



## General Conference

37th Session, Paris, 2013

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、  
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## Legal Committee

### Item 4.2 of the provisional agenda

# leg

37 C/8 LEG

5 November 2013

Original: English

## EXAMINATION OF COMMUNICATIONS ON THE ADMISSIBILITY OF DRAFT RESOLUTIONS PROPOSING THE ADOPTION OF AMENDMENTS TO THE DRAFT PROGRAMME AND BUDGET FOR 2014-2017 (37 C/5)

1. By the deadline of 23 September 2013, 29 draft resolutions, submitted or co-sponsored by 25 Member States, had been received by the Secretariat proposing to amend specific portions of the Draft Programme and Budget for 2014-2017 (37 C/5 and Add.). Each draft resolution was subject to an in-depth examination as to its technical admissibility by a Secretariat Screening Group established for this purpose. Of the 29 draft resolutions, 23 were deemed **admissible, and following the withdrawal of one draft resolution by its sponsor**, 22 have been translated into the six working languages, reproduced in the 37 C/DR series and distributed.
2. The procedure for processing draft resolutions proposing the adoption of amendments to the Draft Programme and Budget for 2014-2017 was communicated to Member States by Circular letter CL/4025 dated 5 August 2013 and through document 37 C/2 Prov. attached to the invitation letter CL/4024 dated 4 August 2013.
3. In line with the procedure set forth in Rules 80 and 81 of the Rules of Procedure of the General Conference and the "Explanatory Note" adopted by the Legal Committee in November 2000, a draft resolution may only be considered inadmissible in one of the following cases:
  - (a) the proposed amendment does not relate to a draft resolution proposed by the Director-General, as contained in Volume 1 of documents 37 C/5 and Add.;
  - (b) the budgetary implication of the draft amendment is equal to or lower than US \$40,000;
  - (c) the draft amendment does not have international, regional or subregional scope;
  - (d) the activity proposed in the draft amendment meets all the conditions required in order to be financed under the Participation Programme (see 36 C/Resolution 69).

4. According to Rule 81 of the Rules of Procedure of the General Conference, the sponsors of draft resolutions considered to be inadmissible by the Director-General "... can submit an appeal to the General Conference through its Legal Committee ...".

5. To date, the following draft resolution has been the subject of appeal:

MS/DR.24 submitted by Cyprus, Greece, Jordan and Romania

## ANNEX I

### **“EXPLANATORY NOTE FOR THE IMPLEMENTATION OF RULES 80 AND 81, SECTION XIV, OF THE RULES OF PROCEDURE OF THE GENERAL CONFERENCE<sup>1</sup>**

I. *The purpose of this Note is to specify and, as appropriate, clarify the procedure for the submission and examination of draft resolutions referred to in Rule 80 of the Rules of Procedure of the General Conference (hereinafter called DRs). The draft resolutions concerned are those containing one or more amendments to the Draft Programme and Budget (the C/5 document) which have “budgetary implications” – that is, if approved, they will affect the amounts proposed for any of the budgetary lines included in Part II of the Draft Appropriation Resolution.*

II. *In the submission and examination of DRs, the following rules shall be strictly applied:*

1. *At least 90 days before the opening of the session of the General Conference,<sup>2</sup> and taking into account Rule 80.2 of the Rules of Procedure, the President of the General Conference or on his behalf the Director-General shall formally communicate to Member States the exact deadline for the submission of DRs. All DRs shall reach the Director-General, in writing, 45 days before the opening of the session of the General Conference.<sup>3</sup>*
2. *The Director-General shall formulate his/her conclusions on the admissibility of the DRs. To this end, a DR may only be considered inadmissible in one of the following cases:*
  - (a) *when an operative paragraph of Part II of the Draft Programme and Budget is not affected by the DR (such operative paragraphs will always appear in bold and within a box, making them thus clearly identifiable); or*
  - (b) *when the budgetary implication of the DR is equal to or lower than US \$40,000; or*
  - (c) *when the DR does not have international, regional or subregional scope, i.e. when it refers to an activity to be implemented for the benefit of a single Member State; or*
  - (d) *when the activity proposed in the DR conforms to all the conditions required in the appropriate resolutions for the presentation of requests to the Participation Programme (currently 30 C/Resolution 50)<sup>4</sup>.*
3. *Within a maximum period of 25 days<sup>5</sup> from the deadline referred to in paragraph 1, Member States shall receive the comments of the Director-General regarding their respective DRs. Such comments shall clearly indicate: (a) whether the DR is admissible or inadmissible; and (b) if it is considered inadmissible, which of the cases specified in paragraph 2 justifies, in the opinion of the Director-General, his conclusion. If a decision is not taken by the Director-General within this 25-day period, the DR shall automatically be considered admissible.*

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<sup>1</sup> Adopted by the Legal Committee in November 2000.

