated that, as in the previous case, he was of the opinion that the draft resolution did not require a two-thirds majority but he would request the Assembly to decide the question, making it clear that the issue before the Assembly was whether the draft resolution under consideration required a two-thirds majority. The President added that he was putting to the vote a concrete case contained in a particular draft resolution, and not a rule, because, in his view, it would be dangerous to establish the precedent that when the Assembly decided that a draft resolution required a two-thirds majority, each of the subjects mentioned in the various paragraphs of the preamble or operative part of that draft resolution would invariably require a two-thirds majority; in this way, resolutions affecting each other would set up a chain reaction until the ordinary rule of voting by simple majority would become inapplicable.

84. The Assembly decided by a majority vote that the adoption of the draft resolution did not require a vote of two-thirds of the Members present and voting. 47/

v. Information from Non-Self-Governing Territories

85. During the second session, the Fourth Committee submitted a report recommending the adoption of five draft resolutions under the item: "Information from Non-Self-Governing Territories: (a) Summary and analysis of information transmitted under Article 73 e of the Charter; report of the Secretary-General. (b) Information transmitted under Article 73 e of the Charter; report of the Ad Hoc Committee". The first four were adopted without any discussion regarding the voting procedure.

86. The fifth draft resolution 48/ dealt with the establishment by the General Assembly of a special committee composed of Members transmitting information and of an equal number of other Members elected for a two-year period, to examine the information and report thereon to the Assembly with such recommendations as might be deemed appropriate. The draft resolution authorized the special committee to take certain steps for this purpose.

47/ For statements by Chile and United Kingdom, see G A (VI), Plen., 370th mtg., pp. 473-476.

48/ G A (II), Plen., vol. II, pp. 1543-1548, Annex 14 (A/424).

87. Before the vote, 49/ it was maintained that the draft resolution constituted an important question within the meaning of Article 18 (2). During the previous session, when the Assembly had considered the establishment of an ad hoc committee to examine the information on Non-Self-Governing Territories, it had been maintained that the draft resolution then under consideration did not require a two-thirds majority because the proposed ad hoc committee would exist for one year only and would have very limited functions. No ruling had been made on the matter and the Assembly had not voted on whether the draft resolution should be considered as an important question. On this occasion, however, the draft resolution under consideration proposed the establishment of an apparently permanent organ of the General Assembly with broad powers of recommendation; the proposed special committee, with members elected for two-year terms, corresponded roughly to the Trusteeship Council in its composition, in certain of its functions and powers and in its permanency. A resolution setting up a permanent committee which would have a life of at least two years was an important question which should be decided by a two-thirds majority.

88. On the other hand, the view was expressed that there was no intention that the committee should be of a permanent nature; the members would be elected for a period of two years and an amendment 50/ had been submitted stipulating that the establishment of the committee was "an experimental measure". Furthermore, there was no fundamental difference between the ad hoc committee which had been established the previous year and the committee now proposed except that, in order to give it greater prestige, it was to be appointed by the General Assembly rather than by the Fourth Committee.

89. At the conclusion of the discussion, the President stated that, if there were no objections, the Assembly might proceed to the vote in accordance with Article 18 (2), as had been suggested. A vote was requested on the proposal to apply the two-thirds majority rule. The proposal was adopted by 29 votes to 22, with 5 abstentions. The amendment and the draft resolution itself were rejected by a majority of the Members. A substitute text was adopted by more than a two-thirds majority.

90. During the eighth session, the Fourth Committee presented a single report 51/ covering its consideration of three agenda items relating to: (1) Information from Non-Self-Governing Territories under Article 73 e; reports of the Secretary-General and of the Committee on Information from Non-Self-Governing Territories, (2) Factors which should be taken into account in deciding whether a Territory is or is not a Territory whose people have not yet attained a full measure of self-government, and (3) Cessation of the transmission of information under Article 73 e. Seven draft resolutions were recommended for adoption under these items.

91. The question of the application of Article 18 was raised in plenary meeting 52/ before a vote was taken on the draft resolutions. The view was expressed that the vote on any question connected with Chapter XI of the Charter, whatever its importance, required only a simple majority and that the two-thirds majority required for "important questions" under Article 18 (2) could not apply to that Chapter so long as the Assembly had not established a new category for that purpose. This was not to deny the importance of the resolution on "factors", which some Members seemed to consider as requiring a two-thirds majority in view of the importance of the subject.

49/ G A (II), Plen., vol. I, 108th mtg., pp. 735-744, relevant statements by India and United States.

50/ A/446, amendment submitted by India.

51/ A/2556 and Add.1.

52/ G A (VIII), Plen., 459th mtg., pp. 305-320, relevant statements by Belgium, Denmark, Mexico, New Zealand, USSR, United Kingdom and Yugoslavia.

