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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 on 23 and 26 September 2011, with Mr Maurizio Enrico Serra, representative of Italy, in the Chair. It met on 4 October 2011 to adopt this report. In accordance with Rule 16.2 of the Rules of Procedure of the Executive Board, the CR Committee elected Ms Martina Nibbeling-Wriessnig, representative of Germany, as temporary Chair.

2. The Committee on Conventions and Recommendations examined the following items on the Agenda of the Executive Board.

Item 19 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: nominations and report of the Committee on Conventions and Recommendations thereon (187 EX/19 and Add. and Corr.)

3. The members of the Committee noted that among the 33 States Parties to the 1962 Protocol, only two States (Côte d'Ivoire and Jordan) had submitted nominations for the six vacant seats on the Conciliation and Good Offices Commission to be filled at the 36th session of the General Conference.

4. A member of the Committee said that the low number of nominations was due to the fact that the Commission had never been called upon to use its good offices nor to exercise its duties of conciliation, even though it had met for the first time in October 2005 to amend its Rules of Procedure in an attempt to revitalize the procedure established by the Protocol.

5. While confirming that the Commission had never met to consider any disputes, the Legal Adviser recalled that the problems associated with the Commission had already been brought to the attention of the governing bodies, based on studies prepared by the Secretariat. He then stressed that, since 1962, there existed numerous other international and internal means of settling disputes between States. Individuals could also follow special procedures to solve problems that might involve the interpretation or application of the Convention, such as the 104 Procedure adopted by the Executive Board in 1978.

6. The members of the Committee stated that the revitalization of the Commission should be reconsidered within the framework of measures that could be adopted by the Committee in the future in order to strengthen the first part of its mandate concerned with the implementation of the Organization's standard-setting instruments.

7. At the end of the debate, the members of the Committee decided to recommend to the Executive Board the following draft decision:

The Executive Board,

1. Recalling the provisions of Article 3 of the 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,
2. Also recalling the provisions of Article 7 of the Protocol whereby, subject to the provisions of Article 6, members of the Commission shall remain in office until the election of their successor,
3. Having taken note of the list of persons nominated by the States Parties to the Protocol for the purpose of the election of six members of the Commission communicated to it by the Director-General pursuant to Article 3, paragraph 2, of the said Protocol (187 EX/19 and Add. and Corr.),
4. Transmits this list to the General Conference at its 36th session;
5. Requests the Director-General to transmit to the General Conference any nominations that she may receive before the opening of the 36th session.

Item 20 Implementation of standard-setting instruments

General Monitoring (187 EX/20 Part I and 187 EX/INF.4)

8. The Legal Adviser and Director of the Office of International Standards and Legal Affairs, representing the Director-General, introduced document 187 EX/20 Part I, containing a report on the ratification of the three conventions that the CR Committee was required to monitor and a report on the measures taken by the Secretariat to implement the new procedures adopted at the 177th session of the Executive Board, on the basis of the information provided by the programme sectors concerned and the UNESCO Institute for Statistics (UIS). She also introduced document 187 EX/INF.4 which contained particulars of the standard-setting activities envisaged at UNESCO, and a comprehensive report on all UNESCO's standard-setting instruments, and more particularly on the status of ratifications.

9. The members of the Committee underlined again the low rate of ratifications of the three conventions that the CR Committee was required to monitor and the low response rate of Member States during the ongoing consultations launched by the Secretariat for the preparation of reports. In that respect, while noting the Secretariat's efforts regarding monitoring, they deemed it necessary for the Secretariat to continue its efforts to encourage Member States to ratify the three conventions and to build a more constructive dialogue with the competent national authorities to make the reporting procedure more accessible.

10. The members of the Committee considered possible methods for achieving a better response rate for different consultations. One member proposed the introduction of consolidated reports, including on the implementation of instruments relating to education, so that such a report would only be created by one competent national authority. The majority of members stressed the difficulty of creating a single questionnaire on various instruments that might be the responsibility of several different national authorities.

