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**PROPOSALS BY THE COMMITTEE ON CONVENTIONS
AND RECOMMENDATIONS ON THE CONDITIONS
AND PROCEDURES APPLICABLE TO THE EXAMINATION
OF QUESTIONS RELATING TO THE IMPLEMENTATION
OF UNESCO'S STANDARD-SETTING INSTRUMENTS**

BASIS FOR DISCUSSION

SUMMARY

This document has been prepared by the Secretariat to help members of the Committee to submit to the Executive Board, pursuant to 162 EX/Decision 5.4 (I)1, proposals on the conditions and procedures applicable to the examination of questions relating to the implementation of UNESCO's standard-setting instruments. It falls into three parts, and covers the legal framework for monitoring the implementation of UNESCO's standard-setting instruments, the problems of monitoring in general, and the draft proposals and options that might serve as a basis for discussion with a view to the possible development of new procedures.

INTRODUCTION

1. In 162 EX/Decision 5.4 (I)1, the Executive Board requested “the Committee on Conventions and Recommendations to submit to the Executive Board, at its 164th session, proposals on the conditions and procedures applicable to the examination of questions relating to the implementation of UNESCO’s standard-setting instruments”.

2. During the discussions that took place at the 162nd session of the Executive Board regarding its examination of the methods of work of the Committee on Conventions and Recommendations (CR), its Members considered that there was justification for improving the effectiveness of the second part of the CR’s mandate, namely its examination of all questions relating to the application of UNESCO’s standard-setting instruments entrusted to it by the Executive Board, including the periodic reports by Member States on the implementation of conventions and recommendations. The Committee also asked the Secretariat to identify UNESCO’s standard-setting instruments (see Annex A).

3. In this context, and in order to assist members of the Committee, the Secretariat has prepared this document, which sets forth for the Committee the legal framework in which the implementation of UNESCO’s standard-setting instruments is monitored, the problems of monitoring in general, and draft proposals and options that might serve as a basis for discussion with a view to developing new procedures.

I. LEGAL FRAMEWORK FOR THE MONITORING OF THE IMPLEMENTATION OF UNESCO’S STANDARD-SETTING INSTRUMENTS

General legal framework

4. Reporting practice within UNESCO is founded upon the Constitution itself, whose Article VIII, as amended by the General Conference at its 17th session (1972), provides 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”.

5. While Article IV, paragraph 4, of the Constitution distinguishes between conventions and recommendations, paragraph 6 stipulates that “The General Conference shall receive and consider the reports sent to the Organization by Member States on the action taken upon the recommendations and conventions referred to in paragraph 4 above or, if it so decides, analytical summaries of these reports”.

6. For their part, the Rules of Procedure concerning recommendations to Member States and international conventions covered by the terms of Article IV, paragraph 4, of the Constitution (amended several times) lay down a procedure for the submission and examination of Member States’ reports on the action they have taken in pursuance of conventions and recommendations adopted by the General Conference. This procedure makes a distinction between the “initial [special] reports” that must be transmitted no later than two months prior to the first ordinary session of the General Conference following that at which such recommendation or convention was adopted, and “additional reports” requested by dates prescribed by the General Conference and giving such further information as may be necessary (Article 16) (see Annex B).

7. While the examination of “initial special reports” is still carried out by the Legal Committee of the General Conference, the latter decided, at its fifteenth ordinary session (1968), that the examination of the other reports would be entrusted to a subsidiary organ of the Executive Board (15 C/Resolution 12.2), in this case the Committee on Conventions and Recommendations.

List of standard-setting instruments monitored by the CR

8. However, the terms of reference of this Committee are still limited to the examination of those reports that are expressly entrusted to it. Currently concerned are:

- the Convention (and the Recommendation) of 1960 against Discrimination in Education;
- the 1966 Recommendation concerning the Status of Teachers (although in this case a special procedure was adopted whereby Member States submit their reports to the joint ILO/UNESCO Committee of Experts on the implementation of the recommendation¹ and the Committee on Conventions and Recommendations examines only the report of that joint Committee);
- the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (and the 1964 Recommendation on the same subject);
- the 1974 Revised Recommendation concerning Technical and Vocational Education;
- the 1974 Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms (included since 1985 in the permanent system of reporting on education for peace, human rights, democracy, international understanding and tolerance); and
- the 1976 Recommendation on the Development of Adult Education (see Annex C).

9. In any case, it is the General Conference that has the final say on reports submitted to it by any decision-making body.

Specific framework for standard-setting instruments monitored by the CR

10. As already stated, the legal basis for the obligation to submit reports lies in the Constitution itself. The application of that obligation, however, calls for some additional measures.

11. Except in the case of the 1966 Recommendation on the Status of Teachers, for which a special mechanism was provided, all the recommendations mentioned above contain a provision whereby in substance, the General Conference requests Member States to submit to it, at dates and in a form prescribed by it, reports on the action taken by them further to a particular recommendation.

