



## General Conference

38th Session, Paris, 2015

# 38 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

38 C/78  
7 November 2015  
Original: French

### LEGAL COMMITTEE

#### FIRST REPORT

The Legal Committee elected by acclamation Mr Pierre Michel Eisemann (France) as Chairperson, Mr Sirajuddin Hamid Yousif (Sudan) as Vice-Chairperson and Mr Klaus Hübner (Germany) as Rapporteur.

#### Item 3.2 of the agenda

#### **EXAMINATION OF COMMUNICATIONS ON THE ADMISSIBILITY OF DRAFT RESOLUTIONS PROPOSING THE ADOPTION OF AMENDMENTS TO THE DRAFT BUDGET FOR 2016-2017 (38 C/5)**

1. 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 79 and 80).
2. The procedure established provides that the sponsors of those draft resolutions (DR) that at first sight appear inadmissible in the opinion of the Director-General may appeal to the General Conference, after submission to the Legal Committee, to rule at last instance on their admissibility.
3. 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.
4. Furthermore, through 36 C/Resolution 104 on the independent external evaluation of UNESCO, the General Conference emphasized in 2011 that the recommendation that draft resolutions with financial implications should clearly identify the main line of action from which the

resources should come, should henceforth constitute an additional admissibility criterion to the draft resolutions relating to the C/5 document.

5. At its 37th session, the General Conference decided to amend articles 79 and 80 of the Rules of Procedure of the General Conference to reflect the explanatory note and the finalizations undertaken by the Legal Committee as well as 36 C/Resolution 104.

6. After being informed by the representative of the Director-General that no State had appealed against the conclusions of the Director-General concerning a draft resolution from a Member State with financial implications under Rule 80 of the Rules of Procedure of the General Conference, the Committee noted that there was no need to further examine this item.