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¹ In accordance with Annex I of the [annual report of the Secretary-General on the Repertory of Practice of United Nations Organs and Repertoire of the Practice of the Security Council](#), the preparation of this study falls under the primary responsibility of the Office of Legal Affairs. It has been prepared with the assistance of a consultant.

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.

Introductory Note

1. Part I, the General Survey summarizes the decisions of the General Assembly regarding the application of Article 19. Part II, the Analytical Summary of Practice, has two sections. The first Part provides some detail on the procedure and substantive handling of requests for exemptions under Article 19 by the Committee on Contributions and the General Assembly during the period under review (i.e., January 2010 to December 2015). The second Part looks at the only measure used to encourage payment of contributions, namely multi-year payment plans.

I. General Survey

2. In January of each year, the Secretary-General transmits to the President of the General Assembly a list of Member States that are in arrears of their payment under the terms of the first sentence of Article 19, and the minimum payment necessary to reduce the amounts owed by those Member States on their contributions so that they remain below the gross amount assessed for the preceding two full years.² Throughout the year the Secretary-General informs the President of the General Assembly of those Member States that have made the necessary

² During the period under review the Secretary-General sent the following such letters to the President of the General Assembly: A/64/31, A/65/691, A/66/668, A/67/693, A/68/716, and A/69/722.

payments to reduce their arrears below the amount specified in Article 19, to then transmit a final list to them by September of each year.³

3. By September 2010, 6 Member States were in arrears under the terms of Article 19.⁴ In September 2011 this number remained the same⁵, while in September 2012, 2013, 2014 and 2015, the number had reduced to 5 Member States.⁶ It should be noted that all the Member States in arrears of their payment under Article 19 in the period between 2010-2015 were assessed at the minimum rate of 0,001 percent.⁷

4. In accordance with the second sentence of Article 19, a Member State in arrears may be permitted to vote if the General Assembly is satisfied that the failure to pay is due to conditions beyond the control of the Member State. In each of its annual reports to the General Assembly, the Committee on Contributions advises the Assembly on action to be taken with regard to the application of Article 19 under rule 160 of the Rules of Procedure of the General Assembly.⁸ In 2010 the Committee received and reviewed 6 requests for exemption under Article 19, it received the same number of such requests in 2011.⁹ In 2012, 7 such requests were received, but the Committee considered only 5 of them since two Member States had made payments and were no longer in arrears under Article 19.¹⁰ In the period between 2013-2014, 5 requests were considered.¹¹ In 2014, the Committee recommended that all 5 requests for exemption be granted by the General Assembly, however one Member State made payment in 2014 and was no longer in arrears, and therefore only 4 Member States were exempted from the application of Article 19.¹² Furthermore, one Member State was in arrears and fell under Article 19 but had not requested an exemption and had therefore lost its vote.¹³ However, the

³ During the period under review these lists were transmitted in letters: A/65/359, A/66/350, A/67/371, A/68/374, A/69/374, A/S-29/2, A/70/374.

⁴ These Member States were the following: Central African Republic, Comoros, Guinea-Bissau, Liberia, Sao Tome and Principe and Somalia.

⁵ These Member States were the following: Central African Republic, Comoros, Guinea-Bissau, Liberia, Sao Tome and Principe and Somalia.

⁶ These Member States were Central African Republic, Comoros, Guinea-Bissau, Sao Tome and Principe and Somalia between 2012-2014, while in 2015 the five Member States were: Comoros, Guinea-Bissau, Sao Tome and Principe, Somalia and Yemen. However, Yemen made payments later that year and was no longer under arrears (see para. 4 below).

⁷ For the assessment rates, see General Assembly resolutions 67/238 and 70/245, the method to determine the rates of assessment has not been changed during the period under review.

⁸ For more information on the Committee on Contributions see: <https://www.un.org/en/ga/contributions/>

⁹ See the 2010 and 2011 reports of the Committee on Contributions (A/65/11 and A/66/11).

¹⁰ See the 2012 report of the Committee on Contributions (A/67/11 para. 113).

¹¹ See the 2013 and 2014 reports of the Committee on Contributions (A/68/11, A/69/11 and A/69/11/Add.1).

