

## Thirteenth plenary meeting of the 40th session of the General Conference

Friday 22 November 2019 at 10.15 a.m.

President: **Mr Altay Cengizer** (Turkey)

### Report of the fifth meeting of the Bureau

#### 1.1 The President:

Good morning, ladies and gentlemen. I declare open the thirteenth plenary meeting of the General Conference. Before that, let me give you a brief report of the Bureau meeting this morning. This morning's Bureau meeting started with the progress reports on the work of the Commissions and Committees. The Chairpersons of those commissions and committees recently finished or almost completed their work, reported to the Bureau on the results of their work. The commissions and committees are working efficiently and according to schedule. I am pleased to announce that at the end of this plenary meeting there will be a meeting of the Nominations Committee in Room IV for the announcement of the results of the election of the subsidiary bodies of the General Conference. Subsequently, the Bureau moved to the organization of the final phase of the work of the 40th session of the General Conference. The Bureau approved in particular the presentation of the reports of the particular commissions and committees to the plenary. It was also agreed that there will be in principle no plenary meeting on the morning of Wednesday 27 November, so as to allow delegates to participate in the Joint Meeting of Commissions.

1.2 It is customary for the General Conference to pay tribute to the outgoing President of the General Conference as well as to the outgoing Chairperson of the Executive Board. The two texts which are contained in documents 40 C/PLEN/DR.4 and 40 C/PLEN/DR.5, which express recognition and gratitude of the General Conference to Her Excellency Ms Zohour Alaoui, President of the 39th session of the General Conference, and to His Excellency Mr Lee Byong-hyun, Chairperson of the Executive Board.

1.3 On a separate matter, I also have the pleasure to announce that the Democratic Republic of the Congo and Timor-Leste have recovered voting rights.

### Item 7.4 – Draft amendment to Article V of the Constitution

1.4 We will now examine item 7.4 “Draft amendment to Article V of the Constitution”. The relevant documents for this item are: 40 C/71, 40 C/PLEN/DR.2. Rev., 40 C/PLEN/DR.7.Rev.2 and 40 C/115. Document 40 C/PLEN/DR.2. Rev contains the list of its co-sponsors. Document 40 C/PLEN/DR.7.Rev.2 also contains the list of its co-sponsors. I inform you that, after its publication, Angola and Burundi have expressed their support for this draft resolution.

1.5 I invite the distinguished Chairperson of the Legal Committee to present the report of the Committee in connection with this item. Excellency, you have the floor.

#### 2.1 M. Eisemann (Président du Comité juridique) :

Merci Monsieur le Président. Permettez-moi de vous présenter le 18<sup>e</sup> rapport du Comité juridique contenu dans le document 40/C/115. Ce rapport porte sur les projets d'amendements à l'Article V de l'Acte constitutif et aux articles 82 et 101 du Règlement intérieur de la Conférence générale, lesquels visent l'éligibilité des membres du Conseil exécutif et le droit de vote au Conseil exécutif. Ces projets ont été soumis à la Conférence générale dans le document 40/C/71.

2.2 Après s'être prononcé sur la recevabilité des projets d'amendements constitutionnels, en vertu des dispositions pertinentes de l'Acte constitutif et du Règlement intérieur de la Conférence générale, les membres du Comité juridique ont procédé à un examen du projet de résolution présenté par les auteurs des amendements dans le document 40/C/PLEN/DR.2. Le Comité a donc procédé à des modifications d'ordres juridique et procédural sur le projet de résolution.

2.3 Un membre du Comité a exprimé ses réserves quant au libellé des deuxième et troisième paragraphes du préambule du projet de résolution. Par ailleurs, des membres du Comité ont également fait observer que la privation du droit de vote d'États membres au Conseil exécutif aurait pour conséquence d'affecter la représentation, au sein du Conseil, du groupe électoral dont cet État fait partie.

2.4 D'autres membres du Comité ont soutenu que les mesures proposées permettaient d'assurer le respect effectif de paiement des contributions tout en protégeant les États en situation difficile. Les membres du Comité ont estimé nécessaire d'attirer l'attention de la Conférence générale sur la question des modalités de la restitution du droit de vote au Conseil exécutif, pour un État membre qui s'acquitterait de ses obligations financières entre les sessions de la Conférence générale. Ils ont souligné que celles-ci mériteraient d'être davantage précisées et que la Conférence générale pouvait choisir d'insérer de telles modalités dans sa résolution, prise au titre de l'Article V.C.14 de l'Acte constitutif s'il était adopté. À cet égard le Comité a suggéré une formulation qui figure au Paragraphe 4 in fine du rapport.

2.5 Par la suite, les membres du Comité ont débattu des modalités d'entrée en vigueur de cet amendement constitutionnel, notamment quant à savoir si celui-ci comportait ou non des obligations nouvelles pour les États membres. Certains membres se sont prononcés dans ce sens, tandis que d'autres ont soutenu la position contraire. À l'issue d'un long débat, le Comité juridique a considéré qu'il n'était pas en mesure de trancher entre ces deux options, faute d'avoir pu atteindre la majorité des deux tiers requise par le paragraphe 2 de l'Article 38 du Règlement intérieur de la Conférence générale (et non le paragraphe 3, tel qu'il est indiqué par erreur dans le rapport du Comité).

2.6 Le Comité ne pouvant donc donner un avis, il reviendra à la plénière de la Conférence générale de se prononcer sur cette question. Toutefois, afin de faciliter le travail de la plénière de la Conférence générale, le Comité juridique a

décidé de mettre à la disposition de celle-ci deux options du projet de résolution, tel que modifié par le Comité, selon que la Conférence générale considère que ces amendements constitutionnels n'entraînent aucune obligation nouvelle pour les États membres, c'est l'option 1, ou qu'ils entraînent des obligations nouvelles, c'est l'option 2. Ces deux options figurent à la fin du Paragraphe 7 du rapport du Comité juridique. Je vous remercie Monsieur le Président.

3. **The President:**

*Merci votre Excellence.* I would now like to give the opportunity to one of the co-sponsors of this draft amendment to make an introductory statement. Excellency, representative of Sweden, you have the floor.

4.1 **Sweden:**

Thank you very much, Mr President, for giving Sweden the possibility to introduce this proposal. Let me start with a few words on the importance of the regular budget and our joint funding of the United Nations through contributions. The contributions constitute the regular budget. The regular budget embodies all Member States' joint commitment and ownership of the United Nations and indeed of UNESCO. Our contributions are an obligation under our Constitution. Our contributions underpin the political principle of universality in UNESCO and they are a manifestation of the fact that we, all Member States together and according to capacity, contribute in solidarity and on an equal footing, both to the decision-making on the priorities of the Organization and to its funding. If we do not stand united on the contributions, we could in the future risk a situation of UNESCO becoming a donor-driven organization. It is our democratic governance system, together with our joint contributions, that will continue to guarantee the impartiality and universality of both UNESCO's programme and its funding.

4.2 Mr President, Sweden together with a large and diverse group of 50 co-sponsors from all regions, have always tried to keep this a knowledge-based and transparent process. This process has provided both written information as well as open information meetings with robust discussions. It is therefore a sincere pleasure to explain here today once more the timing and the sequence of events that led to these two amendments. In 2017 the payment level of contributions in UNESCO was 82% for the biennium. Late payments from a few major contributors that year caused a turbulent financial situation for the Organization. Approximately \$75 million were outstanding, which led to a situation where UNESCO was put into a contingency plan. Today in 2019 the payment level of the contributions for the biennium is only 77%, so the situation has deteriorated even further compared to 2017. But outstanding contributions are not a universal problem. Most countries fulfil their contributions. Instead, the non-payment of contributions is primarily a problem with some large contributors. As of now, the top 25 contributors representing 86% of the regular budget currently have arrears amounting to \$105.9 million. Shortages in the regular budget have the strongest negative immediate impact for the work of UNESCO at country level. Think of what UNESCO could do with the \$105.9 million currently in outstanding debts. Lack of legitimate resources in the regular budget hinders implementation of the programme of UNESCO – our C/5. We need a strong UNESCO with full resources for the realization of the 2030 Agenda and other internationally agreed development goals.

4.3 Secondly, in 2017 the Organization had dealt with a difficult period of over seven years of not being able to collect the full assessments of a few major contributors. It was clear during that period that the Organization did not have an orderly process foreseen in the Executive Board to handle such situations of prolonged arrears. Therefore, during the General Conference in 2017, Sweden, together with many other Member States concerned with the low payment rates of contributions, requested a report to the Executive Board written by the Director-General on the situation of contributions in UNESCO, including proposals for how to strengthen the payment level. A first version of the report about the situation of contributions in UNESCO, including proposals on how to strengthen the payment level, was discussed by the Executive Board at its 204th session. An open information meeting for all Member States was also organized by the Secretariat on 11 July 2018 to present the draft report, including eight proposals to strengthen the collection of contributions. The information meeting in July saw broad participation and engagement among all delegations, and there was strong recognition of the need to further strengthen the payment level of contributions in UNESCO due to the current and also the preceding financial situations over the last years. On the basis of the information meeting, the report was revised and then submitted to the Executive Board at its 205th session. Out of the original eight proposals, the Executive Board at its 205th session, recommend to this session, the 40th session of the General Conference, the adoption of two recommendations to strengthen the payment of our contributions. The first recommendation regarded eligibility to the Executive Board, and the second recommendation regarded voting rights in the Executive Board. After the 205th session of the Executive Board, and after having considered the matter thoroughly, Sweden decided to assist in taking the two recommendations from the Executive Board forward to the 40th session of the General Conference, in accordance with the Board's expressed wish. Sweden has therefore codified the two recommendations into draft amendments and we have presented them here to the 40th session of the General Conference.

4.4 The first amendment is the application, also in the Executive Board, of the already-existing procedure as regards voting rights at the General Conference, UNESCO's governing body with universal membership. The second amendment, about eligibility to the Executive Board, is the application of the same principle that is used already in the UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage and in the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage. Furthermore, outside of UNESCO, it can be noted that also other United Nations agencies apply similar rules for arrears of several years. As regards the issue of new legal obligations, we do not believe that this proposal entails a new legal obligation. When the existing measure for voting rights was adopted by the General Conference in 1949, it was clearly said that the introduction of this measure – and I quote – “did not involve any new obligations for Member States”. Furthermore, we understand that in the over 20 times that the Constitution has been amended; there was only one instance where an amendment was considered a new obligation.

4.5 Mr President, Sweden believes that we must be careful when we bring arguments to the fore. We stand on the shoulders of those who have contributed to this Constitution before us, and we have a responsibility to those who come after us to ensure a continued coherent and solid interpretation of the provisions foreseen in our Constitution and their

intended purpose. We should therefore not be tempted to use legal requirements as a means to actually promote a political standpoint.

4.6 To implement the two amendments, it is suggested to use the existing mechanism in UNESCO to protect Member States that cannot pay due to reasons beyond their control, that is, because of a situation of armed conflict, economic crisis or natural disaster. This mechanism is the Working Group on Contributions that meets every two years prior to the General Conference, and not every six months which is a false rumour. Member States at risk of losing their voting rights constitute a small portion of Member States in arrears at the time of General Conference. This is because we, the Member States of UNESCO, have decided to apply a two-year flexibility for the payment of contributions. The two-year period is there to accommodate for unforeseen situations and give the necessary flexibility for us all and to our diverse administrative systems. In 2017 there were 61 Member States in arrears at the 39th session of the General Conference, but only 27 had more than two years of arrears and were at risk of losing their voting rights. Of these 27 Member States in arrears, nine sent letters with explanations, and of these eight were found to have valid reasons beyond their control. In addition, seven Member States did not send in an explanation to explain their reasons beyond their control, and the Working Group could then only base its decision on the facts in front of them, of the existing arrears. This pattern was repeated at this 40th session of the General Conference, where seven Member States did not exercise their right to send in an explanation. As can be seen from this example of the 39th and 40th session of the General Conference, a Member State that has more than two years of arrears can still receive permission by the General Conference to vote if the failure of payment is beyond the control of a Member State, thereby protecting them and maintaining their voting rights.

