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Summary record of the 16th meeting

Held at Headquarters, New York, on Friday, 13 December 2019, at 10 a.m.

Vice-Chair: Mr. Poggio Pádua (Vice-Chair) (Brazil)
*Vice-Chair of the Advisory Committee on Administrative
and Budgetary Questions:* Ms. Maciel

Contents

Agenda item 135: Proposed programme budget for 2020 (*continued*)

*Revised estimates resulting from resolutions and decisions adopted by the
Human Rights Council at its fortieth, forty-first and forty-second sessions*

*Addressing the deteriorating conditions and limited capacity of the conference
services facilities at the United Nations Office at Nairobi*

*Programme budget implications of draft resolution [A/C.3/74/L.29](#): Situation of
human rights of Rohingya Muslims and other minorities in Myanmar*

Other matters

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In the absence of Mr. Mavroyiannis (Cyprus), Mr. Poggio Pádua (Brazil), Vice-Chair, took the Chair.

The meeting was called to order at 10.05 a.m.

Agenda item 135: Proposed programme budget for 2020 (continued)

Revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its fortieth, forty-first and forty-second sessions (A/74/7/Add.26 and A/74/529)

Addressing the deteriorating conditions and limited capacity of the conference services facilities at the United Nations Office at Nairobi (A/74/7/Add.22 and A/74/471)

Programme budget implications of draft resolution A/C.3/74/L.29: Situation of human rights of Rohingya Muslims and other minorities in Myanmar (A/74/7/Add.25; A/C.5/74/11)

1. **Mr. Ramanathan** (Controller), introducing the report of the Secretary-General on the revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its fortieth, forty-first and forty-second sessions (A/74/529), said that the Council had adopted 65 resolutions with financial implications. In support of the implementation of those resolutions, the Secretary-General requested approval of additional appropriations, representing charges against the contingency fund, of \$22,548,300, comprising \$1,884,800 under section 2, General Assembly and Economic and Social Council affairs and conference management; \$20,583,000 under section 24, Human rights; and \$80,500 under section 29E, Administration, Geneva, of the proposed programme budget for 2020. He also requested approval of the establishment of 18 posts under section 24, including 6 posts to support the activities mandated by the Council in its resolutions 40/13, 42/20, 42/22 and 42/23, and 12 posts for the establishment of a country office in the Sudan, as mandated in Council resolution 42/35. Lastly, he requested approval of an additional appropriation in the amount of \$866,000 under section 36, Staff assessment, to be offset by an equivalent amount under income section 1, Income from staff assessment.

2. Introducing the report of the Secretary-General on addressing the deteriorating conditions and limited capacity of the conference services facilities at the United Nations Office at Nairobi (A/74/471), he said that the report, which had been submitted pursuant to General Assembly resolution 73/270, contained the results of an initial business needs assessment conducted by the Office, including an analysis of the

expected benefits of possible renovation and new construction work and an overview of the initial options, and the proposed next steps to be taken to develop a detailed needs assessment and an expanded analysis of the options. The Office was mandated to provide conference services to the United Nations programmes headquartered in Nairobi, namely the United Nations Environment Programme (UNEP) and the United Nations Human Settlements Programme (UN-Habitat), and to the United Nations agencies, funds and programmes in Nairobi. Some conferences and events exceeded the capacity of the Office's conference facilities, which was limited to 2,000 participants. For example, about 5,000 participants had attended the fourth session of the United Nations Environment Assembly of UNEP, held in March 2019; such demand was met by hiring tents and other temporary structures.

3. The facilities, which had been constructed between 1983 and 1985, were no longer fit for purpose. There was a need to upgrade the building structure, reconfigure the spaces, incorporate new technologies and ensure that the facility met acceptable international standards, including those related to energy efficiency and full access for persons with disabilities. The General Assembly was requested to take note of the report, approve the next steps proposed by the Secretary-General, appropriate an amount of \$470,000 for 2020, and request the Secretary-General to submit a report on the results of a detailed needs assessment and expanded analysis of options to the Assembly at its seventy-fifth session.

