



United Nations  
Educational, Scientific and  
Cultural Organization

# Executive Board

Hundred and eighty-seventh session

## 187 EX/20 Part I

PARIS, 12 August 2011  
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Item 20 of the provisional agenda

### IMPLEMENTATION OF STANDARD-SETTING INSTRUMENTS

#### PART I

#### MONITORING

##### SUMMARY

In accordance with paragraph 4 of 186 EX/Decision 19 (I), the present document contains an overall report on the three conventions and 11 recommendations of UNESCO that the Committee on Conventions and Recommendations (CR) is required to monitor, in particular on the status of ratification of the conventions and on the measures taken by the Secretariat in application of the new procedures on the monitoring of the implementation of these instruments.

This item has no financial or administrative implications.

Action expected of the Executive Board: proposed decision in paragraph 38.

1. In 186 EX/Decision 19 (I), the Executive Board requested the Director-General to ensure the implementation of the legal framework adopted at its 177th session on the implementation of the three conventions and 11 recommendations on conventions for whose monitoring the CR Committee was responsible (177 EX/Decision 35, Parts I and II).

2. This document contains, following a brief report on the status of ratification of the three conventions and the 1962 Protocol, an assessment of the measures taken by the Secretariat in application of the new procedures for monitoring the implementation of these instruments.

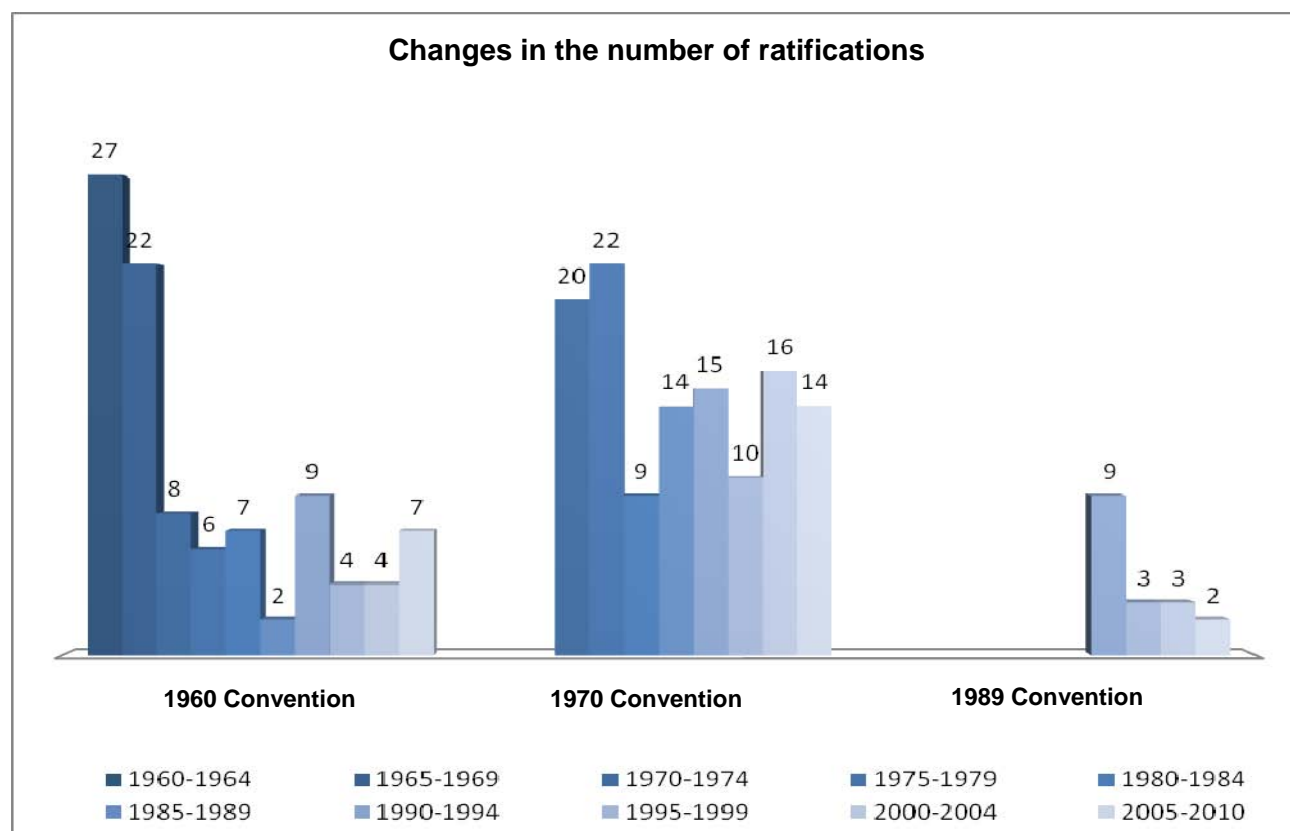
#### **Status of ratification of the 1960, 1970 and 1989 conventions**

3. The 1960 Convention against Discrimination in Education has been ratified by 96 States, the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property by 120 countries, and the 1989 Convention on Technical and Vocational Education by 17 States.

4. The table below shows the number of ratifications per electoral group of UNESCO for these three conventions, together with the percentage of ratifications of these instruments within each of the six electoral groups. A full list of States Parties and non-Parties per electoral group has been posted on the CR activities portal of the UNESCO website.<sup>1</sup>

Conventions	Number of ratifications per electoral group (percentage of ratifications within each electoral group)					
	Group I	Group II	Group III	Group IV	Group V(a)	Group V(b)
1960 Convention <sup>2</sup>	15 (55.55%)	22 (88%)	18 (54.54%)	11 (25%)	20 (43.48%)	10 (55.55%)
1970 Convention	19 (70.37%)	24 (96%)	23 (69.70%)	18 (40.90%)	22 (47.83%)	14 (77.77%)
1989 Convention	0 (0%)	3 (12%)	0 (0%)	3 (6.81%)	5 (10.87%)	6 (33.33%)

5. The Secretariat also prepared the table below showing changes in the number of ratifications of the three conventions since their adoption by UNESCO:



<sup>1</sup> [http://portal.unesco.org/en/ev.php-URL\\_ID=46874&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=46874&URL_DO=DO_TOPIC&URL_SECTION=201.html)

<sup>2</sup> The 1962 Protocol instituting a Conciliation and Good Offices Commission to be Responsible for seeking the Settlement of any Disputes which may arise between States Parties to the Convention against Discrimination in Education has been ratified by 33 States, distributed among the electoral groups as follows: Group I: 12 (44.44%); Group II: 0 (0%); Group III: 7 (21.21%); Group IV: 4 (9.09%); Group V(a): 6 (13.04%); Group V(b): 4 (22.22%). To date, the Commission has never been called upon to use its good offices or exercise its conciliatory functions. In March 2011, the Secretariat called for nominations from States Parties to the Protocol for the election of six members of the Commission at the 36th session of the General Conference (see document 187 EX/19).

Specific measures adopted by the Secretariat to apply the new procedures on the monitoring of the implementation of UNESCO conventions and recommendations for whose monitoring the Board is responsible

- **1960 Convention against Discrimination in Education (ED)**

6. A ratification campaign on the Convention is being conducted in order to encourage States that are not yet Parties to it to take necessary measures for acceding to it. Several Member States expressed their wish to ratify the Convention and asked for assistance in this process.

7. In line with the new multi-stage procedure and as scheduled in 182 EX/Decision 31, the 8th consultation of Member States on the application of the Convention and Recommendation will be conducted pursuant to the adoption of guidelines for the preparation of reports at the 186th session of the Executive Board (186 EX/Decision 19 (II)). Technical assistance will be provided to Member States upon request for the preparation of their reports.

8. The publication “Implementing the Right to Education, A Compendium of practical examples based on the Seventh Consultation of Member States on the implementation of the Convention and the Recommendation against Discrimination in Education”<sup>3</sup> was broadly disseminated to Permanent Delegations, National Commissions, UNESCO’s field offices as well as to partners working in the field of the right to education. This publication serves as an essential tool for information-sharing on concrete actions taken at national level within the framework of UNESCO’s normative action and the realization of the right to education in the context of Education for All (EFA). The French version is being prepared.

9. A database on the right to education and its legal framework is under development. It will contain information by countries regarding ratification and reporting status of UNESCO conventions and other United Nations treaties related to the right to education as well as domestic legal framework (constitutional, legislative and administrative) and case law.

10. In addition, in order to raise greater awareness on the importance of giving effect to and to promote the Convention and the Recommendation, the Secretariat has supported different events on the right to education such as the photo exhibition “No to Discrimination in Education!” in cooperation with the Latin-American Campaign for the Right to Education (CLADE) at UNESCO Headquarters (21 February 2011) and the International Catholic Child Bureau (BICE) International Congress on the right to education of children estranged from their families and socially excluded at UNESCO Headquarters (23 May 2011). At these occasions, various documents on the Convention and Recommendation were disseminated.<sup>4</sup>

11. Monitoring is reinforced within the framework of UNESCO’s collaboration with the United Nations system. The Joint Expert Group UNESCO (CR)/ECOSOC (CESCR) on the monitoring of the right to education held its 11th meeting on 29 April 2011 in Geneva, ahead of the 46th session of the United Nations Committee on Economic, Social and Cultural Rights (CESCR). The objective of this meeting was to take stock of the work of the Joint Expert Group, to define the methods of work for the future and to adopt a plan of activities for the two coming years. In addition, UNESCO has been sharing with the human rights treaty bodies the reports submitted to the Organization on the implementation of the Convention, along with in-house information and data, so that they draw upon these in the constructive dialogue they maintain with States. UNESCO’s contributions were notably sent to the CESCR, the Committee on the Rights of the Child and the Human Rights

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<sup>3</sup> <http://unesdoc.unesco.org/images/0019/001908/190897e.pdf>.

<sup>4</sup> Commentary on the Convention against Discrimination in Education; Significance of the Convention against Discrimination in Education; Ten Reasons why the Convention against Discrimination in Education is highly significant; Comparative Analysis between UNESCO Convention against Discrimination in Education and Articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights; The Right to Education: An Analysis of UNESCO’s Standard-setting Instruments; The Right to Primary Education Free of Charge for All: Ensuring compliance with international obligations; Inclusive Dimensions of the right to Education: Normative Bases.

Council. While examining country reports, the treaty bodies, notably within the framework of the Universal Periodic Review, recommend to States to ratify the 1960 Convention. The Concluding Observations adopted also relate to ensuring equality of opportunity in education.

- **1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (CLT)**

12. As of 23 June 2011, the Secretariat has received 45 national reports<sup>5</sup> from Member States. 42 submitted by the Parties to the Convention and 3 by States not yet Party (Botswana, Latvia and Monaco).

13. The first examination of the reports shows new development in national implementing legislations such as the recognition of the State's ownership to cultural objects originating from archaeological excavations (e.g. Angola, Botswana, Burkina Faso and Germany), the elaboration of awareness-raising strategies (e.g. Canada), better knowledge of codes of professional ethics even if they are not legally binding. The reports also show that further training of police or customs officers is needed in order to fight more efficiently against the illicit traffic in cultural property.

- **1989 Convention on Technical and Vocational Education (ED)**

14. In the framework of the new UNESCO Strategy for Technical and Vocational Education and Training (TVET), the Education Sector had commissioned an independent study on the impact of this instrument (including the 2001 Recommendation), examining in particular why only 17 Member States have ratified the Convention. Based on this study, the Organization will choose to update the 2001 Recommendation, decide on the future of the Convention, or prepare a new normative instrument on skills and competencies across the education and training sector (182 EX/INF.5, paragraph 16).

15. The independent evaluation report of the TVET normative instruments has been submitted to the Secretariat and its executive summary is presented to the Executive Board. Based on desk research and survey of Member States, the evaluation provides an assessment of the relevance of the normative instruments and elements on their impact on TVET policies in Member States and proposes two options of going forward (see document 187 EX/20 Part IV).

