



32 C/81
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LEGAL COMMITTEE

Second Report

Item 7.1 of the agenda

**RULES OF PROCEDURE CONCERNING RECOMMENDATIONS
TO MEMBER STATES AND INTERNATIONAL CONVENTIONS COVERED
BY THE TERMS OF ARTICLE IV, PARAGRAPH 4, OF THE CONSTITUTION:
PROPOSALS BY THE DIRECTOR-GENERAL FOR THE AMENDMENT
OF PART VI THEREOF**

1. The Committee examined the proposals by the Director-General for the amendment of Part VI 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 (32 C/22).
2. The Committee examined the proposed amendments, article by article, in the light of the clarifications provided by the Legal Adviser and made various modifications to the amendments to Part VI of the Rules of Procedure.
3. With reference to the new Article 18, paragraph 1, the Committee took the view that consideration of reports on the application of these standard-setting instruments received from Member States should be entrusted to the Committee on Conventions and Recommendations of the Executive Board.
4. The Committee decided to recommend to the General Conference that it adopt the following draft resolution:

The General Conference,

Having considered document 32 C/22 and taken note of the report of the Legal Committee (32 C/81),

Approves Part VI, as amended, 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, contained in annex to this resolution;

Decides, accordingly, to amend the second paragraph of Rule 37 of its Rules of Procedure which shall henceforth read as follows:

“The Committee shall also consider the reports on conventions and recommendations transmitted to it by the General Conference.”;

Invites the Director-General to organize thematically, in an appropriate way, requests for the submission of reports relating to conventions and recommendations and their consideration;

Invites the Director-General, when drawing up the guidelines to be communicated to Member States for the drafting of reports, to take into account already existing information monitored by other treaty bodies in the United Nations system as well as by international statistical offices, in particular by the UNESCO Institute for Statistics;

Invites the Director-General to submit to it at its 33rd session a legal framework for the elaboration, examination, adoption and follow-up of declarations, charters and other similar standard-setting instruments adopted by the General Conference and not covered by the Rules of Procedure concerning recommendations to Member States and international conventions covered by the terms of Article IV, paragraph 4, of the Constitution.

ANNEX

VI. Procedures for promoting Member States' acceptance and application of conventions and recommendations adopted by the General Conference

Article 16

1. While transmitting, pursuant to Article 15 of the present Rules, a certified copy of any convention or recommendation to Member States, the Director-General shall **formally** remind them of their obligation to submit the convention or recommendation in question to their competent national authorities in accordance with Article IV, paragraph 4, of the Constitution, drawing also their attention to the difference in the legal nature of conventions and recommendations.

2. The Member States shall make the text of any convention or recommendation known to the bodies, target groups and other entities interested in matters dealt with therein.

Article 17

1. The Member States shall submit, by the dates specified by the General Conference, reports on the measures that they have adopted in relation to each convention in force and each recommendation adopted.

2. The General Conference may invite the Secretariat to assist the Member States in the implementation of the convention or recommendation concerned and in the preparation and follow-up of such reports.

Article 18

1. The General Conference shall entrust the examination of the reports on such conventions and recommendations received from Member States to the Executive Board.

2. The Executive Board shall transmit to the General Conference the reports or, if so decided by the General Conference, the analytical summaries thereof, together with its observations or comments and any that the Director-General may make. They shall be examined by the competent subsidiary organs prior to their consideration in plenary meeting.

3. The Director-General shall regularly inform the General Conference and Executive Board with respect to the implementation of the conclusions and decisions adopted by the General Conference concerning reports on conventions and recommendations.

VII. Suspension and amendment

Article 19

If there are special circumstances justifying such a course, the General Conference may decide, by a two-thirds majority, to suspend the application of the provisions of one or more articles in the present Rules of Procedure in any particular case. The Conference may not, however, suspend the application of Articles 8 and 12.

Article 20

With the exception of Articles 8 and 12, these Rules may be amended by a decision of the General Conference taken by a two-thirds majority, provided that the proposal for amendment has first been placed on the agenda.