

ARTICLE 89

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TEXT OF ARTICLE 89

1. Each member of the Trusteeship Council shall have one vote.
2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

NOTE

1. The various rules of procedure and the practices of the Trusteeship Council relating to voting were adopted, as the Repertory study of this Article pointed out at an early stage of the Council's proceedings and were not changed subsequently. Since they have remained unchanged in the period under review, they do not require further treatment here.
2. There is, however, one aspect of the voting procedure of the Council which is closely related to its composition and to which reference was made in the Repertory, namely, the procedure in the case of tie votes. Because of the parity of membership between the members which do and those which do not administer Trust Territories tie votes are by no means uncommon. The number of additional tie votes and some indication of the type of questions in connexion with which they have occurred are given below. In addition an account is given of some situations in which the Council because of tie votes was faced with the possibility of further procedural difficulties.
3. Rule 38 of the rules of procedure of the Council provides that if a vote on a proposal is equally divided, a second vote shall be taken at the next meeting or by decision of the Trusteeship Council following a brief recess. Unless the second vote produces a majority in favour of the proposal it is deemed to be lost. During the period under review forty-nine proposals failed to be adopted as the result of two successive tie votes. In the case of three other proposals, the tie was broken on the second vote, one of the proposals being rejected and two being adopted. Of the forty-nine proposals rejected by successive tie votes, fifteen were lost at the fifteenth, seventeen at the sixteenth, seven at the seventeenth, and ten at the eighteenth sessions of the Trusteeship Council.
4. The majority of these proposals related to parts of draft resolutions proposed by the Standing Committee on Petitions or recommendations presented by drafting committees on conditions in the Trust Territories concerned, while eight others related to the

application of the established procedure for the examination of petitions to documents listed in reports of the Standing Committee on Petitions. The remaining questions have been referred to elsewhere in this study; three related to requests for oral hearings, 1/ seven related to recommendations contained in General Assembly resolutions that the Trusteeship Council should take some particular action, 2/ while the remaining tie votes were taken on a French draft resolution related to the future of Togoland under French administration. 3/

5. The three additional proposals referred to above as having received tie votes on the first vote but not on the second vote related to draft resolutions on petitions.

6. In most cases, the proposals rejected by tie votes were portions of or alternatives to other proposals which the Council adopted. In one instance, however, when the Council, by two successive tie votes at its sixteenth session, rejected 4/ two alternative proposals put forward by the Standing Committee on Petitions for a draft resolution 5/ on a petition, 6/ the Council as a result had before it no further proposal for action on the petition. It decided 7/ to refer the petition to the Standing Committee for further consideration and subsequently, at its seventeenth session, adopted 8/ a draft resolution 9/ recommended 10/ by the Standing Committee on this petition.

7. A further procedural difficulty arose during the eighteenth session when, as a result of tie votes or for other reasons, the Council failed to adopt 11/ three alternative proposals for conclusions relating to the attainment of self-government or independence in a particular Territory. The sponsor of one of these proposals considered that the Council should inform the General Assembly that it had been unable to adopt any of the proposals submitted to it; he proposed 12/ that the text of the proposals should be included in the Council's report to the Assembly. Other delegations agreed that the Council could report to the General Assembly that it had failed to agree upon any recommendations but objected 13/ to the inclusion in the Council's report to the General Assembly of proposals which had not been adopted.

8. The Council decided 14/ to include the text of the proposals 15/ by 7 votes to 6, with 1 abstention.

1/ See in this Supplement under Article 87 b.

2/ See in this Supplement under Article 85.

3/ See in this Supplement under Article 76.

4/ T C (XVI), 643rd mtg., paras. 20-22.

5/ T C (XVI), annexes, a.i. 5, T/L.597, p. 60, annex, draft resolution VI.

6/ Ibid., p. 57, paras. 1-5.

7/ T C (XVI), 643rd mtg., para. 24.

8/ T C (XVII), 660th mtg., paras. 68-72.

9/ T C resolution 1474 (XVII).

10/ T C (XVII), annexes, a.i. 4, T/L.624.

11/ T C (XVIII), 740th mtg.

12/ T C (XVIII), 740th and 741st mtgs.

13/ T C (XVIII), 741st mtg.

14/ T C (XVIII), 742nd mtg.

15/ G A (XI), Suppl. No. 4 (A/3170), part II, chap. VI and X.