4.7 As can be seen from the draft resolution and the explanatory note, as well as from the report from the Legal Committee, we are crystal clear that the rights for Member States in difficult situations will continue to be protected also with this proposal. The two amendments will contribute to ensure an orderly process in the Executive Board for any possible future instances of prolonged situations of arrears, just as we today already have an orderly process already in place in the General Conference. With the two amendments in place, we can together ensure a stable financial situation for UNESCO's regular budget, to carry out its mandate and programme priorities globally and especially safeguard the actions on country level, thereby contributing to the realization of our universal Agenda 2013 and the 17 Sustainable Development Goals.

4.8 Sweden, together with 50 other Member States as co-sponsors, has tabled a draft resolution with the two amendments. The co-sponsors are: Albania, Algeria, Austria, Belgium, Benin, Burkina Faso, Cambodia, Cook Islands, Côte d'Ivoire, Cyprus, Czechia, Denmark, Egypt, Estonia, Finland, France, Gambia, Ghana, Greece, Guinea, Iceland, Indonesia, Iraq, Kazakhstan, Latvia, Liberia, Lithuania, Luxembourg, Morocco, Netherlands, Nigeria, Norway, Oman, Palau, Palestine, Philippines, Portugal, Republic of Korea, Saint Vincent and the Grenadines, Seychelles, Slovakia, Slovenia, Solomon Islands, Spain, Sri Lanka, Sweden, Switzerland, Togo, Turkey, Ukraine and the United Kingdom of Great Britain and Northern Ireland. We have also tried to assist in the proceedings here by submitting the corresponding draft language for the Rules of Procedure of the General Conference as well as for the Rules of Procedure for the Executive Board for the implementation of the two amendments.

4.9 Mr President, we need to make sure that those Member States that can pay their assessed contributions do so, while we continue to protect those Member States that are in difficulty. That is how we can ensure the best conditions for UNESCO's working activities, which is of the highest importance, especially at country level. UNESCO has suffered from non-payment of contributions for a number of years. Here, today in this room, during this General Conference, we have the possibility to rectify that and to protect our regular budget against political pressure. We believe that our proposal is a balanced, constructive and forward-looking proposal that will allow us all to stand up for UNESCO so that we can continue to construct this noble house together.

4.10 Several rumours have circulated over the last months regarding the Swedish proposal. These rumours are not based on facts. Let me assure you, Mr President, from our end all the facts are on the table. We wish to speak to a fact-based discussion here today. Sweden also finds it necessary to note with regret the political pressure exercised by a few countries over the last weeks against the many other countries of this Organization regarding these proposed amendments to the Constitution. We are sorry that we, in a multilateral organization, need to underline the importance that all Member States are ensured their right to participate in the debate and to decide as sovereign States on the issue to amend the Constitution. We should not listen to the siren song sung by a few, but rather listen to the facts expressed by the many.

4.11 Mr President, we are proud to bring this proposal before you and this whole assembly. The proposal is the result of a truly collective exercise. We now ask that the General Conference unite behind this important constitutional amendment. I thank you.

#### 5.1 **The President:**

I am now opening the debate on item 7.4, draft amendment to Article V of the Constitution. Would those delegations who wish to speak kindly indicate their interests by raising their name plates? Brazil, Ghana, Albania, Bolivarian Republic of Venezuela, China, Argentina, Palestine, Senegal, Russian Federation, Armenia, Finland, Egypt, Switzerland, Cuba, Republic of Korea, Denmark, Austria, Australia, Tunisia, Benin, Greece, Japan, Pakistan, Guinea, Serbia, Slovenia, Saint Vincent and the Grenadines, Cook Islands, India, Norway, The Netherlands, Paraguay, Latvia, Portugal, Ethiopia, Bangladesh, Estonia, Luxembourg, New Zealand, Canada, Cameroon, Czechia, Tonga, Togo, Lithuania, Seychelles, Iran, Belgium, Poland and Zimbabwe.

5.2 The list remains open for ten minutes. If you wish to take part in the debate, you can kindly raise your name within the next 10 minutes. I now give the floor to the first speaker on our list, the representative of Brazil, to be followed by Ghana. Your Excellency, you are a well-known person in UNESCO, but something you coined might not be known by all the delegates. You were the one who coined the term "BRICS", which has become in diplomatic parlance one of the most

used acronyms for Brazil, India, China and South Africa. I just wanted to share this information I knew with the delegates because of diplomatic parlance. You now have the floor, please.

6.1 **Brazil:**

Thank you very much, Mr President, and I most touched by this remark you have just made. Thank you, it is a recognition of Brazilian diplomacy which I receive with great honour. Thank you very much. Mr President, Brazil is the seventh-largest contributor to this Organization, and as a founding member of UNESCO, has always been among the biggest contributors to its regular budget. We have never failed to comply with our responsibilities for the past 74 years, even at very difficult times for my country. It is therefore with these credentials that we share with many countries the interest of ensuring UNESCO's budgetary stability and financial resilience, especially considering the present Africa priority of this Organization.

6.2 However, the proposed draft amendment fails to address the core reasons that led to UNESCO's financial crisis, as it fails to ensure both stability and resilience. It is only if the top 10 contributors to this Organization do not pay their contributions for one single year that UNESCO cannot implement its most important programmes, and this is the point which is not addressed by this draft resolution. The proposed amendment rather aims at the establishment of new and additional punishments to countries in arrears which, as we have seen recently, affect only the most vulnerable Members of this Organization. Differently from the draft resolution we analysed yesterday, this amendment was not thoroughly discussed. It was conceived and presented by one regional group, rapidly discussed in one session of the Finance and Administrative Commission presided by the same regional group, with no possibility of consensus, since it was approved by only 32 votes. On that occasion, Brazil and many other countries included in the oral report of the Chairperson of the Finance and Administrative Commission how much we regretted that an alternative proposal of text reflecting an effort to reach consensus on this issue could not even be presented because the floor was not given to the delegations. Those countries also recalled UNESCO's culture of exhausting all means to reach consensus.

6.3 Mr President, when we analysed the countries that lost their voting power at the 40th session of the General Conference and all preceding ones, we have a clear picture that the countries punished with the loss of voting power are only vulnerable developing countries and least developed countries whose contributions have no major impact on UNESCO's budget, and those are the countries that most need UNESCO for education, culture, science, in order to strengthen their societies. This amendment, therefore, the way it is represents very little and it comes too late. We would have been very brave if we had presented this draft resolution in 2011, 2012 or 2013, 2014, 2015, 2016, 2017 or even in 2018. Presenting it only now, in 2019, shows how brave we are only to punish developing and least developed countries (LDCs). Shame on us. How dare we exclude the countries that most need our Organization? Another serious consequence to this amendment is to jeopardize geographical representation at the Board, and here again I recall that only countries with fragile internal situations, subject to economic crises or to the circumstances of international geopolitics, are the ones that will lose their voting rights at the Board as well as the right to be elected to the Board.

6.4 If approved, this amendment would be replacing geographical representation by financial representation. The amendment represents a deep contradiction in relation to the principles of diversity and inclusivity defended by the countries proposing the term limit change to the Constitution. In other words, we want more inclusivity but we want to exclude countries from the most important decision-making organ of this Organization. As I stated yesterday, the three amendments we are forcing into approval at this General Conference are intrinsically incoherent. One proposes to remove from countries the democratic right to run for elections, under the argument that small developing countries would have more seats at the Board; the other amendments, and the one we are analysing now, takes the vote power from developing and LDCs, and another one removes from the Board its most important power, which is the one of electing the Director-General.

6.5 Mr President, this amendment was treated in such a rushed way that it also fails to contemplate basic legal aspects of a change to the Constitution. Among them it is not clear when the countries affected can regain their rights. It does not specify if losing voting power at the Board also includes subsidiary organs of the Board. It creates two new sanctions: losing the right to vote at the Board and eliminating the right to be elected to the Board, without an intergovernmental body to assess the situation of affected countries in the four sessions of the Executive Board between General Conferences. The number of juridical inconsistencies is so high that it took the Legal Committee six hours to analyse this draft resolution without reaching a common understanding about the gaps it contains. The Legal Committee also stated very clearly that concept notes or oral explanations given afterwards, or even accompanying the draft resolution, are not part of the resolution, and they are not therefore legally binding. As we all know, every right implies an obligation; therefore the restriction of a right also implies an obligation. According to Black's Law dictionary, an obligation is a legal duty by which a person is bound to do or not to do a certain thing. If approved, the amendment would create two new obligations: not to vote, and not to run for elections. Since the Constitution is binding upon Member States, this amendment would be a binding legal duty upon Member States and hence a new obligation.

6.6 Additionally, Mr President, we should recall that the principle of *non bis in idem*, or double jeopardy, protects defendants from repeated prosecution for offences arising from one single event. In this specific case, we can make an analogy in terms of international law to the creation of two new punishments for one same event. We already have one sanction established by the Constitution for the non-compliance with the contributions; now we are creating two new ones. *Mutatis mutandis* denies the *non bis in idem* principle. As to the application of this principle of *non bis in idem* to international law, I would invite you to read an article published in the Nordic Journal of International Law, edition 1995, page 261, published by the Brill Nijhoff academic publishers of the Netherlands. I would also invite you to revisit the European Convention on Human Rights that incorporates the principle of *non bis in idem* or double jeopardy, meaning double punishment.

6.7 I would conclude, Mr President, by stating that Brazil is ready to work constructively to properly address UNESCO's budgetary situation by looking for solutions that are legally consistent and that embrace the principles of

diversity and inclusivity, thus reflecting the highest moral principles of this Organization. It is with this spirit that we have presented an alternative draft resolution, proposing further discussions before we amend UNESCO's Constitution. I would like to thank all the 25 countries from all regions that co-signed the resolution. I will read them: Angola: 30 million inhabitants; Argentina: 40 million; Armenia: 3 million; Brazil: 210 million; Burundi: 12 million; Cameroon: 20 million; Cabo Verde: 400,000; Chile: 20 million; China: 1.4 billion; Colombia: 50 million; Dominican Republic: 10 million; Equatorial Guinea: 1 million; India: 1.3 billion; Islamic Republic of Iran: 70 million; Iraq: 35 million; Jamaica: 3 million; Japan: 125 million; Nepal: 30 million; Pakistan: 200 million; Paraguay: 7 million; Peru: 33 million; and Russia: 143 million; Sao Tome and Principe: 207,000; Syrian Arab Republic: 22 million; Bolivarian Republic of Venezuela: 32 million; Serbia: 10 million inhabitants. Those countries represent, Mr President, about 60% of the world population. Those countries need to be heard, and none of these countries are hiring lawyers to defend positions here. None of these countries are paying tickets to countries to vote here in their favour. We are countries that act only on the basis of the tradition of our diplomacies. I thank you very much.

7. **The President:**

Thank you Excellency. Now Ghana, to be followed by Albania.

8.1 **Ghana:**

Thank you very much. First of all, let me congratulate you as our new President, and also to appreciate the way and the manner in which you have been conducting our affairs. I would like also to congratulate all the newly elected and re-elected Executive Board Members, and I would like to take this opportunity to thank you all for the support that you gave to Ghana.

8.2 Now Ghana – 30 million inhabitants – wishes to lend our unequivocal support to this proposed amendment to Article V of the Constitution, because it seeks to strengthen measures for fully collecting assessed contributions. At the recent session of the Executive Board, the latest report of the Director-General on the budgetary situation of the Organization for 2018-2019 found that the Organization has become highly dependent upon voluntary contributions, whereas the regular budget represents a very limited resource. This trend can only worsen the financial instability of the Organization and stands in the way of a serene and predictable implementation of this Organization's priorities. And as a lower middle income country Ghana – 30 million inhabitants – attaches great importance to the payment of assessed contributions. Full and prompt payment of assessed contributions would give this Organization the necessary means to prevent cuts in programmes and field offices and achieve, in particular, global priority Africa. Therefore, the payment of assessed contributions is a constitutional and fundamental obligation which is incumbent on Member States. This assessed contribution is the representation of a Member State's stake in the United Nations and UNESCO, and therefore it is up to all of us Member States to uphold our joint commitments to ensure that the Organization remains solvent.