12. In view of the legal nature of these recommendations, this form of words cannot of itself create a binding obligation; it simply announces the recourse to the procedure of periodic reports.

¹ At its 157th session, the Executive Board decided to extend the mandate of the Joint ILO-UNESCO Committee of Experts on the Application of the Recommendation concerning the Status of Teachers (CEART) to cover the monitoring of the UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel and to include experts in higher education in its composition (1997). Following 162 EX/Decision 3.2.2 of the Executive Board, that Committee is now known as the “Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation concerning Teaching Personnel”.

Article VIII of the Constitution serves as the basis for the obligation to submit reports (its wording is imperative: “Each Member State *shall* submit to the Organization ...”). However, it may be asked if the General Conference has always intended to subject Member States to a real obligation. Although the 1960 Recommendation uses a particularly ambiguous formulation (“Member States *should* in their periodic reports submitted to the General Conference ...”), the other recommendations simply provide that “the General Conference *recommends* that Member States submit to it ... reports ...”. It is difficult to regard this form of words as more than a simple invitation.

13. The situation is different in the case of the two Conventions since the instrument is in itself a creator of obligations for the States Parties. Article 7 of the 1960 Convention provides that “The States Parties to this Convention *shall* in their periodic reports submitted to the General Conference ... give information ...”. Similarly, Article 16 of the 1970 Convention affirms that “The States Parties to this Convention *shall* in their periodic reports submitted to the General Conference [of UNESCO] on dates and in a manner to be determined by it, give information on the legislative and administrative provisions which they have adopted and other actions which they have taken for the application of this Convention, together with details of the experience acquired in this field”. In both these cases, the obligation under the convention is undeniably explicit.

II. MONITORING PROBLEMS

14. Practice has developed without due consideration really being given to this legal distinction. Generally speaking, it has been frequently observed that the reports from States were not always very numerous, whether the Member States had been merely invited or whether they were under an obligation to provide them. Without going into detail, it can be stated that the response rate to requests for reports is around 20% (with large differences according to regional group).²

Background

15. The Organization has on several occasions expressed concern about this state of affairs. As early as its 11th session, the General Conference invited Member States to take all the necessary steps to fulfil the constitutional obligation laid down in Article VIII of the Constitution (11 C/Resolution 38). The Director-General echoed the same concern in various documents submitted to the General Conference (13 C/12 and 20 C/22). The Executive Board, as early as its 116th session,³ and the General Conference at its 22nd and 23rd sessions,⁴ considered the matter and tried, but without success, to rationalize the monitoring procedure in force at UNESCO. Pursuant to a resolution adopted by the General Conference in 1985 (23 C/Resolution 29.1), the Office of International Standards and Legal Affairs sent Member States a questionnaire on the difficulties likely to be encountered by Member States in drawing up their reports on the implementation of UNESCO’s standard-setting instruments and in implementing

² For example, during the sixth consultation (1999) of Member States on implementation of the *Convention and Recommendation against Discrimination in Education*, 56 reports were received, 26 concerning the Recommendation and 30 concerning the Convention (Africa: 8, Arab States: 7, Asia and the Pacific: 9, Europe: 24, Latin America and the Caribbean: 8). Seven NGOs also took part in this consultation.

In regard to the *Convention and Recommendation on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*, 29 replies from States were received in 1977, 38 (out of 60 ratifications) in 1987, and 20 (out of 82 ratifications) in 1995. In regard to the third consultation (2001) in the context of the *Permanent system of reporting on education for peace, human rights, democracy, international understanding and tolerance*, 33 countries (18%) out of 185 replied (Africa: 1, Arab States: 1, Asia and the Pacific: 8, Europe: 19, Latin America and the Caribbean: 4).

³ See document 116 EX/28.

⁴ See documents 22 C/21 and 23 C/27.

those instruments, which itself elicited few replies. More recently, in 1999, on the occasion of the examination of reports received from Member States during the sixth consultation on the implementation of the Convention and Recommendation against Discrimination in Education, the Executive Board and then the General Conference at its 30th session also voiced concern about the Member States' low level of participation in the consultation.⁵

16. In other words, the attention paid by the Executive Board to conditions and procedures applicable to the examination of questions relating to the implementation of the Organization's standard-setting instruments at its 162nd session has a long history that should not be neglected. While questions may legitimately be raised about the methods used by the Committee on Conventions and Recommendations and about the means of improving them, there is also a need for overall reflection on the relevance of the reporting procedure at UNESCO.

Practice and limits of monitoring

17. The periodic reports procedure is one of the oldest forms of monitoring States' fulfilment of their international obligations. It is also the procedure that, without doubt, is the least prejudicial to their sovereignty since it rests on submission by the States themselves of reports on action taken to fulfil their commitments. The procedure has the advantage of reminding public authorities of international deadlines and obligations to be met. The requirement to report on a given date can only encourage the governments concerned to ascertain that they have indeed taken steps to fulfil their international obligations.

