

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 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. The main headings which appeared in the previous *Supplement* have been maintained for this study. No new headings have been inserted since the issues relevant to the application of Article 18 that were raised 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 twenty-first to twenty-fourth regular sessions inclusive, the fifth special session and the fifth emergency special session reveals a pattern similar to that which was described in previous studies of Article 18 in the *Repertory* and its *Supplements Nos. 1 to 3*. During the period under review, 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 present and voting. A considerable number of these decisions were adopted without a vote.

3. During the twenty-first session, the General Assembly adopted 138 resolutions under 115 different numbers (2133 (XXI)-2247 (XXI)). Of these, 62 were adopted without a vote; 74 received more than a two-thirds majority of the votes and two were approved by a simple majority.¹ Reference to Article 18 was made in connexion with three agenda items.

4. At the fifth special session, the General Assembly adopted four resolutions (numbered from 2448 (S-V) to

2251 (S-V)). One was adopted without objection and three received more than a two-thirds majority of the votes. No reference was made to Article 18.

5. At the fifth emergency special session, the General Assembly adopted six resolutions (numbered from 2252 (ES-V) to 2257 (ES-V)), which all received more than a two-thirds majority of the votes. Although no reference was made to Article 18, the records of the plenary meetings show that two proposals were not adopted, having failed to obtain the required two-thirds majority.

6. During the twenty-second session, the General Assembly adopted 133 resolutions under 118 different numbers (numbered from 2258 (XXII) to 2375 (XXII)). Of these, 57 were adopted without a vote; 75 received more than a two-thirds majority of the votes and only one² was approved by a simple majority. Reference to Article 18 was made in connexion with one agenda item.

7. During the twenty-third session, the General Assembly adopted 142 resolutions under 117 different numbers (numbered from 2376 (XXIII) to 2492 (XXIII)). Of these, 60 were adopted without a vote; 81 received more than a

¹ G A resolutions 2159 (XXI) and 2220 (XXI).

² G A resolution 2271 (XXII).

two-thirds majority of the votes, and only one resolution³ was adopted by a simple majority. Reference to Article 18 was made in connexion with five agenda items and two proposals were not adopted, having failed to obtain the required two-thirds majority.

8. During the twenty-fourth session, the General Assembly adopted 158 resolutions under 127 different numbers (numbered from 2493 (XXIV) to 2619 (XXIV)). Of these, 68 were adopted without a vote; 88 received more than a two-thirds majority of the votes and two were adopted by a simple majority.⁴ Reference to Article 18 was made in

connexion with two agenda items and one proposal was rejected, having failed to obtain the required two-thirds majority.

9. For the sake of clarity, statistical data on the adoption or rejection of resolutions during the period under review are shown in the table below.

10. In a majority of the cases, the application or interpretation of the provisions of Article 18 gave rise to little discussion. In several cases, however, a debate developed as to the majority required for the adoption of some resolutions. Details on these cases are given below.

	Resolutions adopted				Resolutions not adopted		
	Without a vote	By a two-thirds majority	By a simple majority	Total	Failing a two-thirds majority	Failing a simple majority	Total
<i>Regular sessions</i>							
Twenty-first	62	74	2	138		3	3
Twenty-second	57	75	1	133		2	2
Twenty-third	60	81	1	142	2	3	5
Twenty-fourth	68	88	2	158		1	1
<i>Special sessions</i>							
Fifth special session	1	3		4			
<i>Emergency special session</i>							
Fifth emergency special session		6		6	2		
TOTAL	248	327	6	581	4	9	11

II. ANALYTICAL SUMMARY OF PRACTICE

A. Practice relating to Article 18 (1)

11. No question was raised in connexion with Article 18 (1).

12. In order to allow new Member States to exercise their voting rights as early in the session as possible, the General Assembly continued to deal with the admission of new Members immediately following the election of the President and before the adoption of the agenda.⁵

**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)

13. As indicated in the table appearing after paragraph 10 above, 581 resolutions were adopted during the period under review. In connexion with only 11 agenda items was reference made to the application of Article 18 to the voting and only six resolutions were adopted by a simple-majority vote. It appears, therefore, that the General As-

sembly continued the practice of referring to Article 18 only in those cases where there was a divergence of views as to the majority required for the adoption of a resolution or when a two-thirds majority did not seem to be assured beforehand.