8.3 In UNESCO's current dire situation, assessed contributions are the only sustainable and secure way for the Organization to deliver on its programmes, and we welcome the fact also that this proposed amendment considers cases where Member States fail to pay due to conditions beyond their control, which maybe, we know, is of concern to some Member States, but it is noteworthy that these amendments do not entail new obligations, as the payment of obligations by Member States is already an obligation, and indeed has been seen as an obligation since the inception of the Organization.

8.4 Mr President, I come from a large family of 10 children, and I have been told that I used to be quite boisterous and pugnacious and sometimes very argumentative. But my father always told me to be kind, always to be honest, and if you cannot be kind, be fair. This amendment has our support, because it is fair, and it is equitable, and it is timely. So my dear colleagues, here we ask you to be fair, to be equitable, and to support this amendment because it is the right thing to do. Thank you.

9. **The President:**

Thank you, your Excellency, and thank you madam for your kind words towards me. I can announce that Colombia is on the list. Fiji will be the last speaker, followed by Colombia. Now Albania has the floor.

10.1 **Albania:**

Thank you very much Mr President, and as I take the floor for the first time in the plenary, let me also congratulate you and add my sincere thanks for the manner and the spirit in which you have been conducting our work. For one thing among others, you made us think with nostalgia what it looks like to speak without the ticking time limits, and thank you for that.

10.2 Mr President, the contribution to the regular budget is one of the obligations, the first and the most basic one of every Member State, because it is also a manifestation of solidarity between all of us. It is first and foremost this contribution that makes this Organization function. Without it, we would not have much to do here. We all know it – UNESCO has had a very difficult period over almost a decade until 2018 of not being able to collect the full contributions and we are equally aware of the dire financial crisis this created, that damaged UNESCO's ability to implement programmes very severely. Now that the Organization has recovered, the amendment put forward constitutes a clear message from all us Member States, that if we need a strong and a stronger UNESCO with the necessary resources to help Member States implement the 2030 Agenda, as we have heard here and everywhere in this building constantly, we must first honour our obligations. And it starts by paying our dues.

10.3 Mr President, it is important to highlight – actually it is crucial in our point of view – that this proposal does not entail any new obligations, since they are already included in our Constitution since 1945. We do not see shame anywhere with this proposal. And if there is shame, it is already in our Constitution.

10.4 Mr President, it is also important to make clear, this amendment is in no way directed towards any specific group of countries, and in no way whatsoever to Member States in difficult situations that have more than two years of arrears.

They are fully protected through the procedures of the Working Group on Contributions for situations beyond the control of the Member States, and we know what they are. We do not see it in any way directed to developing countries, and mine, a small country of 3 million, is one. Therefore, what we should make sure of is that those that can pay the assessed contributions do so, as we do, as an obligation and not as an option, while those in difficulty are fully understood and fully protected.

10.5 Mr President, we are convinced that this is the way that we can provide the Organization with the means it needs to carry out its work and activities, which is of the highest importance, especially at the country level. This is why we support the amendment, because the Organization needs it, because we all need it. I thank you.

11. **The President:**

Thank you Excellency. Now Venezuela, to be followed by China.

12.1 **República Bolivariana de Venezuela:**

Gracias, señor Presidente. En primer lugar, permítame, al ser el primer espacio en el que tomo la palabra en esta plenaria, saludarlo, felicitarlo, congratularnos del conjunto de debates y de su conducción, sin duda, sabia y paciente como solo la cultura que usted representa sabe hacerlo. Vaya mi palabra de aliento, de agradecimiento y de apoyo.

12.2 Señor Presidente: en este momento de discusión sobre la enmienda presentada en materia de contribuciones, Venezuela, como ya lo ha manifestado en distintas ocasiones, manifiesta su preocupación por cierto espíritu de división que reconoce tanto en la enmienda como en el debate que se ha proseguido en espacios oficiales y, hoy, en esta sala. Nosotros, en su momento, manifestamos que resultaba impertinente e inoportuno dividir y polarizar esta audiencia entre Estados buenos, Estados malos, Estados que pagan, Estados que no pagan. Sin tomar en cuenta las numerosas razones que existen para que algunos Estados no aseguren hoy sus contribuciones. Venezuela, por ejemplo, es absolutamente público y conocido, no pudo pagar su contribución, por primera vez en la historia, como consecuencia de la aplicación de medidas coercitivas unilaterales por parte de los Estados Unidos, país que, debo recordarlo, se retiró de esta causa con una penosa deuda que todavía genera dificultades financieras a nuestra Organización. No se trata de apuntalar culpables y el sentido de mi intervención es generar alarmas justamente sobre la no conveniencia de dividir nuestra Organización entre Estados responsables y aquellos que no lo son. Se nos ha dicho que el comité que estudia el impago de los Estados podría equilibrar esta situación. Sin embargo, la enmienda que tenemos hoy en sala y que estamos discutiendo no considera el conjunto de causas por las cuales algunos Estados estamos imposibilitados hoy de pagar, tal como acabo de decirlo. Ello no solo genera una mayor politización posible de nuestra Organización, sino que, a su vez, podría, alarmantemente, suponer el irrespeto del principio de igualdad jurídica de los Estados, que sentaría un peligroso precedente normativo para esta casa tan afianzada con el multilateralismo. Señor Presidente: hemos escuchado algunos argumentos sensibles durante el debate. Por un lado, se habla de la necesidad de justicia y de equidad para garantizar que, mediante el pago oportuno de las cuotas, esta Organización siga funcionando.

12.3 Por otro lado, se habla de que esta enmienda es fundamentalmente dirigida contra Estados en desarrollo y de vulnerabilidad mayor. Al respecto, permítame indicar algunas posturas que mi país mantiene sobre esos argumentos. En materia de justicia y de equidad, nos parece que lo más justo y lo más equitativo es que las condiciones internacionales que hoy tenemos puedan garantizar que todos los Estados paguen de forma oportuna, haciendo gala de los compromisos asumidos debidamente al integrarse a cualquier organismo multilateral. La misma justicia y equidad debe venir, a su vez, garantizada por la no aplicación de medidas que obliguen a un Estado a asumir posiciones que en el pasado no tuvo que haber asumido, producto justamente de la imposición unilateral que genera esta lamentable situación.

12.4 Por otro lado, en materia de la vulnerabilidad de los Estados, si bien estamos de acuerdo con ese argumento, debo reconocer, señor Presidente, que no solo países vulnerables, sino también países que no se pliegan justamente a esa ausencia de justicia y equidad son, en este momento, responsables de parte de la deuda de la Organización. Hablo, por supuesto, de mi propio país, que hoy en día es el número 26 contribuyente de la UNESCO. Sin detrimento de lo anterior, debo mencionar, señor Presidente, que haciendo un estudio del conjunto de la deuda de los 12 países que estaban en riesgo de perder su derecho a voto, antes de que el comité que estudia la preservación del derecho a voto se reuniese, la deuda total de esos 12 países no llegaba ni siquiera al 4 por ciento del monto total de las contribuciones que se piden, con lo cual el argumento de que esta enmienda garantizaría el equilibrio financiero de la Organización resulta un argumento poco fiable y poco cierto si a los números nos remitimos. Sobre todo cuando los distintos informes del área administrativa de la Organización, así como los distintos sectores con los cuales nos reunimos en su momento para estudiar los proyectos del próximo bienio, hacían un llamado continuo a los aportes extrapresupuestarios, siendo que no era suficiente la contribución de los Estados para poder financiarlos. Por todo lo anterior, queridos y queridas colegas y señor Presidente y Directiva de la Organización, mi país cree prudente continuar debatiendo al respecto, continuar enriqueciéndose de las distintas posturas y conseguir la mejor manera de poder llegar a una propuesta que sea lo suficientemente amplia y consensuada, que nos permita cumplir justamente con ambos argumentos: que ningún Estado se encuentre en situación de minusvalía al momento de pagar su contribución y que, a su vez, todos podamos continuar contribuyendo de una manera constructiva con los distintos planes y programas que estoy seguro todos apoyamos de forma entusiasta. Venezuela, pues, continúa anclada al espíritu de debate y diálogo y confía que esta temática pueda continuar debatiéndose sin tomar el día de hoy una decisión al respecto. Gracias, señor Presidente.

13. **The President:**

Thank you your Excellency, and also I thank you for your kind words. Now, China to be followed by Argentine.

14. **中国:**

谢谢主席。中方支持巴西代表的发言。主要有以下三点考虑：一，在《组织法》修订问题上，中方的立场是一贯的，即《组织法》对本组织稳定健康发展发挥着重要的作用，应持极其审慎和高度负责任的态度，全面评估各方面影响，在充分对话协商达成共识的基础上稳步推进；二，法律委员会的报告表明，针对该修正案所涉及的是否增加会员国的义务这一关键

性的法律问题，会员国仍存分歧，这造成了会员国之间一定程度的分裂，在这样的情况下强行推动《组织法》修订，定会影响本组织重大计划项目的实施，损害广大会员国特别是广大发展中国家的根本利益；三，这一修正案将对那些中小国家，特别是那些受到不公正制裁的国家参与本组织活动造成影响，为此应当开展进一步全面评估。鉴此，我们认为与上一修正案一样，不应急于就此修正案作出决定，应将议题 7.4 所列修正案推迟至下一届大会讨论。谢谢主席。

**15. The President:**

Thank you, Excellency. Argentina, to be followed by Palestine.

**16.1 Argentina:**

Señor Presidente: Aquí estamos, otra vez, pidiendo consenso, pidiendo diálogo. Parece mentira que en esta casa estemos pidiendo diálogo todo el tiempo, como si fuera algo totalmente novedoso. Ya dijimos que la Constitución fue modificada y el artículo V, en particular, en numerosas ocasiones. No nos podemos jactar de esto, tenemos que avergonzarnos de estas modificaciones y aplicar más la Constitución. Cada vez votamos más para las cuestiones extremadamente importantes y dejamos el consenso solo para lo superficial. Nunca tenemos que votar, por ejemplo, para declarar un día internacional de celebración de algo. Es muy fácil esto, pero para las cuestiones importantes no discutimos y votamos. Ya dijimos que hay efectos no queridos por las normas, por los convenios, por las leyes. Nos preguntamos cuál es el objetivo buscado por esta reforma. Nos han dicho, nos han explicado en innumerables oportunidades que es lograr un adecuado financiamiento de la UNESCO a través de las contribuciones obligatorias. Muy bien, pero no parece ser la forma adecuada, parece mucho más que es un castigo para los más vulnerables. Vamos a los hechos, nos dijeron hace poco en la presentación, vamos a centrarnos en los hechos y nos dijeron que el problema son los grandes contribuyentes. ¿Cuáles son los hechos? No somos muy buenos en matemáticas, pero tomando los diez estados que perdieron el derecho de voto, dos lo recuperaron y, según el documento 40 C/10 del 4 de octubre, si estos dos Estados hubieran, y suponemos que lo hicieron, pagado 26 000 dólares recuperaban el derecho de voto, o sea, con 26 000 dólares no creo que podríamos mejorar muchísimo las finanzas de la UNESCO y nos alegramos mucho de la recuperación del derecho de voto y esperemos que estos votos sean canalizados en buena forma. De los 10 estados que perdieron el derecho del voto, algunos tienen contribuciones de menos de 2 000 dólares anuales, tampoco cambia mucho el presupuesto de la UNESCO. El total de los 10 da una suma aproximada por año de 1 700 000 dólares. Con un presupuesto que estamos discutiendo en la UNESCO de 534 millones de dólares, lo que quiere decir que la deuda total de quienes perdieron el derecho de voto en esta Conferencia General implica aproximadamente el 0,3 por ciento del presupuesto anual de la UNESCO. ¿Es este el objetivo querido por los presentantes? ¿Es lograr un adecuado financiamiento? Estamos hablando de monedas, no estamos hablando de un financiamiento real. Todas las culturas, sin ninguna excepción, sin ninguna exclusión, deben estar representadas aquí en la UNESCO, aún las culturas que estén menos desarrolladas para tener finanzas sanas, experiencia financiera y capacidad para pagar en término.