The reference in Article 18 (2) to "important questions" had given rise to doubts as to whether it was meant to apply generally or merely to the categories which were enumerated in that paragraph and any additional ones that the Assembly might establish in accordance with the provisions of paragraph 3. The doubts arose out of a defect in the drafting of the Article; it would not be difficult to imagine the confusion which would have been caused -- during the discussion of matters which some Members considered "important" and others considered "less important" -- if the Charter had mentioned "important questions" without any qualifications. There would then have been no point in enumerating the questions to which the two-thirds majority applied, still less in providing for the determination of additional categories. However, the position was clarified on reading the text of paragraph 3; the term "important questions" was there replaced by the terminology "questions to be decided by a two-thirds majority". This provision established beyond doubt that the founders of the United Nations had in mind "categories of questions" to be decided by a two-thirds majority, i.e., those which, by their importance, gave rise to prolonged and special discussion. As an illustration of this point, it was noted that several of the questions enumerated in paragraph 2 could not be regarded as individual questions but as categories or classes of questions which included a multitude of different matters.

92. In support of the argument that until the Assembly established additional categories there was nothing in the Charter authorizing a decision on other questions by a two-thirds majority, it was further maintained that if the Assembly in the past had sometimes agreed to apply the two-thirds majority rule by a different procedure the reason was to be sought not in Article 18 but in the general terms of Article 10. Regarding the matter under discussion, if any Member desired to propose that the questions mentioned in Chapter XI should be decided by a two-thirds majority, the Member would in fact be proposing the determination of a new category; Article 18 (2) specified the category "questions relating to the operation of the Trusteeship System" but did not include in the list questions relating to Non-Self-Governing Territories. Following a review of the discussions at San Francisco concerning this matter, it was suggested in conclusion that any question relating to Chapter XI should always be decided by a simple majority.

93. A contrary view was held in particular with respect to the draft resolution on "factors". This was stated to be an important question both in the general sense and more particularly as defined in Article 18 (2); in 1951 and again in 1952, the Assembly had voted on the subject with that understanding in mind. The draft resolution which was before the Assembly purported to lay down certain criteria to be taken into account in determining the field of application of Chapter XI; this was clearly an important issue regarding which the Assembly had already taken a stand opposite to the views which had just been expressed and the Assembly would no doubt wish to act with consistency on this occasion.

94. Summarizing the situation, the President stated that according to the record the General Assembly had never been called upon specifically to decide the question, although it had given its tacit assent to a ruling that a two-thirds majority was required on the subject; inasmuch as the question had been raised in this manner, the best course to follow was for the Assembly itself to express its opinion.

95. The Assembly was requested to vote on the motion -- which was adopted by a majority vote -- "to the effect that the draft resolution may be carried by a simple majority".

96. Following the vote on the first five draft resolutions, the President was requested to regard resolutions VI and VII relating to the cessation of the transmission of information with respect to (a) the Netherlands Antilles and Surinam and (b) Puerto

Rico, as raising important questions and subject to the application of rule 84 ^{53/} of the rules of procedure. The decisions of the Assembly in relation to a determination by the Administering Members to cease transmitting information might intimately concern the obligations of those Members and, furthermore, were of supreme importance to the inhabitants of the Territories concerned. Moreover, these decisions of the Assembly involved, to some extent, a judgement upon the actions of the two Members concerned.

97. In reply, the President stated that the decision which the Assembly had already taken concerning the voting procedure had been intended to cover draft resolutions VI and VII as well as draft resolution I. During the procedural discussion which took place as a result of this interpretation, the following additional views were advanced with respect to the application of Article 18.

98. In connexion with the suggestion that all matters deriving from Chapter XI, whatever the importance of the individual case under consideration, should be decided by a majority vote, it was contended that the Charter laid down, under Article 18 (2), that all important matters should be decided by a two-thirds majority, and that paragraph 2 even gave a list of certain items which were regarded as important by definition in the Charter itself. While it was admitted that there might be some ambiguity in the wording of the Article, it was maintained that the word "other" used in paragraph 3 could only relate to unimportant questions. If the operation of the Trusteeship System was considered important, were not matters relating to Chapter XI, by analogy, equally important? While it was possible that under the terms of paragraph 3 the Assembly could decide by majority vote that any question, no matter how important, was not really important but only one of the "other" questions, a decision of this kind would be an irresponsible act on the part of the Assembly. It was to be regretted that on this occasion, instead of determining an additional category of questions to be decided by a two-thirds majority, the Assembly was being asked to decide, on the contrary, that a category relative to Chapter XI should be decided by a majority vote; this was the reverse of the procedure the Charter evidently intended. The motion should not have been put to the vote in this form, it was further argued, since the Charter provided that all questions, except the important ones, were subject to majority decisions, and the important ones were mentioned in paragraph 2. The question before the Assembly, therefore, was whether the two matters which were being discussed (draft resolutions VI and VII) should be governed by the two-thirds majority rule; to vote on the question whether the draft resolutions might be adopted by a majority vote was tantamount to asking the Assembly whether the Charter might be complied with. ^{54/}

99. As to whether the Assembly could decide that important questions, in addition to those enumerated in paragraph 2, should be voted on by a two-thirds majority, it was held that it was difficult to vote on whether a question was important or not; it might have a different importance in the minds of various Members. Moreover, Article 18 required that decisions on important questions should be made by a two-thirds majority and included an exhaustive enumeration of those questions; decisions on other questions were made by a majority vote. Whereas the English text of the Article might be misleading owing to the words "these questions shall include" in

^{53/} Now rule 85.