- **1960 Recommendation against Discrimination in Education (ED)**

16. (See paragraphs 6 to 11 above)

- **1966 Recommendation concerning the Status of Teachers and 1997 Recommendation concerning the Status of Higher-Education Teaching Personnel (ED)**

17. Monitoring the application of these two Recommendations was reinforced:

- In close collaboration with International Labour Organization (ILO), the Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART) Working Group on Allegations continued the monitoring of developments regarding existing allegations and commenced the process of a new allegation;

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<sup>5</sup> Angola, Argentina, Australia, Belgium, Bosnia and Herzegovina, Botswana, Burkina Faso, Canada, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Estonia, Finland, Georgia, Germany, Greece, Hungary, Italy, Japan, Jordan, Latvia, Lithuania, Mauritius, Mexico, Monaco, Netherlands, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Sweden, the Former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America and Viet Nam.

- A questionnaire to monitor Academic Freedom and Institutional Autonomy in Member States was developed and distributed to feed into a research study currently being conducted in compliance with paragraph 75 of the 1997 Recommendation;
- In preparation for World Teachers' Day (5 October) preparations have made headway, particularly in the planning and monitoring of celebration activities, promotional tools (posters, t-shirts) and communications (World Teachers' Day Joint Message with UNESCO, ILO, UNICEF, UNDP and Education International).

18. Awareness of the Recommendations was widely promoted and increased:

- Several workshops and Conferences were organized with UNESCO's field offices and key partners to promote the use of the Recommendations;
  - In Abuja (Nigeria), during the National Conference on Assessing and Addressing the Teacher Gap (21-24 March 2011) a working group to discuss the Recommendations with senior policy-makers was organized to mobilize support for the adoption of these Recommendations in the ongoing reform;
  - In Addis Ababa (Ethiopia), together with the International Institute for Capacity Building in Africa and the Commonwealth Secretariat, the 6th Commonwealth Research Symposium was co-organized (6-9 June 2011). Researchers, policy-makers and partners including the Commonwealth Ministries of Education, the African Union, the International Office of Migration, Education International and Save the Children were involved in discussions to incorporate the Recommendations in their policies and research on teacher mobility, recruitment and migration, teacher professionalism, addressing professional recognition, status and qualifications;
  - In Brussels (Belgium), during the European Sectoral Social Dialogue in Education's Working Group Meeting on Higher Education and Research (15 June 2011), an information session on the Recommendations was conducted with the European Trade Union Committee for Education and the European Federation of Education Employers; UNESCO publications, such as "Understanding and Using the Recommendations: A Users' Guide and the Tenth session report of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel" , were widely disseminated to partners and stakeholders during conferences, missions and advocacy sessions.
- **1974 Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms (ED)**

19. A series of materials have been developed to assist Member States in their integration of human rights education in the school systems, including "Contemporary Issues in Human Rights Education" (June 2011) highlighting Member States' efforts towards the development of a wide range of unique and individual approaches at the school level and in non-formal settings to promote the concept of human rights education. A DVD containing a short film "Education for Human Rights ... Young People Talking" developed in cooperation with the National Commissions and national coordinators of the ASPnet from 10 countries (Albania, Azerbaijan, Brazil, Burkina Faso, Canada, Dominican Republic, France, Indonesia, Lebanon and Uganda). The film showcases key concerns for schools today and special challenges viewed from a human rights education perspective. In this film, schoolchildren/youth (11-13 years old) express their views on the issues related to gender, violence, peace, diversity, etc.

20. The UNESCO Guidebook on Textbook Research and Textbook Revision (2nd revised and updated version – available in English, French version in print) targets teachers, educators, and curriculum developers involved in the development and/or revision of history textbooks within a multi-perspective-approach and with the aim of promoting international understanding. In particular, practical advice is given in the Guidebook for all textbooks reviewers. The Guidebook will be tested at the upcoming, first meeting of the drafting group of the “Pedagogical components of the General History of Africa”. An official launch of the Guidebook will take place during the 36th session of the General Conference.

21. The manual for educators and teachers “Learning to Live Together: An Intercultural and Interfaith Programme for Ethics Education” (available in Arabic, English, French, Spanish and other languages) continues to be widely promoted among partners including the Associated Schools Project network (ASPnet) schools. A first international seminar on the use of the material will take place at UNESCO Headquarters in July 2011, with the participation of pilot ASPnet school teachers as well as educators and youth leaders.

- 1974 Recommendation on the Status of Scientific Researchers (SHS)

22. The consultation on the follow-up to this Recommendation is under way in Member States. A report summarizing the responses received will be submitted to the Executive Board.

- **1976 Recommendation on the Development of Adult Education (ED)**

23. A draft questionnaire was prepared to be sent to all Member States in summer 2011 assessing the overall progress in adult learning and education for the first post 6th International Conference on Adult Education (CONFINTEA VI, Belém – Brazil – December 2009), Global Report on Adult Learning and Education (GRALE 2). The GRALE 2 will focus on adult literacy as a theme and feed into the United Nations Literacy Decade end-assessment in 2012. It is envisioned that GRALE will be a regular, systematic international monitoring tool in adult learning, in support of the monitoring of the implementation of the Nairobi Recommendation and the Belém Framework for Action.

24. Information and news on the CONFINTEA follow-up disseminated via the CONFINTEA website and through UNESCO Institute for Lifelong Learning’s (UIL) regular newsletter. A second issue of the CONFINTEA follow-up news bulletin was prepared to disseminate information forwarded to UIL from Member States.

25. The first Regional CONFINTEA VI Follow-up Meeting (for Latin America and the Caribbean) took place in Mexico City from 25 to 27 May 2011. Around 250 participants from 48 Member States (including some from outside the region) gathered to discuss and generate regional action points for implementing and monitoring the Belém Framework for Action recommendations. Fifty-five concrete action points were identified.

26. A set of consultation questions was sent to Member States to develop the UNESCO Guidelines on recognition of all forms of learning with a focus on non-formal and informal learning. The Guidelines aim to constitute an international framework, providing an orientation for developing national policy and international cooperation in this area. Member States are asked to participate actively in the drafting process.

- **1978 Revised Recommendation concerning the International Standardization of Educational Statistics (UIS)**

27. The proposed revisions to the International Standard Classification of Education (ISCED 1997) were finalized by the UIS following the ISCED Technical Advisory Panel’s last meeting in Bonn (Germany) on 10 and 11 February 2011. The final proposal takes account of the comments

and suggestions received during the global consultation on the draft proposal conducted in the second half of 2010 and the detailed advice of the Technical Advisory Panel members

28. The final text will be submitted to the 36th session of the General Conference for approval and adoption. The new ISCED proposal is currently available on the UIS website .

- **1980 Recommendation concerning the Status of the Artist (CLT)**

29. The World Congress on the Implementation of the Status of the Artist (Paris, 20 June 1997) called upon UNESCO to set up a monitoring mechanism on the implementation of the Recommendation worldwide. In 2003, UNESCO created the online World Observatory on the status of the artist as a platform to share information on measures taken by Member States to improve the social and economic status of artists and, in doing so, contribute to the monitoring of the Recommendation. In accordance with the specific multi-stage procedure, the Secretariat collected information from Member States, National Commissions and non-governmental organizations on the implementation of the Recommendation through a questionnaire. The responses provided by Member States are available on the World Observatory platform – as is the questionnaire – in English, French and Spanish.

30. On the basis of the Member States' responses to the questionnaire, the Secretariat prepared a consolidated report on the implementation by Member States of the Recommendation. This report is submitted to the present session of the Board (see document 187 EX/20 Part VII). The Board will transmit this report to the 36th session of the General Conference, together with its observations and any that the Director-General may wish to make.

- **1993 Recommendation on the Recognition of Studies and Qualifications in Higher Education (ED)**

31. Since 1975, UNESCO has initiated six regional conventions on mutual recognition of degrees, diplomas and studies in Latin America and the Caribbean (1975), in the Mediterranean States (1976), the Arab States (1978), Europe (1979), Africa (1981), Asia and the Pacific (1983). These regional conventions are legally binding instruments which aim at promoting and facilitating academic mobility. At present, more than 130 countries have ratified one or more of the six regional conventions.

32. In 2010, UNESCO has sought to strengthen the links between the normative instruments and their reflection in national legislation and practices while continuing to monitor and report on the 1993 Recommendation on the Recognition of Studies and Qualifications. A consolidated report on the implementation by Member States of this Recommendation is submitted to the present session of the Executive Board (see document 187 EX/20 Part II).

33. UNESCO is supporting the revision process of two regional Conventions: the 1981 Regional Convention on the Recognition of Studies, Certificates, Diplomas, Degrees and other Academic Qualifications in Higher Education in the African States and the 1983 Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Asia and the Pacific. The revised texts have been developed by the drafting groups of the Regional Committees of these Conventions and will be submitted for consideration and adoption by international Conference of States. As per 185 EX/Decision 10, an international conference of states will be held in Japan (25-26 November 2011) for the revision of the Revised 1983 Regional Convention. The invitations to the international conference of states for the revision of the 1981 Regional Convention is submitted to the present session of the Board (see document 187 EX/9).

34. In addition, UNESCO is supporting the other three Regional Conventions on the Recognition of Qualifications, and an Inter-regional Convention on the Recognition of Qualifications in Higher Education. UNESCO also provides the Secretariat for the Bologna Follow-up Group and aim to promote links between European developments in the Bologna Process: restructuring degree

systems, promoting mutual recognition of degrees and introducing quality assurance mechanisms. These reforms are also of great importance to other regions aiming at creating Higher Education and research areas, in particular Asia and the Pacific (the development of a new recognition convention) and Africa (the development of a new recognition convention in partnership with the African Union). Furthermore, inter-regional support for identifying areas of cooperation between the intergovernmental committees of the five Regional and one Inter-regional Conventions on the Recognition of Qualifications in Higher Education is another key priority.

- **2001 Revised Recommendation concerning Technical and Vocational Education (ED)**

35. (See paragraphs 14 to 15 above.)

- **2003 Recommendation concerning the Promotion and Use of Multilingualism and Universal Access to Cyberspace (CI)**

36. The Secretariat undertook several measures aiming at facilitating the implementation of this Recommendation by Member States into national policies, legislation and strategies:

- In order to assist Member States in the formulation of comprehensive national language policies, the Secretariat organized an expert group meeting entitled “Towards UNESCO Guidelines on Language Policies: a Tool for Language Assessment and Planning” (30 May - 1 June 2011);
- A project was launched in Latin America in order to assist Member States in training decision-makers in implementing the policy measures recommended in this Recommendation. UNESCO carried out several training activities, in partnership with the Organization of American States. As a result, capacities of policy and decision makers from Latin America were strengthened to implement approved normative documents and instruments in the field of universal access to information and the promotion and use of multilingualism.

37. Furthermore, the Organization continued to raise awareness on these issues at the international level:

- In June 2011, UNESCO hosted Broadband Commission’s working group session on multilingualism;
- UNESCO, together with OECD and ISOC, is working on a study entitled “The economic aspects of local content creation and local Internet infrastructure” to be presented at the forthcoming Internet Governance Forum in September 2011, Nairobi (Kenya);
- UNESCO provided support to the organization of the 2nd international conference on Linguistic Diversity in Cyberspace to be held from 12 to 14 July 2011 in Yakutsk (Russian Federation).

### **Action expected of the Executive Board**

38. In the light of the foregoing, the Executive Board may wish to adopt a decision along the following lines:

The Executive Board,

1. Recalling 15 C/Resolution 12.2, 23 C/Resolution 29.1, 165 EX/Decision 6.2, 32 C/Resolution 77, 170 EX/Decision 6.2, 171 EX/Decision 27, 174 EX/Decision 21, 175 EX/Decision 28, 176 EX/Decision 33, 177 EX/Decision 35 (I and II),



34 C/Resolution 87, 180 EX/Decision 31, 181 EX/Decision 27, 182 EX/Decision 31, 184 EX/Decision 20, 185 EX/Decision 23 (I) and 186 EX/Decision 19 (I) relating to the first aspect of the terms of reference of the Committee on Conventions and Recommendations (CR), which concerns the implementation of UNESCO's standard-setting instruments,

2. Having examined document 187 EX/20 Part I and the report of the Committee on Conventions and Recommendations thereon (187 EX/...),
3. Urges Member States once again to fulfil their legal obligations under Article VIII of the Constitution of UNESCO regarding periodic reports on the action taken on conventions and recommendations;
4. Requests the Director-General to ensure the implementation of the new legal framework by the programme sectors and the UNESCO Institute of Statistics (UIS), which have responsibility for the conventions and recommendations monitored by the CR Committee;
5. Decides to continue consideration of the matter at its 189th session.



