



LEGAL COMMITTEE

Second Report

Item 7.1 of the agenda (document 33 C/20)

LEGAL FRAMEWORK FOR THE ELABORATION, EXAMINATION, ADOPTION AND FOLLOW-UP OF DECLARATIONS, CHARTERS AND SIMILAR STANDARD-SETTING INSTRUMENTS ADOPTED BY THE GENERAL CONFERENCE AND NOT COVERED BY THE RULES OF PROCEDURE CONCERNING RECOMMENDATIONS TO MEMBER STATES AND INTERNATIONAL CONVENTIONS COVERED BY THE TERMS OF ARTICLE IV, PARAGRAPH 4, OF THE CONSTITUTION

1. The Committee examined the Director-General's proposal for a framework for the elaboration, examination, adoption and follow-up of declarations, charters and similar standard-setting instruments adopted by the General Conference and not covered by the Rules of Procedure concerning recommendations to Member States and international conventions covered by the terms of Article IV, paragraph 4, of the Constitution.
2. In its examination of the four-stage procedure proposed in paragraph 40 of document 33 C/20, in the light of the clarifications provided by the Legal Adviser, the Committee made various modifications and amendments to the proposed legal framework.
3. With regard to the fourth stage, it was pointed out that, in the absence of a follow-up mechanism, the examination of reports from Member States concerning the follow-up of the declaration, charter or similar standard-setting instruments could be entrusted to the Executive Board.
4. The Committee considered it desirable for the multi-stage procedure to be included in the Basic Texts of the Organization.
5. The Committee decided to recommend that the General Conference adopt the following draft resolution:

The General Conference,

Having examined document 33 C/20 and taken note of the report of the Legal Committee (33 C/LEG/...),

Decides to approve the multi-stage procedure proposed by the Director-General as a legal framework for the elaboration, examination, adoption and follow-up of declarations, charters and similar standard-setting instruments adopted by the General Conference and not covered by the *Rules of Procedure concerning recommendations and international conventions covered by the terms of Article IV, paragraph 4, of the Constitution*, as set out in annex to this resolution.

ANNEX

Multi-stage procedure for the elaboration, examination, adoption and follow-up of declarations, charters and similar standard-setting instruments adopted by the General Conference and not covered by the *Rules of Procedure concerning recommendations to Member States and international conventions covered by the terms of Article IV, paragraph 4, of the Constitution*.

Stage 1: Resolution by the General Conference as to the desirability of a declaration, charter or similar standard-setting instrument

It shall be for the General Conference to decide whether a question should be the subject of a declaration, charter or similar standard-setting instrument on the basis of a report by the Director-General or a recommendation by the Executive Board or a recommendation by a subsidiary organ of the General Conference, whose members are elected by the General Conference.

Stage 2: Drawing up of the draft declaration, charter or similar standard-setting instrument

The General Conference shall request the Director-General to submit to it on a date that it shall determine a draft declaration, charter or similar standard-setting instrument drawn up in consultation with the Member States. The General Conference may also specify the steps to be followed in the preparation of the instrument, including the convening by the Director-General of intergovernmental meetings and committees of experts in accordance with the *Regulations for the general classification of the various categories of meetings convened by UNESCO*.

Stage 3: Examination and adoption of the draft declaration, charter or similar standard-setting instrument by the General Conference

The General Conference shall examine and discuss the draft declaration, charter or similar standard-setting instrument submitted to it, together with the recommendations of the Executive Board thereon.

The declaration, charter or similar standard-setting instrument shall be adopted by a resolution of the General Conference. Every effort shall be made to adopt the declaration, charter or similar standard-setting instrument by consensus.

Stage 4: Follow-up of declarations, charters or similar standard-setting instruments adopted by the General Conference

The Director-General shall ensure that the text of the declaration, charter or similar standard-setting instrument adopted by the General Conference is disseminated as widely as possible.

If the actual text of the instrument does not provide for a follow-up mechanism, the General Conference may invite the Director-General to submit to it on the dates that it shall determine a report on the measures taken by the Member States to give effect to the principles set forth in the declaration, charter or similar standard-setting instrument.