11. One member requested clarification as to why the Secretariat had not submitted at the present session of the Board the report on the implementation of the 1974 Recommendation on the Status of Scientific Researchers, contrary to the 2009-2013 timetable of the CR Committee on the implementation of standard-setting instruments that the Executive Board was required to

monitor, which had been adopted at the 182nd session of the Board. Another member of the Committee noted that only States could decide on the future of UNESCO's standard-setting instruments in the field, especially regarding the 1989 Convention on Technical and Vocational Education, the importance of which he recalled. Another member expressed his concern about the absence of any information relating to the 1962 Protocol in document 187 EX/20. Lastly, another member stated that the database on the right to education which was being established should not only focus on technical aspects but also on substantive issues.

12. In reply to the members of the Committee's questions, the Director of the Division for Planning and Development of Education Systems in the Education Sector said that the Secretariat followed the specific multi-stage procedure for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism was provided, approved by the Executive Board at its 177th session, which did not include the option of creating consolidated reports. However, the Secretariat would take the suggestion into account with regard to education for all (EFA) in order to better evaluate the progress and remaining challenges in that area. With regard to the 1989 Convention and the 2001 Revised Recommendation concerning Technical and Vocational Education, the Education Sector representative confirmed that only Member States could decide on the future of standard-setting instruments, and not the Secretariat, and recalled that the issue was covered in document 187 EX/20 Part IV. With regard to the 1962 Protocol, he recalled that the instrument had been included in the guidelines for the preparation of reports by Member States on the application of the 1960 Convention and Recommendation against Discrimination in Education, adopted following the decision of the Board at its last session. The Protocol would be fully integrated in future ratification campaigns on the 1960 Convention. On that last point, the Education Sector representative recalled that following the previous ratification campaign that had taken place in July 2010, ratification processes had been initiated in several countries and that other States were considering the possibility. Lastly, regarding the future database on the right to education, the Education Sector representative stated that the tool would be populated with information from different sources, in order to establish a genuine observation platform on the issue.

13. With regard to the 1974 Recommendation, the representative of the Social and Human Sciences Sector stated that the report on the implementation of the 1974 Recommendation had been deferred to the 189th session of the Board in order to allow for the preparation of a more substantial report for the members of the Committee.

14. At the end of the debate, the members of the Committee decided to recommend to the Executive Board the following draft decision:

The Executive Board,

1. Recalling 15 C/Resolution 12.2, 23 C/Resolution 29.1, 165 EX/Decision 6.2, 32 C/Resolution 77, 170 EX/Decision 6.2, 171 EX/Decision 27, 174 EX/Decision 21, 175 EX/Decision 28, 176 EX/Decision 33, 177 EX/Decision 35 (I and II), 34 C/Resolution 87, 180 EX/Decision 31, 181 EX/Decision 27, 182 EX/Decision 31, 184 EX/Decision 20, 185 EX/Decision 23 (I) and 186 EX/Decision 19 (I) relating to the first aspect of the terms of reference of the Committee on Conventions and Recommendations (CR), which concerns the implementation of UNESCO's standard-setting instruments,
2. Having examined document 187 EX/20 Part I and the report of the Committee on Conventions and Recommendations thereon (187 EX/50),
3. Urges Member States once again to fulfil their legal obligations under Article VIII of the Constitution of UNESCO regarding periodic reports on the action taken on conventions and recommendations;

4. Takes note of the postponement of the examination of the report on the implementation of the 1974 Recommendation on the Status of Scientific Researchers as well as of the accordingly revised timetable of work of the CR Committee for 2009-2013 on the monitoring and implementation of UNESCO's standard-setting instruments;
5. Invites, in consequence, the Director-General to submit to it at its 189th session the consolidated report on the application of the 1974 Recommendation, so that it might be transmitted to the General Conference at its 37th session, together with the comments of the Executive Board;
6. Requests the Director-General to ensure the implementation of the new legal framework by the programme sectors and the UNESCO Institute of Statistics (UIS), which have responsibility for the conventions and recommendations monitored by the CR Committee;
7. Decides to continue consideration of the matter at its 189th session.