United Nations  
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**Executive Board**  
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**Part II**

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**IMPLEMENTATION OF STANDARD-SETTING INSTRUMENTS**

**PART II**

**APPLICATION OF THE 1993 RECOMMENDATION ON THE  
RECOGNITION OF STUDIES AND QUALIFICATIONS IN HIGHER EDUCATION**

**SUMMARY**

In accordance with 34 C/Resolution 87, 177 EX/Decision 35, 184 EX/Decision 20 and 186 EX/Decision 19 Part III, the Director-General presents a report on the monitoring of the 1993 Recommendation on the Recognition of Studies and Qualifications in Higher Education.

This report is based on the analysis of replies to a questionnaire issued to all Member States in May 2011 as well as in-house resources. The information supplied by Member States also refers to the implementation of the regional and interregional Conventions on recognition in higher education.

Action expected of the Executive Board: Draft decision in paragraph 28.

## Introduction

1. Adopted by the 27th session of UNESCO's General Conference in 1993, the Recommendation on the Recognition of Studies and Qualifications in Higher Education (henceforth "1993 Recommendation") is the basis for an international framework to address interregional issues relating to recognition of higher education qualifications and quality assurance in the global context.
2. At the time of the adoption of the 1993 Recommendation, five regional and one inter-regional Convention on recognition in higher education had been established. Consensus for a universal Convention for all regions was not reached; therefore, it was decided to move forward with a Recommendation on recognition of studies and qualifications in higher education.
3. The 1993 Recommendation calls for mutual recognition of studies and qualifications in higher education by all competent authorities and institutions. It provides for action by and cooperation among various stakeholders of higher education, particularly national/regional bodies and authorities, institutions of higher education, validating bodies and professional organizations. It also recalls the responsibility of Member States to provide education as a human right and emphasizes the need for concerted policy and planning.
4. The 1993 Recommendation is highly significant in that it stresses the fundamental understanding of knowledge as universal and a part of the common heritage of humankind, and it promotes making knowledge and learning more accessible to each individual. The Recommendation contains provisions for establishing mechanisms and procedures to harmonize degrees, qualifications and standards, ensure quality, and carry out fair and expeditious assessments of skills and competencies. The 1993 Recommendation also highlights the need for bilateral and multilateral international knowledge sharing, cooperation and coordination among governmental bodies and higher education institutions. This Recommendation reflects UNESCO's aim to promote access, equity and quality at systems and policy level worldwide.
5. Following 34 C/Resolution 87 of the General Conference, the UNESCO Secretariat monitors the 1993 Recommendation as a matter of priority. UNESCO assesses the implementation of the 1993 Recommendation primarily through monitoring the implementation of the regional and interregional Conventions on the recognition of studies, diplomas and degrees in higher education.
6. Currently, two of the regional Conventions, namely the 1981 Regional Convention on the Recognition of Studies, Certificates, Diplomas, Degrees and other Academic Qualifications in Higher Education in the African States (henceforth "Arusha Convention"), and the 1983 Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Asia and the Pacific (henceforth "Asia-Pacific Convention"), are being examined and revised pursuant to 35 C/Resolution 11.
7. In the context of the monitoring of the 1993 Recommendation, it is important to note that each future newly-revised regional Convention will be open for ratification by all UNESCO Member States. Each newly revised regional Convention also will follow the same basic principles for recognition in higher education as the other "new generation" Conventions on recognition in higher education.
8. As of 25 August 2011, the UNESCO Secretariat had received 20 reports from Member States.<sup>1</sup> All UNESCO regions are represented in the group of responding Member States. As the response rate is rather low, action should be taken by the UNESCO Secretariat and the Member States to improve it. The national reports vary in terms of the amount of information provided, level

<sup>1</sup> Belgium (French Community), Bosnia-Herzegovina, Brazil, Bulgaria, Canada, Cyprus, Fiji, Finland, Germany, Hungary, Israel, Japan, Latvia, Macedonia, Mexico, Poland, Republic of Korea, Slovenia, Turkey, Uganda. Reports from Brazil, Bulgaria, and Cyprus are not reflected in this report as they were received by the Secretariat after the consolidated report was completed.

of detail and structure. This report synthesizes the information provided by Member States in response to the questionnaire as well as in-house resources.

## **Implementation of the 1993 Recommendation**

### **Parties to regional or inter-regional Conventions on recognition in higher education (1993 Recommendation Article 4)**

9. Most Member States that responded to the questionnaire are Parties to the Convention on the Recognition of Qualifications concerning Higher Education in the European Region (henceforth “Lisbon Convention”). Two Member States are parties to other Conventions: Mexico to the Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Latin America and the Caribbean (henceforth “LAC Convention”); and the Republic of Korea to the Asia-Pacific Convention. Two Member States that submitted feedback on the questionnaire are parties to two different conventions on recognition in higher education: Bosnia and Herzegovina is party to the Lisbon Convention and the International Convention on the Recognition of Studies, Certificates, Diplomas and Degrees in Higher Education the Arab and European States bordering on the Mediterranean (henceforth “Mediterranean Convention”); Turkey is party to the Lisbon Convention and the Asia-Pacific Convention.

10. Three of the Member States responding to the questionnaire are not Party to any Convention on recognition in higher education. Among these, Japan will host the International Conference of States for the assessment and adoption of the newly-revised Asia-Pacific Convention (25-26 November 2011). The Conference is expected to be an opportunity to further encourage Member States in the region and beyond to re-assess and re-confirm their commitment to fair recognition in higher education. New Parties to the revised Regional Convention will increase the overall number of States Parties to Conventions on recognition in higher education.

11. All six Conventions on recognition in higher education have been signed by 133 Member States. Nearly 30 Member States are Parties to more than one regional or interregional Convention on recognition in higher education. This interregional cross-over is further encouraged by the future new generation of conventions, which will be open for ratification by any UNESCO Member State and which follow the same principles for fair recognition.

### **Policy and legislation (1993 Recommendation Articles 8-17)**

12. Most Member States that responded to the questionnaire have legislation in place to support recognition in higher education. States Parties to the Lisbon Convention usually incorporate the principles or exact language of the Convention into national legislation. In Israel and Japan, sole authority for recognition of higher education credentials rests with the higher education institutions. The University Council of Japan contributes proposals to governmental policies on recognition.

13. In addition to legislation, there are instances of significant policy reforms: the Higher Education Globalization Strategy was implemented in the Republic of Korea to promote exchange of professors, researchers and students; Uganda has developed guidelines for the equation of degrees, diplomas and certificates; in Mexico, criteria have been developed to guide the process of recognizing studies. Many Member States have established or are in the process of establishing National Qualifications Frameworks and equivalency frameworks to ensure the recognition of prior learning.

### **Publicly accessible information on recognition in higher education (1993 Recommendation Article 18)**

14. All Member States responding to the questionnaire indicate that lists or registries of legal, accredited higher education institutions are publicly available, usually on the website maintained by the Ministry responsible for higher education. States Parties to the Lisbon Convention also provide

this information on the European Network of Information Centres/National Academic Recognition Information Centres (ENIC/NARIC) website.<sup>2</sup> Several of the Member States responding to the questionnaire have also joined the UNESCO Portal on Higher Education Institutions;<sup>3</sup> this resource is most valuable to Member States not signatory to the Lisbon Convention and which do not have the infrastructure of the ENIC/NARIC networks in place.

15. The 1993 Recommendation is often not acknowledged by the States Parties to the Lisbon Convention. In other regions, where the Convention on recognition in higher education has not yet been revised and an implementing infrastructure is not in place, the 1993 Recommendation is used in various ways to inform the public about recognition in higher education. In Japan, for example, the 1993 Recommendation was translated into Japanese and used to promote understanding of recognition in higher education.

### **Quality Assurance (1993 Recommendation Article 19)**

16. Quality assurance (QA) in higher education has become a global concern. In the context of recognition, quality assurance is the basis upon which fair recognition is possible within Member States and internationally. All Member States responding to the questionnaire as well as those involved in the Bologna Process, and Member States with bilateral agreements on recognition in higher education, have established QA systems. Most commonly, QA is based on internal as well as external assessment. It is commonly linked with the accreditation process as a means to determine which higher education institutions can be included in a public registry of recognized institutions.

17. QA is a regional as well as a national concern. The report from Uganda clearly states that QA is considered a regional issue and a building block towards harmonization to promote global competition and mobility of students and lecturers. Nearly every UNESCO Member State is a member of a regional network on QA and thereby, beneficiary of the UNESCO/World Bank Global Initiative on Quality Assurance Capacity Building (GIQAC).

### **Information exchange for fair recognition (1993 Recommendation Article 20)**

18. In many Member States, the ministry responsible for higher education handles inquiries from national and international parties regarding recognition in higher education. States Parties to the Lisbon Convention have established information centres specifically dedicated to recognition issues. National Information Centres for recognition in higher education are generally responsible for delivering opinions and information on documents of higher education obtained abroad, providing information on recognition procedures and the respective higher education system, and assisting applicants seeking recognition of higher education qualifications, and may conduct conferences or seminars on recognition issues.

19. UNESCO is co-secretariat with the Council of Europe to the European Network of Information Centres in the European Region (ENIC), while the European Commission is secretariat to the National Academic Recognition Information Centres in the European Union (NARIC). The ENIC/NARIC network is comprised of information centres of all 57 States Parties to the Lisbon Convention (10 are outside the European Region) and is an essential implementation tool to the Lisbon Convention.

### **International, interregional cooperation (1993 Recommendation Articles 21-23)**

20. The most successful example of sustained international cooperation in the field of recognition is the ENIC/NARIC network. The network is in daily communication via a listserve to share information, conduct surveys and consult regarding policies and practice. The annual joint meeting and the regular working sessions of the secretariats, working groups, and bureau of the Lisbon

<sup>2</sup> <http://www.enic-naric.net>.

<sup>3</sup> [http://portal.unesco.org/education/en/ev.php-URL\\_ID=49864&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/education/en/ev.php-URL_ID=49864&URL_DO=DO_TOPIC&URL_SECTION=201.html).

Convention support a high level of professionalism and consistent capacity-building among the parties to the Lisbon Convention.

21. In the national report, Bosnia and Herzegovina, a member of the ENIC/NARIC network, draws a direct comparison between the Lisbon and the Mediterranean Conventions, and notes that the Mediterranean Convention network has no infrastructure (listserve, regular meetings) for the swift exchange of information.

22. Member States usually have bilateral agreements on academic exchange and recognition of higher education studies and qualifications. In an example of a multilateral agreement, Japan and the Republic of Korea reported together with China, on the initiative “CAMPUS Asia” to promote exchange among select universities in all three countries. Uganda noted a variety of projects with international partners addressing the issue of quality of higher education, notably the East African Common Market Protocol, which uses the Mutual Recognition of Academic and Professional Qualifications to promote free mobility of the labour force in the region.

23. It is commonly noted that recognition of degrees is less problematic between countries that share similar histories in the development of their higher education systems, for example among members of the Commonwealth. A common language or access to information in English helps facilitate recognition in higher education among countries with more disparate higher education systems.

#### **The way forward – Future monitoring of the 1993 Recommendation**

24. Most Member States responding to the questionnaire are States Parties to the Lisbon Convention and state that the Convention overshadows the 1993 Recommendation as the more recent, visible and stronger legal instrument for recognition in higher education. It should be noted that as of this report, the Lisbon Convention is the only regional Convention to have undergone revision. Furthermore, the ENIC/NARIC networks for implementing the Convention are active and well organized, with regular financial support and a stable infrastructure.

