



General Conference

36th Session, Paris 2011

36 C

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

Item 4.2 of the agenda

36 C/78

29 October 2011

Original: French

FIRST REPORT OF THE LEGAL COMMITTEE

1. The Legal Committee elected by acclamation Ms Victoria Hallum (New Zealand) as Chairperson, Mr Jude Mathooko (Kenya) as Vice-Chairperson, and Mr Pierre Michel Eisemann (France) as Rapporteur.

EXAMINATION OF COMMUNICATIONS OF THE ADMISSIBILITY OF DRAFT RESOLUTIONS PROPOSING THE ADOPTION OF AMENDMENTS TO THE DRAFT PROGRAMME AND BUDGET FOR 2012-2013 (36 C/5 and 36 C/5 ADD.) (document 36 C/8 LEG)

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 was completed by two "finalizations" adopted by the Legal Committee at its November 2002 meeting and by the General Conference at its 33rd session, respectively.

5. Those criteria were followed by the Legal Committee when it examined the only draft resolution deemed inadmissible by the Director-General. After listening to the representative of the country that had sponsored the draft resolution, the Legal Committee recommended that draft resolution (MS/DR.47) be declared inadmissible because it did not concern one of the operative paragraphs of the Draft Programme and Budget for 2012-2013.

6. The Legal Committee invited the representative of the country that sponsored the draft resolution proposing an improvement to the wording of the narrative part of the Draft Programme and Budget to continue the dialogue with the Director-General in order to achieve that result by means other than the submission of a draft resolution.