



## General Conference

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# 36 C

United Nations  
Educational, Scientific and  
Cultural Organization

Organisation  
des Nations Unies  
pour l'éducation,  
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Организация  
Объединенных Наций по  
вопросам образования,  
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منظمة الأمم المتحدة  
للتربية والعلم والثقافة

联合国教育、  
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### Item 1.3 of the provisional agenda

## REPORT BY THE DIRECTOR-GENERAL ON COMMUNICATIONS RECEIVED FROM MEMBER STATES INVOKING THE PROVISIONS OF ARTICLE IV.C, PARAGRAPH 8(C), OF THE CONSTITUTION

### OUTLINE

**Source:** Article IV.C, paragraph 8(c), of the Constitution.

**Background:** In accordance with Rule 83, paragraph 4, of the Rules of Procedure of the General Conference the Director-General hereby reports on communications received from Member States invoking the terms of Article IV.C, paragraph 8 (c), of the Constitution concerning the right to vote at the 36th session.

**Purpose:** To submit to the General Conference all relevant information concerning communications received from Member States requesting the right to vote and thereby facilitate the decision-making process.

**Decision required:** paragraph 10.

## INTRODUCTION

1. This document is divided into two parts. Part I deals with the procedures to be followed by the General Conference when considering communications requesting the right to vote. In Part II, the Director-General makes her report on the individual communications received from Member States and proposes the outline of a draft resolution.

### PART I – PROCEDURES TO BE FOLLOWED

2. Article IV.C, paragraphs 8(b) and (c), of the Constitution are worded as follows:

*“(b) A Member State shall have no vote in the General Conference if the total amount of contributions due from it exceeds the total amount of contributions payable by it for the current year and the immediately preceding calendar year.*

*“(c) The General Conference may nevertheless permit such a Member State to vote, if it is satisfied that failure to pay is due to conditions beyond the control of the Member State”.*

3. The procedure for the granting of voting rights is defined in Rule 83 of the General Conference, in particular paragraphs 3 to 10 reproduced below:

*“3. Before each ordinary session of the General Conference, the Director-General shall, using the most reliable and rapid channels, notify Member States in danger of losing their voting rights in accordance with the provisions of Article IV.C, paragraph 8(b), of the Constitution concerning their financial position with respect to the Organization and the provisions of the Constitution and the Rules and Regulations relating thereto, at least six months before the General Conference session is due to open.*

*4. Member States shall address their communications invoking the provisions of Article IV.C, paragraph 8(c), to the Director-General, who shall transmit them to the Administrative Commission of the General Conference. That Commission shall take up the matter at the commencement of its work and issue in plenary meeting, as a matter of priority, a report and recommendations on the subject.*

*5. The communications from Member States referred to in paragraph 4 shall be submitted no later than three days after the commencement of the proceedings of the General Conference. In the absence of such a communication from the Member States concerned, the latter may no longer be authorized to take part in voting at that session of the General Conference.*

*6. Notwithstanding the provisions of paragraph 1 of this rule, after the time limit specified in paragraph 5 above has passed, and pending a decision by the General Conference in plenary meeting, only those Member States concerned that have submitted the communication referred to in paragraph 4 shall have the right to vote.*

*7. In its report to the General Conference, the Administrative Commission shall:*

*(a) describe the conditions that render non-payment beyond the Member State’s control;*

*(b) give information on the Member State’s history of payment of its contributions in preceding years and on request(s) for voting rights under Article IV.C, paragraph 8(c), of the Constitution;*

(c) *state the measures taken in order to settle the arrears – normally a payment plan for settlement of such arrears in annual instalments over a period of three biennia – and make mention of the undertaking by the Member State to do all it can to settle future annual assessed contributions on a regular basis.*

8. *Any decision to permit a Member State in arrears in the payment of its contributions to vote shall be made conditional upon that Member State's observance of the recommendations for settlement of the arrears made by the General Conference.*

9. *After the General Conference has approved the payment plan under which the arrears of a Member State are consolidated and payable in accordance with paragraph 7(c), any decision by the Conference permitting that Member State to vote shall be valid as long as the Member concerned pays its annual instalments by the scheduled dates.*

10. *The provisions of Articles 5.5 and 5.7 of the Financial Regulations shall not apply to payments made under the payment plans referred to in paragraphs 7(c) and 9 above."*

