

REPERTORY OF PRACTICE OF UNITED NATIONS ORGANS
SUPPLEMENT No. 6
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Volume II

ARTICLE 18

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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. The main headings which appeared in the previous *Supplement* have been maintained for this study. New sub-headings have been inserted to cover issues relevant to the application of Article 18 that were raised during the period under review; some have been covered earlier in the *Repertory* and its *Supplements*, others represent different situations.

I. GENERAL SURVEY

2. A review of the voting which took place in the General Assembly during the period covered by this *Supplement* reveals a pattern similar to that which was described in previous studies of Article 18 in the *Repertory* and its *Supplements Nos. 1 to 5*. The present study covers the resumption of the thirty-third session, the thirty-fourth to thirty-ninth sessions, the eleventh and twelfth special sessions and the sixth to ninth emergency special sessions, which were held between January 1979 and 31 December 1984. During this period, the vast majority of the Assembly's decisions continued to be made by the affirmative vote of more than two thirds of the members present and voting. There were instances where the two-thirds majority was specifically requested during the proceedings of the regular sessions covered by this *Supplement*.

3. During the resumption of the thirty-third session, held between 15 January and 31 May 1979,¹ the General Assembly adopted 42 resolutions under 28 different numbers (33/9 B, 33/116 C, 33/183 A to O, 33/184 to 33/204, 33/205 A to C and 33/206). Of these, 20 were adopted without a vote and 22 received more than a two-thirds majority. No reference was made to Article 18. During the same period, the Assembly also adopted three decisions other than elections and appointments (33/446 to 33/448). These decisions were adopted without a vote.

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4. During its thirty-fourth session, the General Assembly adopted 299 resolutions under 233 different numbers (34/1 to 34/233). Of these, 185 were adopted without a vote and 114 received more than a two-thirds majority. Reference to Article 18 was made in connection with one agenda item.² At the same session, the Assembly also adopted 56 decisions other than elections and appointments (34/401 to 34/456). All these decisions, except two, were adopted without a vote; the two decisions were adopted by more than a two-thirds majority.³

5. During its sixth emergency special session, the General Assembly adopted two resolutions (ES-6/1 and ES-6/2); one was adopted without a vote and the other by more than a two-thirds majority (ES-6/2). No reference was made to Article 18. At that session, the Assembly also adopted one decision other than elections and appointments (ES-6/21). The decision was adopted without a vote.

6. During its eleventh special session, the General Assembly adopted four resolutions (S-11/1 to S-11/4). Those resolutions were adopted without a vote. No reference was made to Article 18. At that session, the Assembly also adopted four decisions other than elections and appointments (S-11/21 to S-11/24). These decisions were adopted without a vote.

7. During the first part of its seventh emergency special session, the General Assembly adopted three resolutions (ES-7/1 to ES-7/3). Of these, one was adopted without a vote, the other two received more than a two-thirds majority. No reference was made to Article 18. The Assembly also adopted one decision other than elections and appointments (ES-7/21). The decision was adopted without a vote. During the resumptions of the seventh emergency special session held from 20 to 28 April, on 25 and 26 June, from 16 to 19 August and on 24 September 1982, the Assembly adopted seven resolutions (ES-7/1B and ES-7/4 to ES-7/9). Of these, one was adopted without a vote,⁴ six were adopted by more than a two-thirds majority. During those resumptions, the Assembly did not adopt any decisions other than elections and appointments.

8. During its thirty-fifth session, the General Assembly adopted 317 resolutions under 227 different numbers (35/1 to 35/227). Of these, 187 were adopted without a vote, 128 received more than a two-thirds majority and two were adopted by a simple majority.⁵ No reference was made to Article 18. At the same session, the Assembly also adopted 52 decisions other than elections and appointments (35/401 to 35/452). All these decisions, except one, were adopted without a vote; the one decision was adopted by more than a two-thirds majority.⁶

9. During its eighth emergency special session, the General Assembly adopted three resolutions (ES-8/1 A and B and ES-8/2). Of those, one was adopted without a vote⁷ and the other two by more than a two-thirds majority. No reference was made to Article 18. The Assembly also adopted one decision other than elections and appointments (ES-8/21). The decision was adopted without a vote.

