



United Nations  
Educational, Scientific and  
Cultural Organization

# Executive Board

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## REPORT OF THE COMMITTEE ON CONVENTIONS AND RECOMMENDATIONS

1. The Committee on Conventions and Recommendations (CR) held two public working meetings from 12 to 13 April 2007, with Mr Luiz Filipe de Macedo Soares, representative of Brazil, in the Chair. It met on 24 April 2007 to adopt this report. In accordance with Rule 16.2 of the Rules of Procedure of the Executive Board, the Committee elected Mr Owen S. M. Bethel (Bahamas) temporary Chairperson. The Committee examined the following agenda items.

**Item 22 Consolidated report on the measures taken by Member States for the implementation of the Recommendation concerning the Promotion and Use of Multilingualism and Universal Access to Cyberspace (176 EX/22)**

2. In his introduction to the debate, the Assistant Director-General of the Communication and Information Sector recalled that the Recommendation concerning the Promotion and Use of Multilingualism and Universal Access to Cyberspace was adopted in October 2003 by the General Conference at its 32nd session. He also indicated that, as at 31 January 2007, the Secretariat had received reports from 23 Member States (listed in document 176 EX/22) and that the reporting process took into consideration all actions that Member States have taken in this regard, including those aimed at implementing the relevant decisions adopted at the World Summit on the Information Society (WSIS).

3. During the debate on this item, three Member States took the floor. In their interventions, they expressed satisfaction with the document prepared by the Secretariat and appreciation of the information gathered which confirms, among other things, that UNESCO is a key player in implementing the decisions of the WSIS. The members of the CR also considered that a substantial number of Member States from all regions responded to the reporting process on this Recommendation.

4. The observation was made that, in the reporting process, addressing only the usual contacts of UNESCO may be insufficient since many and different actors are concerned by the information requested on the implementation of this Recommendation – NGOs, private sector, academics, etc. There is a need therefore to establish adequate monitoring mechanisms at national level for collecting the requested information.

5. Moreover, it was considered that the subject is particularly important and therefore UNESCO should continue encouraging Member States to use and apply this Recommendation that covers the highly important question of multilingualism, which is essential for cultural diversity. A proposal was formulated in this regard to invite UNESCO's national and cluster offices to create web pages in national languages.

6. In his response to the debate, the Assistant Director-General of the Communication and Information Sector expressed gratitude to the CR representatives for underlining the importance of this Recommendation and stressed once again the need to have a monitoring mechanism incorporating contributions from both the public and the private sectors. He also expressed his appreciation to those giving credit to UNESCO for its role in the WSIS implementation process and assured the members of the CR that UNESCO would continue monitoring closely the implementation of this Recommendation along the lines discussed on the occasion of this debate.

7. After examining this document, the Executive Board may wish to adopt the following decision:

The Executive Board,

1. Recalling 33 C/Resolution 54,
2. Having examined document 176 EX/22 concerning the reports and replies received in the first consultation of Member States on the application of the Recommendation concerning the Promotion and Use of Multilingualism and Universal Access to Cyberspace,
3. Thanks the Director-General for his efforts to facilitate the establishment of a system of reports on measures taken to implement this Recommendation, in particular through the elaboration of Guidelines for the Preparation of Reports by Member States to the General Conference;
4. Takes note of the fact that 23 Member States submitted reports for this first consultation;
5. Recalls that the submission by Member States of periodic reports concerning the application of the recommendations adopted by the General Conference is an obligation enshrined in the Constitution;
6. Further recalls that the periodic consultation of Member States on the application of the aforementioned Recommendation is intended to enable the Organization to assess the extent to which Member States are implementing that instrument as well as the obstacles they encounter;
7. Reaffirms the importance of the Recommendation and of its application by Member States so that the provisions adopted in this standard-setting document may become a reality for all;
8. Recommends to the General Conference that it invite those Member States that have not yet done so to take measures to implement the Recommendation;
9. Notes in addition that the consultation has provided useful information on the measures taken to implement the Recommendation, which Member States may use to promote its application in the future;
10. Invites the Director-General to transmit to the General Conference at its 34th session the consolidated report on the measures taken by Member States for the implementation of this Recommendation, together with the Executive Board's observations or comments and any observations or comments that the Director-General might wish to make.

**Item 32 Report by the Director-General on the ninth session of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation concerning Teaching Personnel (CEART), and report by the Committee on Conventions and Recommendations thereon (176 EX/32)**

8. The Chairperson of the CR gave an introduction to the document, stating that the CEART's ninth session summarized the analysis of major issues affecting the current status of teaching personnel worldwide. He added that a proposed draft decision was in paragraph 11 of document 176 EX/32.

