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Volume II

ARTICLE 18

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ARTICLE 18

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 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. The main headings, which appeared in the previous *Supplement*, have been maintained for this study.

I. GENERAL SURVEY

2. The present study covers the regular sessions of the General Assembly during the period 2000-2009, the twenty-third to twenty-eighth special sessions held from 5 June 2000 to 24 January 2005, as well as the resumptions of the tenth emergency session between 18 October 2000 and 16 January 2009. The review of the voting which took place in the General Assembly during the period covered by the *Supplement* reveals a pattern similar to that described in the *Supplements Nos. 7, 8 and 9* of the *Repertory*.

During this period, the majority of the Assembly's decisions have been adopted without a vote. The remaining decisions were mainly adopted with a two-thirds majority vote, and the simple majority vote represents an exception. However, it can be noted that the roll-cast vote procedure has not been used since the forty-eighth session. Except for situations mentioned in paragraph 24, no reference was made to Article 18 in the parliamentary discussions.

3. During its twenty-third special session held from 5 to 9 June 2000, the General Assembly adopted three resolutions (A/S-23/1 to A/S-23/3) and three decisions other than elections and appointments (A/S-23/21 to A/S-23/23), all without a vote.

4. During its twenty-fourth special session held from 26 to 30 June 2000, the General Assembly adopted two resolutions (A/S-24/1 and A/S-24/2) and three decisions other than elections and appointments (A/S-24/21 to A/S-24/23), all without a vote.

5. During its fifty-fifth session, the General Assembly adopted 329 resolutions under 285 different numbers (55/1 to 55/285). Of these, 262 were adopted without a vote and 66 received more than a two-thirds majority of the members present and voting.¹ During the same period, the General Assembly also adopted 112 decisions other than elections and appointments under 103 different names (55/401 to 55/503). Except one decision that was adopted by a two-thirds majority,² the remaining decisions were adopted without a vote.

6. The tenth emergency session, convened prior to the period under review, was not adjourned throughout this period and resumed 11 times from 18 October 2000 to 16 January 2009.³ The General Assembly, in its emergency session, adopted 12 resolutions (A/ES-10/7 to A/ES-10/18) by a two-thirds majority.

¹ One General Assembly resolution was adopted with a simple majority: resolution 55/114 (Situation of human rights in the Islamic Republic of Iran).

² General Assembly decision 55/426 on Military activities and arrangements by colonial Powers in Territories under their administration.

³ Meetings of the tenth emergency special session on Illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory: 18 to 20 October 2000, 20 December 2001, 7 May 2002, 5 August 2002, 19 September 2003, 20 to 21 October 2003, 8 December 2003, 16 to 20 July 2004, 17 November 2006, 15 December 2006, and 15 to 16 January 2009.

7. During its twenty-fifth special session held from 6 to 9 June 2001, the General Assembly adopted two resolutions (A/S-25/1 and A/S-25/2) and four decisions other than elections and appointments (A/S-25/21 to A/S-25/24), all without a vote.

8. During its twenty-sixth special session held from 25 to 27 June 2001, the General Assembly adopted one resolution on Organizational arrangements for the special session of the General Assembly on HIV/AIDS and its preparatory process (A/RES/55/242).

9. During the fifty-sixth session, the General Assembly adopted 360 resolutions under 312 different numbers (56/1 to 51/299 and 56/500 to 56/512). Of these, 293 were adopted without a vote and 65 received a two-thirds majority.⁴ During the same period, the General Assembly also adopted 95 decisions other than elections and appointments under 90 different names (56/400 to 56/489). Except for two decisions that were adopted by a two-thirds majority⁵ and one decision adopted by a simple majority vote,⁶ all of the other decisions were adopted without a vote.

10. During its twenty-seventh special session held from 8 to 10 May 2002, the General Assembly adopted two resolutions (A/S-27/1 and A/S-27/2) and three decisions other than elections and appointments (A/S-27/21 to A/S-27/23), all without a vote.

11. During its fifty-seventh session, the General Assembly adopted 351 resolutions under 338 different numbers (57/1 to 57/338). Of these, 279 were adopted without a vote and 70 received a two-thirds majority.⁷ The General Assembly adopted one amendment

⁴ Two General Assembly resolutions were adopted with a simple majority: resolutions 56/152 (Respect for the purposes and principles contained in the Charter of the UN to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms and in solving international problems of a humanitarian character) and 56/171 (Situation of human rights in the Islamic Republic of Iran).

⁵ General Assembly decisions 56/413 (United Nations conference to identify ways of eliminating nuclear dangers in the context of nuclear disarmament) and 56/415 (Comprehensive Nuclear-Test-Ban Treaty).