^{54/} At this point the Assembly rejected a proposal, by majority vote, that the decision previously made should apply only to draft resolution I.

paragraph 2, the French text was more precise in that the phrase "sont considérées comme questions importantes" preceded, as a definition, the enumeration of all those questions which were considered important. Unless a question came within one of those categories, the vote must be taken by a simple majority. Any vote to consider a question important or not was contrary to the Charter because the Charter gave a technical term to important questions and offered a definition and an enumeration of these categories; under paragraph 3, the Assembly could determine as an exceptional measure to vote on other categories by a two-thirds majority, without pronouncing on their importance.

100. Draft resolution VI was adopted, as a whole, by 33 votes to 13, with 8 abstentions. Draft resolution VII was adopted, as a whole, by 26 to 16, with 18 abstentions.

C. CASES IN WHICH A QUESTION HAS BEEN DETERMINED "IMPORTANT"

101. The General Assembly has expressly determined by a majority vote or by assent to a ruling by the President, without significant discussion regarding the application of Article 18, that a question was "important" under the following agenda items:

- (a) Consideration of proposed new Trusteeship Agreements, if any; 55/
- (b) Information from Non-Self-Governing Territories: (a) Summary and analysis of information transmitted under Article 73 e of the Charter; report of the Secretary-General; (b) Information transmitted under Article 73 e of the Charter; report of the Ad Hoc Committee; 56/
- (c) Question of the disposal of the former Italian Colonies; 57/
- (d) The question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa; 58/
- (e) The Tunisian question; 59/
- (f) The question of Morocco; 60/
- (g) Draft Convention on the Political Rights of Women; 61/
- (h) The Conciliation Commission for Palestine and its work in the light of the resolutions of the United Nations. 62/

55/ G A (II), Plen., vol. I, 106th mtg., p. 666.

56/ G A (II), Plen., vol. I, 108th mtg., p. 743.

57/ G A (III/2), Plen., 218th and 219th mtgs., pp. 584-587, 591-593, 607 and 608.

58/ G A (VII), Plen., 401st mtg., pp. 333 and 334.

59/ G A (VII), Plen., 404th mtg., p. 377.

60/ G A (VII), Plen., 407th mtg., p. 426.

61/ G A (VII), Plen., 409th mtg., pp. 449 and 450.

62/ G A (VII), Plen., 406th mtg., pp. 413 and 414.

d. CASES IN WHICH THE TWO-THIRDS MAJORITY RULE HAS BEEN APPLIED
WITHOUT REFERENCE TO THE "IMPORTANCE" OF THE QUESTION

102. In connexion with proposals submitted under the following agenda items, the Assembly has applied the two-thirds majority rule without an express reference to the "importance" of the proposal in question.

- (a) Two agenda items relating to the Spanish question:
- (i) Relations of Members of the United Nations with Spain; 63/
 - (ii) Question of Franco Spain. Implementation of the resolutions and recommendations of the General Assembly of 12 December 1946 and 17 November 1947; 64/
- (b) Application of Article 27 of the Charter dealing with the method of voting in the Security Council;
Calling of a General Conference of Members of the United Nations under Article 109 of the Charter in order to eliminate the so-called veto privilege;
Calling of a General Conference of Members of the United Nations under Article 109 of the Charter for the purpose of reviewing the present Charter; 65/
- (c) Threats to the political independence and territorial integrity of China and to the peace of the Far East, resulting from Soviet violations of the Sino-Soviet Treaty of Friendship and Alliance of 14 August 1945 and from Soviet violations of the Charter of the United Nations; 66/
- (d) Holding of a Conference to implement the provisions of Chapter XI of the Charter concerning Non-Self-Governing Territories; 67/
- (e) Three agenda items relating to the Palestine question:
- (i) Palestine: Progress Report of the United Nations Mediator on Palestine; 68/
 - (ii) Further consideration of the question of the future government of Palestine; 69/
 - (iii) Palestine: (a) Question of an international régime for the Jerusalem area and protection of the Holy Places; special report of the Trusteeship Council. 70/

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- 63/ G A (II), Plen., vol. II, 118th mtg., pp. 1095 and 1096.
64/ G A (III/2), Plen., 214th mtg., pp. 501-504.
65/ G A (I/2), Plen., 61st mtg., p. 1264. The three agenda items were considered together.
66/ G A (IV), Plen., 273rd mtg., pp. 570 and 571.
67/ G A (I/2), Plen., 64th mtg., pp. 1355-1357.
68/ G A (III/1), Plen., 186th mtg., pp. 993-996.
69/ G A (S.II), Plen., 135th mtg., pp. 33-36.
70/ G A (V), Plen., vol. I, 326th mtg., p. 684.

