

# ***Provisional Record***

108th Session, Geneva, June 2019



Date: Thursday, 13 June 2019

## **Second item on the agenda: Programme and Budget proposals for 2020–21 and other questions**

### **First report of the Finance Committee of Government Representatives**

#### *Contents*

	<i>Page</i>
Request of the Government of Sierra Leone, under paragraph 4 of article 13 of the Constitution of the International Labour Organisation, for permission to vote .....	1
Request of the Government of Somalia, under paragraph 4 of article 13 of the Constitution of the International Labour Organisation, for permission to vote .....	4
Resolutions submitted to the Conference.....	8
Resolution concerning the arrears of contributions of Sierra Leone .....	8
Resolution concerning the arrears of contributions of Somalia .....	9

#### *Appendix*

Relevant provisions of the Constitution of the International Labour Organisation and the Standing Orders of the International Labour Conference.....	11
--	----

- 
1. The Finance Committee of Government Representatives met on 12 June 2019 with Mr Raúl Vargas Juárez (Mexico) as Chairperson and Reporter and Mr Tetsuya Matsubara (Japan) as Vice-Chairperson.

## **Request of the Government of Sierra Leone, under paragraph 4 of article 13 of the Constitution of the International Labour Organisation, for permission to vote**

2. The Committee had before it a request (document [CF/D.6](#)) from the Government of Sierra Leone for permission to vote at the Conference. This request was referred to the Finance Committee as a matter of urgency in accordance with paragraph 1 of article 31 of the Standing Orders of the Conference. The text of the request, received on 3 June 2019, is as follows:

When replying, please quote:  
**Ref: MLSS/ILO/314/07 VOL. 1**



Ministry of Labour &  
Social Security  
New England,  
Freetown  
3<sup>rd</sup> June, 2019

**The Director-General  
International Labour Organisation (ILO)  
Route des Morillons 4  
CH-1211 Genève 22  
Geneva  
Switzerland**

**Dear Director-General,**

### **RE: REQUEST TO RECOVER RIGHT TO VOTE**

I have the honour to again inform you that the Government of Sierra Leone wishes to regularize the arrears of contributions due by it to the International Labour Organisation and regain its right to vote and participate actively in the Organisation.

The Government of Sierra Leone on **7<sup>th</sup> February, 2019** paid to the ILO the sum of **\$ 42, 084** and on **29<sup>th</sup> May, 2019** made an additional payment of **\$ 131, 976**, thereby, making it a total of **\$ 174,060** equivalent to **174,267 Swiss Francs**.

Over the years, the Government of Sierra Leone have not been able to pay its annual subscription as a result of the nine (9) years Civil War (1991-2000) and the Ebola Scourge (2014-2015) among other reasons.

I would therefore kindly request that you resubmit the following proposal for the settlement of Sierra Leone's arrears of contribution to the competent authorities of the International Labour Organisation:

- 1. In 2019, Sierra Leone has paid in full an equivalent amount of its assessed contribution of 3,803 Swiss Francs and an arrear of 170,464 Swiss Francs in order to demonstrate our commitment.***
- 2. Sierra Leone will settle the arrears of contribution that have accumulated up to the end of 2018, covering contributions from 1992 and amounting in total 265,992 Swiss francs, by payment of 19 annual equal instalments of 13,300 Swiss Francs and one instalment of 13,292 Swiss Francs.***
- 3. Sierra Leone also will settle subsequent years' contributions in the year in which they become due.***

---

However, we are committed to meet our arrears based on our payment plan. We are kindly requesting the Governing Body of the International Labour Organisation for a waiver during the Civil War (1991 – 2000) and the Ebola Scourge (2014 -2015).

I would rather request that you transmit to the 108<sup>th</sup> International Labour Conference my Government's request that it be permitted to vote and enjoy other rights in the Organisation in accordance with article 13, paragraph 4 of the Constitution of the ILO.