⁶ General Assembly decision 56/420 (Military activities and arrangements by colonial Powers in Territories under their administration).

⁷ Two General Assembly resolutions were adopted with a simple majority: 57/54 (Role of science and technology in the context of international security and disarmament) and 57/230 (Situation of human rights in the Sudan).

by two-thirds majority, preceding its adoption of resolution 57/298.⁸ During the same period, the General Assembly also adopted 101 decisions other than elections and appointments under 99 different names (57/501 to 57/599). Except for two decisions that were adopted by a two-thirds majority,⁹ all decisions were adopted without a vote.

12. During its fifty-eighth session, the General Assembly adopted 324 resolutions under 318 different numbers (58/1 to 58/318). Of these, 248 were adopted without a vote and 72 received a two-thirds majority.¹⁰ During the same period, the General Assembly also adopted 81 decisions other than elections and appointments under 78 different names (58/501 to 58/578). Except for two decisions that were adopted by a two-thirds majority,¹¹ all decisions were adopted without a vote.

13. During its fifty-ninth session, the General Assembly adopted 325 resolutions under 314 different numbers (59/1 to 59/314). Of these, 254 were adopted without a vote and 69 received a two-thirds majority.¹² During the same period, the General Assembly also adopted 75 decisions other than elections and appointments under 71 different names (59/501 to 59/571). Except one decision that was adopted by a two-thirds majority,¹³ all decisions were adopted without a vote.

14. During its twenty-eighth special session held on 24 January 2005, the General Assembly adopted one resolution without a vote on the Commemoration of the sixtieth

⁸ General Assembly resolution on Cooperation between the United Nations and the Organization for Security and Cooperation in Europe.

⁹ General Assembly decisions 57/515 (United Nations conference to identify ways of eliminating nuclear dangers in the context of nuclear disarmament) and 57/525 (Military activities and arrangements by colonial Powers in Territories under their administration).

¹⁰ Four of the General Assembly resolutions were adopted with a simple majority: 58/43 (Confidence-building measures in the regional and subregional context), 58/188 (Respect for the purposes and principles contained in the Charter of the United Nations to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms and in solving international problems of a humanitarian character), 58/194 (Situation of human rights in Turkmenistan), and 58/195 (Situation of human rights in the Islamic Republic of Iran).

¹¹ General Assembly decisions 58/517 (United Nations conference to identify ways of eliminating nuclear dangers in the context of nuclear disarmament) and 58/520 (Relationship between disarmament and development).

¹² Two General Assembly resolutions were adopted with a simple majority: resolutions 59/205 (Situation of human rights in the Islamic Republic of Iran) and 59/206 (Situation of human rights in Turkmenistan).

¹³ General Assembly decision 59/514 (United Nations conference to identify ways of eliminating nuclear dangers in the context of nuclear disarmament).

anniversary of the end of the Second World War (A/RES/59/26).

15. During its sixtieth session, the General Assembly adopted 295 resolutions under 289 different numbers (60/1 to 60/289). Of these, 219 were adopted without a vote and 73 received a two-thirds majority.¹⁴ During the same period, the General Assembly also adopted 72 decisions other than elections and appointments under 68 different names (60/501 to 60/568). Except for four decisions that were adopted by a two-thirds majority,¹⁵ all decisions were adopted without a vote.

16. During its sixty-first session, the General Assembly adopted 305 resolutions under 296 different numbers (61/1 to 61/296). Of these, 219 were adopted without a vote and 84 received a two-thirds majority.¹⁶ During the same period, the General Assembly also adopted 73 decisions other than elections and appointments under 68 different names (61/501 to 61/568). Except for one decision that was adopted by a two-thirds majority,¹⁷ all decisions were adopted without a vote.

17. During its sixty-second session, the General Assembly adopted 281 resolutions under 278 different numbers (62/1 to 62/278). Of these, 201 were adopted without a vote and 76 received a two-thirds majority.¹⁸ During the same period, the General Assembly also adopted 60 decisions other than elections and appointments under 57 different names (62/501 to 62/557). Except for two decisions that were adopted by a two-thirds

¹⁴ Three General Assembly resolutions were adopted with a simple majority: resolutions 60/72 (Follow-up to nuclear disarmament obligations agreed to at the 1995 and 2000 Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons), 60/171 (Situation of human rights in the Islamic Republic of Iran), and 60/174 (Situation of human rights in Uzbekistan).

¹⁵ General Assembly decisions 60/515 (Missiles), 60/517 (United Nations conference to identify ways of eliminating nuclear dangers in the context of nuclear disarmament), 60/539 (Provision of conference services) and 60/547 (Operational activities for development of the United Nations system).