¹² See the addendum to the 2014 report of the Committee on Contributions (A/69/11/Add.1).

¹³ This Member State was Yemen. See A/69/11 para. 108.

Member State made the minimum payment necessary and regained its right to vote in the General Assembly.¹⁴ In 2015, 7 requests for exemption were received by the Committee on Contributions, however letters by the Permanent Representatives of two Member States were transmitted to the Committee, indicating that they had made the minimum payments required to restore their voting rights.¹⁵ Therefore, only 5 requests for exemption were considered by the Committee.¹⁶

5. The Committee on Contributions recommended each year that the Member States who had made requests for exemption under Article 19 be permitted to vote since the failure to pay the minimum amount necessary to avoid the application of Article 19 was due to conditions beyond their control. In accordance with General Assembly resolution 54/237 C of 17 January 2000 requests for exemption with the fullest possible supporting information should be submitted to the President of the General Assembly at least two weeks before the Committee's session, usually held in June. In the period under review, all Member States requesting exemption complied with this deadline.

6. The General Assembly, in granting exemptions under Article 19, had before it the recommendations from the Committee on Contributions. In each year of the period under review, the General Assembly followed the recommendations by the Committee on Contributions and granted exemptions to six or five Member States for the following session of the General Assembly, respectively.¹⁷

7. Before making a recommendation to the General Assembly, the Committee on Contributions examined the information provided by the Member States, which each year between 2010 and 2015, included their written and oral presentations. Such presentations included information on the political and economic situation, any environmental or health crises affecting the Member State, and commitments to paying part of the arrears. Additionally, the Committee benefited from information provided by the Secretariat concerning the socio-economic situation in the Member State requesting exemption. The Committee considers the situation facing the Member State, any signs of economic improvement, submission of a multi-

¹⁴ See A/69/11/Add.1 para. 2.

¹⁵ These Member States were Tonga and Vanuatu. See A/70/11 para. 110.

¹⁶ See the report of the Committee on Contributions A/70/11.

¹⁷ The General Assembly granted exemptions under Article 19, without a vote, in the following resolutions: 65/3, 66/4, 67/2, 68/5 and 70/2.

year payment plan or intention to submit such a plan, the accumulated contributions and minimum payment due under Article 19, and any previous payments submitted by the Member State.

8. In the period under review, the Committee consistently recommended, for every request for exemption submitted, that the failure of the Member State to pay the minimum amount necessary to avoid the application of Article 19 was due to conditions beyond its control. It therefore recommended that the Member State be permitted to vote until the end of the relevant session of the General Assembly.¹⁸ In its considerations during the period under review, the Committee did not record diverging views, and made only one type of recommendation. This is a marked difference from earlier years where members of the Committee would record differing views in their reports and recommendations would range from no-action, to denying exemption.¹⁹

8. In the period under review, the method used to determine the scales of assessment remained unchanged from the method established in 2001.²⁰ This could help to explain why the number of Member States falling under Article 19 remained steady, and even decreased from 2012 onwards. The Committee on Contributions in its annual reports included a list of the number of years a Member State consecutively fell in arrears under Article 19, and the number of consecutive years a Member State requested an exemption under Article 19.²¹ By 2015, most Member States requesting an exemption under Article 19 had fallen under the criteria set forth therein for twenty-three to twenty-eight years and had requested exemptions for fourteen to twenty-one years.²² The Committee encouraged those Member States in arrears and falling under the provisions of Article 19 to make annual payments exceeding the current assessments in order to avoid further accumulation of debt and to consider the submission of a multi-year payment plan.²³

¹⁸ See the annual reports of the Committee on Contributions A/65/11 pp. 18-24, A/66/11 pp. 21-28, A/67/11 pp. 28-35, A/68/11 pp. 19-24, A/69/11 pp. 25-31, and A/70/11 pp. 40-46.

¹⁹ For a more thorough examination of the recommendations by the Committee on Contributions for the years 1999-2010 see *Repertory, Supplement No.9*, Article 19, General Survey paras. 7-8 and for the years 1995-1999 see *Repertory, Supplement no. 8*, Article 19, General Survey paras. 6-7.