Application of the 1993 Recommendation on the Recognition of Studies and Qualifications in Higher Education (187 EX/20 Part II)

15. The Director of the Division for Basic to Higher Education and Learning of the Education Sector introduced the document 187 EX/20 Part II and described the scope of the report and context; following the establishment of 5 regional and one inter-regional Conventions on recognition in higher education, the Recommendation was adopted in 1993 when consensus regarding a universal Convention could not be achieved. Currently, one regional Convention has been revised (Europe and North America, 1997) and two are being examined and revised pursuant to 35 C/Resolution 11 (African States and Asia and the Pacific). It was explained that the new generation of Conventions reflects a cross-regional alignment in priorities for fair recognition and will be open for adoption by all UNESCO Member States. When all existing Conventions are revised and allow adoption by all Member States, there would be six de facto universal Conventions on recognition in higher education. Following 34 C/Resolution 87 of the General Conference, the UNESCO Secretariat monitors the Recommendation as a matter of priority. Nearly 20 Member States submitted responses in time to be incorporated in the report to the Executive Board.

16. One member of the Committee emphasized the difficulty of determining the equivalence of degrees and studies in higher education, given the great diversity of curricula, quality and rankings of different higher education institutions. He asked the percentage of countries which have subscribed to a Convention on recognition in higher education. Another member emphasized the importance of standardizing degree structures in all higher education systems, namely the Bachelor's/Master's/Ph.D. three-cycle structure, so that they can be understood everywhere.

17. At the end of the debates, the members of the Committee decided to recommend to the Executive Board the following draft decision.

The Executive Board,

1. Having examined document 187 EX/20 Part II and the report of the Committee of Conventions and Recommendations on the application of the 1993 Recommendation (187 EX/50),
2. Invites the Director-General to transmit document 187 EX/20 Part II to the 36th session of the General Conference along with the comments of the Executive Board thereon;
3. Recommends that the General Conference adopt the following draft resolution:

The General Conference,

1. Recalling that at its 27th session (Paris, 1993) it adopted the Recommendation on the Recognition of Studies and Qualifications in Higher Education,
2. Recalling that at its 34th session (Paris, 2007) it identified the Recommendation on the Recognition of Studies and Qualifications in Higher Education as a priority to be monitored by the UNESCO Secretariat (34 C/Resolution 87),
3. Recalling 177 EX/35, 184 EX/Decision 20 and 186 EX/Decision 19 Part III,
4. Takes note of the report on the implementation of the 1993 Recommendation on the Recognition of Studies and Qualifications in Higher Education;
5. Recognizes and welcomes the progress made in the implementation of certain items of the Recommendation, in particular the adoption of comprehensive policies and legislation on recognition;
6. Invites all Member States to strengthen their efforts to ensure the full and comprehensive implementation of the items of the 1993 Recommendation, to recognize knowledge as universal and a part of the common heritage of humankind, and to promote making knowledge and learning more accessible to each individual;
7. Invites the Director-General to:
 - (a) promote the development of institutional arrangements for implementation of the 1993 Recommendation through the six Conventions on recognition in higher education;
 - (b) provide effective technical support to Member States in need to facilitate this recognition across all regions; and
 - (c) continue monitoring as a priority the 1993 Recommendation, particularly in the context of the revisions to the regional and inter-regional Conventions on recognition in higher education.

Application of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (187 EX/20 Part III)

18. Following the introduction of this item by the Assistant Director-General for Culture, a member of the Committee emphasized that the individual summary of the national reports which, as mentioned in document 187 EX/20 Part III, was due to be posted online on the Culture Sector website, had not yet been published, and that it would be very useful as additional information for the UNESCO Member States. Furthermore, he requested that, following the example of the OECD, statistics be prepared on the basis of reports received from Member States, and published online by the UNESCO Secretariat, highlighting the good practices of some countries and the insufficient measures adopted by others. He also asked the Secretariat whether the European Union could become Party to the 1970 Convention. In reply, the Legal Adviser and Director of the Office of International Standards and Legal Affairs explained that according to Articles 19 and 20 of the 1970 Convention, only States could become Party to the Convention.