18. In contemporary international practice, other, more intrusive or more direct forms of monitoring (such as investigative or verification procedures, quasi-judicial techniques of lodging individual complaints or appeals, or genuine legal proceedings) have developed, without, however, eliminating the traditional procedure of national reports. It is true that the latter functions satisfactorily in certain cases: that of ILO, for example.

19. The role of the reports is not merely to bring about monitoring of Member States' fulfilment of their international obligations. It is also a means of promoting respect for international standards and of informing the Organization.

20. Without conducting an in-depth analysis of questionnaires sent to Member States, which are necessarily designed according to the specific requirements of each particular standard-setting instrument, we can see that the requests they contain vary widely: they include the communication of legislative and regulatory texts relating to the subject concerned, general information on measures taken, appraisals of the results achieved at the national level, forecasts, statistics, lists of private initiatives, comments on the relevance of international instruments, and even the names and addresses of the organizations concerned.

21. The procedure does not always take into consideration actual information-gathering conditions in the Member States receiving the questionnaire. First, the long period of time granted to each one to draw up its report – which is justified by the scope of the investigation – can lead to questionnaires being forgotten or disappearing during the administrative transmission process. Second, the information requested may be scattered among several administrations or institutions (some maintaining tenuous relations with UNESCO or none at all), which will require the establishment of an interministerial fact-finding coordination body. It may be feared that many

⁵ On the recommendation of the Executive Board, the General Conference at its 30th session invited the Director-General to look into the possibility of creating a coherent mechanism for reporting on and monitoring the right to education.

Member States, whose administrative structures are often inappropriate and staff overworked, will shrink from the difficulty, since the stakes are low.

22. Consequently, this situation has resulted in:

- a small number of State reports received by the Organization;
- reports often submitted beyond the deadline;
- reports whose content is in some cases too general;
- reports which in some cases are difficult to use.

23. The Secretariat then has to draft a summary of each report received and, in certain cases, it also submits a general synopsis. However, the result of this work provides only an extremely limited picture of the implementation of the conventions and recommendations concerned.

24. In these circumstances, examination of the reports – or, to be more accurate, the synopsis of the reports – by the Committee on Conventions and Recommendations can only be relatively limited in terms of its scope and effectiveness.

25. It is clear, therefore, that the reports policy is not functioning satisfactorily. The implementation techniques place a heavy strain on the Member States which make the effort to answer the questionnaires and mobilize a great deal of energy within the Secretariat. But, the results achieved remain modest. It would accordingly no doubt be desirable to rethink the reporting system entirely, with priority consideration being given to its aims and the conditions and procedures applicable to the examination of these reports.

III. PROPOSALS AND OPTIONS

26. If one assumes that the aim of the reporting procedure is to encourage respect for certain standards, monitor compliance or simply provide the Organization with information, it is important to determine which of these functions should take priority. Since the incentive function could well be regarded as secondary to the other two, the main choice is between the monitoring function and the information function, even though one evidently does not exclude the other and even though any combination of the two approaches may be envisaged.

27. Each aspect of the procedure may be examined in more detail:

- the source of the information (Member States, National Commissions, non-governmental organizations, individuals?)
- the nature of the information requested (general questionnaires or specific questions?)
- the periodicity of the requests (periodic reports or regular informal exchanges?)
- the scope of the investigation (all the Member States at once, or only some of them?)
- the recipient of the information (Committee on Conventions and Recommendations, expert body, Director-General?)

- the processing and availability of the replies (simple receipt or critical examination? circulation of the observations or confidentiality?).

28. Furthermore, it would no doubt be wise to consider the advisability of maintaining a procedure under which, in theory – if not in fact – all Member States are equally bound to report, while for monitoring purposes it would be possible to confine our efforts to States likely not to have fulfilled their obligations.

29. Mention will be made in passing of two extreme possibilities which do not appear to merit consideration. The first would be to leave entirely intact the system that has been used for years, despite evidence of its poor performance and the lack of interest in it. The second would be to take note of the situation and to let the system fall into disuse. Because the submission of reports is always in response to a request from the General Conference, the Conference could refrain from making such requests and the mechanism would be paralysed indefinitely. Such an option, while legally feasible, would not be the best solution to the problem. We must therefore look for ways to improve the system as well as alternative approaches that might be proposed.

(A) Proposals based on information gathering

30. On the supposition that the primary objective is to gather information, several options may be put forward.

31. **Option A 1:** Each standard-setting instrument falls within the competence of one of the Organization's sectors. Monitoring of the implementation of conventions and recommendations, which is part of the ordinary work of the sector concerned, should become a more integral part of a policy of regular contacts with the Member States. Rather than relying on the periodic submission of national reports, the Director-General could make ongoing efforts to gather relevant information from the Member States by establishing constructive dialogue with them, according to a timetable and through arrangements of his own choosing. The Executive Board would then no longer consider the national reports; instead, the Director-General would submit to it periodically – on dates which could be determined by the Board – a synoptic document on the implementation of the instrument concerned. In this case, additional staff would be needed to carry out these tasks.