9. The Director of the Division of Higher Education represented the Education Sector and was invited to give some remarks about the agenda item. He noted the importance of trained and motivated teachers for achieving EFA and highlighted the Member States' responsibility to respond to the challenges of the teaching profession. He mentioned the exodus of teachers, including internal displacement within the profession for more lucrative gains. He emphasized CEART'S work through the two Recommendations, which is at the very heart of major challenges: teacher education, status of teachers, effective teaching and learning conditions, academic freedom and academic responsibility – both intrinsically linked. In reply to a question, the representative of the Education Sector gave some clarifications regarding the relationship between document 176 EX/32 and the full CEART report.

10. The representative of Ethiopia, member of the CR, inquired about the mechanisms for verifying allegations before they were published in the CEART report. She also stated that the Ethiopian Government had already informed CEART, through Education International (EI), of its interest in settling the allegations through dialogue and consultation. The representative of the Education Sector acknowledged the concern of Ethiopia, which pertained to the freedom of transmitting information and the responsibility of the CEART in verifying its authenticity, objectivity and pertinence. As a positive illustration, he cited the case of Japan, where both the Government and the union had proposed a verification mission to clarify the issues and to engage in dialogue with all parties concerned. He noted that dialogue with Ethiopia was not only called for, but was also desired for achieving a favourable outcome, and the Joint ILO-UNESCO Committee was there to assist in this process.

11. The Chairperson then invited an observer from the Japanese Delegation to take the floor upon its request. The Delegate made the following declaration: "The Japanese Government has sincerely promoted the education administration, within the scheme of its national law, in respect for the Recommendation concerning the status of teacher. Based on the CEART interim report, we had a dialogue with ZENKYO (All Japan Teachers and Staff Union) and explained the aforesaid report to all the prefectural education boards. The Japanese Government believes that, as we provided as the additional information to CEART in October 2006, the allegation made by ZENKYO is not appropriate because it contains many misconceptions and misunderstandings. Therefore, we believe that CEART shall need, not merely to consider ZENKYO's allegation, but also to investigate the Japanese national law and the actual situation of the administration of teachers' personnel. From this point of view, the mission, when it will be undertaken, should broadly listen to the voice of pertinent stakeholders, including, needless to say, those regarding the local board of education, but also various teacher organizations other than ZENKYO. Children are the ones who lead the future, and the Japanese Government places a high priority on what is beneficial to them. For this purpose the quality of teachers is significant. The Japanese Government is thus willing to push forward, within national law, with the measures in respect for the Recommendation."

12. The members of the Committee congratulated the Secretariat for the excellent presentation and commended the CEART for the quality, pertinence and importance of its report and recommendations. While supporting the draft decision in paragraph 11, the members of the Committee suggested that issues such as academic freedom be also reflected in the decision.

13. The Executive Board may wish to adopt a decision along the following lines:

The Executive Board,

1. Recalling 154 EX/Decision 4.4, 157 EX/Decision 6.3 and 169 EX/Decision 3.4.1,
2. Having examined document 176 EX/32,
3. Takes note with satisfaction of the report of the ninth session of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART/9/2006/10);
4. Appreciates the work of the Joint Committee in stimulating action to promote greater awareness and wider application of the two Recommendations concerning the status of teaching personnel, and invites the Director-General to assist the Joint Committee in carrying out its next cycle of work, the report of which, scheduled for 2010, will be submitted to the Executive Board;
5. Invites the Director-General to transmit the report of the Joint Committee, together with the observations of the Executive Board, if any, to Member States and their National Commissions, international teachers' organizations and other relevant international organizations having relations with UNESCO, and to encourage them to continue to intensify their efforts to apply all provisions of both normative instruments to improve the status of the teaching profession and to guarantee academic freedoms in higher education.

**Item 33 Monitoring of the implementation of UNESCO's standard-setting instruments (176 EX/33 Parts I and II)**

14. Introducing the item, the temporary Chairperson of the Committee said that the examination of the item relating to the monitoring of the implementation of UNESCO's standard-setting instruments formed part of the debate aimed at strengthening the first aspect of the terms of reference of the Committee relating to the implementation of UNESCO's standard-setting texts for which no specific institutional mechanism was provided. The Executive Board, at its 171st session, had requested the CR Committee, in 171 EX/Decision 27, paragraph 5, to improve that aspect of its terms of reference and had made three requests of the Committee in that regard, namely (i) to identify the priority recommendations in the list of standard-setting instruments, (ii) to propose new procedures specifically for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided, and (iii) to formulate guidelines or forms to be sent to Member States for drawing up periodic reports. The Chairperson of the Committee said that the CR should continue to examine the latter two points in accordance with 175 EX/Decision 28 (II) and 174 EX/Decision 21 respectively, the priority recommendations having been identified by the Committee at the 175th session of the Board (175 EX/Decision 28 (I)).