16.2 Hay muchos problemas que se presentan con los pagos, por ejemplo, y nos ha ocurrido, que los giros son hechos a una cuenta equivocada. Tarda mucho tiempo la Organización mediante consultas y nos parece muy bien saber a qué quisimos contribuir, quisimos contribuir al Fondo de Patrimonio Mundial Inmaterial a qué o al presupuesto ordinario. Si esto sucede durante la Conferencia, perdemos el derecho de voto, si no llega a tiempo. Bien, sostuvimos que hay nuevas obligaciones y lo seguimos sosteniendo. Hay problemas y estos problemas son los siguientes: como tenemos problemas con los grandes contribuyentes y no podemos con ellos, lo que hacemos es elegir al más débil. Yo mismo recuerdo haber estado en la escuela y nunca, nunca supe de una pelea del más débil con el más fuerte, porque todos saben cuál es el resultado. Hay países que usaron sus contribuciones como elemento de presión y, entonces, como no podemos hacer nada, vamos a castigar a los más débiles y saquémosles el derecho de voto. Muy bien, esto ya está contemplado en la Constitución. En buena forma van a ser castigados como todos lo decidimos, pero ahora se suman tres nuevas sanciones a la ya existente en la Constitución se suma el no poder ser elegido en el Consejo Ejecutivo, aún si el grupo regional considera que este país es el más adecuado y llega sin necesidad de elecciones, con lista limpia. Pero nosotros les vamos a impedir sentarse en el Consejo Ejecutivo, aunque toda su región lo haya elegido. Otra es que el país no pueda votar. Muy bien, esto ya está en la Constitución, pero no puede votar en el Consejo tampoco. Y la peor es que le quitamos la representación al grupo regional. Creemos que puede ser uno el Estado que pierda el voto, ¿y si son todos? Y si hubo una causal tal vez incomprendida por otras culturas que impida a la totalidad de los miembros de la UNESCO votar, ¿los dejamos afuera? Esta es una pregunta que no sé si nos hicimos antes. Bueno, habría una solución: poner como requisito previo que solamente los países ricos sean miembros del Consejo Ejecutivo, para lo cual podríamos preguntarles a los organismos financieros si dan el aval para que un determinado país entre o no al Consejo Ejecutivo para hablar de ciencia, cultura y educación. ¿Por qué no nos preguntamos por qué no pagaron algunos países? ¿Por qué no tratamos de ayudarlos? Tengo un ejemplo muy claro que podemos aprender de otros y es un ejemplo que me concierne, porque fui uno de los responsables de esto. Cuando se discutió en el Convenio de Basilea de Movimiento Transfronterizo de derechos peligrosos cómo sancionar a los incumplidores. Nos preguntamos por qué no cumplían y descubrimos que muchas veces era por falta de capacidad técnica o de medios, o aún de incapacidad jurídica. En mi propio país, el Convenio de Basilea está replicado en varias normas: en la Constitución Nacional, en la ley nacional y en las leyes provinciales, lo que impide el movimiento transfronterizo interno para llegar a los puertos, para que puedan salir los desechos para ser tratados. ¿Castigamos a la Argentina por haber por haberse inspirado del Convenio de Basilea? El resultado fue que el comité de incumplimiento se transformó en comité de cumplimiento y entonces los casos de incumplimiento se analizaban en forma positiva para analizar por qué no cumplieron y cómo podíamos ayudarlos.

16.3 Bien, hay un Estado en particular que perdió el derecho de voto en esta conferencia, que es uno de los Estados más activos de nuestro grupo regional. Un gran contribuyente, de la suma de 1 700 000 dólares que mencioné tiene más de un millón de dólares. No se defendieron. Perdieron el derecho de voto. ¿Y por qué lo perdieron? Por cuestiones internas de comunicación entre los poderes, por el Parlamento que se tiene que comunicar con el Ministerio de Finanzas y el Ministerio de Finanzas, con el Ministerio de Relaciones Exteriores y hacer un giro. Ese giro no llegó a tiempo y estamos seguros que este país va a pagar. Lamentablemente no llegó a tiempo. Perdimos la posibilidad de que uno de

los países más activos en esta Conferencia no pueda votar. Bien, hay muchísimas lagunas y temas sin resolver. Hay contradicciones, por ejemplo, ya mencioné una: ¿qué pasa si se gira una cuenta equivocada? Pero hay una mucho peor: ¿qué pasa si un Estado que perdió el derecho de voto en el Consejo Ejecutivo y no dio explicaciones, al día siguiente de tomada la decisión y que termina la Conferencia General, entra en una de las causales, por ejemplo, una catástrofe natural. ¿Cómo recupera el derecho de voto? No lo recupera. No hay ninguna instancia intersesiones que le permita a este Estado volver a participar, repito, por la ciencia, la cultura y la educación. No hay ningún mecanismo, lo único que tenemos son sanciones. Quiero terminar con lo siguiente: como no pudimos excluir a algunos en nuestra enmienda anterior, vayamos por otros que son más fáciles de eliminar. Y les voy a leer algo, ya que aquí utilizamos tanto internet. No se preocupen, es muy corto, que es un microcuento que dice lo siguiente, está en Twitter, la hormiga por odio a la cucaracha votó al insecticida. Murieron todos. Hasta el grillo que se abstuvo. Muchas gracias, señor Presidente.

17. **The President:**

Thank you Excellency. Now Palestine, to be followed by the Russian Federation.

١٨-١ السيد أنسطاس (فلسطين) (رئيس لجنة الترشيحات) :

شكراً سيدي الرئيس، والسلام عليكم جميعاً ورحمة الله وبركاته أما بعد، أود أولاً سيدي الرئيس أن أتقدم بالتهنئة للأعضاء المنتخبين في المجلس التنفيذي أول أمس، وكذلك الأعضاء المنتخبين في الهيئات الأخرى يوم أمس. وفي هذا الصدد، اسمحوا لي سيدي الرئيس أن أعلم الحضور بأن لجنة الترشيحات ستجتمع في القاعة الرابعة عند انتهاء اجتماعنا في هذه القاعة أي في تمام الساعة ١٢ لإعلان النتائج مع الأرقام التي حازت عليها كل من الدول المرشحة.

*(The speaker continues in English as representative of Palestine)*

18.2 Mr President, let us go back to our issue on the table, a very difficult and sensitive one, and I think unfortunately that there is a kind of misunderstanding. I cannot be sure that it is only misunderstanding, or maybe sometimes bad intentions. In the interventions there were clear, sincere positions, but in other interventions unfortunately there was a clear will to spread fake information, and this is unfortunate. Nevertheless, I will try to express our position without repeating what has been mentioned, knowing that there were so many arguments that are always available, and some other arguments that are not only discussable, but I think not receivable.

18.3 Many delegations talked about new obligations. I am not going to come back to this, because there are no new obligations, rather than ensuring the effective respect of an existing one already in the Constitution, which is the assessed contributions.

18.4 Mr President, Members who do not pay – and this is to be clarified, it has been mentioned twice or even more – Member States who do not pay their contribution for reasons beyond their control, are not concerned by this amendment. It is important here to be clear about what is beyond their control. This does not include only armed conflict or natural disasters, but here I would like to make it very clear that countries that are facing unfair and unjustified sanctions – we heard one Member State talking about these sanctions that we do not support, of course, because they are unfair and unjustified – these countries are not concerned by this amendment. We are talking about discretionary arrears, those countries that decide not to pay their contribution for political reasons. These are Member States concerned by this amendment – not small countries, not developing countries or SIDs or whatever.

18.5 Mr President, I think saying this amendment would harm and affect small countries, it is not serious. This is not the purpose of this amendment, again. The word “discretionary” is important to keep in mind. We are talking about discretionary arrears, not arrears that are beyond the control, including political sanctions against some Member States. A few Member States talked about the stability of the Organization and they are concerned about this stability. Let me assure them that the stability will be better when the obligations existing already are correctly respected.

18.6 Mr President, we heard some Member States asking for adjournment in order to discuss and to have more dialogue, but nobody expressed what would be the other option, what would be the alternative? What are they going to propose if somebody decides not to respect an existing obligation again? So I think the question of adjournment would not be a serious request at this stage.

18.7 Nevertheless there was one concern that is absolutely receivable and we should think about it in the future after the adoption of the amendment, which is the organ that looks into the arrears and that gives the credentials or not for the vote. For the moment the procedure is done with a small working group composed of one member of each electoral group. Maybe at the next session of the General Conference we can think about creating a small intergovernmental committee with one or two or maximum three members from each electoral group, in order to examine and to follow up the question of arrears differently than it is done now.

*(The speaker continues in French)*

18.8 Monsieur le Président, je pense que je vais finir en français en disant à tous les donneurs de leçons, tous les moralisateurs que nous avons entendus, qu'ils feraient mieux de commencer par balayer devant leur porte. Merci Monsieur le Président.

19. **The President:**

Russian Federation, to be followed by Finland.

20.1 **Российская Федерация:**

г-н Председатель, российская делегация приветствует стремление соавторов проекта поправки повысить бюджетную дисциплину в Организации. Россия принадлежит к числу государств-членов, которые своевременно и в полном объеме вносят платежи в бюджет ЮНЕСКО. Считаем, что соблюдение дисциплины в этом вопросе является важнейшим залогом финансовой стабильности Организации и успешного выполнения ею своего



мандата. Вместе с тем поправка в том виде, в котором она представлена, вызывает у нас ряд вопросов и сомнений.

20.2 Прежде всего, мы исходим из того, что задолженность государств перед Организацией не всегда носит преднамеренный характер, как это было в случае с Соединенными Штатами Америки. Чаще всего она обусловлена независимыми внешними обстоятельствами, и мы отмечаем, что соавторы поправки понимают это обстоятельство. Вместе с тем мы разделяем опасения целого ряда делегаций относительно того, что в случае принятия этой поправки государства могут быть наказаны не столько за то, что они не платят взносов по различным причинам, а потому, что они неуютны определенной группе стран, находятся под санкциями и испытывают на себе другие формы политического давления. Мы твердо убеждены, что ЮНЕСКО ни при каких обстоятельствах не может быть инструментом такого давления.

20.3 Поэтому введение новых ограничений в ЮНЕСКО может привести к снижению присущих Организации демократичности и многосторонности и подорвать тем самым ее авторитет. Это заставляет нас более осторожно и взвешенно подойти к рассматриваемой поправке. В выступлении уважаемого представителя Бразилии были затронуты важные юридические вопросы, касающиеся этой поправки. Как нам представляется, они заслуживают серьезного внимания и дополнительного обсуждения, поэтому наша делегация поддерживает предложение об отсрочке принятия поправки. Спасибо, г-н Председатель.

21. **The President:**

Thank you. Thank you. Finland to be followed by Armenia. And if you want to remind us of something, as Senegal did, please be a bit more kind. I am receiving information here, and I am trying to give everyone the floor, speaking in the order they raised their flag. Finland was before Armenia. But you will be speaking after Finland, to be followed by Egypt. I do not need to repeat anything here. Finland please.

