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Letter dated 10 June 1963 from the Permanent Representative of  
the Union of Soviet Socialist Republics to the United Nations  
addressed to the Secretary-General

The Permanent Mission of the USSR to the United Nations has studied the correspondence between you and Mr. Zafrulla Khan, the President of the Fourth Special Session of the General Assembly, with regard to the arrears of Haiti in the payment of its financial contributions and to the provisions of Article 19 of the Charter. I have been instructed by the Government of the USSR to describe the position of the USSR with respect to Article 19.

Article 19 provides inter alia that "a Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years".

This important provision directly affects the interests both of the States Members of the United Nations and of the Organization as a whole. It concerns one of the rights of States Members - the right to vote in the General Assembly - which is a manifestation of the principle of the sovereign equality of all the States forming the Organization.

It is self-evident that the above provision of Article 19 must be applied in strict conformity with those provisions of the Charter which lay down the procedure for taking decisions regarding the suspension of the rights of Member States. Such provisions are contained in Article 18, paragraph 2, of the Charter, which reads: "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 ... the suspension of the rights and privileges of membership ...".

Thus, it is clear from Article 18 that the question whether or not a particular State Member of the United Nations shall retain its right to vote in the General Assembly can be decided only by the General Assembly itself and a decision on the suspension of that right requires a two-thirds majority of the Members present and voting.

The above provisions of Articles 18 and 19 are inseparably connected with each other as is shown by the fact that these two Articles make up the section of Chapter IV of the Charter entitled "Voting".

That this question can be decided only by the General Assembly is also indicated by Article 19 itself, which provides that the General Assembly may permit a State that is in arrears in the payment of its contributions in an amount which equals or exceeds the amount of the contributions due for the preceding two years "to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member". It is because the General Assembly is the body competent to decide the question of suspending a Member State's right to vote that the General Assembly's rules of procedure provide that the Committee on Contributions "shall advise the General Assembly ... on the action to be taken with regard to the application of Article 19 of the Charter" (rule 161).

In the light of the whole of Article 19 there is no basis whatever for any automatic deprivation of a Member State's right to vote in the General Assembly. The Charter does not permit it. Therefore, it is impossible to recognize as having legal force an approach to this question which in violation of the United Nations Charter would consist of the President of the General Assembly declaring, without the Assembly itself having considered and decided the question in accordance with Article 18, that a particular Member of the Organization had lost its right to vote in the General Assembly. Such an approach would be arbitrary and unlawful, contrary to the Charter of the United Nations.

In this letter I am not taking up the special question whether the provisions of Article 19 concerning a Member State's loss of the right to vote in the General Assembly can be applied at all if the arrears of that Member State

exceed its two-year contribution to the United Nations budget because those arrears include payments due for "United Nations Operations in the Congo" or for covering other expenses which cannot be imposed on States Members of the United Nations as obligations. The position of the Soviet Government on these matters is well known.

I should be grateful if you would arrange for the circulation of this letter as a document of the General Assembly.

(Signed) N. FEDORENKO

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