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

14. In a number of cases, the General Assembly engaged in a debate to determine whether a specific draft resolution required a two-thirds majority for its adoption. Details on such discussions, classified by subject-matter in the order in which they occurred, are given below.

i. Question of the representation of China

15. At the twenty-first session, the General Assembly had before it a draft resolution⁶ submitted by 15 States, by which the Assembly would reaffirm as valid the decision it had taken at its sixteenth and twentieth sessions,⁷ namely, that any proposal to change the representation of China was an important question.

16. The General Assembly also had before it a draft resolution⁸ submitted by 11 States, by which it would decide to restore all the rights of the People's Republic of China

³ G A resolution 2389 (XXIII).

⁴ G A resolutions 2500 (XXIV) and 2587 (XXIV).

⁵ See also this *Supplement*, under Article 9, para. 6.

⁶ A/L.494 and Add.1 (mimeographed).

⁷ See *Repertory Supplement No. 3*, vol. I., under Article 18, paras. 21-26.

⁸ G A (XXI), Annexes, a.i. 90, A/L.496 and Add.1.

and to recognize the representatives of that Government as the only lawful representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupied at the United Nations and in all the organizations related to it.

17. In favour of the first draft resolution it was argued that a proposal to change the representation of China, such as the 11-Power draft resolution, would require a two-thirds majority under Article 18 because it concerned the maintenance of international peace and security and was directly connected with the rights and privileges of membership.⁹ The proposal would affect the composition of the Security Council, which was an organ fundamental to the functioning of the Organization.¹⁰ It was also stated¹¹ that the proposal sought the expulsion of a Member State and the admission of another State, and both questions were specifically mentioned in Article 18 (2) of the Charter as important questions requiring a two-thirds majority.

18. Against that view it was argued that the General Assembly was merely dealing with a question of credentials, which required only a simple majority. That was neither a problem of admission of a Member State nor of expulsion of another Member State but a question of representation of a State already a Member of the United Nations. Therefore, Article 18 (2) of the Charter was not applicable.¹² Moreover, Article 18 (3) of the Charter did not allow for excepting a particular case from a whole category, namely, the question of credentials, which *per se* was regarded as a question requiring a simple majority, since Article 18 (3) referred to the determination of additional categories of questions and not of new cases.¹³

19. The fifteen-Power draft resolution was adopted by a roll-call vote of 66 to 48, with 7 abstentions.¹⁴

20. The eleven-Power draft resolution was rejected by a roll-call vote of 57 to 46, with 17 abstentions.¹⁵

21. The General Assembly also had before it a draft resolution¹⁶ whereby it would decide to establish a committee to study and explore the situation in order to make the appropriate recommendations to the Assembly for an equitable and practical solution to the question of the representation of China.

22. One representative moved¹⁷ that the draft resolution be considered as an important question requiring a two-thirds majority. Against the motion, it was stated¹⁸ that the draft resolution did not provide for any change in the representation of China but was only seeking to have the

General Assembly establish a subsidiary organ under the powers conferred on it by Article 22 of the Charter.

23. The motion was adopted¹⁹ by 51 votes to 37, with 30 abstentions. The draft resolution was rejected by a roll-call vote of 62 to 34, with 25 abstentions.²⁰

24. Similar draft resolutions were submitted at the twenty-second, twenty-third and twenty-fourth sessions.²¹ The arguments summarized in paragraphs 17 to 22 for and against the applicability of the two-thirds majority rule to any proposal to change the representation of China were again employed.

ii. *Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples*

25. At the twenty-first session, the General Assembly had before it a draft resolution by which it would, in operative paragraph 11, request the colonial Powers to dismantle their military bases and installations in colonial Territories and to refrain from establishing new ones and from using those that still existed to interfere with the liberation of the peoples in colonial Territories in the exercise of their legitimate rights to freedom and independence.²² The representative of the Philippines requested that a separate vote be taken on that paragraph.²³

26. The representative of the United States submitted a motion²⁴ whereby the General Assembly would consider that operative paragraph 11 was an important question because it constituted a recommendation "with respect to the maintenance of international peace and security" under Article 18 (2) of the Charter and that a two-thirds majority was therefore required.

27. Against the motion it was stated that the military bases had been installed against the wishes of the peoples of the colonial countries and constituted a threat to those peoples. The establishment or dismantling of those bases was related to the maintenance of colonialism and foreign rule over colonial peoples.²⁵

28. The motion for the application of the two-thirds majority was rejected by a roll-call vote of 55 to 38, with 9 abstentions.²⁶

29. Operative paragraph 11 was adopted by a roll-call vote of 58 to 23, with 21 abstentions.²⁷

30. The draft resolution as a whole was adopted²⁸ by a roll-call vote of 76 to 7, with 20 abstentions.²⁹

iii. *Establishment of a United Nations Capital Development Fund*

31. At the twenty-first session, the General Assembly

⁹ G A (XXI), Plen., 1471st mtg., para. 35; 1475th mtg., para. 9; 1476th mtg., para. 42.