4. By its 30 C/Resolution 82, the General Conference specified the criteria and conditions under which the right to vote may be granted to the Member States invoking the terms of Article IV.C, paragraph 8(c) of the Constitution. Those criteria and conditions are reproduced below:

"3. *The criteria to be used by the Administrative Commission of the General Conference to assess, in accordance with paragraph 7 of Rule [83] of the Rules of Procedure, whether the conditions invoked by a Member State are genuinely beyond its control should be grouped in three categories: criteria linked to **wars and armed conflicts** affecting a State, **economic and financial** criteria, and **natural disasters**. Those criteria should be applied while taking into account the time factor (the situation invoked should have had proven effects over the two preceding years and since the establishment of the current scale) and the real intention of the Member State to pay its total financial contributions to UNESCO.*

8. *The Bureau of the Administrative Commission, or a small ad hoc body established by it, should examine case by case the communications of Member States invoking the provisions of Article IV.C, paragraph 8(c), of the Constitution and propose a draft resolution to be recommended to the General Conference. The proposal that the Administrative Commission submits to the plenary should also contain information on the reasons why, in certain cases, the granting of voting rights must be approved by a two-thirds majority."*

5. The Director-General has fully complied with her obligations under paragraph 3 of Rule 83 of the Rules of Procedure of the General Conference: Member States being at risk of losing voting rights at the 36th session of the General Conference were informed by written notification in February (42 Member States) and April 2011 (38 Member States). Last reminders will be sent in September 2011. The Director-General remains most willing to discuss all options for assisting Member States with their arrears.

## **PART II – CONSIDERATION OF INDIVIDUAL COMMUNICATIONS**

6. As of 30 June 2011, 26 Member States had contribution arrears in excess of the levels allowed in the Constitution with regards to voting rights at the General Conference as compared to 37 as of 30 June 2009. Details are provided in Schedule 1. These Member States can be classified in two groups:

- Ten of them have arrears under payment plans approved at previous sessions of the General Conference.

- Sixteen of them have contribution arrears in excess of the levels allowed in the Constitution with regards to voting rights but no payment plans.

7. However at the date of finalization of this document, no formal communication has been received from Member States invoking the provisions of Article IV.C, paragraph 8(c) of the Constitution.

8. An addendum will be issued prior to the commencement of the General Conference, containing any further communications received from Member States requesting the right to vote. As soon as possible after the expiry of the three-day limit following the commencement of the General Conference allowed for submission of communications requesting the right to vote under paragraph 5 of Rule 83 of the Rules of Procedure, the Director-General will transmit any additional communications received. In each case she will submit updated Schedule 1 in order to assist the Administrative Commission in formulating the report it is required to make to the General Conference in plenary meeting on the individual requests received.

## CONCLUSION

9. It is an essential part of the strategy to generate positive cash flow that all Member States with accumulated arrears should pay in each year more than the amount of their current year's assessment, so that their arrears can be gradually reduced until eliminated. Bearing in mind that the potential loss of voting rights is the only disincentive that exists in UNESCO against late payment of contributions, the General Conference will no doubt wish to study carefully the requests that invoke the provisions of Article IV.C, paragraph 8(c), of the Constitution. The Conference may also wish to bear in mind that the acceptance of a large number of payment plans, deferring payment of contributions into future years, places an additional burden on the cash resources of the Organization.

10. Following consideration of the report that the Administrative Commission is required to make to the General Conference in plenary meeting, the Conference may wish to adopt a resolution along the following lines:

The General Conference,

1. Having considered the communications received from (names of Member States to be inserted) invoking the terms of Article IV.C, paragraph 8(c), of the Constitution in order to obtain permission to take part in the voting at its 36th session,
2. Recalling the constitutional obligation of Member States to pay their contributions fully and on time,
3. Taking into account the history of payment of contributions in preceding years and previous requests for voting rights in the case of each of these Member States, as well as the measures proposed by them to eliminate their arrears,
4. Noting that (names of Member States) have subsequent to their requests paid the amounts required for voting rights in conformity with Article IV.C, paragraph 8(b), of the Constitution,
5. Considers that the failure of (names of Member States) to pay contributions for an amount exceeding the total due for the current year and the immediately preceding calendar year and/or instalments on payment plans is due to conditions beyond their control and decides that these Member States may take part in the voting at the 36th session of the General Conference;

6. Further considers that the failure of (names of Member States) to pay contributions for an amount exceeding the total due for the current year and the immediately preceding calendar year and/or instalments on payment plans does not comply with the conditions laid down in Rule 83 of the Rules of Procedure of the General Conference and consequently these Member States may not take part in the voting at the 36th session of the General Conference;
7. Invites the Director-General to report to the 190th and 192nd sessions of the Executive Board as well as to the 37th session of the General Conference on the actual position concerning all payment plans agreed upon between UNESCO and Member States in arrears with their contributions.