**Very truly yours,**



**Adekunle J. Milton King (Esq.)  
Minister  
Ministry of Labour and Social Security**

**Cc: Hon. Minister, Ministry of Finance  
Hon. Deputy Minister, Ministry of Labour and Social Security  
Commissioner of Labour, Ministry of Labour and Social Security  
The Secretary-General, Sierra Leone Labour Congress  
The Executive Secretary, Sierra Leone Employers Federation  
The ILO Representative, ILO Office-Sierra Leone**

## **Schedule for settling the arrears of member contributions of the Sierra Leone to the International Labour Organization**

**Period covered: 1992–2018 plus 2019 (assessed contribution)**

**Total amount due: 265,992 Swiss francs (CHF)**

**Planned payment of arrears (20 years)**

<b>No.</b>	<b>Year of payment</b>	<b>Annuity (in CHF)</b>
1	2020	13 300
2	2021	13 300
3	2022	13 300
4	2023	13 300
5	2024	13 300
6	2025	13 300
7	2026	13 300
8	2027	13 300
9	2028	13 300
10	2029	13 300
11	2030	13 300
12	2031	13 300
13	2032	13 300
14	2033	13 300
15	2034	13 300
16	2035	13 300

No.	Year of payment	Annuity (in CHF)
17	2036	13 300
18	2037	13 300
19	2038	13 300
20	2039	13 292
<b>Total</b>		<b>265 992</b>

3. The Committee noted the provisions of paragraph 4 of article 13 of the Constitution of the ILO, also articles 31 and 32 of the Standing Orders of the Conference, the texts of which appear in the appendix to this report.
4. In examining the financial relations between Sierra Leone and the ILO, the Committee noted that Sierra Leone became a Member of the ILO on 13 June 1961 and the following payments had been made in respect of its assessed contributions during the preceding ten years:

Date of payment	Amount (in CHF)	Details of payment
28 September 2009	1 711	Part 1985 contribution
3 November 2009	2 139	Part 1985 contribution
7 July 2010	2 353	Part 1985 contribution
20 July 2010	1 068	Balance 1985 contribution Part 1986 contribution
10 January 2011	1 279	Part 1986 contribution
13 May 2011	1 002	Part 1986 contribution
27 February 2012	2 070	Part 1986 contribution
20 December 2013	1 798	Part 1986 contribution
7 February 2019	41 486	Balance 1986 contribution Net 1987 contribution Part 1988 contribution
29 May 2019	132 781	Balance 1988 contribution Net 1989 contribution Net 1990 contribution Net 1991 contribution Part 1992 contribution

5. The Committee recalled that the International Labour Conference at its 83rd Session (1996) adopted an arrangement proposed by the Government of Sierra Leone for the settlement of the arrears of contributions due for the period from 1983 to 1995 of CHF350,450 and its 1996 contribution of CHF33,611.
6. Under the terms of agreement, Sierra Leone was to pay in full its contribution for 1996 in the same year, and to settle its arrears in 19 annual instalments of CHF17,523 and one final instalment of CHF17,513, beginning in 1997. Sierra Leone could only partially settle the amount due in 1996 and paid the amount of CHF16,642. As a consequence, Sierra Leone lost the right to vote in 1997.
7. In accordance with paragraph 6 of article 10 of the Financial Regulations, the payments of CHF41,486 and CHF132,781 made by the Government of Sierra Leone on 7 February 2019 and 29 May 2019, respectively, referred to in the letter above, were applied against its arrears of 1986–91 and part of its 1992 contributions.

