



**General Conference**  
34th session, Paris 2007

**Генеральная конференция**  
34-я сессия, Париж 2007 г.

**34 C**

**Conférence générale**  
34<sup>e</sup> session, Paris 2007

**المؤتمر العام**  
الدورة الرابعة والثلاثون، باريس ٢٠٠٧

**Conferencia General**  
34<sup>a</sup> reunión, París 2007

**大会**  
第三十四届会议，巴黎，2007

**Item 8.3 of the agenda (34 C/24)**

34 C/72  
23 October 2007  
Original: French

United Nations  
Educational, Scientific and  
Cultural Organization

Organisation  
des Nations Unies  
pour l'éducation,  
la science et la culture

Organización  
de las Naciones Unidas  
para la Educación,  
la Ciencia y la Cultura

Организация  
Объединенных Наций по  
вопросам образования,  
науки и культуры

منظمة الأمم المتحدة  
للتربية والعلم والثقافة

联合国教育、  
科学及文化组织

## LEGAL COMMITTEE

### Second report

#### MONITORING OF THE IMPLEMENTATION OF UNESCO'S STANDARD-SETTING INSTRUMENTS

1. The members commended the work accomplished during the last biennium by the Executive Board, in particular its Committee on Conventions and Recommendations (CR), in identifying, among the 31 UNESCO recommendations, those on which it should concentrate its monitoring tasks. In that connection, the members regretted the use of the terms "priority recommendations" or "priority monitoring" which could suggest that there was a hierarchy among the instruments under consideration. The Committee pointed out that the UNESCO Constitution confers the same legal status on all recommendations, even though they had differing monitoring procedures.
2. Members of the Committee referred to the practical difficulties encountered by Member States in fulfilling their constitutional obligation to submit reports on the implementation of UNESCO standard-setting instruments.
3. Replying to several statements, the Legal Adviser spoke of the Member States' low response rate in the various consultations on the implementation of standard-setting instruments.
4. Some members emphasized the importance of a fuller involvement of Member States in the process of drafting standard-setting instruments of UNESCO. One member regretted that the report examination procedure was essentially formal and had no effective consequences for Member States that did not fulfil their constitutional obligations in respect of the instruments concerned.
5. A member was of the view that the follow-up of recommendations dealing with issues that are also the subject of conventions adopted by UNESCO may still be considered relevant since not all States Members of UNESCO are parties to such conventions.
6. As the Secretariat had suggested that the Recommendation on the Recognition of Studies and Qualifications in Higher Education (13 November 1993) should be added to the list of 10 recommendations selected by the Executive Board, a representative of the Education Sector explained, at the Committee's request, the reasons why it should be monitored as a matter of priority. In doing so, she added that the adoption of a convention on the subject was not being currently considered.

7. Several members noted the importance of the issue of the recognition of studies and degrees in higher education, particularly on account of the questionable practices of certain institutions in some Member States regarding the issuing of degrees. They stressed the importance of the above-mentioned Recommendation.

8. One member wondered about the desirability of submitting alternative versions of the draft resolution to the General Conference in plenary meeting. The Legal Adviser, referring to the Organization's settled practice and working methods, invited the Committee to abstain from such a procedure and thus avoid any confusion when the time came to adopt the Legal Committee's report.

9. The Committee decided to recommend the following draft resolution to the General Conference:

*The General Conference,*

*Emphasizing* the importance of the monitoring of the implementation of UNESCO's standard-setting instruments,

*Recalling* 15 C/Resolution 12.2, 23 C/Resolution 29.1 and 32 C/Resolution 77 and 165 EX/Decision 6.2, 170 EX/Decision 6.2, 171 EX/Decision 27, 174 EX/Decision 21 and 175 EX/Decision 28 of the Executive Board,

*Having examined* document 34 C/24 and taken note of the report of the Legal Committee thereon,

*Bearing in mind* the considerations set forth in document 175 EX/27 Part I,

*Considering that,* of the Organization's 31 recommendations, the following 11 recommendations should be monitored as a matter of priority:

- Recommendation against Discrimination in Education (14 December 1960),
- Recommendation concerning the Status of Teachers (5 October 1966),
- Recommendation concerning Education for International Understanding, Cooperation 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 Development of Adult Education (26 November 1976),
- Revised Recommendation concerning the International Standardization of Educational Statistics (27 November 1978),
- Recommendation concerning the Status of the Artist (27 October 1980),
- Recommendation on the Recognition of Studies and Qualifications in Higher Education (13 November 1993),
- Recommendation concerning the Status of Higher-Education Teaching Personnel (11 November 1997),
- Revised Recommendation concerning Technical and Vocational Education (2 November 2001),
- Recommendation concerning the Promotion and Use of Multilingualism and Universal Access to Cyberspace (15 October 2003),

*Decides* that the Executive Board shall focus its monitoring efforts primarily on the above-mentioned 11 recommendations.