



Sixteenth session  
Dakar, Senegal, 28 November - 2 December 2005  
Provisional agenda item 5(b)(c)

**COMPOSITION OF THE ORGANIZATION**

**(b) Suspension of membership in accordance with  
Article 34 of the Statutes**

**(c) Requests for temporary exemption from the application of  
paragraph 13 of the Financing Rules**

**Note by the Secretary-General**

The Secretary-General reports to the General Assembly in the following document on the application of the provisions of Article 34 of the Statutes and paragraph 13 of the Financing Rules, attached to the Statutes.

All requests for temporary exemption from the provisions of paragraph 13 of the Financing Rules received from Members will be considered by the Executive Council at its session preceding the General Assembly.

The Council will formulate the relevant recommendations on this item which, together with the Members' requests, will be forwarded to the Assembly in an addendum to this document so that it may adopt the corresponding resolution



## INDEX

### Pages

**(b) SUSPENSION OF MEMBERSHIP IN ACCORDANCE WITH ARTICLE 34 OF THE STATUTES**

- List of Members to which Article 34 of the Statutes and paragraph 13 of the Financing Rules attached to the Statutes are applied ..... 1

**(c) REQUESTS FOR TEMPORARY EXEMPTION OF THE APPLICATION OF PARAGRAPH 13 OF THE FINANCING RULES**

- Temporary exemption from the application of the provisions of Article 34 and paragraph 13 approved by the Fifteenth General Assembly ..... 2

### **ANNEXES:**

1. Texts of Article 34 of the Statutes and paragraph 13 of the Financing Rules attached thereto and of resolution 217(VII) ..... 5
2. Notification to the General Assembly of Members liable to application of Article 34 of the Statutes..... 8



# COMPOSITION OF THE ORGANIZATION

## (b) SUSPENSION OF MEMBERSHIP IN ACCORDANCE WITH ARTICLE 34 OF THE STATUTES

1. At 31 August 2005, the provisions of Article 34 of the Statutes and paragraph 13 of the Financing Rules attached to the Statutes (see Annex 1) are applied to the following Members. These Members have been deprived of Member's privileges in the form of services and the right to vote in the Assembly and the Council.

FULL MEMBERS MEMBRES EFFECTIFS MIEMBROS EFECTIVOS	PARAGR. 13 PARRAFO 13	ART. 34	ARREAR CONTRIBUTIONS ARRIÉRÉS DE CONTRIBUTIONS CONTRIBUCIONES ATRASADAS		
			YEARS/ ANNÉES/ AÑOS	TOTAL YEARS/ ANNÉES AÑOS	TOTAL EUR
AFGHANISTAN /AFGANISTÁN	X	X	81-87, 89-04	23	534.695,77
BURKINA FASO	X	X	89-90,92-97, 00,02-04	12	244.331,76
CAMBODIA/CAMBODGE/CAMBOYA	X	X	76-92,96-98	20	450.376,23
CAPE VERDE /CAP VERT /CABO VERDE	X		02-04	3	50.975,00
CONGO	X	X	87-04	17	435.932,26
CHAD / TCHAD	X	X	88-04	17	382.630,76
DJIBOUTI	X		03-04	2	38.701,00
GAMBIA /GAMBIE	X	X	81-84, 86-04	23	480.141,99
GHANA	X	X	95,97,00,02-04	6	109.619,92
GUINEA-BISSAU / GUINÉE BISSAU	X	X	92-96,99-04	11	205.526,55
HAITI / HAITÍ / HAITÌ	X		03-04	2	43.002,00
KYRGYZSTAN / KIRGHIZISTAN / KIRGUISTÁN	X	X	95-04	10	246.549,49
MALAWI	X	X	00,02-04	4	70.291,24
MAURITANIA / MAURITANIE	X	X	76-04	29	655.196,79
MONGOLIA / MONGOLIE	X	X	91-00,04	11	319.693,51
NIGER	X	X	81-87,90-04	22	491.126,10
PERU / PEROU / PERÚ	X	X	87-91,95,96,03	8	263.115,81
SAO TOME AND PRINCIPE / SAO TOME ET PRINCIPE/ SANTO TOME Y PRINCIPE	X	X	86-04	19	405.804,65
SIERRA LEONE / SIERRA LEONA	X	X	79-00,03-04	24	530.938,20
TOGO	X	X	96,97,99-04	8	157.829,58
TURKMENISTAN / TURKMÉNISTAN / TURKMENISTÁN	X	X	95-98,00-04	9	272.337,40
UGANDA / OUGANDA	X	X	91,92,95-00, 02-04	11	235.646,76
ZIMBABWE	X	X	01-04	4	88.381,01
<b>TOTAL:</b>					<b>6.712.843,78</b>

