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**COMMITTEE ON CONVENTIONS AND RECOMMENDATIONS**

Item 6.2 of the provisional agenda

**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**

**REPORT OF THE CHAIRPERSON OF THE COMMITTEE  
(Meeting of the informal working group)**

1. In accordance with the wish expressed by the Committee at the 164th session of the Board, the Chairperson of the Committee on Conventions and Recommendations (CR) convened a meeting of an informal working group on 12 September 2002 to examine the proposals contained in document 164 EX/23,<sup>1</sup> the replies received by the Secretariat (Germany, Italy, Kuwait, Pakistan and Ukraine) reproduced in document 165 EX/CR/3, the most recent report of the CR (164 EX/49) and the observations of Member States that had not sent written replies.
2. Benin, Brazil, China, Cuba, Egypt, France, Germany, Greece, Kuwait, Malaysia, Mexico, Pakistan, Netherlands, Poland, Senegal, Slovakia and Ukraine took part in the work of the informal working group, whose basic aim was to identify an initial trend to be reported to the CR at the 165th session of the Executive Board.
3. At the end of the debate, during which Brazil, China, Egypt, France, Kuwait, Malaysia, Mexico, Pakistan, Senegal and Ukraine took the floor, the members of the informal working group selected the following options:
  - A. Encourage and assist Member States under the procedure applicable to the examination of questions relating to the implementation of UNESCO's standard-setting texts:
    - (i) encourage Member States to respect their international obligations concerning periodic reports on the follow-up to UNESCO conventions and recommendations;

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<sup>1</sup> Document annexed to document 165 EX/21.

(ii) assist Member States which encounter difficulties in preparing their periodic reports. Such technical assistance would be provided by the Secretariat and 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 (**option A4** in document 164 EX/23<sup>1</sup>);

B. Improve the procedure for gathering information and presenting and examining reports by introducing the following measures:

(i) rather than all the Member States being asked to submit a report, a representative sample of Member States could be consulted (for instance, according to geographical distribution) at appropriate intervals (**option A2 (a)** in document 164 EX/23<sup>1</sup>);

(ii) 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 (**option A2 (c)** in document 164 EX/23<sup>1</sup>);

(iii) rather than request Member States to report on texts, they could be requested to report on rights which would have to be identified by the Secretariat in each standard-setting instrument. It is understood that the CR would initially focus its efforts on the standard-setting instruments which it currently monitors. At a later stage, an expansion of the CR mandate to encompass other standard-setting instruments might then be envisaged (**option B1 (b)** in document 164 EX/23<sup>1</sup>).

4. The Chairperson of the Committee would like to draw the attention of the members of the CR to the fact that the options selected by the informal working group cannot wholly replace the current procedure for monitoring the application of standard-setting instruments for the following reasons:

- the current system concerns all the UNESCO conventions and recommendations under which Member States have an obligation to submit periodic reports in keeping with the provisions of Article VIII of the Constitution of the Organization, while the options selected by the working group concern only the standard-setting instruments monitored by the CR;
- the procedures for the presentation of reports are currently highly diverse, since the General Conference determines the dates and form of presentation of reports by Member States for each standard-setting instrument;
- it would be difficult to request Member States to present a report on rights for certain standard-setting instruments, such as the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970). Furthermore, it should be recalled that only conventions, and not recommendations, are binding on Member States, subject to their having ratified the standard-setting instrument in question. On this last point, States Parties to the standard-setting instruments monitored by the CR should also be consulted on the subject of the conditions and procedures applicable to the examination of questions relating to the

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<sup>1</sup> Document annexed to document 165 EX/21.

implementation of UNESCO's standard-setting instruments so as to derive benefit from their experience in the matter.

5. This being said, the Chairperson of the Committee considers that it would be desirable to apply the options selected by the informal working group to a limited number of conventions and recommendations monitored by the CR, proceeding on a trial basis (consultation of a representative sample of Member States) and for a fixed period (two or four years).

6. During this transitional period, and so as to continue examining the question of the monitoring of the application of the Organization's standard-setting instruments, the Secretariat could undertake a more detailed study of the two following aspects:

- identification of all the rights contained in the provisions of UNESCO's various standard-setting instruments; and
- the different mechanisms for the consultation and presentation of reports for each of the conventions and recommendations.

7. Following this transitional period, the CR could resume consideration of the question and make final recommendations to the Executive Board and the General Conference.