²⁰ Elements of the methodology were established in General Assembly Resolution 55/5 B of 22 January 2001 and have remained the same during the period under review see: A/65/11 para. 6, A/66/11 para. 9, A/67/11 para. 6 and annex I, A/68/11 para. 8, A/69/11 para. 8 and A/70/11 para. 6. For a more detailed analysis of the methodology of the scale of assessment see *Repertory, Supplement No 10*, Article 17(2).

²¹ A/67/11 para. 114, A/68/11 para. 84, A/69/11 para. 80, and A/70/11 para. 110.

²² See the 2015 report of the Committee on Contributions (A/70/11, para. 110).

²³ See A/70/11 para. 111.

9. In order for Member States to reduce their arrears and demonstrate their commitment under Article 19 to pay their arrears, the General Assembly has endorsed the use of multi-year payment plans.²⁴ Multi-year payment plans are prepared by a Member State as a voluntary tool to reduce their unpaid assessed contributions. The Committee on Contributions suggested that Member States that are considering a multi-year payment plan should consult the Secretariat for advice in its preparation. They further suggested that a multi-year payment plan should provide for payment each year of the Member State's current year assessments together with a part of its arrears, the plan should provide for elimination of the arrears within a period of up to six years, and a multi-year payment plan should be submitted to the Secretary-General for the information of Member States.²⁵

10. Since 2002, the Secretary-General submits a report on multi-year payment plans to the General Assembly through the Committee on Contributions annually, reporting on the status of such plans.²⁶ These reports are first considered by the Committee on Contributions.²⁷ Seven Member States have submitted multi-year payment plans from 2000 onwards: Georgia in 2003, Iraq in 2005, Liberia in 2006, Niger in 2004, the Republic of Moldova in 2001, Sao Tome and Principe in 2002, and Tajikistan in 2000.²⁸ Of these seven Member States, six fully implemented their multi-year payment plans, with Liberia the last one to do so in 2012. The only multi-year payment plan that remained in place during the period 2010-2015 was that of São Tomé and Príncipe. Payments by Sao Tome and Principe had fallen below the level foreseen by their multi-year payment plan for the period 2002-2009. However, the Committee on Contributions reported that payments had been made by that Member State in 2014 and 2015, and welcomed their renewed commitment, while encouraging the submission of an updated multi-year payment plan.²⁹ Throughout the period 2010 to 2015, the Committee continued to believe that the system of multi-year payment plans remained a viable means

²⁴ General Assembly resolutions 57/4 B, 58/1 B, 59/1 B, 60/237, 61/237, 64/248 and 67/238.

²⁵ These recommendations were made by the Committee on Contributions in its report A/57/11 paras. 17-23

²⁶ See General Assembly Resolution 57/4 B requesting such reports. For the period under review see: A/65/65, A/66/69, A/67/75, A/68/68, A/69/70 and A/70/69.

²⁷ See the annual reports of the Committee on Contributions during the period under review: A/65/11, A/66/11, A/67/11, A/68/11, A/69/11, A/69/11/Add.1 and A/70/11.

²⁸ For the content of the multi-year payment plans see the reports by the Secretary-General: A/58/63, A/59/67, A/60/66, A/61/68, A/62/70, A/63/68, A/64/68 A/65/65, A/66/69, A/67/75, A/68/68, A/69/70 and A/70/69

²⁹ See A/69/11 para. 76 and A/70/11 para. 104.

available to assist Member States in reducing their unpaid assessed contributions and to demonstrate their commitment to meeting their financial obligations to the United Nations.³⁰

II. Analytical Summary of Practice

A. Treatment of Requests for Exemption under Article 19

11. The procedure to request an exemption under article 19 was adopted by the General Assembly in 1999 in its resolution 54/237 C of 17 January 2000.³¹ This procedure lays down a timeframe for the submission of such requests, as well as the information to be included. With regards to the timeframe, the General Assembly decided that “requests for exemption under Article 19 of the Charter must be submitted by Member States to the President of the General Assembly at least two weeks before the session of the Committee, so as to ensure a complete review of the requests.”³² Additionally, in the period under review the General Assembly has requested “the Secretary-General to continue to bring to the attention of Members States the deadline specified in resolution 54/237 C, including through an early announcement in the *Journal of the United Nations* and through direct communication.”³³