**Model guidelines (176 EX/33 Part II)**

15. By way of preliminary comment, the temporary Chairperson of the Committee recalled that the Committee had decided at the 174th session of the Executive Board to adopt an approach that took account of the reform process under way at the United Nations concerning the harmonized guidelines for reporting under international human rights instruments, while validating the four sections that would constitute the structure of the model guidelines (174 EX/Decision 21, paragraph 6). In order to give effect to the Board's decision, the Committee's Secretariat had requested the sectors concerned by the eight conventions monitored by the CR to provide the core information for inclusion in the four sections. In the light of the information provided by the sectors, the Secretariat had identified the following difficulties in establishing harmonized guidelines:

(i) unlike the United Nations texts, the eight conventions did not cover the same field; (ii) five of them had been superseded by the advent of the new technologies and were therefore not monitored at all; (iii) directives or questionnaires already existed for two of the remaining three conventions. Consequently, at the current session the Secretariat was proposing, instead of model guidelines, flexible framework guidelines that would contain the main lines to be followed in drawing up the reports (176 EX/33 Part II, para. 13).

16. After thanking the Secretariat for the quality of the document, Committee members endorsed the Secretariat's approach as to the establishment of guidelines in the form of a flexible framework. They were also of the opinion that the model would apply to the three conventions that were still being monitored regularly as stated by the Secretariat, namely the 1960 Convention against Discrimination in Education, the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and the 1989 Convention on Technical and Vocational Education.

17. Aware of Member States' low response rate to consultations, Committee members raised questions about the means of strengthening effective implementation of the guidelines. First, they considered that it was of the utmost importance for Member States to be informed specifically about the purpose of the reports and their usefulness to governments. The Committee members considered that the guidelines should be neither too long nor too complex in order to facilitate the work of the Member States. According to several Committee members, the Secretariat should send the guidelines to the national authorities directly responsible for drawing up the report and inform the institutions responsible for relations with UNESCO, as was usually the case. Where no reply was received from the authorities concerned within the specified deadline, it was crucial for the Secretariat to send them reminders drawing attention to their constitutional obligation in that regard.

18. In their initial analysis of paragraph 13 proper, the Committee members felt that Section I entitled *General factual information and basic statistics* should be deleted as being too general in scope. They also considered that the title of Section IV should be changed to *Methods established to draw the attention of the various authorities in the country to the instrument and to remove obstacles encountered*. They also requested that, in this section devoted to raising awareness of various standard-setting instruments, mention should be made of UNESCO's various partners, such as non-governmental organizations. Lastly, they stated that, as soon as the Committee had approved the model guidelines, they should be annexed to the draft decision that would be recommended to the Executive Board for adoption.

19. The Committee members raised questions about the way in which the model guidelines in paragraph 15 would be processed, while stressing the importance of compliance with the Organization's rules on correspondence, which should also apply in the event that the guidelines were accessed electronically by Member States via the Internet.

20. Examining the guidelines and the questionnaires annexed for information to document 176 EX/33, the Committee considered that they should be drawn up on the basis of the model guidelines and that some of them should be simplified. In regard to Annex I, one Committee member called for reference to be made in paragraph 14 to private education and to its means of funding (public or private). He then said that in paragraph 15, the Secretariat should also take account of evaluations already conducted by the United Nations when drawing up the analytical summary.

21. In reply to the Committee members' comments, a representative of the Education Sector recalled that the guidelines for the drafting of reports on the implementation of the Convention and Recommendation against Discrimination in Education had been amended and approved by the Executive Board at its 171st session (171 EX/Decision 28) and transmitted in September 2005 to the Member States as part of the ongoing seventh consultation, the results of which would be submitted to the Executive Board at its 177th session. Although he said that the guidelines would

assuredly be revised during the preparation of the next consultation in the light of the Committee's debates and conclusions on this point, he specified that, in monitoring those instruments, the Secretariat was already exchanging information with bodies of the United Nations system, such as the treaty monitoring bodies. He also provided information on the way in which the Secretariat dealt with States' reports and followed up the Executive Board's decisions during the consultation in question.