25. Meanwhile, in the absence of a universal Convention on recognition, the lack of perceived relevance of the old generation of Conventions and in light of the number of Member States not party to any of the existing Conventions on recognition, the 1993 Recommendation remains relevant at this time as a normative instrument connecting all regions and serving all Member States. The monitoring exercise is also a way to raise awareness of the Recommendation in Member States. For example, Fiji expressed that the questionnaire was informative on various aspects of the Recommendation and the need to formalize arrangements with regard to recognition in higher education. UNESCO will continue to monitor the 1993 Recommendation as a priority (34 C/Resolution 87) via questionnaires and reporting by all Member States.

26. The 1993 Recommendation will be monitored via the regional and inter-regional Conventions on recognition in higher education. The Republic of Korea states the hope that the future revised Asia-Pacific Convention will provide a basic framework to promote multi-lateral networks and cooperation rather than solely bilateral partnerships in the region. The new generation of Conventions promotes principles of fair recognition by requiring the demonstration of substantial differences if recognition is denied. Furthermore, the future revised Conventions, which address new dynamics in higher education since the 1970s and 1980s such as massification, diversification and globalization, will be open for ratification by all Member States, thus serving as inter-regional instruments to support the global mobility of students and graduates in addition to the 1993 Recommendation.

27. The three oldest Conventions – LAC Convention (1974), the Mediterranean Convention (1976) and the Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the Arab States (1978) – are not subject to a revision process. UNESCO will support the revisions of these three conventions in a timely way as appropriate.

### Action expected of the Executive Board

28. In light of the above, the Executive Board may wish to consider the following decision:

The Executive Board,

1. Having examined document 187 EX/20 Part II and the report of the Committee of Conventions and Recommendations on the application of the 1993 Recommendation (187 EX/...),
2. Invites the Director-General to transmit document 187 EX/20 Part II to the 36th session of the General Conference along with the comments of the Executive Board thereon;
3. Recommends that the General Conference adopt the following draft resolution:

The General Conference,

1. Recalling that at its 27th session (Paris, 1993) it adopted the Recommendation on the Recognition of Studies and Qualifications in Higher Education,
2. Recalling that at its 34th session (Paris, 2007) it identified the Recommendation on the Recognition of Studies and Qualifications in Higher Education as a priority to be monitored by the UNESCO Secretariat (34 C/Resolution 87),
3. Recalling 177 EX/35, 184 EX/Decision 20 and 186 EX/Decision 19 Part III,
4. Takes note of the report on the implementation of the 1993 Recommendation on the Recognition of Studies and Qualifications in Higher Education;
5. Recognizes and welcomes the progress made in the implementation of certain items of the Recommendation, in particular the adoption of comprehensive policies and legislation on recognition;
6. Invites all Member States to strengthen their efforts to ensure the full and comprehensive implementation of the items of the 1993 Recommendation, to recognize knowledge as universal and a part of the common heritage of humankind, and to promote making knowledge and learning more accessible to each individual;
7. Invites the Director-General to:
  - (a) promote the development of successful infrastructure for implementation of the 1993 Recommendation through the six Conventions on recognition in higher education;
  - (b) provide effective technical support to Member States to facilitate recognition across all regions; and
  - (e) continue monitoring as a priority the 1993 Recommendation, particularly in the context of the revisions to the regional and interregional Conventions on recognition in higher education.



United Nations  
Educational, Scientific and  
Cultural Organization

# Executive Board

Hundred and eighty-seventh session

# 187 EX/20 Part III

PARIS, 19 September 2011  
Original: French

Item 20 of the provisional agenda

## IMPLEMENTATION OF STANDARD-SETTING INSTRUMENTS

### PART III

#### APPLICATION OF THE 1970 CONVENTION ON THE MEANS OF PROHIBITING AND PREVENTING THE ILLICIT IMPORT, EXPORT AND TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY

##### SUMMARY

In accordance with the new procedures approved in 2007 for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided (177 EX/Decision 35 (I and II)), the Executive Board has adopted a multi-stage procedure for the monitoring of the implementation of these standard-setting instruments, including the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

In compliance with the 2009-2013 timetable of work of the Committee on Conventions and Recommendations on the implementation of these standard-setting instruments, and in pursuance of 184 EX/Decision 25, the Director-General submits to the Executive Board this summary of the reports received from Member States on the measures taken for the implementation of the Convention, for transmission to the General Conference at its 36th session, together with the Board's comments thereon.

No financial and administrative implications are anticipated from the proposed decision.

Action expected of the Executive Board: proposed decision in paragraph 8.



1. The 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (hereinafter the 1970 Convention) was adopted by the General Conference on 14 November 1970 at its 16th session. As at 1 July 2011, there were 120 States Parties to the Convention.<sup>1</sup>

2. Under Article VIII of the Constitution of UNESCO, Member States are required to submit a report on the legislative and administrative provisions they have adopted and on other measures taken to implement the conventions and recommendations adopted by the Organization. In accordance with the specific multi-stage procedure for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided (177 EX/Decision 35 (I)) and with 32 C/Resolution 38, the periodicity for submitting such reports on the implementation of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property is set at four-year intervals. The purpose of reporting is to illustrate the action taken to implement the Convention and the progress achieved or obstacles encountered by States Parties.

3. It should be pointed out that reporting by Member States on action taken by them to implement conventions and recommendations adopted by the General Conference is required under Article IV of the Constitution of UNESCO, Article 17 of the Rules of Procedure concerning recommendations to Member States and international conventions, and Article 16 of the 1970 Convention for States Parties alone.

4. In compliance with the 2009-2013 timetable of work of the Committee on Conventions and Recommendations on the implementation of those standard-setting instruments for whose monitoring the Board is responsible (182 EX/Decision 31), the Executive Board, at its 184th session, approved the guidelines drawn up by the Secretariat for the preparation of reports by Member States on the application of the 1970 Convention (see Annex to 184 EX/Decision 25), on the basis of the framework guidelines approved by the Board at its 177th session (177 EX/Decision 35 (II)).

5. Pursuant to 184 EX/Decision 25, the Assistant Director-General for Culture invited States Parties to the Convention, by letter dated 4 August 2010 (Ref. CLT/CIH/MCO/10/449), to submit to the Organization their reports on the implementation of the Convention, if possible by 31 January 2011. In another letter bearing the same date, the Assistant Director-General for Culture also invited Member States of UNESCO that are not Parties to the Convention to provide to the Organization information on progress towards ratification or, as the case may be, on obstacles to the successful completion of such action, if possible by 31 January 2011.

6. As at 30 June 2011, the Secretariat had received 45 answers to those letters, including letters from (i) the following 42 States Parties to the 1970 Convention: Angola, Argentina, Australia, Belgium, Bosnia and Herzegovina, Burkina Faso, Canada, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Estonia, Finland, Georgia, Germany, Greece, Hungary, Italy, Japan, Jordan, Lithuania, Mauritius, Mexico, Netherlands, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Sweden, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America and Viet Nam; and from (ii) the three following States, that are not yet Parties to the 1970 Convention: Botswana, Latvia and Monaco.

7. In accordance with the abovementioned timetable of work and with 184 EX/Decision 25, the Secretariat submits to the Executive Board the summary of the reports received, set out in the Annex to this document, for transmission to the General Conference at its 36th session together with the Board's comments thereon in the light of the Board Members' discussions on the subject.

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<sup>1</sup> The list of States Parties is available at:  
<http://portal.unesco.org/la/convention.asp?order=alpha&language=E&KO=13039>.

A summary of each of the 45 national reports submitted to the Secretariat will be available in English and French on UNESCO's website.<sup>2</sup>

### Action expected of the Executive Board

8. In view of the information contained in this document, the Executive Board may wish to adopt the following draft decision:

The Executive Board,

1. Bearing in mind Member States' obligations under Article VIII of the Constitution of UNESCO and Article 17 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,
2. Recalling 177 EX/Decision 35 (I and II) and 184 EX/Decision 25,
3. Having examined document 187 EX/20 Part III and the report of the Committee on Conventions and Recommendations thereon,
4. Noting that the number of reports submitted by States Parties to the 1970 Convention remains very inadequate in view of the obligation of each State Party to report under Article 16 of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property,
5. Noting with satisfaction that several Member States not yet Parties to the 1970 Convention have provided information on the action taken upon the Convention, and in particular on their intention to ratify it,
6. Stressing the importance of transmitting to UNESCO precise information on the measures taken by States to protect cultural property on their territory, particularly in regard to the successes, failures and obstacles encountered in implementing the Convention, and on any requests for assistance that they might make in that respect,
7. Considering that action to combat trafficking in cultural property needs to be strengthened at the national as well as the international level,
8. Invites the States that are not yet Parties to the 1970 Convention and to the 1995 UNIDROIT Convention, which complements it, to ratify these conventions;
9. Reminds States Parties of their obligations under the 1970 Convention in respect of effective implementation, and in particular their obligation to report under Article 16 thereof;
10. Emphasizes that the content of such reports should be as detailed as possible to enable an accurate understanding and evaluation of the implementation of the 1970 Convention,
11. Encourages States Parties to the 1970 Convention to assess the national measures taken to implement the Convention so that areas of weakness may be identified and appropriate adjustments or improvements made;
12. Invites Member States and the Director-General to pursue activities aimed at strengthening regional and international cooperation, in particular by encouraging the

<sup>2</sup>

<http://www.unesco.org/new/en/culture/themes/movable-heritage-and-museums/illicit-traffic-of-cultural-property/>.

introduction of an international system to facilitate the restitution of stolen or illicitly exported cultural property;

13. Invites the Director-General to transmit to the General Conference at its 36th session the summary of the reports received from Member States on the measures taken for the implementation of the 1970 Convention, together with the Executive Board's comments and any comments that the Director-General may wish to make.

## ANNEX

### SUMMARY OF REPORTS RECEIVED

This annex contains, for information and reference, a summary of the reports submitted to the Secretariat as at 30 June 2011 by 42 States Parties<sup>1</sup> to the 1970 Convention and three States that are not Parties<sup>2</sup> to the instrument, on the most significant measures they have adopted to implement the 1970 Convention and the principles contained therein, and the action they have taken at the national level to combat trafficking in cultural property more effectively. It also draws the attention of the Executive Board to the information provided by the States on the main obstacles and difficulties encountered, and proposes means of overcoming them, drawn from the practical experience of these States.

The information is presented according to the guidelines given to the States for the preparation of their reports, under the following headings:

- Implementation in the national legal system and in the organization of services;
- Inventories and identification;
- Measures taken to prevent illicit excavations;
- Measures taken to control the export and import of cultural property;
- System of exchange, acquisition, ownership and transfer of ownership of cultural property;
- Bilateral agreements;
- Educational means and raising of public awareness – code of ethics;
- Cooperation with other international and regional agencies;
- Adequacy, effectiveness, weakness and adjustments or improvements to be made;
- Other measures and additional comments.

Should additional information become available, the Secretariat will issue an addendum to the present document.

#### 1. Implementation in the national legal system and in the organization of services

Most of the reports received mention that the States have adopted **specific regulations** on the protection of cultural heritage and have **specialist public services** (Mexico) at the national and/or local level, which guarantee the enforcement of these regulations (inter-ministerial and administrative coordination in Jordan, Mexico, Norway, Netherlands and Ukraine for example; cooperation in tax matters between the cultural heritage department and customs officials in Angola). Several States have **legal structures and measures** for dealing with offences against cultural property (Australia, China, Croatia, Cuba, Greece, Latvia, Lithuania, Mexico, Netherlands, Romania, Sweden, Ukraine, United Kingdom and United States).

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<sup>1</sup> Angola, Argentina, Australia, Belgium, Bosnia and Herzegovina, Burkina Faso, Canada, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Estonia, Finland, Georgia, Germany, Greece, Hungary, Italy, Japan, Jordan, Lithuania, Mauritius, Mexico, Netherlands, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Sweden, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom, United Republic of Tanzania, United States and Viet Nam.

<sup>2</sup> Botswana, Latvia and Monaco.

A number of States have put in place **risk management** programmes and **security plans for the prevention of damage to cultural property** for museums, archaeological sites and monuments (Argentina, Ecuador, Mexico, Norway, Netherlands and Ukraine).

## 2. Inventories and identification

Most countries that submitted a report stated that they describe cultural property with reference to the **definition** provided in the 1970 Convention, and have established a comprehensive national **register** or **list** of all the cultural property in the country's public collections, in which the objects may be ranked according to their heritage value.