*2. Practice relating to questions specifically
enumerated in Article 18 (2) 71/*

a. RECOMMENDATIONS WITH RESPECT TO THE MAINTENANCE
OF INTERNATIONAL PEACE AND SECURITY

103. It has already been noted that the vast majority of the decisions of the General Assembly have been made by the affirmative vote of two thirds or more of the Members present and voting and that, in general, the decisions have been made without any direct reference to the application of Article 18.

104. As regards the application of the specific provisions contained in Article 18 (2), the General Assembly has not expressly determined that a particular decision constitutes a "recommendation with respect to the maintenance of international peace and security". It might reasonably be inferred that a statement to this effect has, in practice, not been found necessary. A review of the political and security questions which have come before the Assembly shows that the subject of the agenda item itself often establishes a clear relation to this particular provision, 72/ or that the proposals submitted under the item either use the language of the Charter relative to the maintenance of international peace and security 73/ or refer to one or more Articles which deal with the functions and responsibilities of the General Assembly in this regard. 74/ Furthermore, experience has shown that, in the First and the Ad Hoc Political Committees, to which such questions have generally been referred for consideration and report, the proposals have generally been voted upon, favourably or unfavourably, by substantially more than a two-thirds majority of the Members present and voting. As a rule, the voting in the General Assembly has followed a similar pattern.

105. It should also be remembered that the Assembly has applied the term "important", within the meaning of Article 18, to some questions which, on the basis of the debates in committee and in plenary meeting, might have been considered as relating to "the maintenance of international peace and security". This was the case, for example, with regard to the items on Tunisia, Morocco and Palestine. 75/

b. ELECTIONS OF MEMBERS OF COUNCILS

106. At the regular sessions, the elective places on the Security Council, the Economic and Social Council and the Trusteeship Council have been filled by the candidates who received the votes of at least two thirds of the Members present and voting, in ballots which were held in accordance with the rules of procedure. 76/

71/ No action has been taken by the General Assembly with respect to "Suspension of the rights and privileges of membership" and "expulsion of Members".

72/ Examples: G A resolutions: 109 (II) Threats to the political independence and territorial integrity of Greece; 299 (IV) International control of atomic energy; 378 (V) Duties of States in the event of the outbreak of hostilities.

73/ Examples: G A resolutions: 110 (II) Measures to be taken against propaganda and the inciters of a new war; 291 (IV) Promotion of the stability of international relations in the Far East; 377 (V) Uniting for peace.

74/ Examples: G A resolutions: 41 (I) Principles governing the general regulation and reduction of armaments; 268 (III) Study of methods for the promotion of international co-operation in the political field.

75/ See also II.C.1.c, para. 101, above.

76/ See also in this Repertory under Articles 23, 61 and 86.

C. ADMISSION OF NEW MEMBERS TO THE UNITED NATIONS

107. Reference has been made to the application of Article 18 in connexion with the admission of only one of the nine States that have become Members of the United Nations since the first regular session.

108. The admission of eight States was decided by unanimous consent. (The negative vote cast against the admission of Pakistan was subsequently withdrawn.) 77/ The admission of Israel was decided by 37 votes to 12, with 9 abstentions. Announcing the result of the vote, the President confirmed that the two-thirds majority required under Article 18 had been obtained. 78/

D. QUESTIONS RELATING TO THE OPERATION OF THE TRUSTEESHIP SYSTEM

I. Report of the Trusteeship Council

109. From the time of the Assembly's third session, when the Trusteeship Council submitted its first report, the General Assembly has, without discussion, applied the provision in Article 18 (2), relating to the operation of the Trusteeship System, to the voting on the draft resolutions which have been recommended at each session by the Fourth Committee in its reports on items arising out of the report of the Trusteeship Council.

110. During the fourth session, before calling for a vote on the recommendations of the Fourth Committee, the President cited this provision and ruled that a two-thirds majority would be required for the adoption of the operative parts of the six draft resolutions before the Assembly. 79/

111. During the seventh session, a similar statement was made by the President before the voting began. On this occasion, however, no distinction was made between the preamble and the operative part of the draft resolution submitted by the Fourth Committee. 80/

112. During the third, fifth, sixth and eighth sessions, while no reference was made to Article 18 during the discussions of the Trusteeship Council's reports, the record shows that only those draft resolutions or parts of resolutions, including the preambles, which obtained a two-thirds majority were considered as adopted. 81/

II. Trusteeship Agreements

113. Ten Trusteeship Agreements submitted by Administering Authorities have been approved by the vote of more than two thirds of the Members present and voting in the General Assembly. The Official Records do not, however, contain any express indication as to whether the approval of the Agreements was considered to be a question which related to the "operation of the Trusteeship System".

114. During the second session, in connexion with the discussions on South West Africa, there was some debate as to whether a draft resolution requesting a Member

77/ G A (II), Plen., vol. I, 92nd mtg., p. 316; 96th mtg., p. 338.

78/ G A (III), Plen., 207th mtg., p. 331.