10. During its thirty-sixth session, the General Assembly adopted 333 resolutions under 244 different numbers (36/1 to 36/244). Of these, 193 were adopted without a vote, 139 received more than a two-thirds majority and one was adopted by a simple majority.⁸ No reference was

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made to Article 18. At the same session, the Assembly also adopted 64 decisions other than elections and appointments (36/401 to 36/464). All these decisions, except one, were adopted without a vote; the one decision put to the vote was adopted by more than a two-thirds majority.⁹

11. During its ninth emergency special session, the General Assembly adopted two resolutions (ES-9/1 and ES-9/2); the former was adopted by more than a two-thirds majority, the latter was adopted without a vote. No reference was made to Article 18. The Assembly also adopted one decision other than elections and appointments (ES-9/21). The decision was adopted without a vote.

12. During its twelfth special session, the General Assembly adopted one resolution (S-12/1) without a vote. No reference was made to Article 18. The Assembly also adopted four decisions other than elections and appointments (S-12/21 to S-12/24). Those decisions were adopted without a vote.

13. During its thirty-seventh session, the General Assembly adopted 345 resolutions under 253 different numbers (37/1 to 37/253). Of these, 189 were adopted without a vote, 155 received more than a two-thirds majority and one was adopted by a simple majority.¹⁰ No reference was made to Article 18. At the same session, the Assembly also adopted 55 decisions other than elections and appointments (37/401 to 37/455). All these decisions, except two, were adopted without a vote; the two decisions were adopted by more than a two-thirds majority.¹¹

14. During its thirty-eighth session, the General Assembly adopted 332 resolutions under 239 different numbers (38/1 to 38/239). Of these resolutions, 184 were adopted without a vote and 148 received more than a two-thirds majority. No reference was made to Article 18. At the same session, the Assembly also adopted 57 decisions other than elections and appointments (38/401 to 38/456, including decisions 38/448 A and B). All these decisions, except three, were adopted without a vote; the three decisions were adopted by more than a two-thirds majority.¹²

15. During the main part of its thirty-ninth session, held from September to December 1984, the General Assembly adopted 335 resolutions under 247 different numbers (39/1 to 39/247). Of these resolutions, 189 were adopted without a vote and 146 received more than a two-thirds majority. Reference to Article 18 was made in connection with three agenda items.¹³ During that period, the Assembly also adopted 56 decisions other than elections and appointments (39/401 to 39/456). All these decisions, except four, were adopted without a vote; the four decisions were adopted by more than a two-thirds majority.¹⁴

16. With regard to elections and appointments to subsidiary organs of the General Assembly, it should be noted that, in an increasing number of cases, the Assembly decided to dispense with the formal balloting procedure when the number of candidates corresponded to the number of seats to be filled. At its thirty-fourth session, the General Assembly adopted decision 34/401 on the rationalization of the procedures and organization of the Assembly, paragraph 16 of which reads as follows:

“16. The practice of dispensing with the secret ballot for elections to subsidiary organs when the number of candidates corresponds to the number of seats to be filled should become standard and the same practice should apply to the election of the President and Vice-Presidents of the General Assembly, unless a delegation specifically requests a vote on a given election.”

Sections I to V of decision 34/401 are reproduced in annex VI to the rules of procedure.

17. The General Assembly has continued to hold elections to the Security Council and 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 when Liberia was elected for a three-year term ending on 31 December 1968.¹⁵

18. 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>											
Thirty-third (resumed).....	20	22	-	42	-	-	-	3	-	-	3
Thirty-fourth.....	185	114	-	299	-	-	-	54	2	-	56
Thirty-fifth.....	187	128	2	317	-	-	-	51	1	-	52
Thirty-sixth.....	193	139	1	333	-	-	-	63	1	-	64
Thirty-seventh.....	189	155	1	345	-	-	-	53	2	-	55
Thirty-eighth.....	184	148	-	332	-	-	-	54	3	-	57
Thirty-ninth (main part).....	189	146	-	335	-	-	-	52	4	-	56
<i>Special sessions</i>											
Eleventh.....	4	-	-	4	-	-	-	4	-	-	4
Twelfth.....	1	-	-	1	-	-	-	4	-	-	4
<i>Emergency special sessions</i>											
Sixth.....	1	1	-	2	-	-	-	1	-	-	1
Seventh.....	2	8	-	10	-	-	-	1	-	-	1
Eighth.....	1	2	-	3	-	-	-	1	-	-	1
Ninth.....	<u>1</u>	<u>1</u>	=	<u>2</u>	=	=	=	<u>1</u>	=	=	<u>1</u>
TOTALS	1 157	864	4	2 025	-	-	-	342	13	-	355

19. 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 of these cases are given below.