22.1 **Finland:**

Thank you, Mr President. First of all we would like to commend the process in the preparation of this amendment. There has been a large inclusive and informed discussion in the Executive Board, in the preparatory group and in many different settings. The points raised during these discussions are very well reflected in the explanatory note which accompanies the amendment. As highlighted several times, the assessed contributions are the foundation of funding in the United Nations system including UNESCO. The assessed contributions represent an obligation for Member States, a statutory requirement. But we are not only talking about an obligation here, but also about solidarity between Member States. A due payment of assessed contributions is a commitment to an effective implementation of the 2030 Agenda and UNESCO's programmes. Ultimately, therefore, making sure that assessed contributions are paid in time is in the strong interest of each and every one of us.

22.2 As has been noted, the proposed measures have the flexibility to accommodate any unforeseen situations that Member States may face. There is a safety valve. The Member States that are facing difficulties will continue to be protected. Finland therefore strongly supports the proposed amendment. We believe it will help us create a stronger and more efficient UNESCO that will play its full role in the United Nations system. This is all the more important at a time when the international community is facing huge global challenges and the United Nations family is under heavy pressure to deliver sustainable solutions. Thank you.

23. **The President:**

Armenia to be followed by Egypt.

24.1 **Arménie :**

Merci Monsieur le Président. L'Arménie remercie la Suède pour avoir pris l'initiative de présenter ces projets d'amendements qui portent sur une question essentielle pour notre Organisation, celle du recouvrement des arriérés de contributions. Les différentes modifications proposées dans l'Article V de l'Acte constitutif visant à priver un État membre de son éligibilité ou de son droit de vote au Conseil exécutif, devraient certainement avoir une portée dissuasive susceptible d'avoir des effets positifs par rapport au but recherché.

24.2 Cette appréciation que nous portons sur cette initiative devrait en principe nous conduire à la soutenir. Il y a toutefois cette formulation, que je cite : « Si elle constate que le manquement est dû à des circonstances indépendantes de la volonté dudit État membre », qui, appliquée sans distinction de la sanction, que ce soit pour l'inéligibilité ou bien la privation du droit de vote, nous met mal à l'aise. Nous ne doutons pas que les mécanismes prévus dans le 82 du Règlement intérieur visant à la privation du droit de vote à la Conférence générale aient été rodés dans le temps et aient permis de créer une jurisprudence en la matière, la procédure y est très bien décrite. Mais par le fait de ces amendements, il conviendrait de l'appliquer aussi pour priver un État membre de son éligibilité au Conseil exécutif, sanction très lourde pour un État, sans qu'il y ait des critères précis permettant de différencier ces circonstances indépendantes de la volonté dudit État dans les cas de la privation du droit de vote et de l'inéligibilité.

24.3 Il y a certainement la nécessité de préciser ces critères dans le cas des deux sanctions envisagées, afin d'éviter tout risque d'arbitraire. Dans le prolongement de ces propos, je souhaite aussi exprimer une crainte que l'introduction d'une nouvelle sanction plus dure ne vienne mettre à mal un principe essentiel auquel nous sommes tous attachés, celui de la solidarité entre nos États qui doit en toutes circonstances prévaloir, que l'introduction de cette nouvelle sanction sans que des critères d'application soient précisément déterminés, vienne frapper en premier lieu les pays les plus vulnérables, tout particulièrement les pays en voie de développement qui peuvent être confrontés à de graves difficultés financières. Ce sont là quelques remarques que nous souhaitons vous livrer. Nous croyons pour notre part que la réflexion sur ces projets d'amendements doit se poursuivre. Je vous remercie pour votre attention.

25. **The President:**

*Merci votre Excellence.* Egypt, to be followed by Senegal.

**26.1 Egypt:**

Thank you Mr President. The amendment we are considering today is one of the most important and beneficial ones presented to the Constitution of UNESCO. We would like to express our full and unequivocal support for it. This amendment addresses both legal and financial irregularities that the Organization is suffering from. It strengthens principles of universality, fairness, solidarity and equitability. The payment of the contribution is an existing obligation under the Constitution; therefore, the amendment will not entail any new obligation. It is already a constitutional obligation. Legal obligations, Mr President, are legal obligations. It should not be used as a pretext to defend a political view or another. We should be careful when using legal tools to advance one point of view or another.

26.2 As for the financial irregularities that this amendment is addressing, it goes without saying that it strengthens the financial sustainability, predictability and resilience of the Organization. With this amendment UNESCO will be stronger and less donor-driven, thus strengthening the intergovernmental nature of our Organization. Non-payment of contributions hinders the implementation of the UNESCO programme, shortages in the regular budget, and has an immediate negative impact for the work of UNESCO at country level.

26.3 Mr President, allow me to catch the attention to the fact that this amendment – unlike the previous one which was discussed yesterday and had its own time frame for its implementation extending until the 41st session of the General Conference – should in our belief be adopted in this session. We cannot claim that the amendment was rushed; it has been thoroughly discussed. Furthermore, we are all aware that the financial problems that UNESCO is facing and that this amendment addresses were not discovered yesterday. This amendment finds its roots in a General Conference resolution that was adopted at the last session, as well as extensive discussions in the Executive Board and the decision that was adopted twice, once in the FA Commission and later in the plenary in the 204th session of the Executive Board. In this regard I would like to express our gratitude to the Presidency of the FA Commission under which this decision was adopted, as well as the President of the Executive Board. Failing to adopt this amendment in this session would be perceived by us as a failure to implement our own decisions.

26.4 Mr President, the best way to win an argument is to begin by being right. Egypt as a founding member of UNESCO is fully supporting this amendment. Egypt as a developing country believes that this amendment is benefitting developing countries. Egypt as an African country – and I am honoured to chair the African Union's current session – is pleading for all African countries to support the adoption of this amendment in the current session, for its direct positive effects on strengthening Priority Africa. I thank you Mr President.

**27. The President:**

Thank you Excellency. We will close the debate at 12.00. We will reconvene at 3 p.m. and we will continue until 8 p.m. given the list of speakers and the importance of the matter. So I will give the floor: there are eight to ten minutes, to Senegal, Switzerland, Cuba, and I will try my best to give the floor to the Republic of Korea and Denmark before 12, but we might be stopping at Cuba. Senegal, please.

**28. Sénégal :**

Merci Monsieur le Président. Le Sénégal a toujours plaidé pour le renforcement de notre Organisation, particulièrement sur la question de ses moyens d'action. Le projet d'amendement qui nous est actuellement soumis est en réalité une duplication qui ne fait que rappeler les obligations de tous les États membres vis-à-vis de l'UNESCO. Il rentre dans le cadre des propositions visant à améliorer le recouvrement des contributions obligatoires. Pour nous, cet amendement laisse également une opportunité aux pays qui sont en crise de conserver le droit de vote intact. À ce titre, ma Délégation, en toute cohérence, soutient le projet d'amendement présenté par la Suède. Je vous remercie.

**29. The President:**

*Merci votre Excellence.* Switzerland, to be followed by Cuba.

**30.1 Suisse :**

Merci Monsieur le Président. L'appartenance à l'UNESCO offre des privilèges et comporte des obligations. Le paiement de la contribution statutaire, destiné à soutenir le bon fonctionnement de l'Organisation, est une de ces obligations. Des dispositions existent à l'UNESCO pour assurer la participation des États membres confrontés à des difficultés de paiement indépendantes de leur volonté. C'est un principe d'inclusion de base et universel, commun aux organes des Nations unies, qui doit rester en place, et qui restera en place avec l'amendement proposé.

30.2 La Suisse y attache beaucoup d'importance. Pour le dire plus clairement encore, cet amendement ne vise pas ceux qui ne peuvent pas payer, mais ceux qui ne veulent pas payer. Il nous semble cohérent que les privilèges d'un État membre soient suspendus à tous les niveaux de l'Organisation en cas de non-paiement volontaire de ses contributions.

30.3 Cette proposition d'amendement répond aussi à la tendance croissante à conditionner politiquement le paiement des contributions pourtant obligatoires. Il apparaît clairement injuste qu'un pays puisse participer à la prise de décision dans les organes directeurs de l'Organisation en refusant volontairement d'en soutenir le fonctionnement. La prise d'influence par des pressions financières mine le principe de base du multilatéralisme. Il n'y a pas le droit au chantage financier inscrit dans l'Acte constitutif. Contrecarrer ces pratiques par des mesures constitutionnelles ne crée donc pas de nouvelles obligations.

30.4 Les contributions statutaires ne sont pas seulement utilisées pour des programmes mais aussi pour des services internes qui sont le fondement de chaque Organisation. On ne peut pas construire une maison sans fondations. De même, une Organisation dont les services internes ne sont pas assurés ne peut pas tenir debout. Sans moyens prévisibles, il est impossible de planifier, et, rapidement, la mise en œuvre des programmes est menacée.

30.5 En conclusion, l'UNESCO ne peut pas fonctionner sans les contributions statutaires des États membres. Le non-paiement intentionnel met en danger le mandat de l'Organisation et est un acte déloyal à l'égard de tous les pays qui

s'acquittent de leurs obligations. Monsieur le Président, pour toutes ces raisons, la Suisse soutient cet amendement constitutionnel. Merci pour votre attention.

**31. The President:**

Cuba, to be followed by Republic of Korea.

**32.1 Cuba:**

Muchas gracias, señor Presidente. Hemos leído con detenimiento el informe del Comité Jurídico 40 C/LEG/19 y notamos las divergencias de sus miembros en cuanto a las cuestiones legales de la enmienda que nos ocupa en esta sesión. Coincidimos con las delegaciones que defienden la necesidad de contar con los recursos financieros necesarios en la Organización para implementar los programas e importantes proyectos en los ámbitos de educación, ciencia, cultura, comunicación e información. Cuba reafirma la importancia del cumplimiento de las obligaciones financieras con la Organización por parte de sus Estados Miembros. Por ello, mi país realiza esfuerzos cada año para pagar temprano su contribución financiera a la UNESCO en medio del complejo escenario que nos impone el bloqueo económico, comercial y financiero del Gobierno de los Estados Unidos. No es una tarea fácil para Cuba, el bloqueo nos crea muchas tensiones, sin mencionar los daños significativos a nuestro pueblo. Reconocemos, asimismo, los esfuerzos de los proponentes de la enmienda para contribuir al necesario cumplimiento de las obligaciones financieras de los Estados Miembros en la Organización. Sin embargo, nos preocupa el potencial impacto que tendrá la propuesta sobre las capacidades de los países más vulnerables, que, como todos conocemos, son los Estados Miembros en desarrollo. Se ha dicho que las modificaciones que se proponen no implican nuevas obligaciones y que no afectarán el poder de decisión de los Estados Miembros en desarrollo. Cuba no está de acuerdo con estas opiniones.

32.2 El efecto que tendrá, por ejemplo, la limitación del derecho a voto, sí podrá dañar la capacidad de los afectados, que, reitero, serán los países en desarrollo. Cuando se limite el derecho de voto se excluirá la participación del Estado afectado en la toma de decisiones en un órgano principal como el Consejo Ejecutivo, que, por su incidencia en la aplicación de las cuestiones programáticas y presupuestarias de la Organización y la frecuencia con que lleva a cabo estos debates, tendrá consecuencias determinantes para quienes supuestamente serán los más beneficiados por las decisiones del Consejo, es decir, los países en desarrollo, incluidos los menos adelantados o los pequeños estados insulares en desarrollo. Además, dañar la capacidad de decisión a grupos regionales mediante la limitación del voto a uno o varios de sus miembros golpeará el principio tan importante como la distribución geográfica equitativa, sin que el resto de los integrantes del grupo electoral concernido tengan capacidad para revertir la situación. Por todo lo anterior, Cuba considera que la situación no ha madurado aún para enmendar la Constitución sobre la base de la propuesta que se nos propone. No estamos convencidos de que la propuesta de enmienda esté lista para su adopción. Preferimos, por ello, dar mayor oportunidad al diálogo y por eso respaldamos a quienes proponen continuar las consultas y retomar este asunto en la próxima reunión de la Conferencia General. Muchas gracias.

**33. The President:**

Thank you Excellency. I now receive the news that the CLT Commission has completed its work, and the interpreters are freed, so we can continue until 1 p.m. So the Republic of Korea, to be followed by Denmark.