32. **Option A 2:** The system of national reports could be maintained, but modified to make it more effective. There are several possibilities (all of which could, of course, be combined):

33. (a) rather than all the Member States being asked to submit a report, a representative sample of Member States could be selected and asked to report (this should lead to a more efficient policy of contacts and reminders);

34. (b) the Organization might regularly request information not only from Member States but also from National Commissions and from various private-sector entities or individuals, national (associations, unions, eminent persons and so forth) and/or international (non-governmental organizations);

35. (c) rather than request comprehensive reports at very long intervals, it might be possible to issue a series of questionnaires at shorter intervals focusing on a specific aspect of the instrument concerned in order to make it easier to obtain responses from each national administration (bearing in mind the aim of having the report prepared by a single ministry at a time).

36. **Option A 3:** The process of considering the reports could be more dynamic and more high-profile. The reports could be submitted to the Organization within a shorter deadline (several months) and they could be examined at a special session of the Board or the Committee, as part of

an awareness campaign. The entire process could then be written up in a synoptic document which would be made public.

37. **Option A 4:** In general, the Secretariat might assist States which encounter difficulties in preparing their periodic reports. Such technical assistance would be designed to help them understand the standard-setting instrument whose implementation is being monitored and help them with the presentation of the report. This would naturally require the setting up within the Secretariat of special units to provide this type of assistance.

(B) Proposals based on monitoring

38. If the primary objective is to reinforce the monitoring function:

39. **Option B 1:** Rather than being limited to the monitoring of six standard-setting instruments, the mandate of the Committee on Conventions and Recommendations could be broadened:

40. (a) the Committee on Conventions and Recommendations might propose adding other standard-setting instruments (see Annex A) to its monitoring list, in which case it could apply the procedures suggested below:

41. (b) If the examination of a large number of instruments were to be entrusted to it, the Committee could request Member States to report not on texts but on rights. This would make possible a global approach to each right as it is defined in all the relevant provisions, an approach which might also yield valuable information for the preparation of new programmes at UNESCO. For each right, which would have to be determined precisely (for example: the right of girls to education, or the right of migrants to participate in cultural life), the Secretariat could draw up a list of the provisions found in UNESCO instruments which would have to be taken into account and, possibly, a list of the relevant international provisions. The Committee could establish a timetable for the examination of the rights, in cycles, at appropriate intervals. The report issuing from the examination would also mention any difficulties encountered in the regions and in the Member States.

42. **Option B 2:** Examination of the reports could be entrusted either to the Committee on Conventions and Recommendations, whose members would include specialists in the field under examination (States could appoint experts on the subjects under review), or to a separate specialized body, composed of independent experts, which would be better able to engage in a dialogue with the States concerned. In contrast to other international organizations such as the International Labour Organization (ILO), for example, UNESCO's standard-setting instruments deal with a wide variety of subjects. Thus, if such a specialized monitoring body were to be composed of technical experts, their field of expertise would have to vary in accordance with the contents of the standard-setting instrument. It might be possible to imagine a twofold composition: (i) a restricted "permanent core" of legal experts who would participate in every meeting and whose mission would be to ensure the uniformity of the examination procedures and to compare national efforts with the regulations set forth in the instruments; and (ii) groups of experts in each field covered by the instruments who would participate only in those meetings where questions within their fields of competence were under consideration. The specialized body could then report to the Committee on Conventions and Recommendations.

43. **Option B 3:** The reporting procedure could be supplemented or replaced by a procedure of examining communications originating from persons, groups of persons or non-governmental organizations, similar to the procedure instituted by 104 EX/Decision 3.3 of the Executive Board.

44. Even though the procedure of periodic national reports has reached the limits of its effectiveness, it might be possible to reverse the logic of the system of monitoring. Rather than exhausting its resources by undertaking a comprehensive examination of States' reports with a view to determining progress in the implementation of conventions and recommendations, it might be possible for the Organization to take action in specific cases of non-compliance with standards to encourage the States concerned to correct the behaviour of their authorities. Such a procedure could be established not only in relation to conventions but also, in view of its non-judicial nature (cf. 104 EX/Decision 3.3, paragraph 7), in relation to recommendations.

45. With a view to making the Organization's efforts more effective, the Committee on Conventions and Recommendations could be recognized as competent to receive and examine communications from individuals or groups of individuals who may reasonably be presumed to be victims of an alleged violation of one of the norms under a convention or recommendation whose follow-up is entrusted to the Executive Board. The submission and examination of such communications would, *mutatis mutandis*, be subject to the conditions of admissibility and the rules of procedure stipulated in 104 EX/Decision 3.3. Accordingly, the rule of confidentiality would govern the procedure as a whole, including examination of the communications by the Committee and examination of the Committee's reports by the Board. The Board could, however, also decide to make public certain of the Committee's reports.