12. In accordance with General Assembly resolution 54/237 C, a request for exemption under Article 19 should include: “the fullest possible supporting information, including information on economic aggregates, government revenues and expenditure, foreign exchange resources, indebtedness, difficulties in meeting domestic or international financial obligations and any other information that might support the claim that failure to make necessary payments had been attributable to conditions beyond the control of the Member States”.³⁴

³⁰ See the 2010, 2011, 2013 and 2015 reports of the Committee on Contributions (A/65/11 para. 85, A/66/11 para. 111, A/67/11 para. 109, A/69/11 para. 77, A/70/11 para. 105).

³¹ General Assembly resolution 54/237 C has since been reaffirmed by General Assembly resolutions 67/2, 68/5 and 69/4.

³² See General Assembly resolution 54/237 C of 23 December 1999 paragraph 4. For a complete review of the treatment of these issues in the 1990s, including the provisions of resolution 54/237, see *Repertory, Supplement No.9*, Article 19, General Survey and Part II (d).

³³ See General Assembly resolutions 65/3, 66/4, 67/2, 68/5, 69/4 and 70/2.

³⁴ General Assembly resolution 54/237 C of 23 December 1999, paragraph 3.

13. The Committee on Contributions, during the period between 2010-2015, assessed the requests for exemption under article 19 at its annual sessions held in June.³⁵ In the period under review, all requests were received before the deadline. However, the Committee “emphasized the importance of Member States submitting the required information in support of requests for exemption under Article 19.”³⁶ Additionally, during its 2010 and 2011 sessions, the Committee “had noted that requests for exemption made at the highest level of Government showed the seriousness of the commitment by Member States to settle their arrears and had encouraged all Member States submitting such requests in the future to follow that example.”³⁷ During subsequent years, this request was replaced by the statement that “most recently, the Assembly had once again urged all Member States requesting exemption to submit as much information as possible, in advance of the deadline specified in resolution 54/237 C”.³⁸ In practice, the information is transmitted by the Permanent Representative of the relevant Member State and an oral presentation is given to the Committee on Contributions. During this period the Committee on Contributions did not make explicit reference to the quality of the submitted information by Member States, as they have done in past years.³⁹

14. Based on the information provided by the Member States requesting exemption, the Committee on Contributions examined whether their failure to pay the minimum amount necessary to avoid the application of Article 19 was due to conditions beyond their control. The Committee’s recommendations as contained in their report were then examined by the Fifth Committee of the General Assembly⁴⁰ before the General Assembly adopted resolutions granting exemptions under Article 19.

15. The substantive examination of requests for exemption was conducted by the Committee on Contributions during their annual sessions. The Committee had before it the information provided by the Member States requesting exemption, as well as oral presentations by the Permanent Representatives of these Member States. The Committee used this information to decide whether, on balance, the failure of each Member State to pay the

³⁵ See the reports of the Committee on Contributions A/65/11, A/66/11, A/67/11, A/68/11, A/69/11 and A/70/11.

³⁶ Report of the Committee on Contributions A/67/11 at para. 112.

³⁷ Reports of the Committee on Contributions A/65/11 and A/66/11.

³⁸ Reports of the Committee on Contributions A/68/11, A/69/11 and A/70/11.

³⁹ For a review of the procedure in previous years see *Repertory, Supplement No.10*, Article 19, Part II (B) at para. 43.