II. ANALYTICAL SUMMARY OF PRACTICE

**** A. Practice relating to Article 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)

20. As indicated in the table in paragraph 18 above, 2,025 resolutions were adopted during the period under review. In this connection, it should be noted that only four resolutions were adopted by a simple majority vote. The General Assembly 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*

(i) *Question of Palestine*

21. At its thirty-fourth session, in connection with the item entitled “Question of Palestine”, the General Assembly had before it four draft resolutions.¹⁶ The Assembly postponed the vote on draft resolutions A/34/L.41 and A/34/L.42 to a later date pending the report of the Fifth Committee on their financial implications.¹⁷ By a recorded vote of 117 to 14, with 16 abstentions, the Assembly adopted draft resolution A/34/L.43.¹⁸ The representative of the United States of America introduced a motion to require a two-thirds majority for the adoption of draft resolution A/34/L.44. He stated, inter alia:

“... Article 18, paragraph 2, of the Charter requires that recommendations concerning the maintenance of international peace and security must obtain a two-thirds majority for adoption. If a draft resolution which notes, rejects and condemns basic accords between two States relating to issues of war and peace does not concern the maintenance of peace and security, what does it concern? Clearly, peace and security are involved, and consequently the two-thirds requirement of Article 18, paragraph 2, applies.”¹⁹

By a recorded vote of 65 to 53, with 19 abstentions, the motion was rejected. By a recorded vote of 75 to 33, with 37 abstentions [two-thirds majority], the General Assembly adopted draft resolution A/34/L.44.²⁰

(ii) *Question of Namibia*

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22. At the thirty-ninth session, during the discussion of the item entitled “Question of Namibia”, the representative of Guyana, on a point of order, proposed that on the basis of special rule F of annex III to the rules of procedure and taking into account rule 84 of the rules of procedure, amendments to the draft resolutions recommended by the United Nations Council for Namibia should require a two-thirds majority for adoption by the General Assembly. Special rule F of annex III (Procedure for the examination of reports and petitions relating to the Territory of South West Africa)²¹ reads as follows:

“Decisions of the General Assembly on questions relating to reports and petitions concerning the Territory of South West Africa shall be regarded as important questions within the meaning of Article 18, paragraph 2, of the Charter of the United Nations.”

The President ruled that the proposal was in order.

23. At the same meeting, the General Assembly approved a proposal by the representative of the Islamic Republic of Iran that voting on all the amendments should take place first. The Assembly proceeded to vote on the amendments.²² Having failed to obtain the required two-thirds majority, the amendments were not adopted. The Assembly then proceeded to the consideration of the draft resolutions,²³ which were adopted by overwhelming votes in favour, none against, with a few abstentions.²⁴

(iii) *Question of apartheid*

24. At the thirty-ninth session, during the consideration of the item entitled “Policies of apartheid of the Government of South Africa”, the representative of the Islamic Republic of Iran moved that the question of apartheid should be considered as an important question under Article 18 of the Charter and that all draft resolutions and amendments relating thereto should require a two-thirds majority for adoption by the General Assembly.²⁵ The representative of the United States opposed the motion.²⁶ Several delegations made statements on the motion.²⁷

25. By a recorded vote of 81 to 33, with 18 abstentions, the motion was adopted.²⁸

(iv) *The situation in the Middle East*

26. At its thirty-ninth session, the General Assembly had before it, under the item entitled “The situation in the Middle East”, draft resolutions A/39/L.19, A/39/L.20 and A/39/L.21. The representative of the United States of America, on a point of order, raised the question of the mandatory applicability of Article 18, paragraph 2, of the Charter to draft resolutions A/39/L.19 and A/39/L.20.

27. To support this view, the representative of the United States stated, *inter alia*:²⁹

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“The issue that our delegation is putting before the Assembly is the following: under Article 18, paragraph 2, there is no choice, there is no option, there is no freedom for the General Assembly to decide the matter one way or the other. There is a mandate to vote certain issues by a two-thirds vote, and I quote Article 18, paragraph 2:

“[Article 18, paragraph 2]

“It then goes on to speak of various other matters that we all know about, such as elections to the Security Council. But the point to be made is that Article 18, paragraph 2, requires a two-thirds vote on any draft resolution that constitutes a recommendation with respect to the maintenance of international peace and security. Our point is that there is no choice.

“Now as draft resolution A/39/L.19 calls for the commencing of a peace conference and speaks of the efforts to establish peace, and of threats to international security, and also as draft resolution A/39/L.20 makes a judgment that Israel’s actions constitute a continuing threat to international peace and security, both draft resolutions clearly fall under the provisions of Article 18, paragraph 2. The necessary consequence is that the draft resolutions and all subsidiary votes require a two-thirds majority for adoption.”