2. Annex 2 to this document transmits to the General Assembly the list of Members that could be liable to suspension from the rights and privileges of membership, as provided for in Article 34 of the Statutes. This application would be effective within a period of one year from the date of the Assembly resolution noting this fact.



3. The information in Annexes 1 and 2 will enable the General Assembly to rule on this matter in accordance with resolution 217(VII).

**(c) REQUESTS FOR TEMPORARY EXEMPTION FROM THE APPLICATION OF  
PARAGRAPH 13 OF THE FINANCING RULES**

4. All the communications received from Members requesting temporary exemption from the provisions of paragraph 13 of the Financing Rules will be submitted to the present session for its consideration. The Council will formulate the relevant recommendations which, together with the Members' requests, will be forwarded to the Assembly in an addendum to this document so that it may adopt the appropriate resolution.

**TEMPORARY EXEMPTION FROM APPLICATION OF THE PROVISIONS OF ARTICLE 34  
AND PARAGRAPH 13**

5. The following Members submitted to the General Assembly at its fifteenth session (Beijing, China 2003) plans for the payment of their contribution arrears in instalments and requested that the provisions of paragraph 13 not be applied to them. The General Assembly agreed to grant such temporary exemption to these Members subject to the following two conditions:

- (a) immediate payment of the contribution corresponding to 2003, the year in which the Assembly agreed to suspend application of the aforementioned provisions;
- (b) strict observance of the agreed plan for the settlement of arrears.

**FULL MEMBERS**

**AFFILIATE MEMBERS**

GEORGIA  
SUDAN  
BURUNDI (1)  
REPUBLIC OF MOLDOVA (2)  
DEMOCRATIC REPUBLIC OF THE CONGO  
RWANDA  
IRAQ (3)

IRAQI AIRWAYS (3)

- (1) Until a legal position is adopted concerning that Member's request for a temporary suspension of its full membership.
- (2) While a legal study is undertaken to ascertain the true date of that country's admission to WTO
- (3) It is now up to that country to present a payment plan for its contribution arrears to the Executive Council session preceding the sixteenth session of the General Assembly.

6. The following table shows the extent to which the Members with which agreements have been concluded for the settlement of their arrears in instalments have complied with the conditions laid down by the Assembly in resolution 452(XV).

**MEMBERS GRANTED TEMPORARY EXEMPTION FROM THE APPLICATION OF  
PARAGRAPH 13 (RESOLUTION 452 (XV))**

Compliance with the conditions laid down by the Assembly  
Situation at 31 August 2005

		CONDITIONS LAID DOWN BY THE GENERAL ASSEMBLY				
		Payment of the year the G.A. approved the plan		Strict fulfilment of the agreed payment plan		
FULL MEMBERS:	Arrears payment plan			Payment made		
				Contribution for the year		Annual quota of arrears
BOLIVIA (1)	in 5 years beginning in 1999	1999	YES	1999-2003 2004 2005	YES YES YES	YES PART NO
BURUNDI (2)		---	---	---	---	---
COSTA RICA (3)	in 15 years beginning in 1996	1995	YES	1996-2004 2005	YES YES	YES YES
EL SALVADOR	in 10 years beginning in 1999	1997	YES	1998-2004 2005	YES YES	YES YES
GEORGIA	in 4 years beginning in 2004	2003	NO	2004 2005	YES YES	YES PART
GUINEA	in 20 years beginning in 2002	2001	YES	2001-2004 2005	YES NO	YES NO
IRAQ (4)		---	---	---	---	---
KAZAKHSTAN	in 20 years beginning in 2000	---	---	2000-2004 2005	YES YES	YES YES
LAO PEOPLE'S DEMOCRATIC REP. (*)	in 25 years beginning in 2005	2005	---	2005	NO	NO
MALI	in 21 years beginning in 2002	2001	YES	2001-2004 2005	YES YES	YES YES
NICARAGUA (*)	in 20 years beginning in 2004	2004	YES	2004-2005	YES	YES
DEM. REP. OF THE CONGO	in 20 years beginning in 2004	2003	PART	2004 2005	NO NO	NO NO
REP. OF MOLDOVA (5)		---	---	---	---	---
RWANDA	in 5 years beginning in 2003	2003	YES	2004 2005	YES PART	YES NO
SUDAN	in 35 years beginning in 2004	2003	NO	2004 2005	YES NO	YES NO
URUGUAY (*)	in 10 years beginning in 2004	2004	PART	2004 2005	PART NO	SI NO
YEMEN (6)	in 13 years beginning in 2001	1999	YES	2000-2003 2004 2005	YES YES NO	YES PART NO