¹⁰ *Ibid.*, 1477th mtg., para. 10, 1479th mtg., para. 38.

¹¹ *Ibid.*, 1478th mtg., para. 176; 1480th mtg., paras. 93 and 94.

¹² *Ibid.*, 1471st mtg., paras. 97-101; 1472nd mtg., paras. 10 and 22; 1473rd mtg., para. 36; 1474th mtg., para. 162; 1475th mtg., paras. 59-61, 96 and 111; 1476th mtg., paras. 12, 17, 20, 37 and 79, 1477th mtg., paras. 25-28 and 99-101; 1478th mtg., paras. 138-142, 151, 152, 169 and 220; 1479th mtg., para. 60; 1480th mtg., paras. 110-117 and 153-156; 1481st mtg., paras. 22 and 41.

¹³ *Ibid.*, 1476th mtg., para. 20; 1480th mtg., paras. 114-117 and 153-156.

¹⁴ *Ibid.*, 1481st mtg., para. 109.

¹⁵ *Ibid.*, para. 110.

¹⁶ G A (XXI), Annexes, a.i. 90, A/L.500.

¹⁷ G A (XXI), Plen., 1481st mtg., para. 112.

¹⁸ *Ibid.*, paras. 117-119.

¹⁹ *Ibid.*, para. 133.

²⁰ *Ibid.*, para. 134.

²¹ For the vote on the draft resolutions, see: G A (XXII), Plen., 1610th mtg., paras. 65-67, 81 and 82; G A (XXIII), Plen., 1724th mtg., paras. 231, 232, 248 and 249; G A (XXIV), Plen., 1808th mtg., paras. 79 and 80.

²² G A (XXII), Annexes, a.i. 23, A/L.506 and Add.1 and 2.

²³ G A (XXII), Plen., 1492nd mtg., paras. 129-131.

²⁴ *Ibid.*, paras. 151-155.

²⁵ *Ibid.*, paras. 158-161, 163-167, 169-174 and 230-239.

²⁶ *Ibid.*, para. 240.

²⁷ *Ibid.*, para. 242.

²⁸ *Ibid.*, para. 245.

²⁹ G A resolution 2189 (XXI).

had before it a draft resolution recommended by the Second Committee³⁰ whereby the Assembly would decide to bring into operation the United Nations Capital Development Fund, which would be an organ of the General Assembly and would function as an autonomous organization within the United Nations.

32. The representative of France requested a separate vote on paragraph 2 of article IV of the draft statute of the Fund, which would provide that expenses for the administrative activities of the Fund would be borne by the regular budget of the United Nations, which would include a separate budgetary provision for such expenses. In his view, that provision would represent a considerable innovation and a precedent contrary to the practice according to which the administrative expenses of special bodies created for a clearly defined purpose were financed through funds collected by those bodies themselves.³¹

33. The representative of the United States of America moved that paragraph 2 of article IV be considered as an important question requiring a two-thirds majority because it constituted a budgetary matter within the meaning of Article 18 (2) of the Charter.³²

34. Against that view, the representative of Lebanon stated that the adoption of paragraph 2 of article IV would not have any budgetary implications for the current year. The two-thirds majority rule could only be invoked when the Assembly would deal with the actual expenditure to be allotted to the functioning of the Fund.³³

35. The motion that paragraph 2 of article IV was an important question requiring a two-thirds majority was rejected by a roll-call vote of 71 to 35, with 7 abstentions.³⁴

36. Paragraph 2 of article IV was adopted by a roll-call vote of 72 to 31, with 8 abstentions.³⁵

iv. United Nations Conference on Trade and Development

37. At the twenty-third session, during its consideration of the item entitled "United Nations Conference on Trade and Development", the General Assembly had before it a draft resolution recommended by the Second Committee,³⁶ whereby the Assembly would decide to amend section II, paragraph 1, of its resolution 1995 (XIX) to read as follows:

"The members of the United Nations Conference on Trade and Development shall be those States which are Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency, with the exception of South Africa until it shall have terminated its policy of racial discrimination and until that fact has been duly confirmed by the General Assembly".