46. In the overall context of the examination of the implementation of conventions and recommendations, such a procedure could help draw a clearer distinction between the information function which is governed by the ordinary administrative machinery, and the monitoring function, which naturally falls within the competence of the bodies composed of representatives of Member States.

ANNEX A

LIST OF UNESCO'S STANDARD-SETTING INSTRUMENTS

A. CONVENTIONS AND AGREEMENTS

OF A STANDARD-SETTING NATURE ADOPTED EITHER BY THE GENERAL CONFERENCE OR BY INTERGOVERNMENTAL CONFERENCES CONVENED SOLELY BY UNESCO OR JOINTLY WITH OTHER INTERNATIONAL ORGANIZATIONS

Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural character with Protocol of Signature and model form of certificate provided for in Article IV of the above-mentioned Agreement. Beirut, 10 December 1948.*

Agreement on the Importation of Educational, Scientific and Cultural Materials, with Annexes A to E and Protocol annexed. Florence, 17 June 1950.*

Universal Copyright Convention, with Appendix Declaration relating to Article XVII and Resolution concerning Article XI. Geneva, 6 September 1952.

Protocol 1 annexed to the Universal Copyright Convention concerning the application of that Convention to the works of stateless persons and refugees. Geneva, 6 September 1952.

Protocol 2 annexed to the Universal Copyright Convention concerning the application of that Convention to the works of certain international organizations. Geneva, 6 September 1952.

Protocol 3 annexed to the Universal Copyright Convention concerning the effective date of instruments of ratification or acceptance of or accession to that Convention. Geneva, 6 September 1952.

Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention. The Hague, 14 May 1954.*

Protocol for the Protection of Cultural Property in the Event of Armed Conflict and resolutions of the conference. The Hague, 14 May 1954.

Convention concerning the International Exchange of Publications. Paris, 3 December 1958.*

Convention concerning the Exchange of Official Publications and Government Documents between States. Paris, 3 December 1958.*

Convention against Discrimination in Education. Paris, 14 December 1960.*

International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations. Rome, 26 October 1961.

* Provision for monitoring of application in the standard-setting instrument itself or by decision of a decision-making body.

Protocol Instituting a Conciliation and Good Offices Commission to be Responsible for Seeking the Settlement of any Disputes which may Arise between States Parties to the Convention against Discrimination in Education. Paris, 10 December 1962.

Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. Paris, 14 November 1970.*

Universal Copyright Convention as revised on 24 July 1971, with Appendix Declaration relating to Article XVII and Resolution concerning Article XI. Paris, 24 July 1971.

Protocol 1 annexed to the Universal Copyright Convention as revised on 24 July 1971 concerning the application of that Convention to work of stateless persons and refugees. Paris, 24 July 1971.

Protocol 2 annexed to the Universal Copyright Convention as revised on 24 July 1971 concerning the application of that Convention to works of certain international organizations. Paris, 24 July 1971.

Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms. Geneva, 29 October 1971.

Convention concerning the Protection of the World Cultural and Natural Heritage. Paris, 16 November 1972.*

Convention relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite. Brussels, 21 May 1974.

Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Latin America and the Caribbean. Mexico City, 19 July 1974.*

Protocol to the Agreement on the Importation of Educational, Scientific and Cultural Materials, with Annexes A to H. Nairobi, 26 November 1976.*

International Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in the Arab and European States bordering on the Mediterranean. Nice, 17 December 1976.

Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in the Arab States. Paris, 22 December 1978.*

Multilateral Convention for the Avoidance of Double Taxation of Copyright Royalties, with model bilateral agreement and additional Protocol. Madrid, 13 December 1979.

Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region. Paris, 21 December 1979.*

Regional Convention on the Recognition of Studies, Certificates, Diplomas, Degrees and other Academic Qualifications in Higher Education in the African States. Arusha, 5 December 1981.*

Regional Convention on the Recognition of Studies, Diplomas, and Degrees in Higher Education in Asia and the Pacific. Bangkok, 16 December 1983.*

* Provision for monitoring of application in the standard-setting instrument itself or by decision of a decision-making body.

Convention on Technical and Vocational Education. Paris, 10 November 1989.*

Convention on the Recognition of Qualifications concerning Higher Education in the European Region. Lisbon, 11 April 1997.

Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict. The Hague, 26 March 1999.

Convention on the Protection of the Underwater Cultural Heritage. Paris, 2 November 2001

B. OTHER AGREEMENTS

OF A NORMATIVE CHARACTER FOR WHICH THE ORGANIZATION IS DEPOSITARY

Convention on Wetlands of International Importance especially as Waterfowl Habitat. Ramsar, 2 February 1971.

Protocol to amend the Convention on Wetlands of International Importance especially as Waterfowl Habitat. Paris, 3 December 1982.