¹⁶ Two General Assembly resolutions were adopted with a simple majority: resolutions 61/166 (Promotion of equitable and mutually respectful dialogue on human rights) and 61/176 (Situation of human rights in the Islamic Republic of Iran).

¹⁷ General Assembly decision 61/515 (United Nations conference to identify ways of eliminating nuclear dangers in the context of nuclear disarmament).

¹⁸ Four General Assembly resolutions were adopted with a simple majority: 62/24 (Follow-up to nuclear disarmament obligations agreed to at the 1995 and 2000 Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons), 62/149 (Moratorium on the use of the death penalty), 62/168 (Situation of human rights in the Islamic Republic of Iran) and 62/249 (Status of internally displaced persons and refugees from Abkhazia, Georgia).

majority,¹⁹ all decisions were adopted without a vote.

18. During its sixty-third session, the General Assembly adopted 317 resolutions under 311 different numbers (63/1 to 63/317). Of these, 242 were adopted without a vote and 73 received a two-thirds majority.²⁰ During the same period, the General Assembly also adopted 75 decisions other than elections and appointments under 71 different names (63/501 to 63/571). Except for two decisions that were adopted by a two-thirds majority,²¹ all decisions were adopted without a vote.

19. During its sixty-fourth session, the General Assembly adopted 301 resolutions under 301 different numbers (64/1 to 64/301). Of these, 232 were adopted without a vote and 66 received a two-thirds majority.²² During the same period, the General Assembly also adopted 73 decisions other than elections and appointments under 70 different names (64/501 to 64/570). Pursuant to rule 71 of the rules of procedure, the Assembly overruled a ruling of the President by a two-thirds majority.²³ All other decisions were adopted without a vote.

20. During the period under review, the General Assembly has continued to hold elections for electing non-permanent members of the Security Council and members of the Economic and Social Council as specified by paragraph 2 of Article 18. The Assembly has not held elections to the Trusteeship Council since its twentieth session.

21. In consideration of elections and appointments to subsidiary organs of the General

¹⁹ General Assembly decision 62/13 (United Nations conference to identify ways of eliminating nuclear dangers in the context of nuclear disarmament) and 62/514 (Missiles).

²⁰ Two General Assembly resolutions were adopted with a simple majority: resolutions 63/171 (Combating defamation of religions) and 63/191 (Situation of human rights in the Islamic Republic of Iran).

²¹ General Assembly decision 63/520 (United Nations conference to identify ways of eliminating nuclear dangers in the context of nuclear disarmament) and 63/538 (Programme planning) (Third Committee).

²² Three General Assembly resolutions were adopted with a simple majority: resolutions 64/31 (Follow-up to nuclear disarmament obligations agreed to at the 1995 and 2000 Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons), 64/156 (Combating defamation of religions), and 64/176 (Situation of human rights in the Islamic Republic of Iran).

²³ General Assembly decision 64/502 (Organization of the sixty-fourth session). Note: the President of the General Assembly ruled that the President of the High Transitional Authority of the Republic of Madagascar should be allowed to address the Assembly during the general debate. By a vote of 4-23-6, the General Assembly ruled against the President.

Assembly, following the decision 34/401 on the rationalization of the procedures and organization of the Assembly, the General Assembly dispenses itself with the formal balloting procedure when the number of candidates corresponded to the number of seats to be filled.

22. For the sake of clarity, statistical data on the adoption of resolutions and decisions during the period under review are shown in the following table:

	<i>Resolutions Adopted</i>				<i>Resolutions not adopted</i>			<i>Decisions Adopted</i>			
	<i>Without a vote</i>	<i>By a 2/3 majority</i>	<i>By a simple majority</i>	<i>Total</i>	<i>Failing 2/3 majority</i>	<i>Failing simple majority</i>	<i>Total</i>	<i>Without a vote</i>	<i>By a 2/3 majority</i>	<i>By a simple majority</i>	<i>Total</i>
<i>Regular sessions</i>											
Fifty-fifth.....	262	66	1	329	-	-	-	111	1	-	112
Fifty-sixth.....	293	65	2	360	-	-	-	92	2	1	95
Fifty-seventh.....	279	70	2	352	-	-	-	99	2	-	101
Fifty-eighth.....	248	72	4	324	-	-	-	89	2	-	81
Fifty-ninth.....	254	69	2	325	-	-	-	74	1	-	75
Sixtieth.....	219	73	3	295	-	-	-	68	4	-	72
Sixty-first.....	219	84	2	305	-	-	-	72	1	-	73
Sixty-second.....	201	76	4	281	-	-	-	58	2	-	60
Sixty-third.....	242	73	2	317	-	-	-	73	2	-	75
Sixty-fourth.....	232	66	3	301	-	-	-	72	1	-	73
<i>Special Sessions</i>											
Twenty-third.....	3	-	-	3	-	-	-	3	-	-	3
Twenty-fourth....	2	-	-	2	-	-	-	3	-	-	3