**34.1 Republic of Korea:**

Thank you Mr President. The Republic of Korea is co-sponsor of this amendment proposed by Sweden. We believe that payment of assessments in full and on time is one of the fundamental obligations of Member States under the UNESCO Constitution. Last week Member States have agreed by consensus to adopt the highest budget ceiling for 40 C/5. Member States joined the consensus recognizing that UNESCO needs to normalize its operations thereby to effectively implement its mandate and to obtain the 2030 Sustainable Development Goals. Simply agreeing to raise the ceiling is not enough; Member States need to make prompt and full payment of contributions. The proposed amendment is a mechanism that will hopefully encourage Member States to be more diligent in making sure they are not in arrears.

34.2 We believe this amendment will encourage contributors not to withhold or delay for non-economic purposes. This amendment is not meant to punish least developed countries. Also, in our view, this amendment does not place additional obligations on Member States. Therefore, my delegation sees no necessity for subsequent acceptance by two-thirds of Member States under the provisions of Article XIII, paragraph 1 of the Constitution. Therefore we support option 1. Thank you Mr President.

**35. The President:**

Thank you Your Excellency. Now Denmark, to be followed by Austria.

**36.1 Denmark:**

Thank you Mr President. Let me first of all thank you, Mr President, for continuing the very constructive conduct of our plenary meetings.

36.2 Denmark believes in multilateralism and a rule-based international system. We want to develop a UNESCO with more Member States undertaking and sharing the responsibility. We want a UNESCO for all Member States. While we appreciate seeing that many Member States do their utmost to ensure prompt payment of contributions, Denmark wishes to express concern about the non-payment of assessed contributions by some Member States. It goes without saying that the Organization's financial situation is seriously challenged, and we are of course deeply concerned by the severe implications for delivery of regular programme activities. All Member States should meet their obligations. Assessed contributions are the bedrock for UNESCO, as well as for the United Nations system. We wish to see a strong and efficient United Nations system, fit to deliver on the 2030 Agenda. The international community is facing common global challenges, and the United Nations family is under heavy pressure to deliver sustainable solutions. Our position is clear: we will strive for committed global cooperation, and multilateral answers. We see our assessed contributions to UNESCO as an investment to achieve our common commitments. UNESCO must be able to count on our assessed contributions.

36.3 Mr President, what I have just stated now is actually a copy of Denmark's statement at the General Conference two years ago, in 2017. This is to say that we've had a process from that time until today that has been both transparent and inclusive and very thorough. We are of course against postponement. But it is also to say that the situation of arrears has not changed since then, since the last General Conference. We are facing the same problematic situation with top contributors currently having arrears of \$106 million. So we have to react. We have to do something.

36.4 The proposal put on the table today to amend UNESCO's Constitution as regards improved measures is a very reasonable proposal. Member States in difficult situations which have more than two years of arrears will continue to be protected. The possibility to provide a communication to the Director-General is the opportunity to explain why a certain Member State is not able to pay. It is a clear signal of good will. The notion beyond the control of Member States is of course still valid. It means that some Member States in situations of armed conflict, economic crisis or natural disaster will keep their rights. So to be crystal clear, by adopting this amendment we make sure that those that can pay their assessed contributions do so, while we continue to protect those Member States that are in difficulty.

36.5 The Constitution has been amended at least 30 times before, and Article V has been amended ten times before. As of this year, UNESCO has held 40 sessions of the General Conference in total; half of the sessions of the General Conference decided to amend the Constitution. Denmark was one of the 20 countries that enabled the entry into force of UNESCO's Constitution in 1945. We are fully comfortable with amending UNESCO's Constitution when it is necessary. It is only normal and it should be expected of Member States that we continuously fine-tune our basic text. The payment of contributions is an already-existing obligation under the Constitution since 1945, but we need to make sure that the intent and the principle is *de facto* implemented.

36.6 So, to sum up, Denmark supports the proposed amendment of UNESCO's Constitution, to ensure the full and timely payment of mandatory contributions by Member States, to stand up against political pressure. It is clear the amendment does not involve new obligations. Thank you.

37. **The President:**

Thank you. Austria, to be followed by Australia.

38.1 **Austria:**

Thank you Mr President. Given that I take the floor for the first time, allow me also on behalf of the Austrian Permanent Delegation to congratulate you on your election. Now, to the issue at hand. Austria as a co-sponsor fully supports the draft amendment to the Constitution. Timely and regular payments are essential. They are the bedrock of UNESCO's action to contribute to the achievement of the 2030 Agenda and the Sustainable Development Goals. They are the precondition for UNESCO's action that benefits the poorest and most vulnerable countries within the member of UNESCO.

38.2 Preparing this amendment has been a very well-prepared process and a lot of consultations have taken place. It is simply not true that it has been rushed through. The Executive Board had a very extensive discussion, and formal and informal consultations, and the Board was quite clear in their recommendation to the General Conference to have this amendment adopted. We feel it is a harmonization of rules that are applicable in the General Conference, and we also believe that the proposed mechanism will ensure that the specificity of each Member State will be taken into account, enabling them to bring forward reasons for not being able to pay their contributions on time, and in consequence not being affected by these measures.

38.3 Consequently, the spirit of this amendment is not to punish those who cannot pay, but to rather avoid a situation in the future where a large contributor decides to stop paying his contributions by attaching political conditionalities. We have seen in the past, by unilaterally attaching political conditionality, it has caused a very volatile financial situation. It has brought about a contingency plan, not enabling UNESCO to provide services to LDCs, SIDs and those vulnerable countries that need them.

38.4 In conclusion, the payment of the assessed contributions is an already existing obligation under the Constitution since 1949, and this existing obligation is also inscribed in the Financial Regulations. Therefore these amendments do not entail any new obligations. They also exist in other United Nations organizations and we think they are fair and they are appropriate, and it is timely for us to take a decision now. I think we owe it, in particular, to those Members here in the room that are asking UNESCO to step it, and we know that – due to the urgency of the deadline of The 2030 Agenda coming up – we have to accelerate our contributions. Thank you very much Mr President.

39. **The President:**

Thank you Excellency. Australia, to be followed by Tunisia.

40.1 **Australia:**

Mr President, thank you for giving me the floor. Australia strongly supports the adoption of the proposed amendments, and we thank Sweden for introducing them and those preceding us in this debate for highlighting the importance of implementing these measures. Australia, Mr President, is a resolute defender of the United Nations system and a rules-based order that protects the peace and prosperity of us all. This is a system that is dependent on all of us making our contributions according to our means and our possibilities. Yet it has been a virtual mantra for many in this Organization to speak over many years of the financial plight of UNESCO and the need for its many valuable programmes to be properly funded. But why is this so, and what should we do about it?

40.2 Ultimately, the financial health of the Organization is dependent on the timely payment of contributions by all its Members, and particularly by those whose contributions form the larger part of UNESCO's budget. We have heard much about the impact of the non-payment of contributions by some of our largest contributors over the years, a number of years when some of these contributors continued to sit on and vote on the Executive Board. This is well known. However,

it is not an episodic issue that has been somehow resolved; the problem of non-payment of contributions has not gone away. Our top 25 contributors are over \$100 million in arrears – \$100 million that could help meet Member States' expectations in the field of education, science, culture and communication. Importantly, much of the Organization's accumulated arrears stem from voluntary decisions of significant contributors who, either to express dissatisfaction from some particular aspect or other of the actions of the Secretariat or of other Member States or to suit some internal accounting convenience, have chosen not to pay. To be blunt, our financial woes exist because some contributors – many among the larger ones – have made conscious decisions to delay, withhold or decline to make the assessed contributions that form our regular budget, sometimes while continuing to make tied voluntary contributions to programmes that enjoy their favour. These are voluntary decisions that have real consequences for the work of UNESCO in the field, but which currently have no consequences for the Member States who take them.

40.3 That we all contribute to the regular budget as far as possible on time, in full and without condition is how we, as Member States, manifest our solidarity with the international community and with other Member States, and our willingness to share the burden, according to our means, of implementing the mandate of our Organization. That this does not happen as a matter of course is deplorable, and is the real and ongoing risk to the health and stability of UNESCO. That we do not see this phenomenon to nearly the same degree in a number of other United Nations bodies speaks volumes to the impact and the importance of introducing limitations on voting and the right to stand for election that prevail in New York and elsewhere.

40.4 These draft resolutions impose no new obligations; they simply ensure that all Member States meet their existing obligations to comply with the law, our Constitution: to comply with the legal requirement that they seek to pay their assessed contributions in full, on time and without conditions. These draft resolutions will in no way penalize Member States which through no fault of their own find it difficult to meet their obligations for reasons completely beyond their control. No country is immune to natural disaster, war, internal conflict, or economic and financial turmoil, and the amendment therefore provides that our existing mechanisms for assessing contributions will ensure no country with legitimate reasons and expressed to express these shall be limited in standing for the Executive Board or in voting while they are sitting on the Board.

40.5 These draft resolutions will furthermore not diminish in any way regional representation, for any member of the Executive Board who fails to meet their assessed contribution will still be able to participate in debates, to contribute to drafts and to the building of consensus – consensus, which we hear so often in this room, which lies at the heart of the decision-making of this Organization. Only their right to vote will be affected, and this has absolutely no impact on the number of seats available to the regions themselves. We are all members of a United Nations organization where the voice of every country has the same value, regardless of their size, their population or their strategic importance. We should reject any suggestion that this should be otherwise, and that some larger Member States are somehow more important and should be allowed to shape our Organization to fit their interests or wishes by withholding their contributions to our budget. We must remain faithful to the principles of solidarity, of equity and of fairness. We have discussed this issue thoroughly in both formal and informal channels and should not delay any further the implementation of these reasonable and essentially technical measures which address a situation in UNESCO that has prevailed for far too long.

**41. The President:**

Thank you your Excellency. Tunisia, to be followed by Benin.

٤٢ تونس:

شكراً سيدي الرئيس، أود بادئ ذي بدء التأكيد بأن الجمهورية التونسية تدعم هذا التنقيح وتشكر مندوبية السويد على التقدم به. ونود أن نؤكد كذلك إيماننا الراسخ بأن الوضع الطبيعي والسليم للمنظمة هو أن يقوم تمويل أنشطتها أساساً على تمويل متأت من مساهمات الدول الأعضاء عبر الميزانية الاعتيادية مع الترحاب طبعاً، في مقام ثان، بالمساهمات الأخرى مهما كان نوعها. وإن هذا التمشي المتمثل في تنقيح الميثاق التأسيسي للمنظمة قصد ترتيب نتائج قانونية وإجرائية على عدم احترام الالتزامات المالية يشكل في نظرنا تحملاً محموداً لمسئولياتنا كدول أعضاء على ضوء السعي إلى تلافي ما وقعت فيه المنظمة من أزمات في الماضي القريب. وعلى المستوى القانوني، كنا عبرنا كأعضاء داخل اللجنة القانونية على أننا نعتبر، وبصفة بديهية، أن هذا المقترح لا يشكل بأي وجه من الأوجه التزاماً قانونياً جديداً. وتؤكد الجمهورية التونسية أن اعتماد هذا المقترح يضمن مراعاة الوضعيات الصعبة والعوائق الموضوعية التي تمر بها بعض الدول، والتي تمنعها عن حسن نية من احترام التزاماتها المالية تجاه المنظمة، وشكراً لكم.

**43. The President:**

*Merci votre Excellence.* Now Benin, to be followed by Greece.

**44.1 Bénin :**

Monsieur le Président, je vous remercie de m'avoir donné la parole. En tant que co-auteur de ce projet d'amendement, le Bénin ne peut que souscrire entièrement aux déclarations faites précédemment et avec beaucoup d'éloquence par la Suède, le Ghana, la Suisse, l'Égypte et bien d'autres.