⁴⁰ For the reports by the Fifth Committee during the period under review see: A/65/492, A/66/492, A/67/502, A/68/504, A/69/428 and A/70/416.

minimum amount necessary to avoid the application of Article 19 was due to conditions beyond their control. During the period under review the Committee on Contributions recommended that all Member States requesting exemption from the application of Article 19 would be permitted to vote.⁴¹

16. The recommendations on the application of article 19 were deliberated in the Fifth Committee of the General Assembly. During the period under review delegations only endorsed the recommendations made by the Committee on Contributions and had no further comments on the application of Article 19 in this regard.⁴² The General Assembly followed the recommendations made by the Committee on Contributions every year during the 2010-2015 period and adopted resolutions granting exemptions under Article 19 to those Member States requesting it, giving them permission to vote.⁴³

B. Measures to Encourage the Payment of Arrears

17. During the period under review, the only measure to encourage the payment of arrears discussed by the Committee on Contributions and the General Assembly was the multi-year payment plan. No other measures to encourage the payment of arrears were considered during this period.⁴⁴

18. The General Assembly reaffirmed its endorsement of the conclusions by the Committee on Contributions⁴⁵ concerning multi-year payment plans in its report on the sixty second session in 2002 which concluded and recommended the following:

- First, "Member States should be encouraged to submit multi-year payment plans, which constitute a useful tool for reducing their unpaid assessed

⁴¹ The reports of the Committee on Contributions for the period under review are A/65/11, A/66/11, A/67/11, A/68/11, A/69/11 and A/70/11.

⁴² For the endorsements by Member States in the Fifth Committee see: A/C.5/65/SR.2 para 17-45, A/C.5/66/SR.2 para. 15-32, A/C.5/67/SR.2 para. 18-48, A/C.5/68/SR.3 para. 15-22, A/C.5/69/SR.2 para. 14-24, and A/C.5/70/SR.1 para. 55-73.

⁴³ See General Assembly Resolutions 65/3, 66/4, 67/2, 68/5, 69/4 and 70/2.

⁴⁴ For a full account of measures that have been considered in the past see *Repertory, Supplement No. 10*, Article 19, General Survey and Part II (c).

⁴⁵ General Assembly resolutions 67/238 para. 13 and 70/245 para. 15.

contributions and a way for them to demonstrate their commitment to meeting their financial obligations to the United Nations.”

- Second, that “due consideration should be given to the economic position of Member States, as not all of them might be in a position to submit such plans.”
- Third, it recommended that “multi-year payment plans should remain voluntary and should not be automatically linked to other measures.”
- Fourth, it recommended that: “Member States considering a multi-year payment plan should submit the plan to the Secretary-General for the information of other Member States and should be encouraged to consult the Secretariat for advice in its preparation. In that context, it was suggested that: (a) The plans should provide for payment each year of the Member State’s current year assessments and a part of its arrears; (b) Where possible, the plans should generally provide for the elimination of a Member State’s arrears within a period of up to six years.”
- Fifth, “the Secretary-General should be requested to provide information on the submission of such plans to the General Assembly, through the Committee on Contributions.”
- Sixth, “the Secretary-General should be requested to submit an annual report to the General Assembly, through the Committee on Contributions, on the status of Member States’ payment plans as at 31 December each year.”
- Seventh, the Committee recommended that: “for those Member States that are in a position to submit a payment plan, the Committee on Contributions and the General Assembly should take the submission of a plan and its status of implementation into account as one factor when they consider requests for exemption under Article 19.”⁴⁶

⁴⁶ See the 2002 report of the Committee on Contributions (A/57/11 para. 17-23).

19. Furthermore, the General Assembly, in its resolution 64/248 encouraged Member States in arrears with their assessed contributions to the United Nations to consider submitting multi-year payment plans and, in that context, requested the Committee on Contributions to make recommendations with a view to mitigating large scale-to-scale increases for those Member States that had fulfilled their multi-year payment plans and to report thereon at its sixty-fifth session.⁴⁷

20. At its sixty-fifth session, the Committee on Contributions considered the matter and brought the following measures to mitigate large scale-to-scale increases to the attention of the General Assembly:

- First, the application of the scheme of limits in the scale methodology to limit large scale increases.
- Second, an increase in the recalculation of the scales of assessment from the current practice of three years to yearly.
- Third, a longer base period to calculate the rate of assessment.
- Fourth, the phasing in of large scale-to-scale increases in equal instalments over the three years of the validity of the scale. In this context, a ‘large’ increase would be an increase of more than 50%.⁴⁸

21. The Committee decided to continue considering the feasibility of the application of systematic measures of transitional relief for Member States facing large scale-to-scale increases in their assessment rates in the light of any guidance by the General Assembly.⁴⁹

22. The General Assembly in its resolution 65/246 took note of the report of the Committee on Contributions. Considering that no further guidance on the matter was given, the Committee

⁴⁷ Resolution 64/248 para. 16.