- 
8. Contributions outstanding at 5 June 2019 amounted to CHF265,992 covering the assessed contributions from 1992 to 2019. Therefore, under paragraph 4 of article 13 of the Constitution, Sierra Leone was not entitled to vote unless the Conference should decide, in accordance with that article, to grant permission to vote.
  9. A representative of the Director-General (Treasurer and Financial Comptroller), in response to a question asked by the United Kingdom as to the Office's position on the requests made, explained that the duration of both proposed financial arrangements was in line with precedents adopted by the Conference, and that it would be for the Finance Committee to determine whether it was satisfied with each member State's request.
  10. *The Committee, being satisfied that the failure of Sierra Leone to pay its arrears was due to conditions beyond its control, in accordance with the provisions of paragraph 4 of article 31 of the Standing Orders of the Conference, decided to report to the Conference as follows:*
    - (a) *that the failure of Sierra Leone to pay in full the amounts owing was due to conditions beyond its control; these conditions are summarized in the letter appearing in paragraph 2 above;*
    - (b) *the financial relations between Sierra Leone and the Organization had been set out in paragraphs 4–6 above;*
    - (c) *measures would be taken to settle the arrears along the lines set out in the letter appearing in paragraph 2 above.*
  11. *The Committee accordingly decided to recommend the adoption by the Conference of the resolution concerning the granting to Sierra Leone of permission to vote under paragraph 4 of article 13 of the Constitution of the International Labour Organisation, the text of which appears at the end of this report.*

### **Request of the Government of Somalia, under paragraph 4 of article 13 of the Constitution of the International Labour Organisation, for permission to vote**

12. The Committee had before it a request (document [CF/D.7](#)) from the Government of Somalia for permission to vote at the Conference. This request was referred to the Finance Committee as a matter of urgency in accordance with paragraph 1 of article 31 of the Standing Orders of the Conference. The text of the request, received on 6 June 2019, is as follows:



FEDERAL REPUBLIC OF SOMALIA  
Ministry of Labor and Social Affairs  
Office of the Minister

Ref: MOLSA/ OM /25/2019

Date: 06/06/2019

H.E. Guy Ryder  
Director General  
International Labor Organization (ILO)

Your Excellency,

**Re: Somalia's Financial Contributions to the ILO**

On behalf of the Ministry of Labor and Social Affairs of the Federal Republic of Somalia, I wish to express Somali government's profound appreciations to you, Excellency, and the entire ILO family for the uninterrupted support to the government and people of Somalia.

Somalia has had limited participation in international multilateral institutions like the ILO. This is a consequence of the three decades of civil war and subsequent state collapse. The outbreak of civil war had a devastating effect on our country's institutions and governance capacity. Meanwhile, Somalia kept its dream of remaining an important member of the UN in spite of the absence of any kind of functioning central government over a long period.

Today Somalia has functioning institutions. The Federal Government of Somalia is working to restore Somalia's active membership of the international institutions. We are rebuilding our nation with the help of the world community. During this period of civil war and national insecurity, our contributions to ILO have accrued substantially. Somalia is; however, keen to reinstate its effective responsibility within the ILO.

In view of this, we wish to request financial arrangement in settling Somalia's accumulated arrears of contributions amounted to 419,546 Swiss francs in 19 annual installments of 21,000 Swiss francs CHF and one installment of 20,546 Swiss francs CHF beginning in 2020. Somalia will also settle its subsequent years' contributions in the year in which they become due. **Enclosed is financial arrangements plan (Annex 1).**

It is our genuine hope that the ILO and its relevant structures will favorably consider our request and will allow Somalia to have its voting rights restored from 2019 international labor conference.

Sincerely yours,



**Hon. Sadik Hirsi Warfa**  
The Minister of Labor and Social Affairs

Address EX Jubba Hotel- Mogadishu-Somalia, E-mail: [ministry@mol.gov.so](mailto:ministry@mol.gov.so)  
Email: [sadikwarfa@yahoo.com](mailto:sadikwarfa@yahoo.com), Tel: +252 616321674

---

## Schedule for settling the arrears of member contributions of the Somalia to the International Labour Organization

Period covered: 1988–2018 plus 2019 (assessed contribution)

Total amount due: 419,546 Swiss francs (CHF)

Planned payment of arrears (20 years)

No.	Year of payment	Annuity (in CHF)
1	2020	21 000
2	2021	21 000
3	2022	21 000
4	2023	21 000
5	2024	21 000
6	2025	21 000
7	2026	21 000
8	2027	21 000
9	2028	21 000
10	2029	21 000
11	2030	21 000
12	2031	21 000
13	2032	21 000
14	2033	21 000
15	2034	21 000
16	2035	21 000
17	2036	21 000
18	2037	21 000
19	2038	21 000
20	2039	20 546
<b>Total</b>		<b>419 546</b>

13. The Committee noted the provisions of paragraph 4 of article 13 of the Constitution of the ILO, also articles 31 and 32 of the Standing Orders of the Conference, the texts of which appear in the appendix to this report.