38. In favour of the draft resolution, it was stated³⁷ that the General Assembly had the power to limit or amend the membership of a subsidiary organ which it had itself estab-

lished. The question was not one of suspension of the rights and privileges of a Member State or expulsion of a Member State within the meaning of Article 18 (2) and, therefore, a two-thirds majority was not required. Moreover, the Assembly had the power to amend its previous resolutions.

39. Other representatives thought that the proposal was tantamount to a suspension of the rights and privileges of a Member State. Membership in the United Nations Conference on Trade and Development had been conferred upon all Members of the United Nations under General Assembly resolution 1995 (XIX). To suspend a Member State's membership in UNCTAD would result in a restriction of its rights and privileges of membership in the United Nations, an action which could only be taken by the Security Council under Article 5 of the Charter.³⁸

40. Following a request by the representative of Norway,³⁹ the President ruled that the exclusion of a Member of the United Nations from any of its principal or subsidiary organs was an important question and therefore required a two-thirds majority.⁴⁰

41. The ruling was upheld by 56 votes to 48, with 13 abstentions.⁴¹

42. The draft resolution was not adopted, having failed to obtain the required two-thirds majority. The result of the vote was 55 in favour, 33 against and 28 abstentions.⁴²

v. Question of including Russian among the working languages of the General Assembly

43. At the twenty-third session, in connexion with the item entitled "Personnel questions", the General Assembly had before it a draft resolution recommended by the Fifth Committee,⁴³ whereby the Assembly would, in operative paragraph 1, decide "to include Russian among the working languages of the General Assembly and to amend accordingly rule 51 of the rules of procedure of the Assembly".

44. The representative of New Zealand moved⁴⁴ that operative paragraph 1 be considered as an important question under Article 18 (2) of the Charter, thus requiring a two-thirds majority, because it had very considerable financial implications, both as regards the 1969 budget as well as for the budgets of future years and involved a determination of the relative priorities to be followed in the allocation of the funds made available to the United Nations.

45. The representative of the Union of Soviet Socialist Republics opposed⁴⁵ the motion on the ground that operative paragraph 1 merely involved amending rule 51 of the rules of procedure of the General Assembly and that, according to rule 164, the rules of procedure might be amended by a decision of the General Assembly taken by a majority of the members present and voting.

³⁰ G A (XXI), Annexes, a.i. 38, A/6578.

³¹ G A (XXI), Plen., 1492nd mtg., paras. 9, 13 and 14.

³² *Ibid.*, paras. 17-21.

³³ *Ibid.*, paras. 25-28.

³⁴ *Ibid.*, para. 47.

³⁵ *Ibid.*, para. 101.

³⁶ G A (XXIII), Annexes, a.i. 34, A/7383.

³⁷ G A (XXIII), Plen., 1740th mtg., paras. 10-12, 16-18, 23-24, 35 and 93-95; 1741st mtg., paras. 17, 34-36 and 184.

³⁸ G A (XXIII), Plen., 1740th mtg., para. 108; 1741st mtg., paras. 26, 63, 67, 69, 88, 135 and 149-156.

³⁹ *Ibid.*, para. 110.

⁴⁰ *Ibid.*, para. 113.

⁴¹ *Ibid.*, para. 114.

⁴² *Ibid.*, para. 121.

⁴³ G A (XXIII), Annexes, a.i. 81, A/7472, para. 48.

⁴⁴ G A (XXIII), Plen., 1752nd mtg., paras. 134 and 135.

⁴⁵ *Ibid.*, paras. 137-142.

46. The motion was rejected by a roll-call vote of 53 to 36, with 33 abstentions.⁴⁶

47. Operative paragraph 1 was adopted by a recorded vote of 69 to 23, with 29 abstentions.⁴⁷

vi. *United Nations bond issue*

48. "At the twenty-third session, in connexion with the item entitled "Budget estimates for the financial year 1969", the General Assembly had before it a draft resolution recommended by the Fifth Committee⁴⁸ on the question of the "United Nations bond issue". That draft resolution would have the Assembly request the Advisory Committee on Administrative and Budgetary Questions to study the question of the authorization of, and payment of interest on, the United Nations bonds and to submit a report on its recommendations to the Assembly at its twenty-fourth session.

49. Two representatives moved⁴⁹ that the draft resolution constituted a budgetary question within the meaning of Article 18 (2) of the Charter and was therefore an important question requiring a two-thirds majority.

50. The motion was adopted by a roll-call vote of 52 to 29, with 38 abstentions.⁵⁰

51. The draft resolution was rejected by a roll-call vote of 51 to 34, with 33 abstentions.⁵¹

****b. Cases in which a question has been determined "important"**

c. Cases in which the two-thirds majority rule has been applied without reference to the "importance" of the question

52. At the fifth emergency special session, the General Assembly had before it several draft resolutions regarding the situation in the Middle East after the hostilities of June 1967.

