

# 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. In the first Supplement to the Repertory, the Table of Contents of Article 18 reproduced all the main headings under the four sections into which the original study was divided. The present study also includes the four major sections but omits headings and subheadings for which no new material was found or in respect of which the General Assembly's procedures served only to confirm practices already described. No new headings have been inserted, since the issues relevant to the application of Article 18 that arose during the period under review are covered by those already established.

## I. GENERAL SURVEY

2. A review of the voting which took place in the General Assembly during the eleventh, twelfth and thirteenth regular sessions, as well as the three emergency special sessions held in November 1956 and in August 1958, reveals a pattern similar in virtually all respects to that which was described in the previous Repertory studies of Article 18. The vast majority of the General Assembly's decisions continued to be made by the affirmative vote of more than two thirds of the Members, a considerable number being unanimous or on a no-objection basis.
3. During the eleventh session, for example, 131 resolutions were adopted. 1/ Forty-two of these resolutions were adopted unanimously or without objection; eighty-eight received more than a two-thirds majority of the votes cast; and only one was approved on a simple-majority vote. 2/ Reference was made to the provisions of Article 18, in connexion with the voting, under only five agenda items and in only four instances was a proposal - including amendments and parts of a resolution put to the vote separately - rejected for having failed to obtain the required two-thirds majority.

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1/ G A (XI), Suppl. No. 17 (A/3572); Suppl. No. 17 A (A/3527A). The resolutions are numbered 1009-1133; among these, six contained two parts upon which separate votes were taken under one title.

2/ See paragraph 33 below.

4. At the twelfth session, the General Assembly adopted 108 resolutions. 3/ Forty-four were adopted unanimously or without objection; sixty-two received more than a two-thirds majority of the votes; and only two were approved on a simple-majority vote. Reference to Article 18 was made in connexion with only four agenda items, and in only three instances was a proposal rejected for having failed to obtain the required two-thirds majority.

5. One hundred and eighteen resolutions were adopted at the thirteenth session. 4/ Of these, forty-eight were approved unanimously or without objection; sixty-eight received more than two thirds of the votes cast; and only two were adopted by a simple-majority vote. Under only two agenda items was the question of the application of the provisions of Article 18 raised before the vote, and in only one instance was a proposal rejected because it failed to obtain a two-thirds majority.

6. As regards the three emergency special sessions, 5/ eight resolutions were adopted during the first, five resolutions during the second and two at the third. The votes on all of these were far above a two-thirds majority of the Members, and no question arose concerning the voting procedure.

7. There was little more discussion during the period under review on the application or interpretation of the provisions of Article 18. With one exception, the references which were made were in the form of statements by the President regarding the voting requirements on resolutions submitted under four agenda items. 6/ In the case of the item dealing with information from Non-Self-Governing Territories, however, a debate developed, on the majority required for the adoption of certain resolutions at each of the three regular sessions dealt with in the present Supplement. The considerations advanced and a summary of the debates are given below.

## II. ANALYTICAL SUMMARY OF PRACTICE

### A. Practice relating to Article 18 (1)

8. The only development regarding voting rights which arose during this period was a consequence of the establishment of the United Arab Republic, when the two votes exercised until that time by Egypt and Syria, as separate Members, became one for the new State, and membership in the General Assembly was thereby reduced accordingly. The practice that an applicant State acquired the rights of membership in the General Assembly immediately upon admission to the United Nations received explicit recognition at the eleventh session, when a special procedure was devised in order that three new applicant States - Sudan, Morocco and Tunisia - recommended by the Security Council might participate at the outset of the session with full rights of membership. 7/

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3/ G A (XII), Suppl. No. 18 (A/3805). The resolutions are numbered 1134-1236; among these, three contained two parts and one had three parts upon which separate votes were taken under one title.

4/ G A (XIII), Suppl. No. 18 (A/4090); Suppl. No. 18 A (A/4090/Add.1). The resolutions are numbered 1239-1350; among these were one with two parts, one with three parts and one with four parts, upon which separate votes were taken under one title.

5/ G A (ES-I), Suppl. No. 1 (A/3354); G A (ES-II), Suppl. No. 1 (A/3355); G A (ES-III), Suppl. No. 1 (A/3905). The resolutions are numbered 996-1003 (ES-I); 1004-1008 (ES-II); 1237 (ES-III) and 1238 (ES-III).

6/ See paragraphs 23-25, 28 and 29, below.

7/ See also this Supplement, under Article 9.