14. In examining the financial relations between Somalia and the ILO, the Committee noted that Somalia became a Member of the ILO on 18 November 1960 and the last payment made in respect of its assessed contributions was as follows:

Date of payment	Amount (in CHF)	Details of payment
8 March 1988	21 661	Balance 1985 contribution Full 1986 contribution Full 1987 contribution

- 
15. Contributions outstanding at 7 June 2019 amounted to CHF419,546 covering the assessed contributions from 1988 to 2019. Therefore, under paragraph 4 of article 13 of the Constitution, Somalia was not entitled to vote unless the Conference should decide, in accordance with that article, to grant permission to vote.
16. *The Committee, being satisfied that the failure of Somalia to pay its arrears was due to conditions beyond its control, in accordance with the provisions of paragraph 4 of article 31 of the Standing Orders of the Conference, decided to report to the Conference as follows:*
- (a) that the failure of Somalia to pay in full the amounts owing was due to conditions beyond its control; these conditions are summarized in the letter appearing in paragraph 12 above;*
  - (b) the financial relations between Somalia and the Organization had been set out in paragraphs 14–15 above;*
  - (c) measures would be taken to settle the arrears along the lines set out in the letter appearing in paragraph 12 above.*
17. *The Committee accordingly decided to recommend the adoption by the Conference of the resolution concerning the granting to Somalia of permission to vote under paragraph 4 of article 13 of the Constitution of the International Labour Organisation, the text of which appears at the end of this report.*
18. The provisions of paragraph 4 of article 13 of the Constitution of the ILO, also articles 31 and 32 of the Standing Orders of the Conference, are reproduced in the appendix to this report.

Geneva, 12 June 2019

*(Signed)* R. Vargas Juárez  
Chairperson and Reporter



---

## Resolutions submitted to the Conference

### Resolution concerning the arrears of contributions of Sierra Leone

The General Conference of the International Labour Organization,

Having regard to paragraph 6 of article 10 of the Financial Regulations,

Accepts the arrangement proposed by the Government of Sierra Leone for the settlement of its arrears of contributions corresponding to the periods 1992–2018 plus its 2019 contribution to the effect that:

- (a) in order to demonstrate its commitment to cooperation with the ILO, in February and May 2019, the Government of Sierra Leone paid CHF41,486 and CHF132,781 respectively, which were applied as a payment against its arrears of 1986–91 and part of its 1992 contributions;
- (b) the Government of Sierra Leone, starting from 2020, will pay its current contribution in full in the year for which it is due;
- (c) the Government of Sierra Leone will settle its arrears that have accumulated up to 31 December 2018 and including the 2019 contribution, amounting to CHF265,992, by payment, beginning in 2020, of 20 annual instalments in accordance with the following schedule:

<b>Years</b>	<b>Amount (in CHF)</b>
2020	13 300
2021	13 300
2022	13 300
2023	13 300
2024	13 300
2025	13 300
2026	13 300
2027	13 300
2028	13 300
2029	13 300
2030	13 300
2031	13 300
2032	13 300
2033	13 300
2034	13 300
2035	13 300
2036	13 300
2037	13 300
2038	13 300
2039	13 292
<b>Total</b>	<b>265 992</b>

---

Decides that Sierra Leone shall be permitted to vote, in accordance with paragraph 4 of article 13 of the Constitution of the International Labour Organisation, after the conclusion of the present business.

