

Decision-making of the General Assembly by a vote (excluding elections) without a plenary meeting during the coronavirus disease (COVID-19) pandemic

In the event that an objection is raised when a draft decision or a draft resolution is circulated under silence procedure pursuant to General Assembly decision 74/544 of 27 March 2020, the President of the General Assembly could, after consultations with the main sponsor(s), put the proposal, or parts thereof, to a vote, including when there is a specific request for a vote on the draft.

Another scenario is where a Member State requests a vote on a proposal, or parts thereof, before the proposal is placed under a silence procedure under decision 74/544, in which case the President of the General Assembly could put the proposal, or parts thereof, to a vote after consultations with the main sponsor(s). This option has been added, to allow decision-making where there have been extensive consultations and Member States have made efforts to reach consensus which have not yielded results and one or a few Member States have stated that they would break the silence procedure (there may be annual resolutions that may need to be taken up during this period, which are essential, and which are voted on annually).

Member States may also submit amendments to a proposal or a procedural motion with respect to a proposal.

This document sets out possible options that would cover these scenarios.

Prior to putting any proposal to a vote without a plenary meeting, there would need to be an agreement on how such a vote would be conducted.

Some possible options are outlined below. In this connection the word “proposal” has been used to mean “a draft decision or a draft resolution, a part thereof, an amendment or a motion”.

1. **Circulation of the proposal:** The letter of the President of the General Assembly would announce that a vote has been requested on a specific proposal. It would indicate the date and time at which a vote will commence; such a date and time should be fixed in a manner that would allow sufficient period of time between the circulation of the letter by the President and the commencement of the voting process, in order to allow Member States to consult each other before the vote and to seek the necessary instructions from their respective capitals. In this regard, at least 24 hours appears to be a reasonable period of time in order to allow the General Assembly to commence the voting in a speedy manner if necessary. Twenty-four hours also appears to be sufficient in instances where a proposal was already placed under silence procedure under decision 74/544, as Member States would already have had at least 72 hours to study the proposal; to consult other Member States; to seek instructions from their respective capitals; and ascertain the positions of other Member States on the proposal.

It would also give flexibility to the President of the General Assembly to fix a period of time that would be longer than 24 hours if that is necessary. In

particular, when a Member State requests a vote on a proposal before placing it on a silence procedure, Member States may need more than 24 hours to consult each other and seek instructions from the capital. In order to address any potential concerns from Member States that “at least 24 hours” might be too short as an interval between the President’s announcement concerning voting on a proposal and the commencement of the actual voting process, the President could informally indicate to Member States that his intention would be to ensure a longer interval in instances where a vote is requested on a proposal before it is placed under a silence procedure.

2. **Duration of the actual voting process:** A specific time period will be given during which Member States may vote. The General Assembly decision to authorize such a procedure for the conduct of the vote could specify the minimum time period for such voting process. The letter of the President of the General Assembly would specify the date and time at which the voting will commence and the date and time at which the voting will end. In this regard, at least 24 hours appears to be a reasonable period of time for the actual voting process. In both scenarios (where a proposal is put to the vote after it was placed under a silence procedure and where a proposal is put to the vote before being placed under a silence procedure), Member States would have ample time to consult each other and seek instructions from their respective capitals before the actual voting process. The duration for such consideration by Member States could be adjusted by the President of the General Assembly when he fixes the interval between the circulation of his letter and the actual commencement of the voting process. Once the voting process has begun, it would appear appropriate to conclude it within 24 hours. If the President of the General Assembly finds it necessary, he could fix a longer duration for the actual voting process.
3. **Votes that may be cast:** Member States may only vote by indicating “yes” or “no”. Member States may also indicate “abstain”. Member States that do not indicate either “yes”, “no” or “abstain” during the voting process, including those that do not submit a vote, would be considered as being absent from the voting process.
4. **Explanations of votes:** Member States may submit their explanations of votes in writing together with their votes or after the voting process has completed.
5. **Method of casting the vote:** Member States would cast their votes by an appropriate electronic means. DGACM has developed a system in the e-deleGATE portal that would allow for a recorded vote without a plenary meeting. The system would allow a Member State to cast its vote on a form provided in the e-deleGATE portal and to remove or modify its vote during the voting process, if necessary. The system would only allow an authorized representative of a Member State to fill in the form and submit the vote through the e-deleGATE portal.