Some States use the **Object-ID criteria**<sup>3</sup> (Republic of Korea, for example) to identify their cultural property, and some have **digitized registers and documents** (Canada, Czech Republic and Estonia). Others have created **inventories** and **databases for the management of cultural objects** (Colombia, Ecuador and United Kingdom) accessible to trained staff who are responsible for their protection. There are also lists of property owned by non-governmental organizations and individuals (Jordan and Viet Nam).

**Inventories of public or private objects** and of **ecclesiastical heritage** have also been established in some countries (Ecuador, Finland, Italy, Netherlands and Sweden) and **cooperation** with the **religious authorities** is ensured (in Colombia, Norway and Romania, for example) to ensure specific protection of property used for worship.

With regard to the **spoliation of cultural property during the Second World War**, several States (Germany, Poland and United Kingdom) have adopted specific provisions in order to facilitate the **identification** and **restitution** of the property concerned.

## 3. Measures taken to prevent illicit excavations

**Illegal archaeological excavations** remain a serious problem (for example in Ecuador, Greece, Mexico, Romania and United Kingdom) and it is still very difficult to determine the origin of an object that has been illicitly excavated, and at what moment it was extracted from the ground and exported (Italy, Ukraine). Most States protect their archaeological heritage, by **defining antiquities** (in Cyprus, for example), **identifying archaeological sites and findings** (Saudi Arabia and United Kingdom), **implementing preventive archaeology measures** (Czech Republic), and **prohibiting unauthorized excavation** (Estonia and Ukraine, for example), particularly at historic sites (Viet Nam). Some States consider that **ownership of cultural objects** that have not yet been discovered or have already been extracted from archaeological excavations lies with the public authorities (Angola, Argentina, Bosnia and Herzegovina, China, Ecuador, Hungary, Italy, Mexico, Poland and Ukraine in particular).

In general, excavations are carried out by **specialist agencies** with an **authorization** from the competent authorities (for example, in the former Yugoslav Republic of Macedonia, Lithuania, and Mauritius). **Metal detectors** are a recurrent problem (Estonia and United Kingdom) and although they are not prohibited, a **licence** is sometimes required for their use (Belgium, Germany, Lithuania and Sweden).

## 4. Measures taken to control the export and import of cultural property

Generally, as regards the **export** of cultural property, **permits** are required (Bosnia and Herzegovina, Botswana, Canada, Cyprus, Greece, Hungary, Romania and United Kingdom, among others) and **controls** are ensured (Ukraine and United States, for example), notably in **airports, ports and customs checkpoints** (Colombia and Ecuador) and particularly for **Iraqi**

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<sup>3</sup> Object-ID: an international standard for describing art, antiques and antiquities.

**cultural property** (Germany). However, generally speaking, **European Union regulation** is regarded as a restraint on effective control.

Most of the reports submitted highlight the fact that **specialist police units** (Belgium, Burkina Faso, Colombia, Hungary, Italy, Jordan, Lithuania, Romania and United Kingdom) and **customs units** (Canada, China, Ecuador, Greece, Latvia, Mexico, Romania and United States) have been trained to identify and protect cultural property that is imported and exported, particularly that of museums or of an archaeological nature, and to suppress trafficking (Netherlands, Poland, Sweden and Viet Nam).

In one State that is not yet Party to the Convention (Monaco), the **non-distainability** of loaned cultural property is **guaranteed**.

## **5. System of exchange, acquisition, ownership and transfer of ownership of cultural property**

Several States have established the principle of the **inalienability** of archaeological property or cultural property belonging to the State (Belgium, Burkina Faso, China, Ecuador, Finland, Portugal, Republic of Korea, Romania and Ukraine) and sometimes of that belonging to individuals (Cyprus for example) while others allow institutions to part with their cultural property (Australia for example). In Australia and Burkina Faso the sale of **human remains** and **ritual, secret and sacred indigenous objects**, is prohibited. Some States also believe that the European Directive of 1993 is insufficient and too vague to facilitate the return and restitution of cultural property (Czech Republic and Netherlands).

In certain countries, **art market professionals** are either not regulated by the State or simply follow general trade rules (Angola, Costa Rica, Germany, Hungary and Latvia) while in countries such as Cyprus and Jordan, trade in antiquities is prohibited. Generally, professionals are granted a **licence** and required to keep an **account book** or **register** specifying the nature of their transactions (Belgium, Greece, Italy, Monaco, Norway and Romania) and must sometimes even provide certificates of authenticity (Italy). In Australia, art dealers must pass a **knowledge test** before they can practice the profession.

Some States have provided their heritage service or specialist police with catalogues and **databases of stolen objects** (Croatia, Czech Republic, Hungary, Italy, Latvia, Lithuania, Norway, Romania, Ukraine and United Kingdom).

Generally speaking, there is a **disproportion** between the **scale of the movement** of cultural property and of **trafficking** and the **limits of regulation**. However, in some countries, the sale of archaeological property is prohibited, sometimes specifying a date prior to which the property is considered as *extra commercium* (Greece). **National treasures** generally qualify (Finland and Japan) and are banned from export (Bosnia and Herzegovina and Croatia).

As regards the **sale of cultural property on the Internet**, there is growing awareness in some States of the importance of combating this new form of trafficking through staff training (Croatia and Sweden) and by **signing agreements** with virtual auction platforms (Germany and United Kingdom).

## **6. Bilateral agreements**

Some States consider that these agreements are not necessary in view of the universal dimension of the Convention, but, the majority of them have signed bilateral agreements, arguing that it facilitates the implementation of the Convention and enhances its effectiveness (Ecuador, Greece, Mexico and United States), particularly for the protection of property considered to be vulnerable (Argentina, Australia and China). **Cooperation for the return** of cultural property is also favoured by the lending of objects, joint excavations and the organization of joint exhibitions (Italy).

However, most States understand the importance of **international and regional cooperation** (particularly in respect of police and customs services and mutual legal assistance in criminal matters) while denouncing, however, the **lack of political will** to cooperate (Latvia) in the fight against trafficking in cultural goods, particularly of the States that are recipients of cultural property.

## 7. Educational means and raising of public awareness - code of ethics

Several States have already established **training programmes** and **advertising campaigns**, on the radio and television (Argentina, Canada, Colombia, Estonia, the former Yugoslav Republic of Macedonia, Greece, Italy, Latvia, Mexico, United Kingdom and United States), but it is generally argued that **UNESCO should play a greater role** in education and awareness raising (Bosnia and Herzegovina, Greece, Norway and Romania) and in the development of ethical standards for the protection of cultural property (such as what is done in Mongolia with support from Monaco). This would involve **translating legal texts** contained in the cultural heritage laws database, conducting **awareness campaigns** for young people, local populations and the art market, organizing and facilitating the organization of seminars and providing training for professionals (Canada and Viet Nam).

In support of these requests, it is recalled that **raising the awareness of communities** is a lengthy and complex process, particularly in developing countries where trafficking is a potential source of income. Consequently, development of awareness-raising policies should be aimed at **local communities, tourists, young people** and **universities** (Cuba and Georgia). Nevertheless, this action can only be truly effective if it is coupled with a real incentive **to regulate effectively professions related to the art market**. One State (Netherlands) has developed a set of cards raising awareness about the protection of heritage and the implications of trafficking in cultural property.

Several countries adhere to **codes of ethics** for museums and dealers in cultural property (ICOM Code of Ethics and national codes of ethics), and ensure their dissemination (Republic of Korea). It is recognized, however, that as these texts are not binding, few countries guarantee their effective implementation.

Lastly, one State has adopted **specific directives for museums, libraries and archives** in order to better fight trafficking in cultural property (United Kingdom) and another (Poland) ensures the publication and distribution of **magazines** listing stolen and/or lost cultural property.

## 8. Cooperation with other international and regional agencies

Most of the reports analysed show that the majority of States **cooperate with INTERPOL** particularly through the establishment of National Central Bureaux of INTERPOL. The database on stolen works of art developed by the Organization is freely accessible to the public and has proven to be a tool that is used extensively and updated by the State authorities.

With regard to the 1995 **UNIDROIT Convention**, some States reported that they were in the process of ratifying the instrument (Burkina Faso and Sweden) and others said that they have incorporated certain provisions of it in their legislation (Netherlands for example) while not ratifying it. For one State (United Kingdom) the time limit (50 years) of the Convention is an obstacle to its ratification.

Cooperation with the **World Customs Organization (WCO)** is not yet ensured at the national level, but is at the regional level (Regional Intelligence Liaison Office - RILO). The UNESCO-WCO **Model Export Certificate for Cultural Objects** is well known and is frequently referred to.

The ICOM **Red Lists** and the “**One Hundred Missing Objects series**” are considered to be necessary by most States and their use for educational purposes and for the identification of missing property is appreciated (Argentina).

## 9. Adequacy, effectiveness, weakness and adjustments or improvements to be made

For several countries, it is alleged that the payment of **compensation to the possessor in good faith** is an obstacle to restitution and that the provisions of certain civil codes are over protective of the owners, even if the object was obtained by criminal means (Poland). Moreover, it is considered complicated to prove ownership or illegal possession of an object (Netherlands) and to define good faith.

The other main obstacles to restitution of property more specifically concern the **implementation of European Community provisions** (EEC Council Regulation of 9 December 1992 and Council Directive of 15 March 1993): the time limit for appeal for restitution in countries that have implemented these texts, the lack of border control and the lack of permits required for exporting cultural property below a certain value in the European area. There is a working group focusing on the revision of this Directive (Finland).

Some countries identified several obstacles to restitution: **differences in the definition** of cultural property, **varying degrees of protection** granted under different legislation (Greece), **cost and length of procedures** (Hungary), excessive disparities in the **investigative powers of the police** (Italy).

## 10. Other measures and additional comments

Generally speaking, in regard to action to combat trafficking in cultural property, particularly on the **Internet**, it is requested that **UNESCO become more actively involved** in the task with the main international players in this field (Ecuador and Netherlands) and that an International Tribunal be established for disputes regarding cultural property (Ecuador).

It is acknowledged that the **UNESCO Database of National Cultural Heritage Laws** is a highly appreciated and practical tool, particularly thanks to its universality and because it is an authoritative reference on past and current regulations applicable in a given territory. However, several States request that UNESCO take responsibility for the official translation of the texts posted on the Internet.

Several States stated that they followed closely the **work of the UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation**, either by participating as a member or as an observer. Some states wished to be involved merely actively in sessions by ensuring the participation of specialists, but were forced to give this up for financial reasons. Thus, it is requested that the Secretariat of the Intergovernmental Committee cover more of the travel expenses of foreign experts.





United Nations  
Educational, Scientific and  
Cultural Organization

# Executive Board

Hundred and eighty-seventh session

# 187 EX/20

## Part IV

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Item 20 of the provisional agenda

### IMPLEMENTATION OF STANDARD-SETTING INSTRUMENTS

#### PART IV

#### APPLICATION OF THE 1989 CONVENTION ON TECHNICAL AND VOCATIONAL EDUCATION (TVET) AND THE 2001 REVISED RECOMMENDATION CONCERNING TECHNICAL AND VOCATIONAL EDUCATION

##### SUMMARY

In accordance with 34 C/Resolution 87, 177 EX/Decision 35, 181 EX/Decision 8 and 184 EX/Decision 20, the Director-General submits to the Executive Board this document, which contains a summary of the independent study on the impact of the two UNESCO standard-setting instruments on technical and vocational education and training (TVET).

The study's findings are reported in the form of two scenarios that take account not only of the evaluation results but also of arrangements that seem to work well in the context of similar policies, in particular within the International Labour Organization and the European Union.

Action expected of the Executive Board: proposed decision in paragraph 11.

## Background

1. Pursuant to the Strategy for Technical and Vocational Education, adopted in 181 EX/Decision 8 and document 182 EX/INF.5, and preparatory to the formal examination of the implementation of the two UNESCO standard-setting instruments on TVET, namely the 1989 Convention on Technical and Vocational Education and the 2001 Revised Recommendation concerning Technical and Vocational Education, UNESCO commissioned an independent study on these instruments, in which various evaluation methods, including an analysis of the relevant documentation or surveys of Member States, could be used.

