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Организация
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منظمة الأمم المتحدة
للتربية والعلم والثقافة

联合国教育、
科学及文化组织

LEGAL COMMITTEE

First report

The Legal Committee elected by acclamation Mr Toshiyuki Kono (Japan) as Chairperson, Mr Kamel Boughaba (Algeria) and Mr Alfonso Ortiz Sobalvarro (Guatemala) as Vice-Chairpersons and Mr Pierre-Michel Eisemann (France) as Rapporteur.

Item 4.2 of the agenda

EXAMINATION OF THE ADMISSIBILITY OF DRAFT RESOLUTIONS PROPOSING THE ADOPTION OF AMENDMENTS TO THE DRAFT PROGRAMME AND BUDGET FOR 2008-2009 (34 C/5)

1. The representative of the Director-General informed the Committee that there had been no appeals against the conclusions of the Director-General concerning a draft resolution from a Member State with financial implications under Rule 81 of the Rules of Procedure of the General Conference.
2. Since its 29th session, the General Conference has adopted a procedure for processing draft resolutions proposing amendments to the Draft Programme and Budget. This procedure derives from an amendment introduced into its Rules of Procedures (see Rules 80 and 81).
3. The procedure established provides that the sponsors of those draft resolutions that at first sight appear inadmissible in the opinion of the Director-General may appeal to the General Conference, through the Legal Committee, to rule at last instance on their admissibility.
4. An Explanatory Note was prepared by the Legal Committee in November 2000 and communicated to all Member States so that they could submit draft resolutions of this nature meeting the requisite criteria. That note has been added to by two "finalizations" adopted by the Legal Committee at, respectively, its November 2002 meeting and the 33rd session of the General Conference.
5. One member regretted the fact that the clarifications adopted by the Legal Committee at the previous session, relating to the procedure for considering appeals, which complemented the other explanatory notes, had not been included in document 34 C/2 so as to provide comprehensive information for Member States. He recalled that the Legal Committee had deliberately decided to add the clarifications adopted at the previous session of the General Conference in the form of a footnote to paragraph II.1 of the Explanatory Note for the Implementation of Rules 80 and 81,

Section XIV, of the Rules of Procedure of the General Conference. The amended version of the Explanatory Note should accordingly henceforth be annexed to the C/2 document.

6. Several members asked about the scope of the competence of the Legal Committee with regard to the Draft Programme and Budget. One member asked for clarification about the application of the admissibility criteria by the Secretariat and in this regard suggested the need for clarification regarding the precise role and competence of the Legal Committee in considering and applying the admissibility criteria.

7. In response to the comments of the members, the Legal Adviser recalled the terms of reference of the Legal Committee and the circumstances in which an item on the agenda of the General Conference might be referred to it. He also recalled the specific features of the procedure for examining draft resolutions with financial implications.

8. Referring to Rule 37.1(c) and to Rules 80 and 81 of the Rules of Procedure of the General Conference, as well as the practice of the Legal Committee, the Chairperson said that the latter's terms of reference have to date been limited to ruling on appeals, at the request of Member States, concerning draft resolutions with financial implications that at first sight appeared inadmissible in the opinion of the Director-General. He also observed that the Committee lacked authority to decide for itself to consider an item on the agenda of the General Conference. Accordingly, as no appeals had been brought by Member States, he said that the Committee did not have to examine further the item in question.

9. It was so decided by the Committee.