C. RECOMMENDATIONS

Recommendation on International Principles Applicable to Archaeological Excavations. 5 December 1956.*

Recommendation concerning the Most Effective Means of Rendering Museums Accessible to Everyone. 14 December 1960.*

Recommendation against Discrimination in Education. 14 December 1960.*

Recommendation concerning the Safeguarding of the Beauty and Character of Landscapes and Sites. 11 December 1962.*

Recommendation concerning the International Standardization of Statistics Relating to Book Production and Periodicals. 19 November 1964.*

Recommendation on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. 19 November 1964.*

Recommendation concerning the Status of Teachers. 5 October 1966.*

Recommendation concerning the Preservation of Cultural Property Endangered by Public or Private Works. 19 November 1968.*

Recommendation concerning the International Standardization of Library Statistics. 13 November 1970.*

* Provision for monitoring of application in the standard-setting instrument itself or by decision of a decision-making body.

Recommendation concerning the Protection, at National Level, of the Cultural and Natural Heritage. 16 November 1972.

Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms. 19 November 1974.*

Recommendation on the Status of Scientific Researchers. 20 November 1974.*

Recommendation on the Legal Protection of Translators and Translations and the Practical Means to improve the Status of Translators. 22 November 1976.*

Recommendation concerning the International Standardization of Statistics on Radio and Television. 22 November 1976.*

Recommendation on the Development of Adult Education. 26 November 1976.*

Recommendation on Participation by the People at Large in Cultural Life and Contribution to It. 26 November 1976.

Recommendation concerning the International Exchange of Cultural Property. 26 November 1976.*

Recommendation concerning the Safeguarding and Contemporary Role of Historic Areas. 26 November 1976.

Revised Recommendation concerning International Competitions in Architecture and Town Planning. 27 November 1978.*

Revised Recommendation concerning the International Standardization of Educational Statistics. 27 November 1978.*

Recommendation concerning the International Standardization of Statistics on Science and Technology. 27 November 1978.*

Recommendation for the Protection of Movable Cultural Property. 28 November 1978.*

Recommendation concerning the Status of the Artist. 27 October 1980.*

Recommendation for the Safeguarding and Preservation of Moving Images. 27 October 1980.*

Recommendation concerning the International Standardization of Statistics on the Public Financing of Cultural Activities. 27 October 1980.*

Revised Recommendation concerning the International Standardization of Statistics on the Production and Distribution of Books, Newspapers and Periodicals. 1 November 1985.*

Recommendation on the Safeguarding of Traditional Culture and Folklore. 15 November 1989.*

Recommendation on the Recognition of Studies and Qualifications in Higher Education. 13 November 1993.

* Provision for monitoring of application in the standard-setting instrument itself or by decision of a decision-making body.

Recommendation concerning the Status of Higher-Education Teaching Personnel. 11 November 1997.

Revised Recommendation concerning Technical and Vocational Education (2001). 2 November 2001.

D. DECLARATIONS ADOPTED BY THE GENERAL CONFERENCE

Declaration of the Principles of International Cultural Co-operation. 4 November 1966.

Declaration of Guiding Principles on the Use of Satellite Broadcasting for the Free Flow of Information, the Spread of Education and Greater Cultural Exchange. 15 November 1972.

International Charter of Physical Education and Sport. 21 November 1978.

Declaration on Race and Racial Prejudice. 27 November 1978.*

Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and Countering Racism, Apartheid and Incitement to War. 28 November 1978.

Declaration of Principles on Tolerance. 16 November 1995.

Universal Declaration on the Human Genome and Human Rights. 11 November 1997.*

Declaration on the Responsibilities of the Present Generations Towards Future Generations. 12 November 1997.

UNESCO Universal Declaration on Cultural Diversity. 2 November 2001.

* Provision for monitoring of application in the standard-setting instrument itself or by decision of a decision-making body.

ANNEX B

MACHINERY FOR MONITORING THE IMPLEMENTATION OF STANDARD-SETTING TEXTS

1	2	3	4	5
Nature of the reports	Instruments	Legal basis of the obligation to submit reports	Competent organ for initiating the report submission procedure	Submission deadlines or periodicity
- First special reports on the submission of recommendations or conventions to the competent national authorities	- All the conventions and recommendations adopted by the General Conference	- Article VIII of the Constitution – Article 16 (2) of the Rules of Procedure concerning recommendations and conventions	- The General Conference	- Within two years of the adoption of the instrument
- Additional reports on action taken on recommendations and conventions	- All the conventions and recommendations adopted by the General Conference	- Article VIII of the Constitution - Article 16 (3) of the Rules of Procedure concerning recommendations and conventions	- The General Conference	- According to the decision of the General Conference

ANNEX B (continued)