2. To carry out the study, a French consultancy firm, CIRCE Consultants, was commissioned by the Secretariat in accordance with UNESCO's rules and procedures. This document contains a summary of the independent study and the findings, which are in the form of two scenarios that take account not only of the evaluation results but also of arrangements that seem to work well in the context of similar policies, in particular within the International Labour Organization (ILO) and the European Union (EU).

## Objective of the study and methodology adopted

3. The objective of the study was to assess the relevance and efficiency of the two standard-setting instruments and their appropriation by Member States. The methodology used consisted of: (i) interviews with authorities and experts at UNESCO and ILO; (ii) legal and political comparison of UNESCO, ILO and EU standard-setting TVET instruments, with additional interviews; (iv) documentary analysis; (v) questionnaire survey sent to a selection of 50 UNESCO Member States, whether or not they had ratified the 1989 Convention, and analysis of questionnaire replies; and (vi) in-depth interviews of four of the countries that replied to the questionnaire (States Parties and States not Parties to the 1989 Convention).

## Key findings

4. The evaluation made it possible to analyse the reasons for the low number of ratifications of the 1989 Convention. It should be noted, however, that only 15 countries (including six States Parties to the Convention) replied to the questionnaire survey. This result of itself betokens UNESCO Member States' interest in and/or knowledge of the two standard-setting TVET instruments. The main evaluation findings are set out below.

5. The 1989 Convention seems to be very outdated when compared to the developments in international practices relating to training policies. A comparison with EU "soft law" measures has shown that UNESCO's two standard-setting instruments are frozen in time and hardly updated. Moreover, there is some overlap with other international TVET texts (UNESCO, ILO and EU). This does not facilitate interpretation at the national level. The succession of joint measures with ILO and of separate endeavours makes the process all the more opaque.

6. The 1989 Convention has hardly any "governance", in contrast to other international texts with real monitoring and steering mechanisms. Comparison with other UNESCO instruments shows that the Organization could use existing procedures to improve the Convention's mechanisms in this regard. By comparison, European "soft law" measures are – paradoxically – a broader and more efficient force for management and governance. The European Union and its agencies (European Centre for the Development of Vocational Training (CEDEFOP), European Training Foundation (ETF) and Dublin Foundation) were a proactive force in the years prior to the adoption of the Strategy and made a number of diagnoses and proposals (mainly through recommendations) aimed at finding common solutions. It is difficult to justify the lack of such measures at UNESCO, because they fall within the purview of the UNEVOC network and UNESCO field offices. Several criticisms have been levelled as a result.

- (i) The geographical scope is too broad. The scope of the 1989 Convention is potentially very broad, but in fact, owing to the low ratification rate (as with ILO Conventions on the subject), its scope is quite narrow in contrast to the European model, which applies to all EU Member States. It is sometimes difficult to adapt content to needs because the geographical scope is so broad. While the 2001 Revised Recommendation allows for some flexibility in implementation in order to take account of the national context, this instrument remains unpopular owing to the lack of monitoring and management, for example through the UNEVOC network.
- (ii) The dissemination strategy is limited. Little funding has been allocated for information activities on the two standard-setting instruments, for communicating at all TVET levels, and for leadership of working groups, training, and discussion and exchange fora on the subject. Disparate appropriation among regions seems to be compounded by the dearth of funding, which precludes translation into all official languages in the regions. This finding alone constitutes a significant impediment to the proper implementation of the standards set and, by extension, to widespread ratification of the 1989 Convention. The disparities highlighted seem to be more acute in States not Parties to the Convention, which tend to have an incomplete understanding of the two standard-setting instruments.
- (iii) There is no coordination strategy. A cross-analysis highlighted Member States' strong demand for assistance from UNESCO regional offices. Furthermore, that cross-analysis has shown that UNESCO's regional action in this area is little known and that the need for assistance is not being met adequately. UNESCO is required under its mandate to act as a mediator between local actors. The Organization does not seem to have fulfilled that role to date. The Organization maintains relations mainly with ministries of education and to a very small extent with other relevant ministries, NGOs, social partners and national, local and regional TVET stakeholders.
- (iv) There is a demand for common standard-setting instruments. Lastly, the analysis supports the idea of joint UNESCO-ILO work programmes and tools. The above comments, the low ratification rate of the 1989 Convention (and of ILO conventions on the subject), and the existence of several instruments that have been poorly disseminated or not at all, create confusion as to the name, purpose and utilization of existing tools. The idea of joint work is consonant with the streamlining of activities and texts and the stepping up of support operations.

7. The two standard-setting instruments are part of a process that combines an approach that is "participatory" in terms of their construction, but "top-down" in terms of their implementation and, on account of the difficulties of "universal" implementation in all regions of the world, draws no distinction between contexts. Although a number of broad principles must be universal, the evaluation stresses the need for operations that are more flexible and better adapted to regional contexts. There is no strong link between the Organization's standard-setting role, which is recognized by many Member States, and its strategy-monitoring mandate (with leadership and management) which, in regard to both instruments, has hardly been fulfilled to date. Here, too, context is significant because some regions of the world became very interested in educational development, particularly in the 1990s and 2000s. This context has admittedly prevented the Organization from establishing the intrinsic value of standard-setting TVET tools or the need for such tools to be implemented in Member States. In view of the above findings, emphasis must nonetheless be laid on the "reality" of the standard-setting role of UNESCO's TVET instruments, even though they have often been merely "symbolic" owing to the dearth or lack of central dissemination strategies. The vast majority of countries that replied to the questionnaire claimed that they knew TVET standard-setting instruments well and that they used the definitions when implementing or reforming their TVET policies. Both standard-setting instruments are therefore important benchmarks, irrespective of the ratification status of the Convention.

## Recommendations

8. The purpose of the evaluation mission was to inform decision-making on future changes to these standard-setting instruments. The recommendations have accordingly been formulated as two scenarios that take account not only of the evaluation results but also of arrangements that seem to work well in the context of similar policies, in particular within the ILO and the European Union. Scenario 2 seems to be easier to implement, since its operational implementation is more broadly developed.

### Scenario 1. Established precedent

9. The first scenario proposes “established precedent” changes that do not require substantive amendments to the standards set. However, while the study points up areas that could be improved, the merits of a scenario that aims to strengthen the standards “as they stand” is questionable. The two standard-setting instruments do not always meet current concerns. The purpose of the study was not to analyse the content of the standard-setting instruments and so no definitive conclusions have been drawn in that regard, but the low number of ratifications and the age of the 1989 Convention might suggest that the above is true. Accordingly, the recommendation that the Organization launch a Convention ratification campaign might appear entirely appropriate, but it ignores the fact that the 1989 Convention seems obsolete. This recommendation could therefore be somewhat counterproductive in that UNESCO might appear to be “cut off” from reality if it did no more than encourage ratification of a partly obsolete text. Lastly, it must be stressed that it is institutionally quite complicated to relaunch the ratification and raise awareness of these instruments, hence the desirability of examining the merits of Scenario 1 by comparing them to those of Scenario 2 (“amended standards”), which entails more profound changes designed to revitalize, and give direction to, UNESCO’s TVET action.

### Scenario 2. Amended standards, in particular the Recommendation

10. The process of amending the two standard-setting texts is complicated but necessary if UNESCO’s TVET action is to be improved and developed. The third International Congress on TVET will be held in May 2012, affording an ideal opportunity to relaunch UNESCO’s policy in an area that is of prime importance today. The current international context is conducive to such action, in contrast to the 1990s and 2000s when education policies took precedence over TVET issues. It is, however, wishful to think that UNESCO has the resources required to fulfil this ambition on its own. Only internationally coordinated action can have an impact. Preparations for the Congress, in consultation with various potential partners, therefore constitute a crucial phase in the strategy geared to renew the promotion of TVET, to which Scenario 2 seems more appropriate. Several approaches should therefore be considered.

- Maintain the universality of the two instruments and regionalize UNESCO’s action. While UNESCO’s natural remit is to act universally by recognizing the same rights for all, it must nonetheless diversify its forms of action in order to adapt to the specific features of the various regions of the world. Consideration may therefore be given to instruments that are regional and/or adapted to the TVET policy development levels. In this context, the solution that is most effective and most consistent with UNESCO’s mandate consists in adopting universal standard-setting texts (conventions and recommendations) for regional or local implementation. Standard-setting texts, which lay down major principles and general implementation procedures, can be specified and implemented by means of special procedures adapted to the specific features of regional areas. Thus it is mainly in terms of monitoring and facilitation that texts must be adapted to the situation on the ground.
- Mobilize the UNEVOC network. UNESCO must activate/reactivate its UNEVOC network in order to conduct seminars and other awareness-raising and training activities with a view to amending and guiding national legislation, regulations and practices to ensure compliance with obligations arising from standard-setting TVET texts. The new regulations must take

account of UNESCO's and the UNEVOC network's capacity for action in order to capitalize on network proximity as much as possible and mobilize all stakeholders. The network could be a major asset in making these standard-setting instruments operational regionally and locally.

- Strengthen the link between TVET instruments and instruments on lifelong education and learning. The advantage of using education instruments and thus capitalizing on the Organization's reputation in order to develop the TVET component is of great interest, particularly from a lifelong-learning perspective. However, TVET must form part of a multistakeholder strategy. Finally, although it may be difficult for UNESCO and ILO to arrive at common standards (different institutional mechanisms, the issue of ILO "tripartism" and differences in overall terms of reference) a common strategy must nonetheless be formulated in order to enhance complementarity of action by both organizations and reduce the impression of overlap between standards that have the same objectives.

### **Action expected of the Executive Board**

11. Having examined this document, the Executive Board may wish to adopt the following draft decision.

The Executive Board,

1. Recalling 34 C/Resolution 87, 177 EX/Decision 35 (I and II) and 184 EX/Decision 20,
2. Further recalling 181 EX/Decision 8, in which it approved the Strategy for Technical and Vocational Education (TVET), and document 182 EX/INF.5, in which the Strategy was amended,
3. Having examined document 187 EX/20 Part IV and the report of the Committee on Conventions and Recommendations (CR) thereon (187 EX/...),
4. Approves the adoption of scenario (...) contained in document 187 EX/20 Part IV and consequently revises the 2009-2013 timetable of work of the CR on the monitoring of the implementation of UNESCO's standard-setting instruments;
5. Requests the Director-General to include in the preparations for the third International Congress on TVET in May 2012 a discussion on the content, relevance and scope of the 1989 Convention and of the 2001 Revised Recommendation on TVET, possibly leading to specific recommendations on the subject in the final communiqué of the Congress.



United Nations  
Educational, Scientific and  
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**Executive Board**  
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**187 EX/20**  
**Part VI**

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Item 20 of the provisional agenda

**IMPLEMENTATION OF STANDARD-SETTING INSTRUMENTS**

**PART VI**

**APPLICATION OF THE 1976 RECOMMENDATION  
ON THE DEVELOPMENT OF ADULT EDUCATION**

**SUMMARY**

In accordance with 34 C/Resolution 87, 177 EX/Decision 35 and 184 EX/Decision 20, the Director-General presents a report on the monitoring of the 1976 Recommendation on the Development of Adult Education (Nairobi Recommendation).

This report on the implementation of the Nairobi Recommendation by the Member States is based on the Global Report on Adult Learning and Education (GRALE), which was prepared for the 6th International Conference on Adult Education (CONFINTEA VI, 2009) summarizing 154 National Reports on the state of the art and development of adult education. This report also takes into account the Belém Framework for Action adopted by 144 Member States at CONFINTEA VI.

Action expected of the Executive Board: Draft decision in paragraph 21.