(\*) Payment plans approved by the 73<sup>rd</sup> Executive Council session in the cases of Nicaragua and Uruguay and by the 75<sup>th</sup> Executive Council session in the case of Lao People's Democratic Republic pending ratification by the XVI General Assembly.



**OBSERVATIONS:**

- (1) **Bolivia:** The payment plan covers part of the debt. From 2003 onwards, the payment of arrears pending should have been the subject of a new agreement.
- (2) **Burundi:** Until a legal position is adopted concerning this Member's request for a temporary suspension of its full membership.
- (3) **Costa Rica:** Since the debt of Costa Rica is less than the amount of its assessed contributions for the past two years, the provisions of paragraph 13 are no longer applicable to it.
- (4) **Iraq:** Since Iraq is no longer subject to United Nations sanctions, it is now up to that country to present a payment plan for its contribution arrears to the Executive Council session preceding the General Assembly's sixteenth session at the latest. According to decision CE/DEC/(LXXIV), the Executive Council, at its seventy-fourth session held at Salvador de Bahia, Brazil, and having taken cognizance of the proposals by Italy and Nigeria, decided to transmit to the Committee on Budget and Finance for study and recommendation **Iraq's** and **Sierra Leone's** arrears in the light of the decisions that could be taken by various institutions of the United Nations system. The Committee on Budget and Finance at its 44<sup>th</sup> meeting, after studying the proposals by Italy and Nigeria to take into consideration the especially difficult situations being experienced by Full Members Iraq and Sierra Leone [CE/DEC/5(LXXIV)] and to reduce the amount of their contribution arrears, and in light of the consultation carried out regarding this matter, decided to reserve its opinion, as it was informed that the aforementioned Member States had not yet submitted any request in this regard to the United Nations.
- (5) **Rep. Moldova:** While a legal study is undertaken to ascertain the true date of this country's admission to WTO.
- (6) **Yemen:** The payment plan covers the arrears for the period 1990-1998. Once the present plan has been concluded, the payment of arrears pending (1979-1989), owed by the former People's Republic of Yemen, will be the subject of a new agreement.



**ANNEX 1****ARTICLE 34 OF THE STATUTES**

1. Article 34 of the Statutes concerning the suspension of Members provides as follows:

"1. If any Member is found by the Assembly to persist in a policy that is contrary to the fundamental aim of the Organization as mentioned in Article 3 of these Statutes, the Assembly may, by a resolution adopted by a majority of two-thirds of Full Members present and voting, suspend such Member from exercising the rights and enjoying the privileges of membership.

"2. The suspension shall remain in force until a change of such policy is recognized by the Assembly."

2. At its seventh session the General Assembly adopted the following resolution 217(VII) concerning the application of these provisions:

**A/RES/217(VII)**

Suspension of Members in arrears in the payment of  
statutory contributions: Article 34 of the Statutes

"The General Assembly,

"Considering decision 2(XXX) by which the Executive Council recommended the Assembly to apply Article 34 of the Statutes and consequently to suspend the Members of the Organization whose contribution arrears are equal to or exceed the contributions owed by such Members for four financial years and who have not, within six months, agreed with the Secretary-General on a payment plan for reimbursing these arrears,

"Considering document A/7/10(j) prepared by the Secretary-General pursuant to the above Executive Council decision,