The representative of the United States further stated:³⁰

“It is also perfectly clear - as even a cursory examination of the two draft resolutions before us establishes - that they concern in their very essence recommendations with respect to maintenance of international peace and security. A significant portion of their preambular and operative paragraphs is concerned precisely with the maintenance of international peace and security.

Therefore, it seems to us that the mandatory decision must be that this is an important question.”

28. The representative of Democratic Yemen³¹ stated that the representative of the United States had not suggested that the draft resolutions before the Assembly should be adopted by a two-thirds majority, but that, under Article 18, paragraph 2, it was mandatory on the General Assembly to consider these draft resolutions as important. The representative of Democratic Yemen requested the President of the General Assembly to ask the Legal Counsel to clarify the matter.³²

29. The Legal Counsel provided, inter alia, the Assembly with the following opinion on the subject:³³

“... the point has been made that the General Assembly had not at past sessions considered resolutions of this kind to fall under Article 18, paragraph 2. I would state

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that the practice of the General Assembly in this respect has been varied. Many of the resolutions relating to questions pertaining to the situation in the Middle East have received a two-thirds majority, so that the question of whether or not they were taken under Article 18, paragraph 2, has not arisen. In other cases, decisions have been taken that individual resolutions came under Article 18, paragraph 2.

“ ...

“In addition, I would like to refer to the legal situation under which these procedural decisions are taken. They are taken individually by the General Assembly at each session on an *ad hoc* basis and they are not binding on the Assembly at subsequent sessions.

“The point has been made that the draft resolution is not a specific resolution referring to maintenance of peace and security, but rather a general statement and general exhortation. It is true that the draft resolution does not contain a recommendation to the Security Council to take measures under Chapter VII of the Charter. That, however, is not a prerequisite for the determination that a case falls under Article 18, paragraph 2.

“Therefore, on the basis of what I have said before, I come to the conclusion that a finding would be appropriate that the decision on draft resolution A/39/L.19 falls into the category of decisions mentioned in Article 18, paragraph 2, of the Charter and requires a two-thirds majority for adoption.”

30. The representative of the United States formally proposed the following motion:³⁴

“Draft resolutions A/39/L.19 and L.20 constitute ‘recommendations with respect to the maintenance of international peace and security’ within the meaning of that phrase as it appears in Article 18, paragraph 2, of the Charter of the United Nations and as affirmed by the Legal Counsel.”

31. The General Assembly rejected the motion by a recorded vote of 69 to 28, with 23 abstentions. The Assembly then adopted the draft resolutions by more than a two-thirds majority.³⁵

***b. Cases in which the two-thirds 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*

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32. At its thirty-fourth 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". At the 47th plenary meeting, on 26 October 1979, the German Democratic Republic, the Niger, the Philippines and Tunisia, having obtained the required two-thirds majority on the first ballot, were elected non-permanent members of the Security Council for a two-year term beginning on 1 January 1980.³⁶

33. As one seat remained to be filled from among the Latin American Group, the General Assembly, in accordance with rule 94 of the rules of procedure, proceeded to a second ballot restricted to the two countries which had obtained the greatest number of votes: Colombia and Cuba. The results of the second ballot were inconclusive. The Assembly then proceeded to an extraordinary number of ballots and held 20 plenary meetings, the last of which was on 31 December 1979, to elect the remaining non-permanent member before the end of the year.³⁷

34. At the 120th plenary meeting, on 7 January 1980, the President made a statement in the course of which he informed the General Assembly of the decision taken by the Governments of Colombia and Cuba to withdraw their candidacies. He also stated that the Latin American Group had given its support to the candidacy of Mexico.³⁸

35. Having obtained the required two-thirds majority, Mexico, on the one hundred and fifty-fifth ballot, was then elected non-permanent member of the Security Council for a two-year term beginning on 1 January 1980.³⁹

(ii) *Election of eighteen members of the Economic and Social Council*

36. At the thirty-eighth session, having obtained the required two-thirds majority on the first ballot, 16 States were elected members of the Economic and Social Council for a three-year term beginning on 1 January 1984.⁴⁰

37. As two seats for the Group of Latin American States remained to be filled, the General Assembly, at the same meeting and in accordance with rule 94 of the rules of procedure, proceeded to a second ballot restricted to the four States which had obtained the greatest number of votes: Costa Rica, Cuba, Haiti and Nicaragua. As the results of the second and additional ballots were inconclusive, the Assembly decided to resume the voting at a later date.⁴¹ On the twelfth ballot, held at the 65th plenary meeting on 21 November 1983, Costa Rica, having obtained the required two-thirds majority, was elected member of the Council.⁴²