**\*\* 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)*

9. As set forth in paragraphs 3 to 6 above, 372 resolutions <sup>8/</sup> were adopted by the General Assembly from 1 November 1956 to 13 March 1959, the closing date of the thirteenth regular session. In connexion with only twelve instances was reference made to the application of Article 18 to the voting, and only five resolutions in all were adopted by a simple-majority vote. It can be seen, therefore, that the General Assembly extended the general practice of invoking the provisions of Article 18 in only those cases where there appeared to exist a difference of views among the Members regarding the majority required for the adoption of a particular resolution or when that majority did not appear to be assured beforehand. The one instance in which significant debate occurred is dealt with below.

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

10. In addition to specific factors previously advanced in determining whether a resolution did or did not require a two-thirds majority for adoption, the following considerations were introduced in relation to questions affecting information from Non-Self-Governing Territories:

- (a) Whether, in view of the recognized importance of colonial questions, a proposal which dealt with the application of Chapter XI of the Charter should not also be regarded as important within the terms of Article 18;
- (b) Whether, in establishing a subsidiary organ, the substance of its task should not be the determining factor in deciding if the decision should be considered as an important one or not;
- (c) Whether a proposal to study the obligations of Member States resulting from the Charter, and the sovereign rights of States, should not require a two-thirds majority;
- (d) Whether terms of reference which amount to an interpretation of the Charter should be given to a subsidiary organ on the decision of a simple majority of the Members;
- (e) Whether the two-thirds majority rule should not be applied to a question involving the constitutional status and relationship of Member States;
- (f) Whether a particular question fell within one of the categories enumerated in paragraph 2 of Article 18 and, if not, whether, as a prior issue, a new category to cover that question did not need to be established.

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<sup>8/</sup> The figure includes parts of resolutions on which separate votes were taken.

Information from Non-Self-Governing Territories

11. During the eleventh session of the General Assembly, when the report of the Fourth Committee on the agenda item, "Information from Non-Self-Governing Territories under Article 73 e of the Charter", was submitted during a plenary meeting, the representative of Sweden, speaking on a point of order, 9/ moved that draft resolution VI of the report should be considered an important question within the provisions of paragraph 2 of Article 18.

12. The draft resolution 10/ dealt with "General questions relating to the transmission of information under Article 73 e of the Charter". In operative paragraphs 1 and 3, the General Assembly:

"1. Decides to set up an Ad Hoc Committee of ... members to study the application of the provisions of Chapter XI of the Charter in the case of Members newly admitted to the United Nations and, in particular, the replies to the Secretary-General's letter of 24 February 1956, by which the new Members were requested to inform him whether they were responsible for the administration of any Territories referred to in Article 73;

.....

"3. Requests the Ad Hoc Committee to report to the General Assembly at its twelfth session the results of the studies, taking into account any explanations that may be given by the new Member States as to the status of Territories under their administration, and to make any recommendations which it may deem appropriate."

13. In support of the view that the draft resolution constituted an important question, reference was made to the widespread recognition, during the discussions in the Fourth Committee, of the importance of the subject with which it dealt. It was observed that Chapter XI constituted, as it were, a charter for the Non-Self-Governing Territories and was therefore of capital importance. If that were so, a solution which dealt with the application of Chapter XI must also be regarded as important. The purpose in establishing an ad hoc committee was defined in its terms of reference (operative paragraph 1), and they necessarily concerned the substance of the matter, involving the Charter obligations of Members and the sovereign rights of States. Out of respect for the fundamental law of the United Nations, a simple majority ought not to be allowed to open the door to interpretations of the Charter which affected the sovereign rights of Member States and which constituted, in fact, amendments to the Charter.

14. It was further held that the General Assembly should not disregard the precedents established in other closely related cases in the past. These precedents showed that the General Assembly on several occasions had agreed to apply the two-thirds majority rule. In none of these cases had the issue been of such clear importance as the one currently under discussion. The fact that the two-thirds majority rule had to be applied to all trusteeship questions, even though Trust Territories were not under the sovereignty of the nations that administered them, led to the inescapable conclusion that, with respect to Non-Self-Governing Territories, which were under the sovereignty

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9/ G A (XI), Plen., vol. II, 656th mtg., paras. 106 and 120.