⁴⁸ Report of the Committee on Contributions A/65/11 para. 68-72.

⁴⁹ A/65/11 para. 75.

on Contributions did not consider the issue of large scale-to-scale increases for those Member States that had fulfilled multi-year payment plans at its future sessions.

23. The Committee on Contributions, in their annual reports, emphasised that “multi-year payment plans remain a viable means available to assist Member States in reducing their unpaid assessed contributions and demonstrating their commitment to meeting their financial obligations to the United Nations.”⁵⁰

24. The Secretary-General, upon request by the General Assembly, reported on multi-year payment plans annually.⁵¹ The reports included information on payment plans that have been submitted, any new payment plans, consideration being given to submission of multi-year payment plans, and the status of implementation of multi-year payment plans.

25. During the period under review, no new multi-year payment plans were submitted despite the continuous encouragement by Committee on Contributions and the General Assembly and the proven success of the system. This trend was noted with concern by the Committee on Contributions.⁵² However, the Committee on Contributions reported that, in the context of requests for exemption under Article 19, the Central African Republic and the Comoros were considering submitting multi-year payment plans.⁵³

26. Both Liberia and Sao Tome and Principe submitted multi-year payment plans in 2006 and 2002 respectively. The Secretary-General reported every year on the progress of their implementation. Liberia submitted payments above their annual assessment each year, in line with their multi-year payment plan, which led Liberia to pay its arrears in early 2012, fully implementing its multi-year payment plan.⁵⁴

27. Payments by the government of Sao Tome and Principe fell consistently below the level foreseen for the period of 2002 to 2009 in its schedule of payments.⁵⁵ This led to a further accumulation of arrears, until May 2014 when a payment was made by the government of Sao

⁵⁰ See A/68/11 para. 76.

⁵¹ See A/65/65, A/66/69, A/67/75, A/68/68, A/69/70, and A/70/69.

⁵² A/66/11 pp. 18-21.

⁵³ See A/65/11 paras. 96 and 101, A/66/11 paras. 122 and 129, A/67/11 para. 127, A/68/11 paras. 89 and 94, A/69/11 paras. 86 and 91, and A/70/11 para. 115.

⁵⁴ See A/68/68 para. 9.

⁵⁵ A/65/11 para. 83-84.

Tome and Principe. The Committee on Contributions welcomed the payment and invited the government to review their multi-year payment plan, and to revise its terms when possible.⁵⁶

28. Member States, during deliberations in the Fifth Committee of the General Assembly generally welcomed the efforts by Member States that had met their commitments under multi-year payment plans⁵⁷, however many underscored that such plans should remain voluntary and should not be used to exert pressure or be a factor in considering requests for exemption under Article 19.⁵⁸ During deliberations in the Fifth Committee in 2010, there was some criticism for the singling out of one Member State in remarks by delegations.⁵⁹ In the subsequent years, no such remarks were made.

⁵⁶ A/67/11 pp.25-27, A/68/11 pp. 17-18, A/69/11 pp. 23-24, A/70/11 pp. 38-39

⁵⁷ A/C.5/65/SR.2 para. 17-45, A/C.5/66/SR.2 para. 15-32, A/C.5/67/SR.2 para. 18-48, A/C.5/68/SR.3 para. 15-22, A/C.5/69/SR.2 para. 14-24, A/C.5/70/SR.1 para. 55, para. 67 and para. 73

⁵⁸ A/C.5/66/SR.2 para. 17, A/C.5/67/SR.2 para. 18, para. 27, para. 48, A/C.5/68/SR.2 para. 15, A/C.5/69/SR.2 para. 14, and A/C.5/70/SR.1 para. 55.

⁵⁹ A/C.5/65/SR.3 para. 3