19. Another member commented on the importance of the mention made in paragraph 4 of the Annex to the document of the insufficient protection offered by European regulations, and considered the situation a cause for concern, as was the fact that certain States Members of the European Union were still not Parties to the 1970 Convention (Austria, Ireland, Latvia, Luxembourg and Malta). He called for the UNESCO Secretariat's greater commitment to substantive work with the European Union to participate in improving the situation.

20. The Committee recommended that the Executive Board adopt the following draft decision:

The Executive Board,

1. Bearing in mind Member States' obligations under Article VIII of the Constitution of UNESCO and Article 17 of the Rules of Procedure concerning recommendations to Member States and international conventions covered by the terms of Article IV, paragraph 4, of the Constitution,
2. Recalling 177 EX/Decision 35 (I and II) and 184 EX/Decision 25,
3. Having examined document 187 EX/20 Part III and the report of the Committee on Conventions and Recommendations thereon (187 EX/50),
4. Noting that the number of reports submitted by States Parties to the 1970 Convention remains very inadequate in view of the obligation of each State Party to report under Article 16 of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property,
5. Noting with satisfaction that some Member States not yet Parties to the 1970 Convention have provided information on the action taken upon the Convention, and in particular on their intention to ratify or accept it,
6. Stressing the importance of transmitting to UNESCO precise information on the measures taken by States to protect cultural property on their territory, particularly in regard to the successes, failures and obstacles encountered in implementing the Convention, and on any requests for assistance that they might make in that respect,
7. Considering that action to combat trafficking in cultural property needs to be strengthened at the national as well as the international level,
8. Invites the States that are not yet Parties to the 1970 Convention and to the 1995 UNIDROIT Convention, which complements it, to ratify or accept these conventions;
9. Reminds States Parties of their obligations under the 1970 Convention in respect of effective implementation, and in particular their obligation to report under Article 16 thereof;
10. Emphasizes that the content of such reports should be as detailed as possible to enable an accurate understanding and evaluation of the implementation of the 1970 Convention,
11. Encourages States Parties to the 1970 Convention to assess the national measures taken to implement the Convention so that areas of weakness may be identified and appropriate adjustments or improvements made;
12. Invites Member States and the Director-General to pursue activities aimed at strengthening regional and international cooperation, in particular by encouraging the introduction of an international mechanism to facilitate the restitution of stolen or illicitly exported cultural property;
13. Invites the Director-General to transmit to the General Conference at its 36th session the summary of the reports received from Member States on the measures taken for the implementation of the 1970 Convention, together with the Executive Board's comments and any comments that the Director-General may wish to make.

Application of the 1989 Convention on Technical and Vocation Education (TVET) and the 2001 Revised Recommendation concerning Technical and Vocation Education (187 EX/20 Part IV)

21. The Director of the Division for Basic to Higher Education and Learning of the Education Sector introduced this item and highlighted the methodology used for the implementation of the independent study and its key findings and presented the key features of the two scenarios proposed to the CR. The Education Sector representative pointed to the growing importance of technical and vocational education and training (TVET) in Member States and the conducive context for changes in the field. Finally, the Education Sector representative emphasized the priority given by Education sector to TVET and introduced key milestones for UNESCO work in TVET including the forthcoming 3rd International Congress on TVET to be held in Shanghai in May 2012, the production of the World TVET Report and the revitalization of UNESCO-UNEVOC International Centre and UNEVOC networks.

22. Seven members of the CR took the floor on this item. Several countries indicated that this type of reviews should be implemented by the Secretariat and not outsourced to external consultants. Many delegates expressed concern regarding the quality of the review, pointed to the lack of analysis of the shortcoming of the instruments and asked clarifications regarding the Secretariat response to the study findings. A member pointed to the dysfunction of the CR in its capacity to monitor normative instruments emphasizing the time gap between the adoption of the Convention and the decision to review the progress made in the ratification of the Convention by Member States. This member expressed his support for the adoption of Scenario 2. Another member noted that the study should have looked at the two instruments through different approaches and that the future of these normative instruments can only be decided by the State parties to the instruments. Lastly, a member reported that the normative instruments have relevance in their country. However, this member noted the report does not provide sufficient information to revise the instruments and requested for further information.