### **Resolution concerning the arrears of contributions of Somalia**

The General Conference of the International Labour Organization,

Having regard to paragraph 6 of article 10 of the Financial Regulations,

Accepts the arrangement proposed by the Government of Somalia for the settlement of its arrears of contributions corresponding to the periods 1988–2018 plus its 2019 contribution to the effect that:

- (a) the Government of Somalia, starting from 2020, will pay its current contribution in full in the year for which it is due;
- (b) the Government of Somalia will settle its arrears that have accumulated up to 31 December 2018 and including the 2019 contribution, amounting to CHF419,546, by payment, beginning in 2020, of 20 annual instalments in accordance with the following schedule:

<b>Years</b>	<b>Amount (in CHF)</b>
2020	21 000
2021	21 000
2022	21 000
2023	21 000
2024	21 000
2025	21 000
2026	21 000
2027	21 000
2028	21 000
2029	21 000
2030	21 000
2031	21 000
2032	21 000
2033	21 000
2034	21 000
2035	21 000
2036	21 000
2037	21 000
2038	21 000
2039	20 546
<b>Total</b>	<b>419 546</b>

---

Decides that Somalia shall be permitted to vote, in accordance with paragraph 4 of article 13 of the Constitution of the International Labour Organisation, after the conclusion of the present business.

---

## Appendix

### Relevant provisions of the Constitution of the International Labour Organisation and the Standing Orders of the International Labour Conference

1. Paragraph 4 of article 13 of the Constitution of the Organisation provides as follows:

4. A Member of the Organization which is in arrears in the payment of its financial contribution to the Organization shall have no vote in the Conference, in the Governing Body, in any committee, or in the elections of members of the Governing Body, if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years: Provided that the Conference may by a two-thirds majority of the votes cast by the delegates present 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.

2. Articles 31 and 32 of the Standing Orders of the Conference provide as follows:

#### ARTICLE 31

##### *Procedure where proposal is made to permit Member in arrears to vote*

1. Any request or proposal that the Conference should nevertheless permit a Member which is in arrears in the payment of its contributions to vote in accordance with article 13, paragraph 4, of the Constitution shall be referred in the first instance to the Finance Committee of the Conference, which shall report thereon as a matter of urgency.

2. Pending a decision on the request or proposal by the Conference, the Member shall not be entitled to vote.

3. The Finance Committee shall submit to the Conference a report giving its opinion on the request or proposal.

4. If the Finance Committee, having found that the failure to pay is due to conditions beyond the control of the Member, thinks fit to propose to the Conference that the Member should nevertheless be permitted to vote in accordance with article 13, paragraph 4, of the Constitution, it shall in its report:

- (a) explain the nature of the conditions beyond the Member's control;
- (b) give an analysis of the financial relations between the Member and the Organisation during the preceding ten years; and
- (c) indicate the measures which should be taken in order to settle the arrears.

5. Any decision which may be taken by the Conference to permit a Member which is in arrears in the payment of its contributions to vote notwithstanding such arrears may be made conditional upon the Member complying with any recommendations for settling the arrears which may be made by the Conference.

---

ARTICLE 32

*Period of validity of a decision to permit Member in arrears to vote*

1. Any decision by the Conference permitting a Member which is in arrears in the payment of its contributions to vote shall be valid for the session of the Conference at which the decision is taken. Any such decision shall be operative in regard to the Governing Body and committees until the opening of the general session of the Conference next following that at which it was taken.

2. Notwithstanding the provisions of paragraph 1 of this article, after the Conference has approved an arrangement under which the arrears of a Member are consolidated and are payable in annual instalments over a period of years, the Member shall be permitted to vote provided that, at the time of the vote concerned, the Member has fully paid all instalments under the arrangement, as well as all financial contributions under article 13 of the Constitution that were due before the end of the previous year. For any Member which, at the close of the session of the Conference, has not fully paid all such instalments and contributions due before the end of the previous year, the permission to vote shall lapse.