10/ G A (XI), Annexes, vol. I, a.i. 34, p. 14, A/3531 and Add.1, para. 63, draft resolution VI.

of their respective metropolitan Powers, certain questions - such as the current one - were of such great importance as to require the application of the two-thirds rule. The records showed that it had never been envisaged at San Francisco that ever-widening machinery would come into existence under Chapter XI nor that this proliferation of activity would result in the type of resolution which was being considered. Had this been foreseen, it was a fair assumption that the same voting procedure that was applied to trusteeship questions would have been applicable in all cases under Chapter XI. On this occasion, the General Assembly was being urged to apply the two-thirds rule to a question which involved the constitutional status and relationships of Member States; an ad hoc committee, if established, would be authorized to deal with an entirely new and unprecedented situation in regard to Non-Self-Governing Territories. Though it had been argued that the establishment of an ad hoc committee was a procedural matter, the essential point in this case concerned the terms of reference proposed for the committee, since the functions to be assigned to it were, in fact, substantive ones.

15. The precedents of application of the simple-majority rule to questions regarding Non-Self-Governing Territories, it was said, had been instances in which only the discharge of the responsibilities of the administering Power had been involved. For example, whether an administering Power had promoted the welfare of the inhabitants of a Non-Self-Governing Territory, or the political, economic, social and educational advancement of its people, or their political institutions, were questions which pertained to a Non-Self-Governing Territory, and therefore the simple-majority rule should apply. The draft resolution under discussion, however, envisaged an ad hoc committee which would study the application of Chapter XI to new Member States. Its purpose was to determine whether certain Members had an obligation to administer certain Non-Self-Governing Territories. The primary question involved in the draft resolution was whether or not a State assumed such responsibilities under the Charter. In view of the scope of the terms of reference and the responsibilities entailed, the draft resolution concerned an important question, not one of procedure.

16. In opposition to the view that the draft resolution was an important question within the meaning of Article 18, reference was also made to past discussions and decisions of the General Assembly relating to the application of Chapter XI of the Charter. It was held that the manner in which the question had been raised was not the most appropriate one. The problem was not whether certain questions were important - all issues debated in the General Assembly were important - but rather what working procedure was to be applied in regard to some categories of questions and what was the basis on which action could be taken by the General Assembly in respect of them. The basis for such action was to be found in the Charter and in the rules of procedure. Analysis of the provisions of paragraphs 2 and 3 of Article 18 clearly showed that the General Assembly had the right to add, to the enumeration of important questions in paragraph 2, additional categories of questions to be decided by a two-thirds majority. Article 18 did not, however, entitle the General Assembly to add individual questions to the enumeration, as had been suggested, if such questions did not fall within one of the categories mentioned in paragraph 2, or a category previously added to that enumeration; the opinion of a previous President confirmed this interpretation. It would, of course, be in conformity with the Charter to consider that all questions relating to colonial territories were important and to request the addition of new categories of questions on the application of Chapter XI as a whole. The manner in which the proposal under consideration had been drafted, however, was outside the scope of the Charter.

17. It was further maintained that the draft resolution did not call for a decision on an important question - it merely proposed to set up machinery to study certain difficult problems. It was procedural in character. Its purpose was to assist the General Assembly in reaching whatever conclusions it might deem suitable. For a

question to be important, it had to be one of substance. In this case, no substantive issue arose. The establishment of machinery for undertaking certain studies involved the competence of the General Assembly; all questions involving competence were of the same degree of importance, and they were all decided by a simple-majority vote. Moreover, the proposed ad hoc committee would not take decisions binding on the General Assembly. It would be for the General Assembly itself to make the final decision as to the scope of the application of Chapter XI. In that sense, the committee would merely be preparing the ground for future action.

18. During the discussion of the majority required for the adoption of the draft resolution, some representatives referred to the enumeration of questions in paragraph 2 of Article 18 and the question whether this enumeration was intended to be exhaustive or illustrative. In support of the interpretation that the enumeration was, in fact, exhaustive, the French text of Article 18 was cited as being more precise than the English, and conclusive. According to this view, only an exhaustive enumeration of the questions in paragraph 2 could explain the need for paragraph 3 of the Article, which provided that the General Assembly could add additional categories and could make provision for decisions on "other questions". Article 18, paragraph 3, could therefore be invoked in connexion with important questions, as regards voting procedure, only for the purpose of adding categories to those already listed in paragraph 2; a request that the two-thirds majority rule should apply to a particular draft resolution which was not included in one of the categories found no support in any provision of the Charter or the rules of procedure. 11/

#### Decision

At the 657th meeting, the proposal by Sweden was adopted on a roll-call vote by 38 votes to 34, with 6 abstentions.