6	7	8	9
Organs involved in the report examination procedure	Role and powers of the organ in charge of the first examination of the reports	Results of the procedure	Recipients of the final report
<p>- The Legal Committee of the General Conference, then the General Conference</p>	<p>- Examine the reports - Report to the General Conference</p>	<p>- The General Conference embodies its comments in one or more general reports</p>	<p>- Member States - National Commissions - United Nations - All other authorities designated by the General Conference</p>
<p>- A subsidiary organ of the Executive Board (15 C/Resolution 12.2) for those standard-setting instruments that have been expressly entrusted to it (see Annex C); then:</p> <ul style="list-style-type: none"> • the Executive Board • the General Conference 	<p>- Examine draft questionnaires or forms sent to Member States with a view to the preparation of their reports (23 C/Resolution 29.1) - Examine executive summaries of the reports - Embody its comments in a report transmitted:</p> <ul style="list-style-type: none"> • to the Executive Board, which attaches its comments • to the General Conference 	<p>- The General Conference embodies its comments in one or more general reports</p>	<p>- Member States - National Commissions - United Nations - All other authorities designated by the General Conference</p>

ANNEX C

STANDARD-SETTING INSTRUMENTS MONITORED BY THE CR

1	2	3	4	5	6
Instruments	Legal basis* of the obligation to submit reports	Texts that entrust examination of reports to the CR	Nature of the reports	Competent organ for initiating the report submission procedure	Submission deadlines or periodicity
- Convention and Recommendation against Discrimination in Education (1960)	- Article 7 of the Convention - Article VII of the Recommendation	- 70 EX/Decision 5.2.1 - 71 EX/Decision 3.2 (1965)	- Periodic reports on the legislative and regulatory provisions adopted and other measures taken to implement the Convention	- The General Conference	- Every 6 years - 7th consultation scheduled for 2005 (33rd session of the General Conference)
- Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970) and the Recommendation on the same subject (1964)	- Article 16 of the Convention	- 20 C/ Resolution 4/7.6/4 (1978) - 105 EX/Decision 5.5.1 (1978)	- Periodic reports on the legislative and regulatory provisions adopted and other measures taken to implement the Convention and Recommendation	- The General Conference	- In 1978, 1983, 1987 and 1995 - Fifth report scheduled for 2003 (32nd session of the General Conference)
- Recommendation on the Status of Teachers (1966)	- 14 C/Resolution 1.311 - 77 EX/Decision 4.2.5	- 82 EX/Decision 4.2.4 (1969)	- Reports on the submission of the Recommendation to competent authorities - Reports on action taken on the Recommendation	- The Executive Board in consultation with the ILO Governing Body	- Every 6 years until 1995

* Other than indicated in Annex B, Column 3.

ANNEX C (continued)

7 Number of reports submitted during the last consultation	8 Organs involved in the report examination procedure	9 Role and powers of the organ in charge of the first examination of the reports	10 Results of the procedure	11 Recipients of the final report
<ul style="list-style-type: none"> - Sixth consultation (1999): <ul style="list-style-type: none"> • Convention: 30 reports by Member States out of 87 States Parties • Recommendation: 26 reports by Member States 	<ul style="list-style-type: none"> - The CR, then: <ul style="list-style-type: none"> • the Executive Board • the General Conference 	<ul style="list-style-type: none"> - Draw up the questionnaire that is submitted to the Executive Board for adoption - Examine the reports - Embody its comments in a report transmitted: <ul style="list-style-type: none"> • to the Executive Board, which attaches its comments • to the General Conference 	<ul style="list-style-type: none"> - The General Conference embodies its comments in a general report or, more often, in a resolution containing its conclusions, recommendations and decisions which it transmits with the CR report 	<ul style="list-style-type: none"> - Member States - National Commissions - United Nations - All other authorities designated by the General Conference
<ul style="list-style-type: none"> - Fourth consultation (1995): <ul style="list-style-type: none"> • 20 reports by Member States (out of 82 States Parties to the Convention) 	<ul style="list-style-type: none"> Until 1987: <ul style="list-style-type: none"> - The CR, then: <ul style="list-style-type: none"> • the Executive Board • the General Conference Since 1995: The fourth report has been submitted to the General Conference 	<ul style="list-style-type: none"> - Examine the reports - Embody its comments in a report transmitted: <ul style="list-style-type: none"> • to the Executive Board, which attaches its comments • to the General Conference 	<ul style="list-style-type: none"> - The General Conference embodies its comments in a general report or, more often, in a resolution containing its conclusions, recommendations and decisions which it transmits with the CR report 	<ul style="list-style-type: none"> - Member States - National Commissions - United Nations - All other authorities designated by the General Conference
	<ul style="list-style-type: none"> - The Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation* - Then the CR, followed by: <ul style="list-style-type: none"> • the Executive Board • the General Conference 	<ul style="list-style-type: none"> - Examine the reports - Evaluate the general situation regarding the implementation of the Recommendation - Embody its comments in a report 	<ul style="list-style-type: none"> - The Joint Committee's report is transmitted to the CR, then: <ul style="list-style-type: none"> • to the Executive Board • to the General Conference 	<ul style="list-style-type: none"> - Member States - National Commissions - United Nations - NGOs of the teaching profession

* At its 157th session, the Executive Board decided to extend the mandate of the Joint ILO-UNESCO Committee of Experts on the Application of the Recommendation concerning the Status of Teachers (CEART) to cover the monitoring of the UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel and to include experts in higher education in its composition (1997). Following 162 EX/Decision 3.2.2 of the Executive Board, that Committee is now known as the "Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation concerning Teaching Personnel". It meets every three years.