<sup>2</sup> By 7 August 2013.

<sup>3</sup> By 21 September 2013.

<sup>4</sup> Currently 36 C/Resolution 69.

<sup>5</sup> By 16 October 2011

4. *Any Member State may appeal the conclusions of the Director-General regarding the inadmissibility of its DR. To this end, not later than five days before the opening of the session of the General Conference,<sup>6</sup> its President or on his behalf the Director-General shall receive from such Member State a letter of appeal in which the reasons for this recourse shall be clearly stated. Any letter of appeal not satisfying this deadline or not reasoned shall be automatically rejected.*
5. *Unless otherwise decided by a simple majority of its members, the Legal Committee shall examine all the letters of appeal as the first item of its agenda. It shall confirm or reject the conclusions of the Director-General on each DR which motivated the appeal. To this end, it shall ascertain whether the reasons presented by the Director-General in his comments conform to any of the cases presented in paragraph 2 above. In addition to its letter of appeal a Member State may make a further written submission. It will be expected to provide orally any additional information required by the Legal Committee.*
6. *A Member State which is a member of the Legal Committee shall not vote on an appeal submitted by itself.*

*III. In the exercise of their respective duties regarding the admissibility of DRs, the Secretariat and the Legal Committee shall apply Section XIV of the Rules of Procedure of the General Conference, as interpreted by this Note.*

*IV. At the request of the General Conference, this Note may be revised by the Legal Committee.”*

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<sup>6</sup> By 31 October 2013.

## ANNEX II

### **“FINALIZATION OF THE EXPLANATORY NOTE ON THE APPLICATION OF RULES 80 AND 81 OF SECTION XIV OF THE RULES OF PROCEDURE OF THE GENERAL CONFERENCE CONCERNING ADMISSIBILITY CRITERIA FOR DRAFT RESOLUTIONS RELATING TO THE DRAFT PROGRAMME AND BUDGET AND THE EXAMINATION OF SUCH DRAFT RESOLUTIONS<sup>1</sup> (LEG/2002/1)**

3. Since the Legal Committee did not have a mandate to amend the wording of the “Explanatory Note on the application of Rules 80 and 81 of the Rules of Procedure of the General Conference”, its members discussed a certain number of difficulties connected with the application of the note. One member of the Committee expressed himself in favour of endorsing the explanatory note, except for the wording of paragraph 2(b) in which the limitation established was not supported by any statutory or regulatory norm of UNESCO.
4. Some members questioned the role assigned to the Legal Committee in regard to the matter and also the legal value of the explanatory note.
5. It was stated that the Explanatory Note imposed no new obligations on Member States and that it merely provided an interpretation of the relevant provisions of the Rules of Procedure of the General Conference, an interpretation which was brought to the attention of the Executive Board and of the General Conference, which took note thereof in 31 C/Resolution 67.
6. Several members deemed it desirable to act with caution and to refrain from amending the wording of the Explanatory Note. One member who shared that view nevertheless stressed that the note did not resolve all of the difficulties involved in applying the relevant provisions of the Rules of Procedure.
7. Some members proposed asking Member States about the difficulties encountered in applying the Explanatory Note, with a view to introducing, as appropriate, the necessary modifications. It was envisaged that the Chairperson of the Legal Committee could contact the Member States and report back to the Committee in that regard.
8. Several members pointed out that the procedure established by Rules 80 and 81 of the Rules of Procedure of the General Conference had functioned satisfactorily on the whole and that it was not for the Legal Committee to introduce elements of flexibility which could not fail to create delicate problems in regard to application. It was clearly stated that the Explanatory Note was not intended to apply to all draft resolutions but only to those with budgetary implications. Some members stressed that that point should be brought to the attention of the Member States in the clearest possible terms and that the resolution on the Participation Programme should be attached to the note.
9. Several members emphasized the need for full consultation with the Member States and the Secretariat during the preparation of the Draft Programme and Budget (C/5).
10. The representative of the Director-General indicated that the reference to 30 C/Resolution 50 in the Explanatory Note should now be taken as referring to 31 C/Resolution 36 which followed on from the previous resolution. He assured the members that he was aware of the difficulties encountered by certain Member States and that the Secretariat was constantly trying to improve consultations with the Member States in regard to the preparation of the Draft Programme and Budget (C/5). He further confirmed that the Secretariat was prepared to undertake what the Legal Committee called “educational measures” to inform the delegations clearly and repeatedly about the terms of the Explanatory Note and the implications of non-observance.”

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<sup>1</sup> Excerpt from the report adopted by the Legal Committee at its November 2002 meeting.