6. **Member States that may vote:** Each member of the General Assembly shall have one vote. Those Member States which are in arrears pursuant to Article 19 of the Charter will not be allowed to vote.
7. **Majority required:** Article 18 (2) and (3) of the Charter and rules 82 to 86 of the rules of procedure of the General Assembly will govern the majority required. The definition of the phrase “members present and voting” in rule 86 of the rules of procedure of the General Assembly would apply, which provides as follows: “For the purposes of these rules, the phrase ‘members present and voting’ means members casting an affirmative or negative vote. Members which abstain from voting are considered as not voting.” For instance, when a majority of the members present and voting is required for the adoption of a draft resolution, and if 150 Member States vote either “yes” or “no”, 10 Member States abstain, and the rest of the 33 Member States do not submit any replies, the required majority would be 76, i.e., a majority of the 150 Member States. The 10 Member States that abstained and the 33 Member States that did not submit any replies would not be considered as voting.
8. **Minimum number of valid replies required:** The General Assembly could decide that a number of replies indicating “yes”, “no” and “abstain” should at least amount to a majority of the members of the Assembly (i.e., 97) in order for the vote to be valid. This is based on the fact that the presence of a majority of the members is required for any decision to be taken by the General Assembly in the usual plenary meetings pursuant to rule 67 of the rules of procedure of the General Assembly.

In plenary meetings, there are cases where a Member State that may be present in the General Assembly Hall do not participate in the vote i.e. by indicating “yes”, “no” or “abstain”. Those Member States would still be counted for quorum purposes to ascertain whether a majority of the members are present, whereas, in voting by electronic means without a plenary meeting, there would be no such Member State that would be “present” but not indicating “yes”, “no” or “abstain”.

9. **Restrictions on the submission of other proposals:** Once a vote has commenced, on the date and time announced by the President of the General Assembly, no other action may be proposed with regard to the proposal being voted on until the completion of the voting process (such as a revision of the text by the sponsor, the withdrawal of the proposal by the sponsor or a proposal of an amendment by another Member State). This would not, however, preclude decision-making on other proposals. The President of the General Assembly could circulate other draft resolutions and decisions under silence procedure pursuant to General Assembly decision 74/544 or for voting.
10. **Announcement of the voting result:** Following the completion of the voting process, the President of the General Assembly would circulate a letter to all Member States to communicate the result of the vote and an indication of whether the draft resolution or the draft decision was adopted

or not adopted. In a recorded vote, the letter would have an attachment containing a table showing the vote of each Member State. In a non-recorded vote, no such table would be attached.

11. **Confirmation of the decisions at the earliest plenary meeting:** The General Assembly would take note of the decision at its first plenary meeting held after the cessation of the precautionary measures as soon as the circumstances allow. Member States would have another opportunity to explain their votes at such plenary meeting in accordance with the rules of procedure.
12. **Amendments and procedural motions:** Amendments or motions may be proposed until two hours¹ before the commencement of the voting process. If such proposals are received, the President of the General Assembly will inform all Member States of the fact that the scheduled vote on the proposal in question has been postponed.

As far as procedural motions are concerned, the President could either immediately put it to a vote in accordance with the procedure outlined above, or consult the Member States concerned. The order of motions would be governed by the relevant rules contained in the rules of procedure of the General Assembly.

When amendments are proposed before the voting process commences, the President would circulate them to all Member States, and if he deems it necessary, the President could consult the Member States concerned, including to see whether a vote might be necessary on the amendments. Depending on the circumstances and outcome of his consultations, the President could then place the amendments under a silence procedure under decision 74/544 or put them to a vote in accordance with the procedure outlined above. The order of taking action on amendments would continue to be governed by rule 90 of the rules of procedure of the General Assembly.

13 April 2020

¹This would allow for a timely notification of the postponement by the President.