ANNEX C (continued)

1 Instruments	2 Legal basis* of the obligation to submit reports	3 Texts that entrust examination of reports to the CR	4 Nature of the reports	5 Competent organ for initiating the report submission procedure	6 Submission deadlines or periodicity
- Recommendation on Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms (1974)*	- Preamble - 21 C/Resolution 1/02 - 23 C/Resolution 13.3 and 28 C/Resolution 5.41 (1995) on the establishment of a Permanent System of Reporting	- 23 C/Resolution 13.3 (1985)	- National reports on the monitoring and implementation of the Recommendation and of other instruments, and synopsis of those reports drawn up by the Director-General	- The General Conference	- Every 6 years
- Revised Recommendation concerning Technical and Vocational Education (1974) and the Revised Recommendation of 2001	- Preamble to the 1974 Recommendation - 22 C/Resolution 25	- 22 C/Resolution 25 (1983)	- Reports on the implementation of the recommendation	- The General Conference	- Every 6 years At the 30th session of the General Conference (1999), the third consultation was deferred to the 31st session, at which it was decided that future consultations with Member States concerning the implementation of the Revised Recommendation (2001) would be conducted together with the five-yearly assessments of the follow-up to the Seoul Congress (which was held in April 1999)
- Recommendation on the Development of Adult Education (1976)	- Preamble to the Recommendation - 24 C/Resolution 2.7	- 24 C/Resolution 2.7 (1987)	- Reports by Member States on the implementation of the Recommendation	- The General Conference	- Every 6 years At the 30th session (1999), the consultation requested by the General Conference (27 C/Resolution 117 (1993)) did not take place. It will be noted that in 1997, the fifth International Conference on Adult Education adopted the Hamburg Declaration and called for the revision of the 1976 Recommendation

* Since 1995, a further six instruments:

- The World Plan of Action on Education for Human Rights and Democracy (Montreal, 1993).
- The Declaration and Programme of Action of the World Conference on Human Rights (Vienna, 1993).
- The Declaration of Ministers of the 44th session of the International Conference on Education (Geneva, 1994) and the Integrated Framework of Action on Education for Peace, Human Rights and Democracy, approved by the General Conference of UNESCO at its 28th session (Paris, 1995).
- The Plan of Action of the United Nations Decade for Human Rights Education (1995-2004).
- The Declaration of Principles on Tolerance and Follow-up Plan of Action for the United Nations Year for Tolerance, adopted by UNESCO (Paris, 1995).
- The Declaration and Platform for Action of the Fourth World Conference on Women (Beijing, 1995).

ANNEX C (continued)

7 Number of reports submitted during the last consultation	8 Organs involved in the report examination procedure	9 Role and powers of the organ in charge of the first examination of the reports	10 Results of the procedure	11 Recipients of the final report
<ul style="list-style-type: none"> - In 2001: <ul style="list-style-type: none"> • 33 reports by Member States 	<ul style="list-style-type: none"> - The CR, then: <ul style="list-style-type: none"> • the Executive Board • the General Conference 	<ul style="list-style-type: none"> - Adopt the questionnaire - Embody its comments in a report 	<ul style="list-style-type: none"> - A synopsis of the reports is transmitted to the Executive Board and then to the General Conference. 	<ul style="list-style-type: none"> - Member States - National Commissions - United Nations - NGOs (in the field of education and maintaining relations with UNESCO)
<ul style="list-style-type: none"> - Second consultation (1993): <ul style="list-style-type: none"> • 54 reports by Member States 	<ul style="list-style-type: none"> - The CR, then: <ul style="list-style-type: none"> • the Executive Board • the General Conference 	<ul style="list-style-type: none"> - Adopt the questionnaire - Examine the reports - Embody its comments in a report 	<ul style="list-style-type: none"> - The CR report together with summaries of the reports and the general synopsis are transmitted to the Executive Board and then to the General Conference. 	<ul style="list-style-type: none"> - Member States - National Commissions - United Nations
<ul style="list-style-type: none"> - At the 27th session (1993): <ul style="list-style-type: none"> • 59 reports by Member States 	<ul style="list-style-type: none"> - The CR, then: <ul style="list-style-type: none"> • the Executive Board • the General Conference 	<ul style="list-style-type: none"> - Adopt the questionnaire. - Examine the summaries of the reports and the general synopsis - Embody its comments in a report 	<ul style="list-style-type: none"> - The CR report, together with summaries of the reports by Member States, the general synopsis and the comments are transmitted to the Executive Board and then to the General Conference. 	<ul style="list-style-type: none"> - Member States - National Commissions - United Nations