## Introduction

1. Adopted by the 19th session of UNESCO's General Conference in 1976, the Recommendation on the Development of Adult Education (henceforth the Nairobi Recommendation) provides guiding principles and a global approach for promoting and developing adult education.
2. UNESCO's International Conference on Adult Education (CONFINTEA), held roughly every 12 years since 1949, has been pivotal in both the formation of the Nairobi Recommendation and its continuous monitoring.
3. The *Global Report on Adult Learning and Education* (GRALE)<sup>1</sup> prepared for the 6th International Conference on Adult Education (CONFINTEA VI, 2009), summarizing 154 National Reports on the state of the art and development of Adult Education, and documents prepared for CONFINTEA VI, have been the primary sources of monitoring the implementation of the Nairobi Recommendation since its last report presented at the 141st session of the Executive Board in 1993 (141 EX/12).
4. This report is structured around five thematic areas – policy, governance, financing, participation and quality – recognized as most relevant from the CONFINTEA process, which also correspond to the key articles of the Nairobi Recommendation.

## Implementation of the Nairobi Recommendation

### Policy (Nairobi Recommendation Articles 1-8 and 61-67)

5. A growing number of Member States have specific legislation and policies in support of adult education (e.g. Afghanistan, Algeria, Argentina, Brazil, Central African Republic, Japan, France, Iran, Kuwait, Nigeria, Saudi Arabia, United Kingdom, United States, United Republic of Tanzania and Venezuela). There have been instances of major policy reforms: the European Union introduced a Lifelong Learning Strategy in 2000 which stimulated further development of national policies in Member States. A policy shift towards a lifelong learning perspective which integrates adult education is occurring in some Member States in Asia (e.g. China, Indonesia, Malaysia, the Republic of Korea, Singapore and Thailand). Many Member States have established or are in the process of establishing National Qualifications Frameworks and equivalency frameworks to ensure the recognition, validation and accreditation of all forms of learning in informal, non-formal or formal settings (e.g. Australia, Kenya, Montenegro, South Africa, Uzbekistan and Thailand).
6. However, adult education is rarely in the centre of national educational policy and reform. Moreover, there are wide gaps between adult education policy and its implementation.
7. Further action on needed: Member States which do not have comprehensive national policies for adult education are encouraged to introduce legislation and/or develop policies with fully-costed and well-targeted plans to provide literacy and education for adults and out-of-school youth. Member States are also encouraged to design specific and concrete action plans for adult education to be integrated into implementation of internationally-agreed goals such as Millennium Development Goals (MDGs), Education for All (EFA), the United Nations Decade for Education for Sustainable Development (DESD) and the United Nations Literacy Decade (UNLD), as well as within education and other national development plans.

### Governance (Nairobi Recommendation Articles 37-40 and 54-56)

8. Member States have increasingly recognized the importance of involving all stakeholders and establishing appropriate coordination mechanisms for the development of adult learning and education. Some education systems have adopted a decentralized adult education governance

<sup>1</sup> <http://www.unesco.org/en/confinteavi/grale/>.

structure (e.g. Czech Republic, Guinea, Haiti, India, Jamaica, Palestine, Philippines, Romania, Sudan and Sierra Leone), and some governments have outsourced responsibilities for implementing adult education programmes, mainly to civil society organizations (e.g. Burkina Faso, Mali, Morocco, Niger and Senegal).

9. However, the low visibility of adult education in government agendas is demonstrated by scant inter-ministerial cooperation, weak organizational structures and poor links between different forms of education (formal and non-formal) and other sectors. Furthermore, there is a growing tension between the trend towards greater organizational and financial autonomy on the one hand and, on the other, the increasing demand for more regulation and monitoring through national coordination mechanisms.

10. Further action on needed: All Member States are recommended to create and maintain systematic coordination mechanisms for the involvement of public authorities, civil society organizations, social partners, the private sector, and adult learners' and educators' organizations in developing, implementing and evaluating policies and programmes.

### **Financing (Nairobi Recommendation Articles 57-60)**

11. In many Member States, governments remain the main source of funding: individual learners, the private sector, civil society organizations and international development agencies are also considerable contributors, particularly in sub-Saharan Africa. Countries such as Belgium (Flemish), Bhutan, Cambodia, Eritrea, Laos, Palestine, Republic of Korea and Viet Nam have indicated a consistent increase in adult education expenditures since CONFINTEA V in 1997.

12. However, low prioritization, public spending constraints and the unequal distribution of resources all contribute to inconsistent, unpredictable and inequitable funding patterns. As a result, there has not been enough far-sighted and adequate financial planning established to invest in adult education (under 1% of gross national product in virtually all Member States).

13. Further action needed: Member States should reinforce their commitment to increasing funding and investment while focusing on marginalized groups. International development partners are urged to allocate sufficient resources, in particular to achieve internationally-agreed goals on adult education; to include adult education in alternative financing mechanisms; and to integrate adult education into the EFA Fast Track Initiative (EFA-FTI).

### **Participation (Nairobi Recommendation Articles 9-23 and 46-53)**

14. Globally, basic education (mainly adult literacy programmes) remains the most prevalent form of adult education, against the background of persistent illiteracy. The South shoulders a major share of this burden and so literacy programmes, rather than more holistic adult education programmes, predominate there. Many countries of the North have chosen to address literacy issues through adult literacy classes or basic skills programmes. Vocational and work-related education is the second major form of adult education. Employers in some sectors are increasingly investing in upgrading workers' skills to remain competitive in the global market. Some countries such as Germany, the Netherlands and the Nordic countries support active labour market policies which seek to get unemployed people back to work as quickly as possible through (re-)training and skills development.

15. However, in many Member States, the programmes are not sufficiently responsive to the most vulnerable and marginalized people. The diversity of learners, in terms of age, gender, cultural background, economic status, special needs – including disabilities – and language, is not amply reflected in programme content and practices.

16. Further action needed: In fulfilling the right to education for adults and young people, further measures should be taken by Member States to enhance provision and motivation and to ensure



that there is access to adult education for all – regardless of age, gender, ethnicity, migrant status, language, religion, disability, location (urban/rural), sexual identity or orientation, poverty, displacement or imprisonment.

### **Quality (Nairobi Recommendation Articles 24-36 and 41-45)**

17. While assuring the quality of adult education has become a concern of public policy, Member States' experiences are quite diverse. In most countries, providers and practitioners often develop their own specific definitions and ways of assuring quality. There is an increasing interest in, and demand for, greater specification of the quality of the adult learning experience and learning outcomes. Some countries have developed promising ways to formulate quality criteria and standards in adult education, such as national quality assurance bodies to ensure shared objectives and standards between stakeholders and providers (e.g. Egypt, Bangladesh, Eritrea, Gambia, Kenya, Morocco, Sudan, Yemen and Zambia).

18. However, teachers/facilitators and trainers, which constitute the single most important input for ensuring quality in adult education, are, in many cases, inappropriately trained, hold minimal qualifications, work under highly strenuous conditions and are under-paid. Specifically-designed programmes for adult educators are very rare and the sector is still heavily reliant on voluntary workers. Moreover, evidence-based policy-making in adult education remains weak.

19. Further action needed: Member States are encouraged to take effective measures to foster a culture of quality in adult literacy and adult education, which encompasses relevant content and modes of delivery. Appropriate policies and relevant programmes that provide pre-service and continuing capacity development to adult educators should be put in place. They are also encouraged to initiate and/or collaborate with different partners to undertake policy- and action-oriented research.

### **The way forward – Future monitoring of the Nairobi Recommendation**

20. Member States have already committed through the Belém Framework for Action<sup>2</sup> adopted at the CONFINTEA VI to prepare a triennial progress report to be submitted to UNESCO and the next report is foreseen to be completed by the end of 2012. UNESCO will continue to use these reports as the primary sources of information for monitoring the implementation of the Nairobi Recommendation.

### **Action expected of the Executive Board**

21. In light of the above, the Executive Board may wish to consider the following decision;

The Executive Board,

1. Having examined document 187 EX/20 Part VI and the report of the Committee of Conventions and Recommendations on this recommendation 187 EX/...,
2. Invites the Director-General to transmit document 187 EX/20 Part VI to the 36th session of the General Conference along with the comments of the Executive Board thereon;
3. Recommends that the General Conference adopt the following draft resolution,

<sup>2</sup> [http://www.unesco.org/en/confinteavi/single-view/news/belem\\_framework\\_for\\_action\\_available\\_online\\_in\\_six\\_languages/back/5446/cHash/51289e14ec/](http://www.unesco.org/en/confinteavi/single-view/news/belem_framework_for_action_available_online_in_six_languages/back/5446/cHash/51289e14ec/)

The General Conference,

1. Recalling that at its 19th session (Nairobi, 1976) it adopted the Recommendation on the Development of Adult Education,
2. Recalling that at its 27th session (Paris, 1993) it invited the Director-General to ensure the functioning of the permanent reporting system for its monitoring,
3. Recalling 34 C/Resolution 87, 177 EX/Decision 35, and 184 EX/20,
4. Takes note of the mechanisms of the CONFINTEA process, especially the Global Report on Adult Learning and Education and the Belém Framework for Action, which help implement and monitor the Nairobi Recommendation,
5. Recognizes and welcomes the progress made in the implementation of certain items of the Nairobi Recommendation, in particular the adoption of comprehensive adult education policies and legislation, but regrets that many factors, especially the non-availability of funds and insufficient provision and quality of learning opportunities, still impede the development of adult education within a lifelong learning framework;
6. Invites all Member States to strengthen their efforts to ensure the full and comprehensive implementation of the items of the Nairobi Recommendation, and to recognise the key role of adult literacy and adult education for the achievement of the Millennium Development Goals (MDGs), Education for All (EFA) and the UN agenda for sustainable human, social, economic, cultural and environmental development;
7. Encourages all Member States to mobilize all stakeholders to undertake a national monitoring process for the preparation of a triennial progress report on the implementation of the Belém Framework for Action to provide necessary information to monitor the implementation of the Nairobi Recommendation;
8. Invites the Director-General to:
  - (1) approach the other United Nations agencies to initiate an intersectoral approach and include adult literacy and adult education as key components of the United Nations interventions, such as within the delivering-as-one initiative;
  - (2) provide effective technical support to Member States in their implementation of the Nairobi Recommendation as well as the Belém Framework for Action;
  - (3) take necessary steps to ensure that the *Global Report on Adult Learning and Education* is prepared on the basis of national progress reports every three years as the appropriate and effective means to monitor the implementation of the Nairobi Recommendation; and
  - (4) consider the review and updating of the Nairobi Recommendation in reflection of contemporary educational, cultural, political, social and economic challenges as set out in Belém Framework for Action and submit a plan of action for the review to the 189th session of the Executive Board (spring 2012).



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**IMPLEMENTATION OF STANDARD-SETTING INSTRUMENTS**

**APPLICATION OF THE 1980 RECOMMENDATION  
CONCERNING THE STATUS OF THE ARTIST**

**SUMMARY**

In accordance with the new procedures adopted in 2007 for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided (177 EX/Decision 35 (I)), the Executive Board has adopted a multi-stage procedure for the monitoring of the implementation of these standard-setting instruments, including the Recommendation concerning the Status of the Artist (1980).

In compliance with the 2009-2013 timetable of work of the Committee on Conventions and Recommendations on the implementation of these standard-setting instruments (182 EX/Decision 31, 184 EX/Decision 20 and 186 EX/Decision 19), the Director-General submits the present report to the Executive Board, on the basis of the information collected from Member States, and before its transmission to the 36th session of the General Conference.

No financial and administrative implications are anticipated from the proposed decision.

Action expected of the Executive Board: decision in paragraph 36.

## INTRODUCTION

1. The Executive Board adopted, at its 177th session, a multi-stage procedure for the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided, including the 1980 Recommendation concerning the Status of the Artist (hereinafter referred to as “the Recommendation”) (177 EX/Decision 35 (I)). In compliance with the timetable for 2009-2013 of work of the Committee on Conventions and Recommendations on the implementation of these standard-setting instruments for whose monitoring the Board is responsible (182 EX/Decision 31, 184 EX/Decision 20 and 186 EX/Decision 19), a report on the implementation of this Recommendation is submitted to the present session of the Board.

2. Adopted by the UNESCO General Conference in 1980, the Recommendation calls upon Member States to improve the professional, social and economic status of artists through the implementation of policies and measures related to training, social security, employment and tax conditions in particular, for self-employed artists. It also recognizes the right of artists to be organized in trade unions or professional organizations that can represent and defend the interests of their members.

