

**Hundred and sixty-fourth Session**

164 EX/49  
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**REPORT OF THE COMMITTEE  
ON CONVENTIONS AND RECOMMENDATIONS**

**Item 5.2 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 (164 EX/23)**

1. The Committee on Conventions and Recommendations (CR) examined this item of its agenda on 17 May 2002, with Mr Louis Peter Van Vliet, the Representative of the Netherlands, in the Chair. It met on 28 May 2002 in order to adopt this report.
2. Pursuant to Rule 16.2 of the Rules of Procedure of the Executive Board, the Committee on Conventions and Recommendations elected Mr Abdelwahab Bouhdiba, the Representative of Tunisia, as its temporary Chairperson.
3. The Representative of the Director-General made a presentation of document 164 EX/23 during his introduction of agenda item 5.2. By its 162 EX/Decision 5.4(I)1, the Executive Board had 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 standard-setting instruments". The Committee had also asked the Secretariat to identify UNESCO's standard-setting instruments. In order to assist members of the Committee, the Secretariat prepared document 164 EX/23 setting out for the Committee the legal framework in which the implementation of UNESCO's standard-setting instruments is monitored and the list of the standard-setting instruments monitored by CR, the problems of monitoring in general, and draft proposals and options that might serve as a basis for discussion with a view to the development of new procedures. The list of UNESCO's standard-setting instruments was also appended to document 164 EX/23. The Representative of the Director-General then stated that the legal basis for the obligation to submit reports lay in the Constitution itself. A distinction was to be made between the initial special reports, which were to be transmitted no less 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. While the examination of "initial special reports" was still carried out by the Legal Committee of the General Conference, the latter decided, at its 15th ordinary session (in 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. However, the terms of reference of this Committee were still limited to the examination of those reports that were expressly entrusted to it. The role of the reports was not merely to bring about

monitoring of Member States' fulfilment of their international obligations. It was also a means of promoting respect for international standards and of informing the Organization. It had very often been noted, however, that the reporting system was not functioning satisfactorily. The Board had, therefore, requested the Committee to rethink the reporting system, with priority consideration being given to its aims and the conditions and procedures applicable to the examination of these reports. Several proposals were presented in document 164 EX/23: proposals based on information gathering (on the supposition that the primary objective is to gather information) and proposals based on monitoring (if the primary objective is to reinforce the monitoring function). These two types of proposals contain a variety of options which should be examined, but which are not exclusive.

4. The members of the CR emphasized the inefficacy of the procedure of presentation of these reports, while also noting the increase in the number of standard-setting instruments and their specialization since the setting up of the Organization. In this regard the Secretariat recalled the reasons for the inefficacy of the prevailing procedure, which include the small number of State reports received by the Organization, the transmission by States of reports already communicated to other agencies of the United Nations, reports often submitted beyond the deadline, reports whose content was in some cases too general and reports which were sometimes difficult to use. However, most of the members noted different ways in which the procedure was dysfunctional, including the complexity and unsuitability of the questionnaires for preparation of the reports.

5. For the sake of reactivating the procedure, the Committee thought that it should bear in mind similar mechanisms existing in the United Nations system. One member advocated a re-examination of the Rules of Procedure concerning the recommendations to Member States and international conventions provided for in Article IV, paragraph 4 of the Constitution.

6. The members felt that the Committee should strengthen its collaboration with the United Nations system in order, *inter alia*, to avoid any duplication. In this regard, the Secretariat stated how UNESCO was already working in conjunction with the United Nations Committee on Economic, Social and Cultural Rights in respect of the right to education.

7. Some members felt that the second part of the mandate of the CR should be carried out, after the manner of the Commission on Human Rights, on the basis of treaty rights such as the right to education or of themes.

8. The members of the Committee identified certain steps which would permit the increased participation of the Member States in this procedure for examining reports:

- making Member States more aware of the various standard-setting instruments of UNESCO;
- strengthening the role of the UNESCO Institute for Statistics (UIS) in information gathering;
- simplifying the questionnaires submitted to Member States and adapting them to specific regional characteristics;
- defining the purposes of questionnaires;
- using current electronic tools for questionnaires and reports;

- ensuring cooperation between the Member States and the Secretariat in the preparation of reports, in particular by associating the Offices away from Headquarters;
- evaluating the reports prepared in conjunction with Member States;
- making better use of the Offices away from Headquarters for monitoring and information gathering in the States Parties.

9. One member queried the CR's competence to monitor standard-setting instruments that were increasingly numerous and concerned domains as different as education, bioethics and archaeological excavations. Recalling the initial terms of reference of the Committee, one member expressed the wish that the CR's monitoring be restricted to standard-setting instruments relating to education.

10. The Committee considered it necessary to continue examining that complex issue. Some members felt that the consultation should be extended to all Member States. To avoid any financial implications, the members expressed the desire to exchange their points of view and proposals before the next meeting of the Committee informally and, in particular, by e-mail. The Committee also felt that it would need more time at its next meeting for a more detailed examination of the options and proposals aimed at improving the monitoring of standard-setting instruments.

11. Upon completing its examination of the item, the Committee recommended to the Executive Board that it adopt the following draft decision:

The Executive Board,

1. Noting with satisfaction the document 164 EX/23 "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" produced by the Secretariat and referring to the Committee's report on this subject (164 EX/49),
2. Considers that the examination of this complex item should continue;
3. Requests the Committee to resume consideration of this item at the 165th session of the Board.