38. The General Assembly held the thirteenth to twenty-third ballots at its 65th, 89th and 99th plenary meetings, on 21 November and 8 and 16 December 1983. The results of the balloting being inconclusive, the Assembly decided to resume the voting at a later date.⁴³

39. At the resumption of its thirty-eighth session on 26 June 1984, the General Assembly, at its 105th plenary meeting, proceeded to elect the remaining member of the Council. The

representative of Nicaragua, in his capacity as Chairman of the Group of Latin American States, announced that Guyana had been endorsed by the Group. At the same meeting, having obtained the required two-thirds majority on the twenty-fourth ballot, Guyana was elected member of the Economic and Social Council with immediate effect until 31 December 1986.⁴⁴

b. *Admission of new Members*

40. At its thirty-sixth session, the General Assembly took a vote on the draft resolution calling for the admission of Belize to membership in the United Nations.⁴⁵ By a recorded vote of 144 votes to 1, the draft resolution was adopted.⁴⁶

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

¹ See this *Supplement* under Article 20.

² See para.21.

³ G A decisions 34/422 and 34/449.

⁴ G A resolution ES-7/1 B

⁵ G A resolutions 35/27 and 35/190.

⁶ G A decision 35/447.

⁷ G A resolution ES-8/1 B.

⁸ G A resolution 36/50.

⁹ G A decision 36/435.

¹⁰ G A resolution 37/30.

¹¹ G A decisions 37/408 and 37/430.

¹² G A decisions 38/416, 38/419 and 38/451.

¹³ See paras.22 to 31.

¹⁴ G A decisions 39/411, 39/412, 39/423 and 39/442.

¹⁵ See *Repertory, Supplement No.4*, vol.II, under Article 86, paras.7-15.

¹⁶ G A (34), Annexes, a.i.24, A/34/L.41, A/34/L.41/Rev.1 and Rev.1/Add.1, A/34/L.42 and Add.1, A/34/L.43 and Add.1/Rev.1 and A/34/L.44 and Add.1.

¹⁷ *Ibid.*, Plen., 83rd mtg., para.71.

¹⁸ *Ibid.*, para.136; see also G A resolution 34/65 A.

¹⁹ *Ibid.*, para.140.

²⁰ *Ibid.*, paras.141 and 142; see also G A resolution 34/65 B.

²¹ By resolution 2372 (XXII) of 12 June 1968, the General Assembly decided that "South West Africa" would be known as "Namibia".

²² G A (39), Annexes, a.i.29, A/39/L.23, A/39/L.24 and A/39/L.25.

²³ *Ibid.*, *Suppl.No.24* (part four, chap.I).

²⁴ *Ibid.*, Plen., 97th mtg., paras.77-238; see also G A resolutions 39/50 A to E.

²⁵ *Ibid.*, 98th mtg., paras.137-139.

²⁶ *Ibid.*, paras.143-147.

²⁷ *Ibid.*, paras.149-175.

²⁸ *Ibid.*, para.176.

²⁹ *Ibid.*, 101st mtg., paras.195 and 196.

³⁰ *Ibid.*, paras.203 and 204.

³¹ Yemen was admitted to membership in the United Nations on 30 September 1947 and Democratic Yemen on 14 December 1967. On 22 May 1990, the two countries merged and have since been represented as one Member State with the name "Yemen".

³² G A (39), Plen., 101st mtg., para.201.

³³ *Ibid.*, paras.235-239.

³⁴ *Ibid.*, para.269.

³⁵ *Ibid.*, paras.297-301; see also G A resolutions 39/146 A and B.

³⁶ G A (34), Plen., 47th mtg., para.37.

³⁷ *Ibid.*, 48th, 50th, 53rd, 83rd, 89th, 90th, 98th, 102nd, 106th, 108th, 109th, 110th, 112th to 119th mtgs.

³⁸ *Ibid.*, 120th mtg., para.6.

³⁹ *Ibid.*, para.11; see also G A decision 34/328.

⁴⁰ G A (38), Plen., 40th mtg., para.32; see also G A decision 38/407.

⁴¹ *Ibid.*, para.44.

⁴² *Ibid.*, 65th mtg., para.69.

⁴³ *Ibid.*, 99th mtg., para.25.

⁴⁴ *Ibid.*, 105th mtgs., paras.8 and 13; see also G A decision 38/307.

⁴⁵ G A (36), Annexes, a.i.20, A/36/L.4 and Add.1.

⁴⁶ *Ibid.*, Plen., 13th mtg., paras.1-49; see also G A resolution 36/3.