44.2 Pour notre part, nous partageons quelques considérations. Premièrement, s'il est une vérité incontestable que l'on se doit de rappeler dans ce débat, c'est bien celle selon laquelle la qualité de membre d'une Organisation internationale implique des droits mais aussi des devoirs. Cela est vrai à New York, à Genève, à Vienne, à Bruxelles, bref dans toutes ces grandes capitales qui abritent des organisations internationales dont nos pays sont pour la plupart membres. Pourquoi en serait-il alors autrement à Paris ?

44.3 L'Acte constitutif de l'UNESCO en son Article IX.2, prévoit déjà que la Conférence générale fixe la participation financière de chacun des États membres au budget de l'Organisation. C'est l'obligation la plus importante que la Constitution fait peser sur les États membres de l'UNESCO en contrepartie des droits que leur confère l'appartenance à l'Organisation.

44.4 Deuxièmement, le respect par les États membres de l'obligation de payer leurs contributions est fondamental pour le fonctionnement de l'UNESCO. Il n'est pas difficile dans ces conditions de se rendre compte que les mesures préconisées par ce projet d'amendement visent tout simplement à garantir le respect effectif de cette obligation constitutionnelle préexistante des paiements des contributions. Une obligation qui incombe à tous les États membres. De ce point de vue, ces mesures en elles-mêmes ne créent aucune nouvelle obligation mais visent à garantir le respect effectif d'une obligation constitutionnelle préexistante.

44.5 Faut-il le rappeler ? La Conférence générale a adopté en 1949 un amendement à l'Acte constitutif permettant de suspendre le droit de vote d'un État membre en retard de ses contributions. Cette disposition s'inspire directement de l'Article 19 de la Charte des Nations unies. Cet amendement n'a pas été considéré, ni par le Comité juridique, ni par la Conférence générale elle-même, comme entraînant de nouvelles obligations. Si la Conférence générale, composée à l'époque des pères fondateurs de notre Organisation, est parvenue à cette conclusion en 1945, il n'y a pas de raison que ce précédent ne soit pas suivi aujourd'hui.

44.6 Troisièmement il est dans l'intérêt de notre Organisation que les mesures destinées à renforcer le paiement des contributions mises en recouvrement soient prises. Le non-paiement ou le retard dans le paiement des contributions affaiblit l'Organisation en la privant de ressources nécessaires à la mise en œuvre effective de ses actions.

44.7 Les mesures préconisées ne ciblent pas les petits pays en difficulté financière. Ceux-ci, comme il en a toujours été le cas, demeureront protégés, et pour peu qu'ils justifient leur situation, ne se verront pas privés du droit de vote ni de perdre leur éligibilité au Conseil. Selon les données qui sont publiques, et rappelées par la Suède, l'effet de ces mesures impactera en revanche certains contributeurs qui, à ce jour, totalisent plus de 100 millions de dollars d'arriérés. La liste, d'ailleurs, des co-auteurs du projet de résolution opposés à ce projet d'amendement n'a fait que jeter le masque pour faire savoir ce qu'on pouvait vouloir cacher.

44.8 Quatrièmement, les mesures proposées par cet amendement qui, faut-il le rappeler, est appuyé par un large groupe de pays, du nord au sud, de l'est à l'ouest, petits comme grands, sont juridiquement cohérentes. Elles n'ont aucun lien avec la représentation géographique au Conseil, qui est une autre question.

44.9 L'amendement permettra à l'UNESCO de s'assurer que nul ne puisse par sa seule volonté se soustraire de son obligation de contribution, en continuant de protéger les États en situation financière difficile. Il vient par contre, cet amendement, réparer plusieurs incohérences juridiques et éthiques actuelles. Comme celle d'avoir certains contributeurs qui sont en capacité de payer manquer sans raison à leurs obligations financières, ou des États en défaut de paiement décider de la contribution des autres.

44.10 Les mesures préconisées ne sont pas d'application automatique. C'est toujours la Conférence générale qui décide de retirer le droit de vote, ou de prononcer l'inéligibilité d'un État membre, et elle peut toujours, à titre exceptionnel, maintenir le droit de tout État si elle juge que la situation est indépendante de la volonté de l'État concerné. Et les critères pour apprécier cette situation exceptionnelle sont connus et très clairement appliqués depuis des décennies par le Groupe de travail sur les contributions. Ces critères sont les catastrophes naturelles, la situation financière, ou la situation de conflit armé. Il suffit de se référer au document 30/C/19.

44.11 En conclusion, Monsieur le Président, au regard des difficultés financières qu'a connues l'UNESCO ces dernières années, la Conférence générale se doit de se prononcer maintenant. Nous ne sommes pas favorables à un report au regard du large soutien dont bénéficie cet amendement. Les mesures qu'elle préconise permettront, un, de donner à l'UNESCO les moyens de ses ambitions, deux, d'inciter les États membres à faire preuve de diligence au regard de leurs obligations financières à l'égard de leurs contributions, trois, de continuer à protéger les États en situation financièrement difficile, et quatre, enfin, d'assurer davantage de sécurité financière à notre Organisation. Je vous remercie.

45. **The President:**

*Merci votre Excellence. Now Greece, to be followed by Japan.*

46.1 **Greece:**

Thank you Mr President. And it is also for me the first time that I take the floor, so I wish to congratulate you in the name of the Greek delegation. Mr President, Greece is a co-sponsor of this amendment and is strongly supporting it. The payment of the assessed contribution is a constitutional obligation and it should not be a matter of political will. Whether a large contributor or a smaller one, Greece for example is not in the top ten or top 20 contributors, but it is a contributor that feels strongly that the assessed contributions are the necessary tool for UNESCO to implement its programmes.

46.2 Much has been said about whether this has been rushed in. No, it has not been rushed in. No, we are not in favour of postponing this item. Yes, it is timely. No, it is not targeted against vulnerable States, and no, it does not create additional legal obligations. Thank you very much Mr President.

47. **The President:**

Thank you. Now Japan, to be followed by Pakistan.

48.1 **Japan:**

Thank you Mr President. And first I would like to make it clear that Japan shares the concern about the monetary conditions of UNESCO, and we commend all the efforts made by everybody, including the proposals of this amendment to try to increase, improve the situations with the budget condition of UNESCO. That is very important.

48.2 But at the same time I can't but raise the question of the constitutionality of this amendment, because, one, the possible constitutionality is a critical question for the legal stability of the Organization. Number two, particularly the issue, if this is a creation of a new legal obligation, it is being discussed in the context of the eligibility of the Member States to election of the Board. And that is the same question as we discussed until yesterday over the item **10.3**. And so the

conclusion of this discussion of this item will inevitably affect the future discussion on the item 7.3. That is why I need to be engaged and concerned with the development of the discussion. And number three, some countries refer to the so-called Japan amendment in 1991, and so I thought that it's maybe useful for us to share some understanding and facts relating to the Japan amendment in 1991. And I would like to start with sharing our position on two basic and fundamental questions.

48.3 Question number one: some countries refer to the Japan amendment, and they question if it constituted the creation of a new legal obligation. And our answer is, no, that was not. The Japan amendment was a major reform of the system of this Organization. It transformed the Executive Board from the group consisting of individual Members, independent from a Member State, to a group of representatives of the Member States. And it was done in 1991. And under that Japan amendment, it was ensured in the Constitution that all the Member States are eligible to the election of the Executive Board. In other words, with that amendment, all the Member States were given the right to present a candidacy for the Board election. In sum, this was the creation of a new legal right for Member States, not an obligation.

48.4 Question number two, there was time limitation for membership of the Members of the Board before the Japan amendment. Would it be a precedent to justify the constitutionality of the proposed amendment? I mention both amendments 7.3 and 7.4. And the question is no, because time limitation was applied to the individuals independent from the Member States who participated in the Board before the Japan amendment. So this had nothing to do with the obligation for Member States as specified in Article XIII of the Constitution. We are now discussing the obligation of Member States, so we should be very clear on this point when we are discussing it. As I said, the Japan amendment in 1991 has given the right to all Member States, eligibility for election, or the election of the Board. And we have implemented this rule without any limitation to the right for the past 28 years. Now we are discussing two amendments which are seemingly trying to restrict the right that all the Member States have enjoyed based on the existing provisions of the Constitution. That is why we need to genuinely and faithfully address this fundamental question of the constitutionality.

48.5 Mr President, I need to conclude that we have a question, a very genuine question about the constitutionality of the proposed amendment in case the Article XIII is not applied. And so we will decide our position accordingly. Thank you.

49. **The President:**

Thank you Excellency. Now Pakistan, to be followed by Guinea.

50.1 **Pakistan:**

Thank you Mr President. Pakistan does not question the intentions of the sponsors of these amendments, which is to strengthen the financial position of UNESCO. What we are concerned with are the ramifications of these amendments, and whether these amendments were thoroughly assessed. The proposed amendments are about both countries' rights to contest elections to the Executive Board and voting at the Executive Board who are in arrears of their assessed contribution for the current and preceding year. While these proposals are measures to improve assessed contributions, we believe they have impact far beyond their intended outcomes. Let me clarify at the very outset, we are not against strengthening measures for assessed contributions. We believe the proposed amendments are inconsistent with the principles of UNESCO and have legal infirmities and incoherence's and we would like UNESCO's membership to look into this aspect.

50.2 The proposals will create barriers within UNESCO by completely silencing – and I repeat, completely silencing – significant countries and preventing them from being heard in the governing bodies of UNESCO, the General Conference and the Executive Board. These countries might be affected. The countries that might be affected could be significant zones within regional groups and will be denied voting rights as well as a seat on the Executive Board, a Board that is based on the principle of equitable geographical representation.

50.3 Mr President, it is argued that countries that have accumulated arrears for the current and preceding one year have already been denied voting rights in the General Conference through an amendment to the Constitution in the early 1950s. There was a reason that these restrictions were not extended to the Executive Board for over seven decades, and this reason was legal acumen and far-sightedness of the forefathers of UNESCO. Then they knew that General Conference was based on one-country, one-world policy, while the Executive Board was based on the principle of equitable regional geographical representation. A country could be sanctioned for its failure to pay by preventing it from voting in the General Conference. But then the Executive Board Members represent geographical regions, and penalizing an Executive Board Member by preventing it from working would penalize the bloc of countries it represents.

50.4 The founders of UNESCO also knew if certain countries were denied voting rights in the General Conference, they could still be heard in the Executive Board. Now we are completely excluding and silencing countries from UNESCO that are struggling with their economies, devastated by war, poverty, natural disasters or sanctions. Mr President, this is contrary to the ideals of UNESCO and this is what we are concerned about. We do not want to completely silence countries by taking over their voices at every forum in UNESCO.

50.5 We also have reservations on certain other legal aspects of the proposed amendments. The three governing bodies of UNESCO are based on entirely different principles and premises as well as serve different functions. What is applicable in one governing body cannot be and should not be replicated in another. This aspect needs legal thought and clarification. Countries struggling with financial obligations could be devastated by the same geopolitical phenomena. Denying Executive Board membership to certain regions, which might already be underrepresented on the Board, is disregarding the principles of equitable representation, which is very risky. It also runs contrary to our stance yesterday that no UNESCO Member should be denied its democratic right to contest elections to the Executive Board. The countries at risk of losing their voting rights or rights to Executive Board elections are countries that are struggling. Even, Mr President, if they do pay their dues, it will not much help the finances of the Organization, as the majority of them are not well-off countries. Countries pay if they can, and do not pay if they cannot. We already have loss of voting rights in the General Conference as a punitive action for those countries. Countries will do their best to avoid this embarrassment. A

contribution committee decides whether failure to pay was beyond control of the Member State. It is not easy or desirable for a Member State to lend itself to such scrutiny, yet they accept this evaluation because they want to stay with UNESCO. We do not see the rationale of exposing an affected Member State to this scrutiny yet again, to determine whether they can vote in the Executive Board or not, and most importantly, whether they can contest elections.