23. The Education Sector representative reminded the CR members that the decision to commission an independent study was part of UNESCO Strategy for TVET adopted by the Executive Board. She noted that the study's terms of references did not include the analysis of the content of the normative instruments and their relevance to the changing context of TVET in Member States. The Education Sector representative emphasized the importance of the forthcoming TVET Congress in informing future actions. In addition, the Education Sector representative indicated that the Secretariat will work on a technical note as part of inputs on how to move forward with the normative instruments including financial implications.

24. A number of amendments and additions were made to the Draft Decision and the following was adopted to be proposed to the Executive Board.

The Executive Board,

1. Recalling 34 C/Resolution 87, 177 EX/Decision 35 (I and II) and 184 EX/Decision 20,
2. Further recalling 181 EX/Decision 8, in which it approved the Strategy for Technical and Vocational Education (TVET), and document 182 EX/INF.5, in which the Strategy was amended,
3. Having examined document 187 EX/20 Part IV and the report of the Committee on Conventions and Recommendations (CR) thereon (187 EX/50),
4. Requests the Director-General to include in the preparation for the third International Congress on TVET in May 2012 a discussion on the content, relevance and scope of the 1989 Convention and of the 2001 Revised Recommendation on TVET, in order to allow the Organization to review these normative instruments;

5. Decides to resume consideration of this item at its 190th session and takes note of the accordingly revised 2009-2013 timetable of work of the CR on the monitoring of the implementation of UNESCO's standard-setting instruments.

Application of the 1976 Recommendation on the Development of Adult Education
(187 EX/20 Part VI)

25. The Director of the Division for Basic to Higher Education and Learning of the Education Sector introduced the document, highlighting the importance of adult education in the context of lifelong learning and noting the disconnection between policy and implementation. Adult education is a diverse field, with many providers, thus presenting a particular challenge of coordination and the necessity of inter-ministerial cooperation. Adult literacy is the entry level and reaching marginalized groups remains a priority. The quality of adult education provision needs continued attention, with a focus on literacy and adult educators, and in particular their status and incentives. The Education Sector representative also underlined the role of the International Conference on Adult Education (CONFINTEA) and Global Report on Adult Learning and Education (GRALE) for the monitoring of the Nairobi Recommendation. The key message of the document is that there is progress, however inadequate, especially with regard to introducing policy frameworks and the huge gap concerning policy implementation. Following 34 C/Resolution 87 of the General Conference, the UNESCO Secretariat monitors the Recommendation as a matter of priority. Nearly 20 Member States submitted responses in time to be incorporated in the report to the Executive Board.

26. Three Member States intervened in the debate. A member requested clarification if the Committee is involved in the monitoring of the Belém Framework for Action. Another member remarked that adult education and literacy should not be confused. Lastly, a member noted the importance of linking the monitoring CONFINTEA VI and the 1976 Recommendation.

27. The Education Sector representative clarified that the monitoring of the 1976 Recommendation will be conducted through the monitoring of the Belém Framework and that indeed, literacy is the entry point for lifelong learning but that it should not be considered synonymous to adult education.

28. The Committee recommended that the Executive Board adopt the following draft decision:

The Executive Board,

1. Having examined document 187 EX/20 Part VI and the report of the Committee of Conventions and Recommendations on this recommendation 187 EX/50,
2. Invites the Director-General to transmit document 187 EX/20 Part VI to the 36th session of the General Conference along with the comments of the Executive Board thereon;
3. Recommends that the General Conference adopt the following draft resolution,

The General Conference,

1. Recalling that at its 19th session (Nairobi, 1976) it adopted the Recommendation on the Development of Adult Education,
2. Recalling that at its 27th session (Paris, 1993) it invited the Director-General to ensure the functioning of the permanent reporting system for its monitoring,
3. Recalling 34 C/Resolution 87, 177 EX/Decision 35, and 184 EX/20,