53. The records of the 1548th plenary meeting show that two of those draft resolutions⁵² were not adopted, having failed to obtain the required two-thirds majority.⁵³ However, no mention was made of Article 18 or of the "importance" of the question.

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

54. At the twenty-third session, the General Assembly, in connexion with its consideration of the item entitled "Report of the Trusteeship Council", had before it two draft resolutions recommended by the Fourth Committee⁵⁴ on the question of Papua and the Trust Territory of New Guinea.

55. Two representatives moved that a two-thirds majority should be required for the adoption of those two draft reso-

lutions because they were questions relating to the operation of the trusteeship system within the meaning of Article 18 (2) of the Charter.⁵⁵

56. The President then ruled⁵⁶ as follows:

"In accordance with Article 18 of the Charter and rule 85⁵⁷ of the rules of procedure, both of which require that resolutions concerning the operation of the trusteeship system require a two-thirds majority, the Chair rules that both draft resolutions before the Assembly will require a two-thirds majority for approval."

The ruling was not challenged.

57. Draft resolution I was adopted by 72 votes to 19, with 24 abstentions.⁵⁸

58. Draft resolution II was not adopted,⁵⁹ having failed to obtain the required two-thirds majority. The result of the vote was 61 in favour and 37 against, with 17 abstentions.

D. Practice relating to Article 18 (3)

59. At the twenty-fourth session, in connexion with the item entitled "United Nations Relief and Works Agency for Palestine Refugees in the Near East", the General Assembly had before it a draft resolution recommended by the Special Political Committee,⁶⁰ whereby the Assembly would request the Security Council to take effective measures in accordance with the relevant provisions of the Charter to ensure the implementation of General Assembly resolutions 2252 (ES-V) and 2452 A (XXIII) calling upon the Government of Israel to take effective and immediate steps for the return without delay of those inhabitants who had fled the area since the outbreak of hostilities.

60. The representative of Somalia presented the following motion:⁶¹

"Draft resolution B recommended by the Special Political Committee comes within the category of 'other questions' referred to in Article 18, paragraph 3, of the Charter of the United Nations, on which decisions shall be made by a majority of the members present and voting. Therefore, the voting on draft resolution B will be in accordance with rule 87⁶² of the rules of procedure of the General Assembly."

61. The motion was opposed⁶³ on the ground that the draft resolution called for measures by the Security Council which, under Article 24 of the Charter, had primary responsibility for the maintenance of international peace and security. Thus, the draft resolution related to the maintenance of international peace and security, one of the questions specifically mentioned in Article 18 (2) of the Charter as requiring a two-thirds majority.

62. The motion was adopted⁶⁴ by a roll-call vote of 50 to 46, with 21 abstentions. The draft resolution was adopted⁶⁵ by a roll-call vote of 48 to 22, with 47 abstentions.

⁵⁵ G A (XXIII), Plen., 1747th mtg., paras. 82-86 and 92.

⁵⁶ *Ibid.*, para. 94.

⁵⁷ A/520/Rev.8 and 9 during the period covered by *Supplement No. 4*.

⁵⁸ *Ibid.*, para. 95.

⁵⁹ *Ibid.*, para. 96.

⁶⁰ G A (XXIV), Annexes, a.i. 36, A/7839.

⁶¹ G A (XXIV), Plen., 1827th mtg., paras. 3 and 4.

⁶² A/520/Rev.8 and 9 during the period covered by *Supplement No. 4*.

⁶³ G A (XXIV), Plen., 1827th mtg., paras. 45-46.

⁶⁴ *Ibid.*, para. 62.

⁶⁵ *Ibid.*, para. 85.

⁴⁶ *Ibid.*, para. 194.

⁴⁷ *Ibid.*, para. 222.

⁴⁸ G A (XXIII), Annexes, a.i. 74, A/7476.

⁴⁹ G A (XXIII), Plen., 1752nd mtg., paras. 364 and 365-368.

⁵⁰ *Ibid.*, para. 372.

⁵¹ *Ibid.*, para. 373.

⁵² G A (ES-V), Annexes, a.i.5, A/L.522/Rev. 3 and Rev. 3/Corr. 1 and A/L.523.

⁵³ G A (ES-V), Plen., 1548th mtg., paras. 167 and 177.

⁵⁴ G A (XXIII), Annexes, a.i. 13, A/7418.