4. Introducing the statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly of the programme budget implications of draft resolution A/C.3/74/L.29: Situation of human rights of Rohingya Muslims and other minorities in Myanmar (A/C.5/74/11), he said that, to meet the requests contained in the draft resolution, resources in the amount of \$1,073,000, net of staff assessment, would be required so that the Secretary-General could continue to provide his good offices. Those resources, which would cover the salaries and staffing costs related to the Special Envoy of the Secretary-General on Myanmar and four other positions, as well as other operational requirements, were included in the proposed programme budget for 2020 in section 3, Political affairs, special political missions, under thematic cluster I: special and personal envoys, advisers and representatives of the Secretary-General (A/74/6 (Sect.3)/Add.2).

5. **Ms. Maciel** (Vice-Chair of the Advisory Committee on Administrative and Budgetary Questions), introducing the report of the Advisory

Committee on the revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its fortieth, forty-first and forty-second sessions (A/74/7/Add.26), said that, upon enquiry, the Advisory Committee had been provided with information that reflected consistent underexpenditure against commitment authorities related to resolutions adopted by the Council in the previous three years. The Advisory Committee recommended that the General Assembly request the Secretary-General to ensure that future requests for commitment authorities and budget submissions were more accurate and were based on realistic budgeting assumptions. The proposed 12-month duration of certain general temporary assistance positions related to Council resolutions was unjustified, given the temporary nature of the related mandates, and the information provided by the Secretary-General on the incumbency of general temporary assistance positions reflected underutilization or no utilization of the related resources. The Advisory Committee recalled its previous recommendations against the allocation of general temporary assistance resources for Human Resources Officer positions related to recruitment and onboarding in the secretariats established under Council resolutions, given the existing capacity at the United Nations Office at Geneva. The Advisory Committee in its report also addressed inconsistencies in budget presentation and the establishment of a country office in the Sudan pursuant to Council resolution 42/35. On the basis of its comments and observations, the Advisory Committee recommended a reduction of \$2,350,000 in the proposed resources for 2020.

6. Introducing the report of the Advisory Committee on addressing the deteriorating conditions and limited capacity of the conference services facilities at the United Nations Office at Nairobi (A/74/7/Add.22), she said that the renovation and construction options proposed by the Secretary-General should be considered on the basis of a comprehensive needs assessment, which should include essential renovation needs, in order to bring the conference facilities up to an acceptable standard for events and conferences. Subsequently, further renovation and construction options could be proposed on the basis of capacity considerations. The Advisory Committee recommended that the assessment contain detailed costs, tangible and intangible benefits, and the funding modalities, including extrabudgetary and other funding sources, of the various options. Consideration should be given to such factors as the conferencing needs and demands of United Nations entities and other potential clients, the sustainability of the targeted occupancy levels and the

additional capacity needed to service the United Nations bodies mandated to hold conferences in Nairobi.

7. Introducing the report of the Advisory Committee on the programme budget implications of draft resolution A/C.3/74/L.29: Situation of human rights of Rohingya Muslims and other minorities in Myanmar (A/74/7/Add.25), she said that the Advisory Committee had considered the Secretary-General's proposal in the context of its second and third reports on the proposed programme budget for 2020 under section 3, Political affairs, for special political missions (A/74/7/Add.1 and A/74/7/Add.2). The Advisory Committee recommended that the Fifth Committee inform the General Assembly that, should the Assembly adopt draft resolution A/C.3/74/L.29, resource requirements amounting to \$1,073,000 would be required for the period from 1 January to 31 December 2020 for the continuation of the Office of the Special Envoy of the Secretary-General on Myanmar.