4. Takes note of the mechanisms of the CONFINTEA process, especially the Global Report on Adult Learning and Education and the Belém Framework for Action, which help implement and monitor the Nairobi Recommendation;
5. Recognizes and welcomes the progress made in the implementation of certain items of the Nairobi Recommendation, in particular the adoption of comprehensive adult education policies and legislation, but regrets that many factors, especially the non-availability of funds and insufficient provision and quality of learning opportunities, still impede the development of adult education within a lifelong learning framework;
6. Invites all Member States to strengthen their efforts to ensure the full and comprehensive implementation of the items of the Nairobi Recommendation, and to recognise the key role of adult literacy and adult education for the achievement of the Millennium Development Goals (MDGs), Education for All (EFA) and the United Nations agenda for sustainable human, social, economic, cultural and environmental development;
7. Encourages all Member States to mobilize all stakeholders to undertake a national monitoring process for the preparation of a triennial progress report on the implementation of the Belém Framework for Action to provide necessary information to monitor the implementation of the Nairobi Recommendation;
8. Invites the Director-General to:
 - (a) approach the other United Nations Specialized Agencies to initiate an interagency and intersectoral approach and include adult literacy and adult education as key components of the United Nations interventions, such as within the delivering-as-one initiative;
 - (b) provide technical support to Member States in need in their implementation of the Nairobi Recommendation as well as the Belém Framework for Action;
 - (c) take into account and disseminate best practices implemented in the Members States in the area of literacy and adult education;
 - (d) take necessary steps to ensure that the Global Report on Adult Learning and Education is prepared on the basis of national progress reports every three years as the appropriate and effective means to monitor the implementation of the Nairobi Recommendation; and
 - (e) consider the review and updating of the Nairobi Recommendation in reflection of contemporary educational, cultural, political, social and economic challenges as set out in Belém Framework for Action and submit a plan of action for the review to the 189th session of the Executive Board (spring 2012).

Application of the 1980 Recommendation concerning the Status of the Artist
(187 EX/20 Part VII)

29. In his introduction, the Assistant Director-General for Culture recalled that Part VII of document 187 EX/20 provided a report of the implementation of the Recommendation concerning the Status of the Artist based on the replies of the 55 Member States that had responded to the questionnaire. The questionnaire was designed to collect basic information on legislation, international standards and national laws; employment and social welfare systems; freedom of association and trade union rights; tax status and taxation; and the international mobility of artists.

The nature of the replies provided varied considerably, from a cursory overview to a detailed analysis of relevant legislation and public policy measures. The replies were available on the website of the World Observatory on the Social Status of the Artist. The document also mentioned the previous versions of the report on the implementation of the Recommendation.

30. A Committee member emphasized that the subject was at the core of debates, but that the real problem was the lack of training for young people in artistic creation. Dialogue between UNESCO and political leaders was therefore necessary for the training of those active in the artistic sphere.

31. Another Committee member then indicated that the number of responses to the questionnaire, 55 States, was excellent for such a process and commended the Secretariat, because in 1983, only 29 States had replied. The member stressed the fact that half of the replies were from European countries was another debate and inquired about how the replies would be used and whether a summary of the reports was planned.

32. Lastly, a Committee member noted a problem in the English version insofar as paragraph 9 of the document mentioned 45 replies to the questionnaire from Member States and not 55, as indicated in paragraph 3 of the decision.

33. The Assistant Director-General for Culture reiterated that the replies by Member States were available on the website of the World Observatory on the Social Status of the Artist. He also took the opportunity to inform Members of the Executive Board that a problem would soon arise concerning the funding of the Observatory which had been established to monitor the implementation of the Convention, as there was no budgetary provision for its operation. He said that discussions were under way with the International Federation of Arts Councils and Culture Agencies (IFACCA) in order to continue that very important work.