22. A representative of the Culture Sector then stressed that, as part of the monitoring of the 1970 Convention, a request for a report had been sent to States in January 2007, together with Annexes II (a) and II (b) attached to the document for information; the Committee would be informed of the results of the consultation at the 177th session of the Board. He added that it had been decided, as from May, to send out more specific requests for information in order to raise the Member States' response rate, which had been particularly low during the last consultation in 2003. For example, consideration was being given to sending Member States shortly a questionnaire on the implementation of the model export certificate drawn up by UNESCO and the World Customs Organization and a joint letter by UNESCO, Interpol and the International Council of Museums on the sale of cultural objects on the Internet. Not only were letters requesting reports sent to ministers in charge of relations with UNESCO but copies were also sent to the Permanent Delegations and to the National Commissions. The dispatching of individual letters to 192 States would require UNESCO's overall correspondence practices to be completely reviewed.

23. In conclusion, the Committee members requested the Secretariat to submit to the Executive Board at its 177th session the framework guidelines referred to in paragraph 13, as revised in the light of the debates that had taken place.

**Proposed new procedures specifically for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided (176 EX/33 Part I)**

24. In regard to Part I, the temporary Chairperson of the CR recalled that the Committee had begun to consider the Secretariat's preliminary proposals on the item (174 EX/22 Part II) at the 174th session of the Executive Board. At that session, when it had examined the Secretariat's suggestions on the structure of the CR (paragraph 46 (1) of document 174 EX/22 Part II), the Committee had been in favour of maintaining its current composition. At the 175th session, the Committee members had reviewed the major stages identified by the Secretariat in its proposals and methods for monitoring the effective implementation of the standard-setting instruments (paragraph 46 (2) and (3) of document 174 EX/22 Part II). While retaining the Secretariat's suggestions, they had made preliminary comments on some of the ten points raised by the Secretariat regarding the monitoring methods. At the conclusion of the debates, the Committee had therefore considered it necessary to continue to examine the item on the basis of all of the Secretariat's proposals, as revised in the light of the views exchanged by the members of the CR since the 174th session. Pursuant to that decision, the Secretariat had accordingly revised its initial proposals by setting them out, as a legal framework, in the form of the multi-stage procedure annexed to document 176 EX/33 Part II.

25. Before conducting an in-depth examination of the proposed multi-stage procedure entitled *Specific multi-stage procedure for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided*, Committee members questioned the desirability of placing Member States under similar reporting obligations in respect of both conventions and recommendations when in fact the latter instruments were not conventions and had no binding effect on Member States.

26. A representative of the Office of International Standards and Legal Affairs stated that the practice of reporting at UNESCO was derived from the Constitution itself, which provided in Article VIII that each "Member State shall submit to the Organization, at such times and in such manner as shall be determined by the General Conference, reports on the laws, regulations and

statistics relating to its educational, scientific and cultural institutions and activities, and on the action taken upon the recommendations and conventions referred to in Article IV, paragraph 4". Although, unlike conventions, recommendations were standards that did not require ratification, States were nevertheless invited to apply Article IV, paragraph B.6, of the Constitution which stipulated that the General Conference would receive and consider the reports sent to the Organization by Member States on the action taken upon recommendations as well as conventions. Furthermore, the representative of the Office of International Standards and Legal Affairs stressed that most recommendations contained a provision stating, in substance, that the General Conference would request Member States to submit to it, on dates and in the form that it would determine, reports on action taken by them on the recommendation.

27. In conclusion, the members of the Committee considered that it was necessary to continue the discussion on the subject at its next session, during which the CR would also continue to examine the model guidelines for the drafting of reports (paragraphs 15 to 23 of this draft report) as an integral part of the multi-stage procedure.

28. Following its examination of this item, the Committee recommended that the Executive Board adopt the following draft decision:

The Executive Board,

1. Recalling 15 C/Resolution 12.2, 23 C/Resolution 29.1 and 32 C/Resolution 77, 165 EX/Decision 6.2, 170 EX/Decision 6.2, 171 EX/Decision 27, 174 EX/Decision 21 and 175 EX/Decision 28 on the first aspect of the terms of reference of the Committee on Conventions and Recommendations (CR) relating to the implementation of UNESCO's standard-setting instruments,
2. Having examined documents 176 EX/33 Parts I and II, and the report of the CR Committee thereon (176 EX/...)
3. Requests the Committee to continue the examination of this item at its 177th session.