3. Some of the issues addressed by the Recommendation are the subject of other international instruments of the United Nations (the International Covenant on Economic, Social and Cultural Rights), and of the International Labour Organization (ILO) as well as of the World Intellectual Property Organization (WIPO).

## IMPLEMENTATION REPORT

4. In 1983, reports provided by twenty-nine Member States on action taken to implement the Recommendation were submitted to the General Conference (22nd session) and transmitted to Member States (22 C/Resolution 26).

5. In 1997, UNESCO held the World Congress on the Status of the Artist to assess progress and to continue dialogue on the future implementation of the Recommendation. Delegates observed that the Recommendation “is more relevant than ever and is an indispensable source of inspiration for the state and for society”. They “regretted” that it had been implemented by only a limited number of Member States. One outcome of the Congress was that it called upon UNESCO to launch a World Observatory on the Status of the Artist to provide information about the situation of artists worldwide and to highlight best practices.

6. In June 2003, Member States and relevant non-governmental organizations were invited to complete a questionnaire which sought to investigate the current status of artists and the impact of the Recommendation in their countries (Ref.: CLT/ACE/ACS1/PJ/088). The questionnaire was designed to collect basic information on legislation, international standards and national laws; employment and social welfare systems; freedom of association and trade union rights; tax status and taxation; and the international mobility of artists.

7. On the occasion of the 32nd session of General Conference in October 2003, the World Observatory on the Social Status of the Artist was launched online and the results of the questionnaire were made available through this platform in English, French and Spanish.

8. At its 34th session (2007), the General Conference considered that, of the Organization’s 31 recommendations, this one should be monitored as a matter of priority (34 C/Resolution 87). In this context, the questionnaire was resent to UNESCO Member States in 2008.

9. In total, 45 States have responded to the questionnaire. The nature of the responses provided varies considerably, from a cursory overview to a detailed analysis of relevant legislation and public policy measures. There is a geographical imbalance in the response rate; 45% are from countries located in Europe and North America.

10. For the purpose of analysing the information received from Member States and highlighting best practices, this report is organized according to the following issues that correspond to those addressed by the Recommendation: legislative frameworks; employment, working and living conditions; professional representation and the rights of artists' associations; social security, health insurance and retirement benefits; taxation; and transnational mobility.

### **Legislative frameworks**

11. The Recommendation calls upon Member States to take whatever legislative or other steps that may be required to apply the principles and norms set forth in the Recommendation within their respective territories. It also encourages Member States to make the necessary arrangements for artists and their organizations to participate in discussions and decision-making processes on policies and measures to enhance the status of artists in society.

12. The results of the questionnaire demonstrate that few Member States have fully adopted the Recommendation into national law. Those Member States that have done so have tailored the focus of their legislation on a specific issue addressed by the Recommendation. For example, Canada's Status of the Artist Act operative provisions regulate the collective bargaining relationship between artists' associations and engagers (cultural producers/distributors) operating in the federal jurisdiction (broadcasting and national institutions).

### **Employment, working and living conditions**

13. Paragraph VI.2 of the Recommendation encourages Member States to extend legal protection concerning conditions of work and employment according to internationally recognized standards that are mainly defined through employment or engagement contracts.

14. One of the main challenges to take into consideration is that many creative artists work on a project basis and may have several contracts simultaneously, or none at all. In addition, while employed artists usually receive equivalent treatment to other workers, those who are intermittent, self-employed, independent contractors, or casual, fall outside these norms.

15. From the responses provided, a number of different models exist to address these challenges. For example, in some countries, self-employed performers and other artists are presumed to be in an employment situation or have quasi-employed status in order to have access to social security schemes (Belgium, Burkina Faso, France, Germany). In other countries, support is provided to artists whose income falls below the minimum wage (Luxembourg, Netherlands).

### **Professional representation and the rights of artists' associations**

16. The Recommendation states that "Member States should ensure, through appropriate legislative means when necessary, that artists have the freedom and the right to establish trade unions and professional organizations of their choosing and to become members of such organizations ..." (paragraph III.4).

17. One of the challenges facing artists' trade unions is that because of the intermittent nature of artists' work, or the fact that some create their works before entering into a business relationship with an engager, they have difficulty concluding agreements with engagers. In many common law countries, "collective bargaining" by organizations of individuals who are freelancers, independent contractors or self-employed may be in violation of competition laws as "combinations in restraint of trade". Typically, only unions of employees are exempt from such laws. It is for this reason that the laws adopted in Canada and several of its provinces introduce special provisions to cover the collective bargaining activities of artists' associations.

18. In many parts of Asia, the rights of all worker organizations are beginning to change with the effects of economic globalization and associations representing artists are starting to emerge throughout the region. As this transformation continues, these associations begin to experience the

challenges that have confronted similar unions and professional organizations elsewhere in the world.

19. In most of Latin America, artists' trade unions and professional associations are considered to be the same as all other worker organizations, and union agreements are more widespread. The primary challenge for these unions is to exercise their rights successfully in an environment in which there is a considerable imbalance of economic power.

### **Social security, health insurance and retirement benefits**

20. The Recommendation urges Member States to “endeavour to take the necessary steps to see that ... self-employed artists enjoy, within reasonable limits, protection as regards income and social security” (paragraph V.3).

21. Where artists are employed, they typically enjoy benefits the same as other employed workers for purposes of health care, insurance, income interruption and pensions. Employed artists tend to be interpretive artists in the performing arts and recorded media (such as orchestras, choirs, television series, theatres and dance).

22. In most UNESCO Member States, the number of self-employed artists is much higher than those employed. Some countries have introduced schemes to provide social security insurance packages designed for artists and their needs. For example, in France, self-employed performers and certain other artists enjoy minimum pay rates and a comprehensive benefits system providing medical care, protection for workplace accidents, wage continuation in the case of illness or disability, unemployment benefits, professional training, holidays and vacations, maternity leave and a retirement plan.

23. Different constellations of cooperation between employers, employees, the government and private enterprises have been formed in some countries to provide social insurance packages for self-employed artists. For example, in Germany, the *Kunstler Sozialkasse* (KSK) was established to provide independent artists with some social security protection including health insurance and pensions, but not unemployment benefits. The artist contributes 50% of the premium, the government pays 20% and enterprises “regularly using artists' work” pay 30%.

24. Several Member States from all regions of the world reported that they provide pension schemes for artists (e.g. Argentina, Azerbaijan, Croatia, Egypt, Switzerland) or special medical insurance programmes and/or access to medical services to artists (Pakistan through the Artists Relief Fund of the Ministry of Culture, Morocco and Tunisia). Providing access to unemployment insurance is less common among the Member States who responded to the questionnaire. Exceptions exist in China, Denmark and Slovenia.

25. In a number of countries, artists have organized their own social insurance plans through their unions and associations of artists, or other non-profit societies. For example, in a number of West African countries (Burkina Faso, Senegal, Togo) social benefits have been organized for certain professional artists by their associations, collecting societies and others. In Australia, Canada and the United States of America, some artists unions have developed extensive programmes which provide health care, insurance and pensions for their members.

### **Taxation**

26. The Recommendation states: “Convinced of the uncertainty of artists' incomes and their sudden fluctuations, and of the special features of artistic activity ... Member States are invited ... to take into account in their taxation system the particular conditions of artists' work and activity” (paragraph VI.7 (a)).

27. One of the main factors determining artist social security and tax status is the level and flow of their income. The possibility for great fluctuations in their income often leads to lower levels of

pension, sick-leave compensation or unemployment insurance. Some countries provide professional self-employed artists with the possibility to average their income on certain creative works over a specified period of time. This is particularly important for certain artists, authors or composers who work for longer periods of time on an individual piece of work and are paid lump sums once their work has been produced. Income averaging is a widely used mechanism to support artists and other independent contractors in Australia and several European countries such as Bulgaria, Denmark, Germany, Netherlands, Norway, Sweden and United Kingdom of Great Britain and Northern Ireland.

28. Tax exemptions have been reported on by several Member States on income earned from copyright or neighbouring rights royalties (Canada, Montenegro) or arts grants (Australia, Denmark, Finland, Kenya, Latvia, Russian Federation and United Kingdom of Great Britain and Northern Ireland). Creative artists (visual artists, writers and composers) resident in Ireland are income tax exempt. In Mexico, a recognized professional artist may pay taxes with works of art.

29. Tax deductions are available from the sale of artistic works in several countries such as Bulgaria, Croatia, Poland, Romania and Slovenia where artists may deduct 25-50% of earnings generated from their artistic work without documenting or detailing expenses. A number of countries have preferential rules regarding the deduction of material expenses including, for example, the cost of musical instruments as well as reduced consumption tax rates (Value Added Tax, Goods and Services Tax, etc.).

### **Transnational mobility**

30. The Recommendation calls upon Member States to "... take all appropriate steps to promote the free international movement of artists and not to hinder the freedom of artists to practice their art in the country of their choice ..." and urges Member States to "take measures to encourage international travel and exchange by artists" (paragraph iV.1 (K)).

31. Some successful artists are able to cross borders easily while others may be unable to obtain the necessary permission or visa to enter into another country even if they are an established professional. When artists do tour, they may be confronted with other challenges such as withholding taxes, double taxation, lack of social security benefits, etc. These problems are particularly challenging in regions with a common labour market. Many of these problems have become worse with rising security concerns since 2001 and are not just limited to the travel of artists from developing countries to developed countries, but also between developed countries as well.

32. One of the means to address this important challenge has been through the conclusion of bilateral and multilateral agreements. For example, the European Union/CARIFORUM Economic Partnership Agreement signed in 2008 provides for a special visa for Caribbean artists to facilitate mobility, although it is premature to assess its impact. A number of Member States responding to the questionnaire have indicated that bilateral cultural exchange programmes that include the movement of artists are accompanied by funding programs to assist, for example, touring initiatives.

33. There are also some impediments which restrict the circulation of cultural goods including high tariffs and customs duties. The development of digital technologies is, however, helping to make it possible for more artists to reach markets outside their home region.

### **CONCLUSION**

34. The importance of the system of reporting on the implementation of this Recommendation has yet to be fully taken into account by all Member States and there is a marked imbalance of responses between the regions. It is therefore important to underscore that in order for the reporting mechanism to become an effective means of collecting information and sharing best

practices, it is indispensable to increase the number of all Member States participating in the reporting process.

35. The reports submitted by Member States leads to the conclusion that further work is required to implement the Recommendation on the Status of the Artist fully as a means to ensure that the legal, social and economic conditions necessary for the exercise of artist's creative work are provided. Particular attention is required to address the atypical conditions of performing artists that result from their mobility, for example, visa and security issues, double taxation, unemployment benefits and disability insurance plans, early retirement and re-training, etc. Calls have been made to encourage the development of structures and agencies that can offer management services and provide advice to artists on issues related to contracts, income tax, insurance, copyright, social security, project administration, etc. as a means to help them navigate the complex procedures resulting from their precarious working conditions and fluctuating levels of income.

### **ACTION EXPECTED OF THE EXECUTIVE BOARD**

36. After examining this document, the Executive Board may wish to adopt the following decision:

The Executive Board,

1. Recalling 177 EX/Decision 35 (I), in which it approved a specific multi-stage procedure for the monitoring of the implementation of UNESCO conventions and recommendations for which no specific institutional mechanism is provided and 184 EX/Decision 20,
2. Having examined document 187 EX/20 Part VII and the report of the Committee on Conventions and Recommendations thereon,
3. Regrets that only 55 Member States submitted reports for its consultation;
4. Recalls that the submission by Member States of periodic reports on the implementation of recommendations adopted by the General Conference is an obligation under Article VIII of UNESCO's Constitution and Article 17 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;
5. Further recalls that the periodic consultation of Member States on the implementation of the Recommendation is intended to enable the Organization to assess both the extent to which Member States are implementing that instrument and the obstacles that they encounter;
6. Reaffirms the importance of the Recommendation and its implementation by Member States;
7. Recommends that the General Conference invite those Member States which have not taken measures to implement the Recommendation to do so, and to provide the required reports;
8. Invites the Director-General to transmit to the General Conference at its 36th session the report on the measures taken by Member States to implement this Recommendation, together with its observations, and any observations or comments that the Director-General may wish to make.