79/ G A (IV), Plen., 240th mtg., p. 188.

80/ G A (VII), Plen., 410th mtg., p. 471.

81/ G A (III/1), Plen., 160th mtg., pp. 489-492; G A (V), Plen., vol. I, 316th mtg., p. 548; G A (VI), Plen., 361st mtg., pp. 348-350; G A (VIII), Plen., 471st mtg., p. 455.

State to submit a Trusteeship Agreement for a Mandated Territory was a question relating to the "operation" of the Trusteeship System. In the course of a procedural debate ^{82/} on the "importance" of the proposal, it was maintained that the meaning of the word "operation" applied to cases where the Trusteeship System was enforced and working, whereas the draft resolution which was then under consideration related to a stage prior to that of operation. The wording of Article 18, it was stated, made it clear that trusteeship questions not mentioned in paragraph 2 were not considered as important and did not require a two-thirds majority; a recommendation for the submission of a draft Trusteeship Agreement was one of such questions. On the other hand, the view was expressed that the placing of a territory under the Trusteeship System was included in the operation of the System itself and a decision regarding the submission of an Agreement for a particular territory was at least as important a question as the details of the Agreement itself. Furthermore, the draft resolution included instructions from the General Assembly to the Trusteeship Council giving the Council certain powers in a particular case: therefore, it came within the scope of Article 18 (2). ^{83/}

iii. Recommendations regarding the right of self-determination of peoples

115. Article 18 (2) has been applied to the voting on a proposal submitted under the item: "Human rights. Recommendations concerning international respect for the self-determination of peoples".

116. During the seventh session, the Assembly considered a draft resolution ^{84/} which contained recommendations regarding the right of self-determination of the peoples of Non-Self-Governing and Trust Territories and the steps which should be taken to ensure the direct participation of the indigenous population in the government of those Territories. Before the vote, ^{85/} the President announced that he had been requested to submit to the Assembly that the draft resolution should be considered as an important question under rule ⁸⁴ ^{86/} in connexion with the questions relating to the operation of the Trusteeship System.

iv. Participation of a non-member State in the Trusteeship Council

117. The participation of Italy in the work of the Trusteeship Council was discussed during the sixth session of the General Assembly. At that time, ^{87/} the view was expressed that an abnormal situation existed because Italy, which was entrusted by the United Nations with the administration of the Trust Territory of Somaliland, was unable to exercise the responsibilities of an Administering Authority in the Trusteeship Council. A draft resolution was submitted by the Fourth Committee under

^{82/} G A (II), Plen., vol. I, 104th mtg., pp. 573-580, relevant statements by India and United States.

^{83/} See II.C.1.b(ii), paras. 61-73, above.

^{84/} G A (VII), Annexes, a.i. 30, pp. 9-16, A/2309 and Corr.3.

^{85/} G A (VII), Plen., 403rd mtg., p. 374.

^{86/} Now rule 85.

^{87/} G A (VI), Plen., 352nd mtg., pp. 225-229, relevant statements by Argentina, Brazil, Guatemala and Lebanon.

which the Assembly would recommend the Security Council to give urgent consideration to the situation with a view to recommending the immediate admission of Italy to membership in the United Nations. The Assembly adopted the draft resolution by a vote of more than two thirds of the Members present and voting, without a direct reference to the application of Article 18. 88/

e. BUDGETARY QUESTIONS

118. Decisions of the General Assembly with respect to budgetary questions have been made on the recommendation of the Fifth Committee by substantially more than two thirds of the Members present and voting, or unanimously, without discussion on the application of Article 18.

119. As regards resolutions involving expenditure which have been recommended by other Main Committees, the Assembly has observed the procedure provided for in rule 154 of the rules of procedure, which states:

"No resolution involving expenditure shall be recommended by a committee by a committee for approval by the General Assembly unless it is accompanied by an estimate of expenditures prepared by the Secretary-General. No resolution in respect of which expenditures are anticipated by the Secretary-General shall be voted by the General Assembly until the Administrative and Budgetary Committee has had an opportunity of stating the effect of the proposal upon the budget estimates of the United Nations."

120. In such cases, the President has drawn the attention of the Members, for information, to the report of the Fifth Committee on the financial implications of the resolution in question before calling for a vote on the resolution.

121. On some occasions, however, it has been argued that the two-thirds majority rule should apply to a decision of principle, on the ground that its adoption would entail expenditure.

122. During the second session, the General Assembly considered a draft resolution 89/ proposing that it hold its third session in Europe, and, at the same time, a report by the Fifth Committee 90/ on the effect which the proposal would have on the budget of the United Nations. At the conclusion of the debate, 91/ the proposal was referred to as "a very important matter" involving budgetary implications which should be decided by a two-thirds majority of the Members. The President replied that the question would be decided, in accordance with the rules of procedure, by a majority vote but that a two-thirds majority would be required to approve the appropriation of the necessary funds. A reservation 92/ was expressed to the President's interpretation on the grounds that many decisions which involved some expenditure were made by a majority vote and that, if those decisions were to be made

88/ G A resolution 550 (VI), adopted by 54 votes to 5.