8. **Mr. Katkhuda** (Observer for the State of Palestine), speaking on behalf of the Group of 77 and China, said that the Group acknowledged the emphasis placed, in the draft resolutions recommended by the Committee on Conferences for adoption by the General Assembly, on the condition of the conference facilities at the United Nations Office at Nairobi. The Group welcomed the report of the Secretary-General on addressing the deteriorating conditions and limited capacity of those facilities (A/74/471). It was concerned that the capacity of the Nairobi conference centre to provide services, especially for the regular calendar meetings of the United Nations bodies headquartered in Nairobi, was severely limited. The complexity of hosting the Environment Assembly and the United Nations Habitat Assembly of UN-Habitat had increased; 109 meetings of the fourth session of the Environment Assembly and 43 meetings of the inaugural session of the UN-Habitat Assembly, held in May 2019 and attended by more than 4,000 accredited participants, had been held in temporary structures or other spaces adapted for use as meeting rooms. The numbers of participants in and meetings of those Assemblies were expected to increase because of the expansion of the UNEP and UN-Habitat governance structures; that growth was a sign of confidence and appreciation on the part of Member States and reflected the increasing importance of multilateralism in relation to the environment and human settlements. The Office had responded by converting corridors, walkways and car parks and installing temporary tented structures. That was unsustainable, incurred unacceptable risks and additional costs for conference organizers, and

disrupted United Nations offices and programmes in the complex.

9. Such conditions posed risks to the success of the Environment Assembly, the UN-Habitat Assembly and other intergovernmental meetings held by organizations at the Office, and undermined the prestige and dignity of the United Nations. Those organizations incurred considerable expenditure in holding such meetings, and the Member States were forced to conduct informal negotiations in substandard, inaccessible rooftop rooms in which the interpretation and audiovisual equipment was prone to failure. The situation was aggravated by the Office's inability to attract as many language experts as other United Nations duty stations. The General Assembly should approve the next steps proposed by the Secretary-General to bring the duty station up to par with the United Nations Offices at New York, Geneva and Vienna as a centre of multilateralism.

10. **Mr. Mmalane** (Botswana), speaking on behalf of the Group of African States, said that the Group welcomed the report of the Secretary-General on addressing the deteriorating conditions and limited capacity of the conference services facilities at the United Nations Office at Nairobi (A/74/471), which showed that the facilities needed to be upgraded to address the immediate risks and bring the duty station up to par with the United Nations Offices at New York, Geneva and Vienna as a centre for multilateralism. The upgrade would ensure that the United Nations Office at Nairobi had modern, multipurpose facilities that complied with prevailing building and life safety codes.

11. The Member States had decided that UN-Habitat and UNEP should have universal membership and had adopted resolutions in which they had requested the United Nations to ensure conformity with the headquarters rule, under which the Nairobi-based United Nations bodies must hold all their meetings at the Office. The growing participation in the events of UN-Habitat and UNEP, which was a sign of the increasing importance of multilateralism in relation to the environment and human settlements, was likely to continue, if not accelerate. The future requirements of UN-Habitat and UNEP should be anticipated.

12. The Group was concerned that the conference management and simultaneous interpretation system at the conference centre had been installed in 2009 and had experienced failures that had affected the servicing of large meetings. Urgent investments in state-of-the-art technology and conferencing systems were needed to ensure that the facility met acceptable international standards and that best practice was followed. The Group looked forward to the submission to the General

Assembly of the Secretary-General's report on the detailed needs assessment and expanded analysis of the renovation and construction options.

13. **Ms. Padilla Cainglet** (Philippines) said that, given the current financial crisis at the United Nations, resources should be deployed judiciously, prudently and efficiently to benefit the largest possible majority of people. The Committee's duty was to ensure that funds were spent sensibly and had a positive impact, and her delegation would work towards that end. The Philippines took note of the report of the Secretary-General on the revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its fortieth, forty-first and forty-second sessions (A/74/529), in which the resource requirements arising from those resolutions and decisions were estimated at \$67.9 million, part of which was included in the programme budget for the biennium 2018–2019 and the proposed programme budget for 2020. The Secretary-General proposed that \$331,300 be provided for the implementation of Council resolution 41/2, on the promotion and protection of human rights in the Philippines; the Advisory Committee had authorized him to enter into commitments of \$128,200 to commence operations and arrangements on the ground.