19. During the twelfth session, the General Assembly again had before it a resolution recommended by the Fourth Committee, which proposed the establishment of a committee to study certain questions in connexion with the transmission of information under Article 73 e of the Charter. 12/

20. As in the previous session, the voting procedure to be applied to the draft resolution was raised on a point of order by the representative of Colombia, who proposed that the two-thirds majority rule should be applied. The question of the General Assembly's competence to require that a Member State should provide information on territories which were not internationally recognized as Non-Self-Governing Territories was posed, and the intrinsic importance of the substance of the resolution was again mentioned. The discussion on this occasion was essentially similar to that which had taken place during the eleventh session. 13/

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11/ For texts of relevant statements, see G A (XI), Plen., vol. II, 656th mtg.: Sweden, paras. 106-120; Yugoslavia, paras. 125-147; 657th mtg.: Belgium, paras. 20-22; Greece, paras. 87-91; Guatemala, paras. 98-104; India, paras. 37-41; Iraq, paras. 3-18; Mexico, paras. 68-85; Morocco, paras. 92-97; New Zealand, paras. 26-36; Philippines, paras. 58-67; Syria, paras. 52-57; United States, paras. 42-51. See also Repertory, vol. I, under Article 18.

12/ G A (XII), Annexes, a.i. 35, p. 28, A/3733, para. 54.

13/ For text of relevant statements, see G A (XII), Plen., 722nd mtg.: Afghanistan, para. 98; Colombia, paras. 15-23; Ecuador, paras. 39-41; Guatemala, paras. 61-75; Iraq, paras. 84-87; Sweden, paras. 55-57; Uruguay, paras. 42-45; Yugoslavia, para. 94.

Decision

At the 722nd meeting the General Assembly, on a roll-call vote, adopted the Colombian proposal by 38 votes to 36, with 7 abstentions.

21. At the thirteenth session of the General Assembly, the Fourth Committee recommended the adoption of a draft resolution under the heading "General questions relating to the transmission and examination of information". 14/ When the resolution came before the plenary meeting, the representative of Portugal moved 15/ that the two-thirds majority rule should apply to the draft resolution since it dealt with an important question, within the terms of Article 18. He observed that the draft resolution was similar in its general wording and purposes to resolutions that the General Assembly had rejected during two preceding regular sessions, when it considered that the establishment and terms of reference of the committees then proposed required a two-thirds majority. In the current case, the terms of reference would, in fact, be extended to the degree that they would enable the Committee on Information from Non-Self-Governing Territories to scrutinize constitutions of Member States and pass judgement on security measures that some countries might find it necessary to take for their defence.

22. During its thirteenth session, the General Assembly also had before it another draft resolution 16/ submitted directly in plenary meeting, by which it was proposed to ask the International Court of Justice for an advisory opinion on voting requirements and procedure under Chapter XI of the Charter, in relation to matters concerning Non-Self-Governing Territories. Following a procedural discussion, the General Assembly decided not to act 17/ on either of these resolutions during the thirteenth session.

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

i. Question considered by the first emergency special session of the General Assembly from 1 to 10 November 1956

23. At the conclusion of the debate on this item, and before the vote on a draft resolution and an amendment thereto, the President stated 18/ that, in accordance with rules 85 and 86 of the rules of procedure, a two-thirds majority of the Members present and voting would be required for the adoption of the texts before the General Assembly, and for any parts of these texts.

ii. The question of Algeria

24. At the twelfth session, the First Committee was unable to recommend a draft resolution in its report to the General Assembly at its plenary session. Immediately following the presentation of the report by the Rapporteur, the President read 19/ the text of a draft resolution which had been submitted directly during the plenary meeting and added that, since this was an important matter, it would be wise to proceed to the vote at once. The resolution was unanimously adopted.

14/ G A (XIII), Annexes, a.i. 36, p. 40, A/4068, para. 73, draft resolution IV.

15/ G A (XIII), Plen., 789th mtg., paras. 190-193.

16/ G A (XIII), Annexes, a.i. 36, p. 48, A/L.259 and Add.1.

17/ G A (XIII), Plen., 789th mtg., para. 266; 790th mtg., para. 93.

18/ G A (XI), Plen., vol. I, 594th mtg., para. 147. Rule 85 reproduced para. 2 of Article 18; rule 86 governed the voting on amendments to proposals relating to important questions (A/4700; United Nations Publication, Sales No.:61.I.4).

19/ G A (XII), Plen., 726th mtg., paras. 109 and 110.



iii. The Cyprus question

25. During the twelfth session of the General Assembly, before the voting on a draft resolution recommended by the First Committee, the President referred to it as an "important matter"; in announcing the result of the vote, he declared that the draft resolution had not been adopted, having failed to obtain the required two-thirds majority. 20/

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

i. The question of Algeria

26. Consideration of the report of the First Committee was postponed in plenary meeting at the eleventh session when the President explained that some delegations wished to have more time for consultation with a view to finding a draft resolution which "would have a reasonable chance of securing a two-thirds majority in the Assembly". When the item was considered at the following plenary meeting, the President referred 21/ to a new draft resolution which had been submitted as a conciliatory draft, and he proposed that it be put to the vote without debate.