**SCHEDULE 1**

**MEMBER STATES AT RISK OF LOSING VOTING RIGHTS AS OF 30 JUNE 2011**

	Member States	Member States invoking the provisions of Article IV.C, paragraph 8(c) of the Constitution (A)	Arrears of contributions				Instalments due under payment plans			TOTAL ARREARS (B)	Date of last payment	
			Working Capital Fund	2007 and prior years	2008-2009	Total arrears	2010 and prior years	2011	Total instalments			
1	Antigua and Barbuda		-	33 727	14 839	48 566			-	<b>48 566</b>	30 July 10	
2	Armenia		-			-		-	26 464	26 464	<b>26 464</b>	06 May 11
3	Benin		-	-	310	310				-	<b>310</b>	06 May 11
4	Bolivia, Plurinational State of		-	-	7 499	7 499				-	<b>7 499</b>	30 June 10
5	Cape Verde		10	-	7 415	7 425				-	<b>7 425</b>	05 Oct. 09
6	Central African Republic		10	13 419	7 422	20 851	167 218	-	167 218	<b>188 069</b>	02 Mar. 09	
7	Comoros		10			10	77 336	77 426	154 762	<b>154 772</b>	10 Dec. 09	
8	Costa Rica		-	-	14 530	14 530		-	-	-	<b>14 530</b>	04 May 11
9	Guinea-Bissau		20	7 062	7 422	14 504	316 013	51 533	367 546	<b>382 050</b>	01 Jan. 96	
10	Kyrgyzstan		-			-	12 587	19 688	32 275	<b>32 275</b>	25 Feb. 11	
11	Liberia		10	-	7 422	7 432	35 587	35 588	71 175	<b>78 607</b>	13 Oct. 09	
12	Libyan Arab Jamahiriya		-	-	189 050	189 050				-	<b>189 050</b>	08 Nov. 10
13	Marshall Islands		20	7 062	7 422	14 504				-	<b>14 504</b>	24 Oct. 07
14	Mauritania		10	-	7 422	7 432				-	<b>7 432</b>	07 Oct. 09
15	Micronesia		20	2 013	7 422	9 455				-	<b>9 455</b>	01 Sept. 05
16	Myanmar		350	-	32 297	32 647				-	<b>32 647</b>	10 Sept. 09
17	Niger		-			-		-	20 620	20 620	<b>20 620</b>	03 Sept. 10
18	Palau		10	-	5 527	5 537				-	<b>5 537</b>	07 Oct. 09
19	Papua New Guinea		20	-	2 756	2 776				-	<b>2 776</b>	16 Oct. 09
20	Republic of Moldova		-			-		-	145 736	145 736	<b>145 736</b>	19 Mar. 10
21	Sao Tome and Principe		20	-	7 422	7 442	120 948	40 316	161 264	<b>168 706</b>	21 Sept. 07	
22	Sierra Leone		-			-		-	5 388	5 388	<b>5 388</b>	19 Aug. 10
23	Somalia		50	349 554	7 422	357 026				-	<b>357 026</b>	01 Dec. 89
24	Sudan		100	-	41 872	41 972				-	<b>41 972</b>	08 July 09
25	Timor-Leste		10	-	4 473	4 483				-	<b>4 483</b>	02 Apr. 09
26	Vanuatu		10	-	7 422	7 432				-	<b>7 432</b>	24 Sept. 09
	<b>TOTAL</b>		<b>680</b>	<b>412 837</b>	<b>387 366</b>	<b>800 883</b>	<b>729 689</b>	<b>422 759</b>	<b>1 152 448</b>	<b>1 953 331</b>		

**Notes :**

(A) Member States invoking the provisions of Article IV.C, paragraph 8(c) of the Constitution are marked by a cross "X"

(B) The column "TOTAL ARREARS (B)" shows the total to be paid by each Member State in order to obtain voting rights under the cumulative provisions of Article IV.C.8(b) of the Constitution and Rule 83, paragraph 9, of the Rules of Procedure of the General Conference.