Twenty-fifth.....	2	-	-	2	-	-	-	4	-	-	4
Twenty-sixth.....	1	-	-	1	-	-	-	-	-	-	-
Twenty-seventh...	2	-	-	2	-	-	-	3	-	-	3
Twenty-eighth....	1	-	-	1	-	-	-	-	-	-	-
<i>Emergency Session</i>											
Tenth.....	-	12	-	12	-	-	-	-	-	-	-
TOTALS	2460	726	25	3212	-	-	-	821	18	-	830

II. ANALYTICAL SUMMARY OF PRACTICE

****A. Practice Relating to 18 (1)**

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

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).

23. As indicated in the table at paragraph 22 above, the General Assembly has adopted 3212 resolutions under the period of review. It should be noted that 25 resolutions were adopted by a simple majority vote.

a. Considerations involved in determining whether the adoption of a proposal requires a two-third majority.

(i) *References to Article 18:*

24. Under the present review, no direct reference has been made to Article 18 in the General Assembly resolutions. However, delegations in their speeches before the General Assembly have made direct references to Article 18.²⁴

***b. Cases in which the two-third majority rule has been applied without reference to the importance of the question.*

2. PRACTICE RELATING TO QUESTIONS SPECIALLY ENUMERATED IN ARTICLE 18 (2).

a. *Elections to principal organs*

(i) *Election of five non-permanent members of the Security Council*

25. At the sixty-first session, the General Assembly was faced with an unusual situation during the consideration of the item entitled “Election of five non-permanent members of the Security Council”.²⁵ At the 32nd plenary meeting, on 16 October 2006, having obtained a two-thirds majority, Belgium, Indonesia, Italy and South Africa were elected non-permanent members of the Security Council for a two-year term beginning on 1 January 2007.²⁶

26. As one seat remained to be filled among the Group of the Latin American and Caribbean States, the General Assembly, in accordance with rule 94 of the rules of procedure, proceeded to a second ballot that was restricted to the two countries obtaining the greatest number of votes: Guatemala and the Bolivarian Republic of Venezuela. After the forty-seventh round of balloting, Guatemala and the Bolivarian Republic of Venezuela withdrew from the election. The Chairman of the Group of Latin American and Caribbean States announced that the Group had endorsed the candidature of Panama. During the 49th plenary meeting on 7 November 2006, Panama was elected a non-

²⁴ General Assembly plenary meeting on Revitalization of the work of the General Assembly, A/58/PV.44, at 13; General Assembly plenary meeting on Question of equitable representation on and increase in the membership of the Security Council and related matters, A/59/PV.27, at 26; and General Assembly plenary meeting on Organization of work, adoption of the agenda and allocation of items, A/62/PV.3, at 9.

²⁵ General Assembly decision 61/402.

²⁶ A/61/PV.32.

permanent member of the Security Council after the forty-eighth round of balloting.²⁷

(ii) *Improving the election process*

27. At the sixty-fourth session, in consideration of the resolution entitled “Revitalization of the work of the General Assembly,” the Assembly “*decides* that the Ad Hoc Working Group, during the sixty-fifth session of the General Assembly, shall consider options for more time-effective, efficient and secure balloting, reiterating the need to ascertain the credibility, reliability, and confidentiality of the balloting process, and requests the Secretariat to submit an update on the latest developments”.²⁸

3. QUESTION OF THE APPLICATION OF ARTICLE 18 (2) FOR DECISIONS WITH “AMENDMENT IMPLICATIONS”.

28. At the fifty-eighth and fifty-ninth sessions of the General Assembly, in consideration of the item entitled “Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters” and during the parliamentary discussions, a debate occurred on the possibility to adopt decisions with “amendment implications” on the basis of Article 18. The question was about decisions which are not formal amendments to the Charter but which are dealing with Security Council reform. Delegates proposed that a two-thirds majority vote of the General Assembly should be possible to overrule the use of the veto by the Security Council.²⁹ The Assembly had not made a decision on this matter.

****D. Practice relating to Article 18 (3)**

²⁷ A/61/PV.32.

²⁸ General Assembly resolution 64/301, para. 21.

²⁹ Report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Security Council and other Matters related to the Security Council, A/58/47, Annex IV, topic 6, The use of the veto, at para. 79 and A/59/47, Annex II, section VIII, The question of the use of the veto, at para. 20.