34. The Committee recommended that the Executive Board adopt the following draft decision:

The Executive Board,

1. Recalling 177 EX/Decision 35 (I), in which it approved a specific multi-stage procedure for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided and 184 EX/Decision 20,
2. Having examined document 187 EX/20 Part VII and the report of the Committee on Conventions and Recommendations thereon (187 EX/50),
3. Noting that 55 Member States have submitted reports for consultation,
4. Recalling that the submission by Member States of periodic reports on the implementation of recommendations adopted by the General Conference is an obligation under Article VIII of UNESCO's Constitution and Article 17 of the Rules of Procedure concerning recommendations to Member States and international conventions covered by the terms of Article IV, paragraph 4, of the Constitution,
5. Further recalling that the periodic consultation of Member States on the implementation of the Recommendation is intended to enable the Organization to assess both the extent to which Member States are implementing that instrument and the obstacles that they encounter,
6. Reaffirming the importance of the Recommendation and its implementation by Member States,

7. Recommends that the General Conference invite those Member States which have not taken measures to implement the Recommendation to do so, and to provide the required reports;
8. Invites the Director-General to transmit to the General Conference at its 36th session the report on the measures taken by Member States to implement this Recommendation, together with its observations, and any observations or comments that the Director-General may wish to make.

Item 21 Report of the eleventh meeting of the Joint Expert Group UNESCO (CR)/ECOSOC (CESCR) on the Monitoring of the Right to Education (187 EX/21 and Corr. (English only))

35. The Director of the Division for Planning and Development of Education systems of the Education Sector presented the report and its main elements.

36. This was followed by a rich discussion, in which nine Members of the Committee took part. As members of the Joint Expert Group, Mr Eisemann (France) and Mr Diop (Senegal) shared with other members their experience and views on the relevance of this Group today. Recalling the initial mandate of the Group, which was to streamline the work and notably to harmonise the questionnaires, it was noted that this goal had been reached and thus this entity had fulfilled its mission. They also underlined that the members of the Group are not in a position to deal with issues of technical complexity, such as indicators. Referring to the paragraph of the report relating to the participation of experts, a question was raised on the mandate of the Special rapporteur on the right to education. The issue of legitimacy of the Group was also raised. Regarding the thematic focus for the coming two years (cost of education, quality and accessibility), the members highlighted the risk of duplication of work with other entities and noted that the report was trying to enlarge the mandate of the Group. A consensus was reached on the fact that it now seems difficult to pursue the present practice without a reflection on the mandate of the Group. There is need for reviewing the situation. However it was pointed out that the Group may have a role to play in discussing specific issues on the monitoring of the right to education that other bodies do not necessarily address and may take advantage of the experience of the CR and the CESCR. The question was raised on how this body could become a much more practice-oriented body. Therefore, the members questioned the future of the Group. They recommended suspending UNESCO's participation in the work of the Group and ask the Director General to engage jointly with ECOSOC a reflection on its future, taking specifically into account the available resources.

37. The representative of the Director General took note of remarks made regarding the work and the relevance of the Joint Expert Group and provided clarifications as to the mandate of the Special rapporteur on the right to education.

38. The Committee recommended that the Executive Board adopt the following draft decision:

The Executive Board,

1. Recalling 162 EX/Decision 5.4, 171 EX/Decision 27, 172 EX/Decision 26, 175 EX/Decision 29, 177 EX/Decision 37, 179 EX/Decision 24, 181 EX/Decision 28 and 184 EX/Decision 23,
2. Having examined document 187 EX/21 and Corr., and the report of the Committee on Conventions and Recommendations (CR) thereon (187 EX/50),
3. Thanks the Joint Expert Group UNESCO (CR)/ECOSOC (CESCR) on the Monitoring of the Right to Education for the report submitted;
4. Invites the Director-General to suspend UNESCO's participation in the work of the Group and to engage jointly with ECOSOC (CESCR) in reflection on the future of the

Joint Expert Group and possible alternative solutions to ensure joint monitoring of the right to education;

5. Requests the Director-General to submit a report to it of the results of such reflection at its 190th session.