50.6 Furthermore, who is going to deliberate upon the issue of politicization in the contribution committee. With representatives from each regional group, can we rule out politicization within the contribution committee? Should the contribution committee decide Member States' right to announce candidatures to the Executive Board? This is unacceptable. What elaborate procedures do we have in place to ensure impartiality of the contribution committee, which decides Member States' right to announce candidature to the Executive Board?

50.7 Mr. President, much has been said about double jeopardy. I know double jeopardy does not apply to international law, but the principle remains the same. Exposing a Member State twice a year and every two years to the same critical financial evaluation to determine whether its failure to pay was due to circumstances beyond its control is devastating for countries. Usually countries affected by these sanctions are shy to come forward and speak. As to mention the flexibility of two years for arrears, we would like to state that one of these two years is the current ongoing year and hence practically there is provision for one year's arrears only.

50.8 Mr President, we have supported the cause of developing countries on every forum. We believe this proposed amendment, despite its good initial intentions, is punitive and prohibitive in nature, not only in legal terms, but also in the literal sense. Three punitive actions for one failure. First, countries with ongoing financial crises are already sanctioned by taking over their voting rights in the General Conference. And we are not against that. If this is the impression that has been created in the House, we are not against this, but we are against further punitive actions for this one failure that is taking away their voting rights in the Executive Board and prohibiting them from contesting elections to the Executive Board. Therefore, we think it does immoderate, undue, repressive and punitive and hence incoherent with the principles and ideals of UNESCO, an organization that was created to build peace through North-South collaboration. We may ask ourselves, can we keep increasing penalties for the same failure indefinitely, or should there be some regulation in the form of a certain threshold or ceiling for these sanctions?

50.9 We are also not in favour of putting the two groups of countries, the ones which do not pay for political reasons, and the other group which cannot pay for financial reasons at par. They are not the same. They are very different groups and cannot and should not be covered by one amendment. We would also again like to request all to understand that we are not against confiscation of voting rights in the General Conference as a result of a failure to pay. But we are against penalizing the same failure over and over again by two additional sanctions, which are clearly out of proportion of the failure to pay, and in the different governing bodies of UNESCO, which are totally different from one another and which serve totally different purposes. UNESCO is the North-South Bridge, a house of hope, peace and dialogue. We do not want to silence countries in UNESCO. UNESCO was created for such countries to be heard and seen. We hope that UNESCO membership will uphold the ideals of UNESCO. I thank you all.

51. **The President:**

Thank you. Guinea, to be followed by Serbia.

52.1 **Guinée :**

Merci, Monsieur le Président. Monsieur le Président, permettez-moi de vous féliciter pour votre brillante élection et la façon dont vous conduisez nos travaux. Je ne reviendrai pas sur les arguments développés par la Suède et d'autres cosignataires. Mais d'emblée je voudrais rassurer les États membres qui s'inquiètent pour nous, les pays en développement, je ne me sens nullement puni par personne. Je suis cosignataire, en tant que tel, j'espère avoir compris et l'esprit, et les idées qui sous-tendent cet amendement.

52.2 Je pense quand même qu'il faut clarifier son esprit. Il s'agit de distinguer ceux qui ne peuvent pas payer pour diverses raisons, qu'il faut protéger et aider, de ceux qui ne veulent pas payer pour diverses raisons, qu'il faut sensibiliser. Cette distinction est fondamentale parce qu'elle commande l'esprit qui sous-tend cet amendement.

52.3 Payer, en effet en un temps où le non-paiement affecte gravement le fonctionnement de notre Organisation. À date, plus de 100 millions de dollars manquent à notre budget. Les principales victimes de ces faits, sont nous, les pays en voie de développement. Et je vous remercie, les États qui se sont souciés de notre devenir dans cette Maison, en retardant ou en ne payant pas, vous obligez l'Organisation à différer l'exécution d'une partie de son programme, ou à emprunter sur le marché en payant des intérêts.

52.4 S'acquitter de ses contributions est une obligation qui découle de l'Acte constitutif, mais c'est également une marque de solidarité, meilleure façon d'aider les pays en développement et c'est en payant ses contributions en temps et en heures. Une UNESCO financièrement saine est le meilleur gage de la bonne exécution de son programme, dont nous, les pays en développement, sont les principaux bénéficiaires. Comme je l'ai dit, l'efficacité de notre Organisation dépend de sa santé financière. Aidons-la à mieux fonctionner. C'est notre intérêt à tous. Cet amendement présenté par la Suède, que je remercie par ailleurs, y contribue grandement. C'est pourquoi la Guinée, pays en développement, le soutient, et rassure les autres pays en développement qu'il y va de leur intérêt. Je vous remercie.

53. **The President:**

*Merci beaucoup votre Excellence.* Slovenia, please.

54.1 **Slovenia:**

Thank you Mr President. Today we are here to decide on how we can improve UNESCO, and Slovenia is one of the co-sponsors who proposed these amendments. Slovenia wants to underline that the payment of the contribution is already an existing obligation under the Constitution. It is a basic obligation of each and every country. Since it is a



constitutional obligation for all Member States, these amendments for us do not entail any obligation; they present only a clarification of the implementation of the already existing obligation. Every Article in the Constitutional Act has its own meaning and purpose and for us, timely payment of the contribution is a crucial and logical point of our membership in this Organization. Unfortunately, this is not seen and supported from some Member States, and therefore to avoid different explanations and argumentation of the Constitutional Act, we think these amendments are necessary and urgent for the stability of the regular budget.

54.2 Second, the assessed contribution constitutes the regular budget, as it was mentioned by many other delegations, meaning that in every case, when a Member State does not pay its contribution on time, this presents a strong negative immediate impact for the work of UNESCO. And only here we should talk about negative influence, and not when talking about negative sanctions towards Member States. Slovenia as a member of the Working Group on Contributions encourages and assures other countries that countries in difficult situations that have more than two years of arrears are protected and they have a special mechanism through the Working Group on Contributions. Can we even discuss about supporting multilateralism while being hesitant, or even refuse to contribute our obligation in a timely manner? We believe that those who can pay, they should. To conclude, Slovenia supports a strong and structured budget where contributions present a strong base. Therefore, we support these amendments, and hearing all arguments we wish them to be approved at this General Conference. Thank you very much.

55. **The President:**

Thank you. Saint Vincent and the Grenadines, to be followed by Cook Islands.

56.1 **Saint Vincent and the Grenadines:**

Thank you, Mr. President. At the beginning of this General Conference, the Joint Commission adopted a budget ceiling of \$534 million for the next biennium. The regular budget, based on assessed contributions, allows the good functioning of the Organization as well as the implementation of the programme. The payment of these contributions is a constitutional obligation. As Member States we have rights, but also duties, towards the Organization. We have the right to benefit from UNESCO's programmes, from its intellectual, scientific and normative functions, in order to build peaceful, inclusive and sustainable societies. Why? It is our duty and responsibility to make the Organization efficient and effective and to ensure its stability. The non-payment of the contributions in timely manner affects not only the smooth functioning of the Organization but also, and mainly, the delivery of the programme. The arrears of 2019 are \$105 million. Who will be affected by these arrears? Developing countries. This item was discussed in the preparatory group, and many Member States raised concerns about the increased dependency of the Organization on voluntary contributions while arrears areas are increasing. This is not a normal situation. The regular budget must be protected, because it is the only source of financing projects for middle-income countries that are not eligible for the official development aid.

56.2 However, we fully understand the situation of Member States who are suffering from specific problems and they express their situation here in this room, and we know that there are specific mechanisms to protect them and they are keeping their rights. The Swedish amendment responds to a long-standing discussion since the 205th session of the Executive Board, and after a decision at that session based on a background document presented by the External Auditor on the overall management of assessed contributions. The amendment takes into account the criteria of the reasons beyond the control of Member States related to wars and conflict affecting a stable economic financial crisis, and natural disasters, and also the duration of the arrears beyond two years. The amendments also show flexibility, and for automatic and immediate restoration of the rights. And the risk to lose the right to vote is only considered in the General Conference, not between the two sessions.

56.3 Regarding the measures proposed, the non-eligibility is already applied in the World Heritage Convention and the Intangible World Heritage Convention. The measures proposed in this amendment will encourage Member States to fulfil their obligations towards the Organization, to strengthen its functioning, and the measures do not affect in any way the diversity and equitable geographical representation. It seems that diversity and geographical equitable representation have different meanings depending on which constitutional amendments we are discussing. Mr. President, we do not see any shame to present such amendment. We are not in favour to postpone it. Thank you.

57. **The President:**

Thank you. The interpreters are quite strained. I will have to take that into consideration. We will adjourn a bit before 1 p.m. It means that Cook Islands and India will have the floor, and then we will resume at 3 p.m. Cook Islands please.

58.1 **Cook Islands:**

Thank you, Mr President. The Cook Islands feel that the non-payment of contributions jeopardizes the implementation of UNESCO's programmes, with a strong impact for the work of UNESCO at regional and country levels. We analysed the conversation we had yesterday and despite our differences on item 7.3, we have come together on this matter as a true reflection of UNESCO's core values, solidarity and duty towards our Constitution. We had the numbers on the financial situation of some Member States regarding their arrears. What strikes us the most is the fact that 25 largest contributors have \$106 million in debts. The payment of the contributions is an existing obligation under the UNESCO Constitution, but not a new obligation. It is a fundamental duty, and we believe that withholding of assessed contributions constitutes a breach of the collective duty that Members have to contribute to the finances of the Organization. It is just not fair, and this item should be discussed now. Postponement would only increase the debt.

58.2 The Cook Islands are up to date with their contributions in UNESCO and the other United Nations specialized agencies. We are proud to be a responsible Member State in ensuring that we are fully financial. We also feel our vulnerability as a small island State has already been taken into consideration by the Organization through a protection process, a dialogue with a Working Group on Contributions for situations beyond the control of the Member State. Such

situations could definitely and unfortunately occur in the Cook Islands, especially in the coming month as we enter the season of cyclones. This amendment does not change that degree of protection.

58.3 Regarding the eligibility on the Executive Board, please note that there is currently no respect of the equitable geographical representation, and this reality is not linked to financial matters. We should not mix issues. The Cook Islands believe that the regular budget should not be used for influence. It should be a reliable source of funding to our core functions. As Ghana rightly pointed out, the payment of assessed contribution is the right thing to do. Thank you.

59. **The President:**

Thank you very much. India please.

60. **India:**

Thank you, Mr. President. Let me state clearly and unequivocally that we advocate and practise compliance with one's financial obligations fully and unconditionally. We have paid our dues to this Organization and the United Nations system with regularity, even in times when our country was faced with difficulties. We feel that the loss of voting rights in the Executive Board and the inability to present candidatures for the Executive Board is a very important matter and should be driven by convergence and consensus. We are of the view that the amendment under discussion has very far-reaching impacts on the work of UNESCO. We also believe that not all of these impacts will be beneficial to the Organization as they have the potential to disproportionately impact the interests of the developing countries. We also believe that such an important decision should not be taken when there is such a strong variance in the viewpoints. As in other things, we would like this decision to be made by consensus. While we understand the rationale behind the amendment, we do not think that the proposed penalization has a clear link in achieving the budgetary objectives. Further, the arrangement of piggybacking on the world working group of contributions for assessment, for loss of voting rights to the Board is inadequate, since it works only at the time of the General Conference, which is once in two years. While the Executive Board takes place twice every year to clarify if a situation of a Member State goes from bad to worse, they cannot apply for restoration of its voting rights until the next General Conference. We feel that this amendment needs to provide stronger safeguards for developing countries, greater clarity in the processes that determine the loss of voting rights, even in cases of armed conflict, natural disasters and economic crises which can affect the ability of developing countries to pay their dues for decades. Mr President, we would also like to know how we are going to ensure the objectivity of the body assessing the contributions. Thank you, Mr President.

61. **The President:**

Thank you. I am now suspending the meeting. We will resume at 3 p.m. The first speaker in the afternoon session will be Norway, to be followed by The Netherlands.

*The meeting rose at 12.55 p.m.*