89/ G A (II), Plen., vol. II, p. 1565, annex 20 (A/452), draft resolution submitted by France and Sweden.

90/ A/473.

91/ G A (II), Plen., vol. II, 114th mtg., pp. 939 and 940, statement by United Kingdom.

92/ G A (II), Plen., vol. II, 114th mtg., p. 940, statement by Sweden.

again in connexion with the budget, the two-thirds majority vote would become the rule in the Assembly. The draft resolution, as amended during the meeting, was adopted by a majority of the Members, by 32 votes to 17, with 5 abstentions. 93/

123. At a later meeting, 94/ during the consideration of the report of the Fifth Committee on the budget for the financial year 1948, two Members who had opposed the adoption of the draft resolution stated that they would not contest the will of the majority by pressing for a separate vote on the item in the budget which dealt with the appropriation of funds for the holding of the session in Europe.

124. In connexion with the adjournment of the third session in Paris, the Assembly considered a draft resolution recommended by the General Committee and various amendments to it. Before the voting 95/ on the Committee's draft resolution, 96/ which was to the effect that the Assembly should reconvene early in 1949 in New York, the President was asked whether the decision did not call for a two-thirds majority. He offered to reply after the vote. The draft resolution was adopted by 43 votes to 13, with 2 abstentions. The President then stated that, in view of the result of the voting, the question of a two-thirds majority did not arise.

125. During the fifth session, the Assembly considered a similar draft resolution 97/ with respect to the holding of the sixth session in Europe. Although the budgetary aspects were referred to by the Members who opposed the draft resolution, no reference was made to the application of Article 18 for the purpose of voting. The Assembly approved the draft resolution by a majority of 31 to 16, with 11 abstentions. 98/

126. The budgetary implications of one paragraph of a draft resolution have also been raised in connexion with the voting on a decision of principle. During the fifth session, a draft resolution 99/ was submitted in connexion with the item relating to the admission of new Members, which requested the distribution of certain documents and letters among the Members. The vote on the paragraph in question was 18 in favour, 15 against and 21 abstentions. The President stated 100/ that in his opinion a two-thirds majority was required in view of the financial implications contained in the proposal. The ruling was not contested and the paragraph was not adopted, having failed to obtain the required majority.

3. Majority required for the adoption of amendments to proposals or parts of proposals relating to important questions

127. Reference has already been made 101/ to the report of the Secretary-General, 102/ which was considered by the General Assembly during the fifth session,

93/ G A resolution 184 (II).

94/ G A (II), Plen., vol. II, 121st mtg., pp. 1201 and 1213, statements by China and United Kingdom.

95/ G A (III/1), Plen., 172nd mtg., p. 733.

96/ G A (III/1), Plen., Annexes, pp. 520 and 521, A/768.

97/ A/1593, draft resolution submitted by Bolivia, Colombia and Peru.

98/ G A (V), Plen., vol. I, 324th mtg., p. 663.

99/ G A (V), Annexes, a.i. 19, pp. 3-4, A/1585, draft resolution submitted by El Salvador.

100/ G A (V), Plen., vol. I, 318th mtg., p. 588.

101/ See II.B.1, para. 18, above.

102/ G A (V), Annexes, a.i. 49, pp. 1-6, A/1356.

on the question of the majority required for the adoption of amendments to and parts of proposals relating to important questions.

128. The report summarized the views which had been expressed on the matter in the Sixth Committee and in plenary meeting at the previous session, analysed the issues and precedents involved in the problem and suggested that the Assembly might wish to be guided by the following considerations in reaching a decision on the question:

"34.....

"(a) The necessity of adopting an orderly procedure permitting the arrival, by successive stages, at the final text of a draft resolution on which the Assembly may vote without any risk of ambiguity.

"It would appear that the most effective method in this respect would be a procedure by which all decisions pertaining to proposals on important questions would be subject to a two-thirds majority requirement.

"(b) The importance of enabling Members of the General Assembly forming a two-thirds majority on a certain question to express, without being hindered by procedural obstacles, their views and their will as to the action to be taken by the Assembly.

"It would seem important in this connexion to prevent the alteration of a draft resolution by a simple majority of the Members in a manner which, when the final vote is taken, would make its acceptance by a majority of two-thirds more difficult.

"(c) The need to protect the rights of the Members forming the minority on the question considered by the General Assembly.

"The best interests of the minority would seem to lie in a fixed and clear rule which does not make the adoption of amendments on parts of proposals on a particular issue dependent on the will of the majority."

129. The text of a new rule was proposed for adoption by the Assembly if it shared the views expressed in the report.

130. During the consideration of the report in the Sixth Committee, a draft resolution was submitted 103/ including a new rule similar in text to that suggested by the Secretary-General. On the recommendation of the Committee, the Assembly adopted 104/ the following amendment to the rules of procedure: 105/

"Decisions of the General Assembly on amendments to proposals relating to important questions, and on parts of such proposals put to the vote separately, shall be made by a two-thirds majority of the Members present and voting."