"Recognizing that Article 34 of the Statutes, which provides the sanction of suspension when a Member persists in a policy that is contrary to the fundamental aim of the Organization as mentioned in Article 3 of the Statutes, becomes applicable in the case of prolonged non-payment of obligatory contributions to the Organization's budget, such an attitude clearly constituting a policy contrary to the aims of WTO,

"1. Decides to apply henceforward the measure of suspension provided for in Article 34 of the Statutes:

- "(a) when a Member of the Organization has accumulated contribution arrears in respect of any four financial years, which need not be consecutive, partial payment of contributions not preventing the measure of suspension being applied, and;
  - "(b) when the aforementioned Member has not agreed a payment plan for the contribution arrears with the Secretary-General within a period of one year from the date of the resolution by which the Assembly noted that the measure of suspension was applicable to the Member pursuant to Article 34 of the Statutes;"
- .....

- "3. Requests the Secretary-General to apply the present resolution and to inform each session of the Executive Council concerning its application."

**PARAGRAPH 13 OF THE FINANCING RULES ATTACHED TO THE STATUTES**

3. The provisions of paragraph 13 of the Financing Rules attached to the Statutes read as follows:

"13. A Member which is in arrears in the payment of its financial contributions to the Organization's expenditure shall be deprived of the privileges enjoyed by the Members in the form of services and the right to vote in the Assembly and the Council if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two financial years. At the request of the Council, the Assembly may, however, permit such a Member to vote and to enjoy the services of the Organization if it is satisfied that the failure to pay is due to conditions beyond the control of the Member."

4. In this regard, at its sixth session the Assembly adopted the following resolution:

A/RES/162(VI)

"The General Assembly,

.....

"Confirms the following provisions;

"When a Member becomes subject to the provisions of paragraph 13 of the Financing Rules and Regulation 8(7) of the Financial Regulations, the Assembly may restore that Member's right to vote and to enjoy the services of the Organization, only on an exceptional basis, when:

- "1. the Member has explained the reasons for its failure to pay in writing and has requested the restoration of its rights in writing;
- "2. the Council finds that the circumstances are beyond the Member's control;
- "3. the Council and the country concerned have agreed to the measures which should be taken in order to settle the arrears."



**ANEXO 2 / ANNEXE 2 / ANNEX 2**

Miembros a los que podrían ser aplicadas las disposiciones del Art. 34 de los Estatutos un año después de la decimosexta Asamblea General

Membres auxquels pourraient s'appliquer les dispositions de l'article 34 des Statuts un an après la seizième session de l'Assemblée générale

Members to which the provisions of Art. 34 of the Statutes could be applied one year after the sixteenth General Assembly

(al 31 de agosto de 2005 / au 31 août 2005 / at 31 August 2005)

1. **MIEMBROS EFECTIVOS / MEMBRES EFFECTIFS / FULL MEMBERS**

1. CAPE VERDE

2. **MIEMBROS AFILIADOS / MEMBRES AFFILIÉS / AFFILIATE MEMBERS**

1. ASOC. ECUATORIANA DE AG. DE VIAJES, OPER. DE TUR Y MAYORISTAS (ASECUT)
2. ESCUELA INTERNACIONAL DE HOTELERÍA Y TURISMO – CENCAP
3. COMMITTEE FOR TOURISM & DEV. OF RESORTS OF ST. PETERSBURG ADMINISTRATION
4. CONSEJO NACIONAL EMPRESARIAL TURÍSTICO (CNET)
5. DCDM CONSULTING
6. ENTERPRISE TOURISTIQUE DE KABYLIE
7. GABON CONTACTS
8. INSTITUTE OF TRAINING, RESEARCH & OPERATIONAL CONSULTANCY FOR TOURISM (INSTROCT)
9. KERALA TOURISM DEVELOPMENT CORP. LTD (KTDC)
10. MASYARAKAT PARIWISATA INDONESIA
11. ORGANISATION DU TOURISME EURO-MEDITERRANEEN (OTEM)
12. ROYAL AIR MAROC
13. ROYAL OLYMPIC CRUISES
14. UNIVERSITY OF VESZPREM
15. WINZRIK TOURISM SERVICES CO.