14. The General Assembly should carefully consider whether the allocation of resources to implement the resolution would be judicious, prudent and impactful. Only 18 members of the Council, less than half of the total, had voted in favour of the resolution; almost as many had voted against it, and almost as many again had abstained. The resolution was of questionable validity and did not represent the will of the Council's entire membership. The Member States should evaluate the cost of such a unilateral country resolution in relation to its impact on the ground and improvements in the capacities of the States concerned, and should consider whether the resolution would be constructive and helpful or would only increase the politicization of human rights.

15. In the resolution, the Council requested the United Nations High Commissioner for Human Rights to prepare a comprehensive report on the human rights situation in the Philippines. In calling for such a report, which would be overly broad in scope, the authors of the resolution clearly intended not to generate an objective assessment of the situation on the ground but to name and shame the alleged perpetrators of violations; no amount of financial resources would be enough for that purpose. The General Assembly should consider carefully whether to allow itself to advance the political agenda of a few.

16. For those reasons, the Philippines rejected the resolution, whose spirit ran counter to the cause of human rights, which it had pledged to uphold when it had founded the Human Rights Council together with other countries in 2006 and when it had insisted, in contributing to the work on the Universal Declaration of Human Rights in the 1940s, on strong commitments to justice, dignity, conscience and the rights of women. The Philippines had helped establish the United Nations to honour the universal values of respect for sovereignty and non-interference in the internal affairs of States and to uphold dialogue, which was undermined by the high-handed insistence of one side that the other keep quiet. Those values had not been upheld in the process that had led to the adoption of Council resolution 41/2; rather, the Organization's mandate had been weaponized by those with the means to do so.

17. The Philippines reaffirmed its commitment to the United Nations and to the Council, where it was serving its fifth term as a member. His delegation would engage constructively in informal consultations to determine the necessity and suitability of the budgetary resources for the implementation of the resolution, and would be guided by Member States' collective duty to respect, protect and uphold human rights and prevent the misuse of the Council's mandate; he urged other delegations to do likewise.

18. **Mr. Amolo** (Kenya) said that his delegation welcomed the Secretary-General's efforts to address the deteriorating conditions and limited capacity of the conference centre at the United Nations Office at Nairobi. The situation adversely affected the Secretariat's ability to service the regular calendar meetings of the United Nations bodies headquartered in Nairobi and the other major international meetings held there. In 2019, in hosting the Environment Assembly and the UN-Habitat Assembly, levels of participation in which had been unprecedented, the Office had faced significant challenges as a result of the condition and limited capacity of the facilities. The United Nations incurred risk and potential reputational loss by attempting to support such large conferences using ageing, inadequate facilities. UNEP and UN-Habitat should comply with the headquarters rule to increase the utilization of the facilities.

19. Under the Convention on the Rights of Persons with Disabilities, adopted by the General Assembly in its resolution 61/106, barriers in the physical environment must be removed and information and assistive devices must be provided to enable the full participation and inclusion of persons with disabilities. Given the commitment of the United Nations to accessibility and the equal participation of persons with

disabilities, the Organization's premises and facilities must serve as examples of best practice in that regard.

Other matters

20. The Chair said that, after consulting with the membership, the Bureau had decided that the Fifth Committee would consider the capital master plan; the information and communications technology strategy; the conditions of service of members of the International Court of Justice, members of the International Residual Mechanism for Criminal Tribunals and judges and ad litem judges of the International Tribunal for the Former Yugoslavia; and the composition of the Secretariat at the resumed seventy-fourth session of the General Assembly.

The meeting rose at 10.40 a.m.