103/ G A (V), Annexes, a.i. 49, p. 6, A/C.6/L.110, draft resolution submitted by Belgium.

104/ G A (V), Plen., vol. I, 298th mtg., p. 290; G A resolution 475 (V).

105/ Now rule 86.

D. Practice relating to Article 18 (3)**1. Determination of the majority required for the adoption of a proposal**

131. It was noted in the General Survey that the general provision of paragraph 3 relating to "decisions on other questions" has been applied in order to determine, as a prior question, the majority required for the adoption of a particular proposal. The practice of the Assembly in this regard has been dealt with in II.C.1.b. above.

132. It will be seen from the examples given in that section that the action of the Assembly relative to the application of paragraph 3, in this sense, has been determined by the particular circumstances of each case. Each decision, therefore, represents a specific interpretation. On some occasions the Assembly has availed itself of paragraph 3 with the express intention of avoiding a decision on whether the matter to which the proposal referred was "important" within the meaning of paragraph 2. At other times it has followed this course on the understanding that the decision was not to be interpreted as creating a precedent with respect to proposals which might be submitted in connexion with the same subject in the future or to the voting requirements regarding such proposals.

2. Determination of additional categories of questions to be decided by a two-thirds majority of the Members present and voting

133. There has been no decision of the General Assembly which expressly applies to Article 18 (3) regarding the determination of additional categories of questions to be decided by a two-thirds majority of the Members present and voting. However, there are some rules of procedure, dealt with below, which constitute decisions that a two-thirds majority shall be required for certain kinds of procedural questions.

134. The use of the words "important questions" in Article 18 (2) and the use of the phrase "categories of questions to be decided by a two-thirds majority" in Article 18 (3) have, however, given rise to some discussion. It has already been noted that, in practice, the Assembly has applied the term "important" to specific proposals without reference to the questions enumerated in paragraph 2. The distinction between an individual question and a category of questions has been pointed out to support the view that if a particular question is to be regarded as important for the purpose of voting, it must fall within one of the categories established in paragraph 2 (see II.C.1.b(i) and c).

135. The rules of procedure of the General Assembly provide that certain internal matters relating to the work of the Assembly should be decided by a two-thirds majority of the Members.

136. With regard to the consideration of an additional item included in the agenda of a regular session, rule 15 provides:

"Additional items of an important and urgent character, proposed for inclusion in the agenda less than thirty days before the opening of a regular session or during a regular session, may be placed on the agenda, if the General Assembly so decides by a majority of the Members present and voting. No additional item may be considered until seven days have elapsed since it was placed on the agenda,

unless the General Assembly, by a two-thirds majority of the Members present and voting, decides otherwise, and until a committee has reported upon the question concerned".

137. As regards the inclusion of additional items in the agenda of a special session, rule 19 provides:

"During a special session items on the supplementary list and additional items may be added to the agenda by a two-thirds majority of the Members present and voting. During an emergency special session additional items concerning the matters dealt with in resolution 377 A (V) may be added to the agenda by a two-thirds majority of the Members present and voting".

138. Rule 83 provides for the reconsideration, during a session, of proposals which have been adopted or rejected. It states:

"When a proposal has been adopted or rejected it may not be reconsidered at the same session unless the General Assembly, by a two-thirds majority of the Members present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be immediately put to the vote".

3. Questions which the General Assembly has determined may be decided by a majority vote of the Members present and voting

a. MATTERS RELATING TO ORGANIZATION AND CONDUCT OF BUSINESS

139. With the exception of the provisions contained in rules 15, 19 and 83, quoted above, matters relating to the organization and the work of the General Assembly and to the conduct of business have been decided by a majority vote, in accordance with the rules of procedure.

b. OTHER "PROCEDURAL QUESTIONS"

140. The procedural, as against the substantive, nature of a question has been raised in connexion with the determination of whether a decision should be made by a simple majority or by a two-thirds majority of the Members. In particular, this distinction has been drawn regarding two matters: (i) a request to the International Court of Justice for an advisory opinion, and (ii) the reference of an item to a subsidiary organ for consideration and report.

1. Request to the International Court of Justice for an advisory opinion

141. During the fourth session 106/ in connexion with the consideration of the report of the Fourth Committee on the question of South West Africa, the President ruled that a draft resolution 107/ to request an advisory opinion of the International Court of Justice was a procedural matter which should not be subject to the two-thirds majority rule.

106/ G A (IV), Plen., 269th mtg., p. 536.

107/ G A (IV), Plen., Annex, pp. 103-110, a.i. 34, A/1180.