27. At the thirteenth session, when a draft resolution recommended by the First Committee was voted on, the President, announcing 22/ the result of the vote, stated that the draft resolution had not been adopted, having failed to obtain the required two-thirds majority.

ii. The question of West Irian (West New Guinea)

28. Before the vote on this question at the eleventh session of the General Assembly, the President referred 23/ to the statement made by the President at the ninth session on voting procedure with respect to this item and suggested that, in the light of precedent, the vote should take place on the basis of a two-thirds majority. The draft resolution failed of adoption.

29. At the twelfth session, before the vote on the draft resolution recommended by the First Committee, the President expressed 24/ his understanding that the vote would take place on the basis of a two-thirds majority, as had been the practice with respect to this item in the past. The draft resolution failed of adoption.

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

30. During the eleventh session of the General Assembly, before the vote on draft resolutions recommended by the Fourth Committee under an item relating to the report of the Trusteeship Council, separate votes were requested on parts of a draft resolution dealing with the attainment of self-government by certain Trust Territories. One paragraph of the preamble was not adopted, 25/ having failed to obtain a two-thirds majority.

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20/ G A (XII), Plen., 731st mtg., paras. 136-138.

21/ G A (XI), Plen., vol. II, 653rd mtg., para. 2; 654th mtg., paras. 1-6.

22/ G A (XIII), Plen., 792nd mtg., para. 260.

23/ G A (XI), Plen., vol. II, 664th mtg., paras. 178-181.

24/ G A (XII), Plen., 724th mtg., para. 131.

25/ G A (XI), Plen., vol. II, 661st mtg., para. 151.

31. At the same session, when the General Assembly considered the recommendation of the Fifth Committee to reclassify post allowances for New York and Paris, statements were made to the effect that these decisions dealt with budgetary questions and should therefore be considered as requiring a two-thirds majority for adoption. The issue was not, however, brought to a vote, and the resolutions received more than a two-thirds majority of the votes cast. 26/

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

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

##### CASES IN WHICH THE GENERAL ASSEMBLY ADOPTED RESOLUTIONS BY A MAJORITY VOTE

32. During the period under review, resolutions under the following titles were adopted by a simple-majority vote in the General Assembly:

(a) Representation of China in the United Nations - resolutions 1108 (XI), 1135 (XII) and 1239 (XIII);

(b) Question of defining aggression - resolution 1181 (XII);

(c) Verbatim record of the debate on the report of the Good Offices Committee on South West Africa - resolution 1333 (XIII).

33. Rule 86 of the rules of procedure of the General Assembly 27/ provided that decisions on amendments to proposals relating to important questions, or on parts of such proposals put to the vote separately, should be made by a two-thirds majority. In view of this rule, and although the General Assembly did not express itself on the majority required for the adoption of the draft resolutions themselves, it may be relevant to note that amendments or parts of resolutions on the following questions were adopted by a simple majority;

(a) Convention on the Nationality of Married Women - resolution 1040 (XI); 28/

(b) Effects of the European Economic Community on the development of certain Non-Self-Governing Territories - resolution 1330 (XIII); 29/

(c) Establishment of the Special Fund - resolution 1240 (XIII); 30/

(d) Questions relating to the promotion of international trade and to assistance in the development of less developed countries - resolution 1323 (XIII). 31/

26/ G A (XI), Plen., vol. II, 662nd mtg., paras. 30, 34 and 41-44.

27/ A/4700 (United Nations Publication, Sales No.: 61.I.4).

28/ An amendment to insert a new article in the Convention, which was annexed to the resolution, was adopted by 31 votes to 26, with 16 abstentions (G A (XI), Plen., vol. II, 647th mtg., para. 179).

29/ On a separate vote, a part of the preamble to the resolution was adopted by 34 votes to 25, with 7 abstentions (G A (XIII), Plen., 789th mtg., para. 268).

30/ On a separate vote, article 13, in part B, section IV, of the resolution was adopted by 45 votes to 24, with 6 abstentions (G A (XIII), Plen., 776th mtg., para. 106).

31/ An amendment to the resolution was adopted by 41 votes to 21, with 8 abstentions (G A (XIII), Plen., 788th mtg., para. 194).