

ARTICLE 19

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TEXT OF ARTICLE 19

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. The General Assembly may, nevertheless, permit such a member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

NOTE ON ARTICLE 19

1. The General Assembly, in establishing the Committee on Contributions, an expert committee, prescribed that the Committee's functions should include advising it "on the action to be taken with regard to the application of Article 19 of the Charter". ^{1/}
2. In compliance with this directive, the Committee on Contributions has considered at each of its sessions a report by the Secretary-General on the collection of contributions which included a detailed statement of the amounts due from each Member State in respect of its financial contributions to the Organization.
3. The General Assembly at its fifth session adopted financial regulation 5.4 ^{2/} to serve as a guide to action to be taken with regard to the application of Article 19 of the Charter.
4. This regulation provides that:

"Contributions and advances shall be considered as due and payable in full within thirty days of the receipt of the communication of the Secretary-General referred to in regulation 5.3 ^{3/} above, or as of the first day of the financial year to which they relate, whichever is the later. As of 1 January of the following financial year, the unpaid balance of such contributions and advances shall be considered to be one year in arrears."
5. During the discussion that took place in the Fifth Committee concerning regulation 5.4, one representative raised the question whether the regulation as finally adopted would not give rise to certain difficulties, since the financial year did not begin on the same date in every country. ^{4/} Other representatives expressed

^{1/} Rule 161 of the rules of procedure of the General Assembly (United Nations Publication, Sales No. 1954.1.17). See also rules 159 and 160.

^{2/} The financial regulations were adopted by General Assembly resolution 456 (V).

^{3/} Regulation 5.3 reads as follows: "After the General Assembly has adopted the budget and determined the amount of the Working Capital Fund, the Secretary-General shall: (a) Transmit the relevant documents to Member States; (b) Inform Member States of their commitments in respect of annual contributions and advances to the Working Capital Fund; (c) Request them to remit their contributions and advances."

^{4/} G A (V), 5th Com., 257th mtg., paras. 67-75.

the view that the addition to regulation 5.4 of the second sentence which had been proposed by the Advisory Committee should serve to set at rest the concern that had been voiced in this connexion. 5/

6. In the reports made to the General Assembly each year on the collection of contributions and advances to the Working Capital Fund, in accordance with financial regulation 5.7, the Secretary-General took regulation 5.4, interpreted in the light of the discussion in the Fifth Committee to mean that no Member State would be in arrears in the payment of its contributions within the terms of Article 19 of the Charter unless the arrears equalled or exceeded the amount of the contributions due for the preceding two full years, not counting the current year. 6/ Thus, in 1955, a Member State was not in arrears within the terms of Article 19 of the Charter unless the arrears for previous years equalled or exceeded the contributions due for 1953 and 1954, since the contributions for 1955 would not be considered to be in arrears within the terms of Article 19 until 1 January 1956.

7. On the basis of the status of the contributions at the time of its meetings, usually August of each year, the Committee on Contributions reported annually to the General Assembly that no action was required by the General Assembly in respect of the application of Article 19, 7/ and consequently no such action has been taken by the General Assembly.

5/ Ibid.

6/ See, for example, the report of the Secretary-General on this matter submitted to the General Assembly at its ninth session (A/C.5/588, pp. 4-6).

7/ G A (III/1), Annexes, p. 94, A/628, para. 30; G A (IV), 5th Com., Annex, p. 123, A/954, para. 21; G A (V), Suppl. No. 13 (A/1330), para. 35; G A (VII), Suppl. No. 10 (A/2161), para. 33; G A (VIII), Suppl. No. 10 (A/2461), para. 29; G A (IX), Suppl. No. 10 (A/2716), para. 38.