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**REPORT BY THE DIRECTOR-GENERAL ON COMMUNICATIONS  
RECEIVED FROM MEMBER STATES INVOKING THE PROVISIONS OF  
ARTICLE IV.C PARAGRAPH 8(c) OF THE CONSTITUTION**

**ADDENDUM**

**OUTLINE**

**Background:** The Director-General provides an update on the status of Member States at risk of losing the right to vote at the 36th session of the General Conference as of 30 September 2011.

**PART II: UPDATE OF INFORMATION ON CONSIDERATION OF INDIVIDUAL  
COMMUNICATIONS**

Paragraphs 6 and 7 below update and replace paragraphs 6 and 7 of document 36 C/12.

6. Since 30 June 2011, 10 Member States have paid the required amount to vote at the General Conference at its 36th session. As of 30 September 2011, 16 Member States had contribution arrears in excess of the levels allowed in the Constitution with regard to voting rights as compared to 19 in the previous biennium at the same period. Details are provided in **Schedule 1**. These Member States can be classified in two groups:

- Seven of them have arrears under payment plans approved at previous sessions of the General Conference;
- Nine of them have contribution arrears in excess of the levels allowed in the Constitution with regard to voting rights but no payment plans.

7. As of 30 September 2011, no formal communication has been received from Member States invoking the provisions of Article IV.C, paragraph 8(c) of the Constitution.

## SCHEDULE 1

## MEMBER STATES AT RISK OF LOSING VOTING RIGHTS AS OF 30 SEPTEMBER 2011

	Member States	Member States invoking the provisions of Article IV.C, paragraph 8(c) of the Constitution (A)	Arrears of contributions				Instalments due under payment plans			TOTAL ARREARS (B)	Date of last payment
			Working Capital Fund	2007 and prior years	2008-2009	Total arrears	2010 and prior years	2011	Total instalments		
1	Antigua and Barbuda		-	33,727	14,839	48,566			-	<b>48,566</b>	30-Jul-10
2	Benin		-	-	310	310			-	<b>310</b>	06-May-11
3	Central African Republic		10	13,419	7,422	20,851	167,218	-	167,218	<b>188,069</b>	02-Mar-09
4	Comoros		10			10	77,336	77,426	154,762	<b>154,772</b>	10-Dec-09
5	Guinea-Bissau		20	7,062	7,422	14,504	316,013	51,533	367,546	<b>382,050</b>	01-Jan-96
6	Kyrgyzstan		-			-	12,587	19,688	32,275	<b>32,275</b>	25-Feb-11
7	Liberia		10	-	7,422	7,432	35,587	35,588	71,175	<b>78,607</b>	13-Oct-09
8	Libya		-	-	189,050	189,050			-	<b>189,050</b>	08-Nov-10
9	Marshall Islands		20	7,062	7,422	14,504			-	<b>14,504</b>	24-Oct-07
10	Micronesia		-	-	5,243	5,243			-	<b>5,243</b>	16-Aug-11
11	Palau		10	-	5,527	5,537			-	<b>5,537</b>	07-Oct-09
12	Sao Tome and Principe		20	-	7,422	7,442	120,948	40,316	161,264	<b>168,706</b>	21-Sep-07
13	Sierra Leone		-			-	-	5,388	5,388	<b>5,388</b>	19-Aug-10
14	Somalia		50	349,554	7,422	357,026			-	<b>357,026</b>	01-Dec-89
15	Sudan		100	-	41,872	41,972			-	<b>41,972</b>	08-Jul-09
16	Vanuatu		10	-	7,422	7,432			-	<b>7,432</b>	24-Sep-09
	<b>TOTAL</b>	-	<b>260</b>	<b>410,824</b>	<b>308,795</b>	<b>719,879</b>	<b>729,689</b>	<b>229,939</b>	<b>959,628</b>	<b>1,679,507</b>	

## Notes :

(A) Member States invoking the provisions of Article IV.C, paragraph 8(c) of the Constitution are marked by a cross "X"

(B) The column "TOTAL ARREARS (B)" shows the total to be paid by each Member State in order to obtain voting rights under the cumulative provisions of Article IV.C.8(b) of the Constitution and Rule 83, paragraph 9, of the Rules of Procedure of the General Conference.