142. An objection was raised on the ground that all draft resolutions concerning South West Africa had been dealt with in the past as "important" and, moreover, that, during the second part of the first session, when the Union of South Africa had submitted an amendment in connexion with the question of the "Treatment of Indians in the Union of South Africa", proposing that the question be referred to the Court, the Assembly had decided that the adoption of that amendment required a two-thirds majority. 108/ In reply, the President pointed out that at that time it had been conceded to be an exceptional decision by the General Assembly, reached on the specific understanding that no precedent was to be established by the application, in that particular case, of the two-thirds majority rule to a proposal concerning a request for an advisory opinion to the International Court of Justice. The rule had been applied because the proposal under consideration had been submitted as an amendment to the recommendation of the First Committee. The adoption of the amendment would, therefore, have prevented the General Assembly from voting on the Committee's proposal which, in turn, required a two-thirds majority. It was for that reason alone that it had been decided that a two-thirds majority was required. The case under consideration was different. It concerned a separate draft resolution and only a simple majority was therefore required. The President's interpretation was not challenged.

143. Advisory opinions have been requested on six other occasions. 109/ This action was approved in each case by more than two thirds of the Members, without procedural discussion.

ii. Reference of an item to a subsidiary organ for consideration and report

144. During the fourth session, the First Committee recommended the adoption of a draft resolution 110/ under the item relating to the political independence and territorial integrity of China. Under the operative part of the draft resolution, the item would be referred to the Interim Committee for examination and study, and the Interim Committee would be requested to report to the Assembly at its next session with recommendations, or to bring the matter to the attention of the Secretary-General with a view to reporting to the Security Council if it were deemed necessary.

145. Before calling for a vote, 111/ the President stated that in his view the draft resolution was of a procedural nature up to the word "recommendations"; a simple majority would therefore be required. The last sentence he considered substantive, and a two-thirds majority would be required for its adoption. No objection was raised to this interpretation and the Assembly voted on the paragraph accordingly.

146. During the third session, the Assembly considered a draft resolution 112/ proposing that the question of the disposal of the former Italian colonies be referred to the Interim Committee, with the directive that the Committee, after ascertaining the wishes of the native population, through a special investigating sub-committee or otherwise, should present a report, if possible with recommendations, to the next session.

108/ G A (I/2), Plen., 52nd mtg., pp. 1060 and 1061.

109/ See also in this Repertory under Article 96.

110/ G A (IV), Plen., Annex, pp. 234-236, a.i. 68, A/1215.

111/ G A (IV), Plen., 273rd mtg., p. 570.

112/ A/892/Rev.1, see G A (III/2), Plen., 219th mtg., p. 600.

147. Before the vote, 113/ a clarification was requested as to whether the draft resolution was of a procedural nature. The President replied that the Assembly had already rejected various draft resolutions pertaining to the substance of the question and was being called upon to refer the matter to an organ of the United Nations, namely, the Interim Committee; a decision to this effect did not require a vote by a two-thirds majority of the Members. Objections were raised on the ground that the draft resolution could not be considered as pertaining to procedure since it enjoined the Interim Committee to initiate studies on the substance of the question and, if necessary, to establish a special committee of inquiry; the vote must therefore be taken in accordance with the rules governing substantive proposals. The President offered to rule on the matter after the vote, at which point his ruling could be challenged. The draft resolution was rejected by a majority of the Members. There was therefore no occasion for a formal ruling by the President.

**C. OTHER CASES IN WHICH THE GENERAL ASSEMBLY HAS ADOPTED
RESOLUTIONS BY A MAJORITY VOTE**

148. Inasmuch as it has been the practice of the Assembly, when voting, to refer only exceptionally to Article 18, -- and then primarily to paragraph 2, -- there is little evidence of the type of decision, in other than strictly procedural matters, which constitutes an application of paragraph 3. While it is true that many decisions made by two thirds or more of the Members may not have been regarded as "important", only those resolutions which were adopted by a majority vote represent a clear indication of the Assembly's intention. They are 12 in number.

- (1) Amendments to the Provisional Rules of Procedure - resolution 17 (I) (rules 33, 33 A, 73 and supplementary rule T);
- (2) Request of the World Federation of Trade Unions for a closer connexion with the Economic and Social Council - resolution 49 B (I);
- (3) Place of meeting of the third regular session of the General Assembly - resolution 184 (II);
- (4) Proposal for the adoption of Spanish as one of the working languages of the General Assembly - resolution 247 (III);
- (5) Place of meeting of the sixth regular session of the General Assembly - resolution 497 (V);
- (6) Place of meeting of the sixth regular session of the General Assembly - resolution 499 (V);
- (7) Financing of economic development of under-developed countries - resolution 520 A (VI);
- (8) Preparation of two Draft International Covenants on Human Rights - resolution 543 (VI);
- (9) Reservations to multilateral conventions - resolution 598 (VI);
- (10) Convention on the International Right of Correction - resolution 630 (VII);

113/ G A (III/2), Plen., 219th mtg., pp. 607 and 608, relevant statement by USSR.

Article 18

(11) Factors which should be taken into account in deciding whether a Territory is or is not a Territory whose people have not yet attained a full measure of self-government - resolution 742 (VIII); 114/

(12) Cessation of the transmission of information under Article 73 e of the Charter in respect of Puerto Rico -- resolution 748 (VIII). 114/

114/ See II.C.1.b(v), above.