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## ANNEX III

37 C/8 LEG  
Annex III

### Secretariat of the Governing Bodies

Mr. Pavlos Paraskevas  
Secretary-General  
Cyprus National Commission for  
UNESCO  
27 Ifigenias street, Strovolos  
2007 Nicosia  
Cyprus

Ref. : GBS/SCG/37 C-MS/DR.24

31 October 2013

Objet : **Appeal for the Proposed Draft Resolution  
for the 37th session of the General Conference**

*Your reference: GBS/SCG/37GC/MS/DR.24 (letter dated 30 October 2013)*

Sir,

On behalf of the Director-General I have the honour to acknowledge receipt of your letter of appeal mentioned above, stating the reasons of your recourse concerning the inadmissibility of MS/DR.24 for 37 C/5.

In accordance with Rule 81 of the Rules of Procedure of the General Conference, your appeal will be transmitted in due course, to the Legal Committee of the General Conference, which will take a final decision as to the admissibility of this draft resolution.

Please accept, Sir, the assurances of my highest consideration.

Michael Millward  
Director  
Secretariat of the Governing Bodies

PJ



CYPRUS NATIONAL COMMISSION FOR UNESCO

REPUBLIC OF CYPRUS  
**MINISTRY OF  
EDUCATION AND CULTURE**

Mr. Michael Millward  
Director  
Secretariat of the Governing Bodies  
7, place de Fontenoy  
75352 Paris 07 SP, France



October 30, 2013

Ref.: GBS/SCG/37GC/MS/DR.24

**Subject: Inadmissibility Appeal, Proposed Draft MS/DR.24 relating to the Draft Programme and Budget for 2014-2017 for the 37<sup>th</sup> session of the General Conference.**

With reference to your letter dated 4<sup>th</sup> October 2013 regarding the Proposed Draft Resolution MS/DR.24, my country wishes to appeal to the General Conference through the Legal Committee (in accordance with Rule 81 of the Rules of Procedure of the General Conference) regarding the inadmissibility of the proposed draft resolution.

The draft resolution submitted by Cyprus, Greece, Jordan and Romania proposed additions specific to volume 2 of document 37 C/5, instead of proposing additions on volume 1 of document 37 C/5.

Acknowledging the crucial role of SEMEP as an interdisciplinary environmental educational project, please accept our proposed addition specific to volume 1 of document 37 C/5, as it appears below:

Amendment to the Draft Programme and Budget for 2014-2017 (37 C/5)  
Draft Resolution for Major Programme II – Science for Peace and Sustainable Development  
Resolution No.: 02000  
Main Line of Action: 2 Building institutional capacities in science and engineering  
Proposed addition:  
(4) Capacity-building in research and education in the natural sciences enhanced, including through the use of ICTs and reinforcing the efforts of existing school networks such as SEMEP.

Thank you in advance for taking into consideration our proposed addition.

Pavlos Paraskevas  
Secretary-General

Cyprus National Commission for UNESCO

27 Ifigeneias Str., 2007 Strovolos, Nicosia, Cyprus  
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## Secretariat of the Governing Bodies

4<sup>th</sup> October 2013

Ref. : GBS/SCG/37GC/MS/DR.24

Subject **Proposed Draft Resolution relating to the Draft Programme and Budget for 2014-2017 for the 37<sup>th</sup> session of the General Conference**

Sir,

On behalf of the Director-General, I have the honour to acknowledge receipt of the attached draft resolution MS/DR.24 you addressed to the Secretariat for the 37<sup>th</sup> session of the General Conference.

This draft resolution has been transmitted to the Screening Group set up within the Secretariat to examine the admissibility of draft resolutions relating to the Draft Programme and Budget for 2014-2017, in accordance with the procedure and the criteria for admissibility stipulated in Rules 80 and 81 of the Rules of Procedure of the General Conference and reiterated by the Legal Committee in its Explanatory Note for the implementation of Rules 80 and 81, Section XIV, of the Rules of Procedure of the General Conference (see Circular Letter CL/4025 of 5 August 2013).

In accordance with the above mentioned Note, "*a draft resolution may only be considered inadmissible in one of the following cases:*

..!...

Mr Pavlos Paraskevas  
Secretary-General  
Cyprus National Commission for UNESCO  
27 Ifigenias street, Strovolos  
2007 NICOSIA  
Cyprus



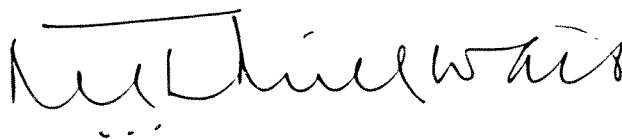
MS/DR.24 - Page 2

- a) *when an operative paragraph of Part II of the Draft Programme and Budget is not affected by the DR (such operative paragraphs will always appear in bold and within a box<sup>1</sup> making them thus clearly identifiable); or*
- b) *when the budgetary implication of the DR is equal to or lower than US\$ 40,000; or*
- c) *when the DR does not have international, regional or subregional scope, i.e. when it refers to an activity to be implemented for the benefit of a single Member State; or*
- d) *when the activity proposed in the DR conforms to all the conditions required in the appropriate resolutions for the presentation of requests to the Participation Programme (currently 36 C/Resolution 69)".*

Consequently, Draft Resolution MS/DR.24 is considered inadmissible in accordance with subparagraphs (a) above.

In accordance with Rule 81 of the Rules of Procedure of the General Conference, your country may, if it so wishes, appeal to the General Conference through the Legal Committee of the Conference, to take a final decision as to the admissibility of this draft resolution. According to the Explanatory Note mentioned above, a letter of appeal in which the reasons for this recourse shall be clearly stated, must be received by the Secretariat five days before the opening of the session. If you intend to use this possibility, you are kindly requested to let me know by 31 October 2013 at the latest (5 days before the opening of the session) by fax (number: 01 45 68 57 01).

Please accept, Sir, the assurances of my highest consideration.



Michael Millward  
Director  
Secretariat of the Governing Bodies

Enclosure: 1

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<sup>1</sup> For the 37th session, contained in Volume 1 of 37 C/5 and Add.

MSDR.24

### 37<sup>th</sup> SESSION OF THE GENERAL CONFERENCE

#### Draft resolution proposing the adoption of amendments to the Draft Programme and Budget for 2014-2017 (37 C/5) concerning the 2014-2015 financial period.

Submitted by: Cyprus, Greece, Jordan and Romania

Referring to: Volume 1 of document 37 C/5

Number of draft resolution: 02000

Proposed modification, deletion or addition:

Para. 02015 (ii): Add: and established school networks

Para. 02016 (iv): Add: and through reinforcing the efforts of existing school networks, such as SEMEP.

State the amount of budgetary implications of the proposed amendment:

\$ 60.000

Indicate the proposed source of funding (budget proposed for other parts of document 37 C/5 or extrabudgetary resources)

\$ 30.000 (Regular Programme)

\$ 30.000 (Extrabudgetary resources)

Explanatory note

Recalling that SEMEP (South-Eastern Mediterranean Environmental Project) is an interdisciplinary environmental education project focusing primarily on the South Eastern Mediterranean Sea and the Black Sea regions (Albania, Armenia, Azerbaijan, Bulgaria, Croatia, Cyprus, Georgia, Greece, Israel, Italy, Jordan, Lebanon, Libya, Malta, Moldova, The Palestinian Authority, Romania, Russia, Slovenia, Syria, Turkey, Ukraine) and promoting education for sustainable development through science in cooperation with the natural sciences sector of UNESCO and intercultural dialogue through the national coordinators and students thus promoting a culture of peace and non-violence

Recalling that SEMEP supports teacher training and provides guidelines to support curriculum reform in science education

Aware of the crucial role of SEMEP in creating authentic learning environments for students and teachers using inquiry-based approaches in science education by bringing together and involving all relevant stakeholders, particularly the scientific and industrial community, policy makers, parents, science education researchers and teachers to drive change in the classroom.

20/09/13

**SEMEP:**

- 1 **Requests** the Director-General to strengthen the SEMEP programme, for example through an annual (summer) student conference to discuss authentic inquiry-based approaches in science education for sustainable development
- 2 **Calls upon** the Director-General to keep SEMEP visible through the UNESCO SEMEP web page and through a publication of an annual Good Practice booklet such as the SEMEP publication entitled "Bridging Cultures through Science for a Sustainable Environment"

**Please provide fax number (or email address) for subsequent correspondence:**  
Email: [unesco@culture.moc.gov.cy](mailto:unesco@culture.moc.gov.cy)  
Fax: +357(22)809873

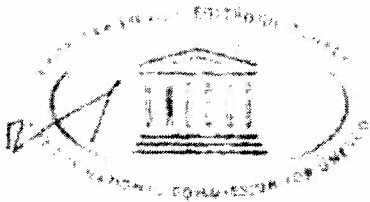
Name: Pavlos Paraskevas  
Secretary-General  
Cyprus National Commission for UNESCO  
Date: 18/2/13

Name: Maria Ekatenni Papachristopoulou-Tzitzikosta  
President  
Hellenic National Commission for UNESCO  
Date: 19/2/13

Name: Mrs Intisar Al-qheiw  
Secretary-General  
Jordan National Commission for UNESCO  
Date

Name: Ani Matei  
Secretary-General  
Romanian National Commission for UNESCO  
Date

**Signature(s) for each sponsoring State:**



A handwritten signature in black ink, consisting of a large loop and a long horizontal stroke.

