

Sub-Group 1: Structure, composition and methods of work of the Governing Bodies (General Conference and Executive Board)

Informal Summary

23 September 2016

At the opening of the meeting, the Co-Chairs recalled that the agenda had been adopted during the first meeting of the Sub-Group held on 2 June 2016, and that discussions would follow the same methodology and annotated agenda.

The meeting would be devoted to sharing proposals through a comprehensive, constructive and cordial debate. In accordance with Resolution 101 of the 38th session of the General Conference, and the Terms of Reference of the Working Group, proposals of Member States would be the main basis for the review of governance. Delegates, however, if they wished, could refer to the External Auditor's report and outcomes of previous governance exercises.

The Co-Chairs noted a common ambition of Member States to improve not only the efficiency of Governing Bodies, but also their overall balance, representativeness, inclusivity, transparency, and impact.

4. Optimizing the efficiency of the decision-making process and working methods within the Governing Bodies of UNESCO: Executive Board

a. Mandate

The Co-Chairs informed that they received no amendments related to the mandate of the Executive Board. Hence, there was an understanding that the Executive Board's mandate as contained in Article V of the Constitution remained pertinent. Further examining the working relationship between the Executive Board and the General Conference, in the fulfillment of their Constitutional mandates, seemed to be where practical adjustments could be made.

It was noted by some delegations that the Executive Board acts under the authority of the General Conference. In this regard, in view of some Member States, there continued to be a need to improve the balance in decision-making powers between the two Organs and increase the participation of non-members of the Executive Board.

b. Composition and membership

There were also no comments on the number of members of the Executive Board, as defined in the Constitution at 58. Therefore, the Co-Chairs deemed there was consensus that the current number of members be maintained.

Reference was made to the comparative study on executive bodies of other UN specialized agencies (38 C/WG/1/3 Rev.), which was prepared in line with decision 197 EX/Decision

28 &44. It was noted that the ratio of membership on the Executive Board, in comparison with the total membership of UNESCO, was deemed adequate at approximately 30%.

In response to queries from Member States, the Secretariat explained that the number and distribution of seats among electoral groups of the Executive Board is the result of a General Conference Resolution, taking into account geopolitical changes over the years and the admission of new members of UNESCO. Any modification of the grouping of Member States would have to be done through a resolution of the General Conference.

With respect to possible terms limits, several positions were put forward by various Member States:

- Elections at the General Conference and consensus determined term limits and rotation of membership.
- Each Electoral Group should have the prerogative to decide on the rotation of membership on the Executive Board, given different political realities in each regional grouping and specificities of UNESCO.
- More equitable geographic representation and rotation of membership on the Executive Board was needed to promote better representation and participation of all countries in the work of the Executive Board, especially small countries. A general rule for all Member States should be pursued. This could be done by amending Rule 9 of the Rules of Procedure of the Executive Board and Rule 102 on Re-eligibility of the Rules of Procedure of the General Conference.
- Term limits could be set at two or three consecutive mandates of four years each, with a gap of two or four years before being eligible for re-election. One Member State announced that it would voluntarily refrain from running for re-election to the Executive Board after its third consecutive term. A number of delegations welcomed this initiative.

The Secretariat explained that the composition of Electoral Groups was not the same in all United Nations entities. In UNESCO, there are Electoral Groups for Executive Board elections as foreseen in Appendix II of the Rules of Procedure of the General Conference. There are also regional groups defined by the General Conference with a view to the execution by the Organization of regional activities. There can be occasions when countries, if they desired, could belong to two different groupings. Furthermore, the Secretariat noted that UN specialized agencies in the comparative study had no rules on term limitations.

The Co-Chair and some Member States mentioned the UN Human Rights Council, the World Heritage Committee, and the Intangible Cultural Heritage Committee as examples of Governing Bodies that did have term limitations on membership.

The Co-Chairs highlighted possible best practices that exist in some Electoral Groups, such as the rotation arrangement of Scandinavian countries, the GRULAC's allocation of seats by sub-groups, as well as voluntary self-restriction of candidatures by some Member States.

c. Structure

Several Member States expressed the view that there was an imbalance in the distribution of time between the different commissions and committees of the Executive Board. The example of the CR Committee was cited by one Member State.

Some delegations stated that the PX and FA Commissions may need more time to complete their substantive work. Hence, there were suggestions that the two commissions should not meet in parallel, but in sequence. A better balance between consideration of programmatic and administrative issues was also called for by certain Member States.

The Secretariat recalled that parallel commissions also met in other UN entities, and that the Board decided to shorten some of its sessions (the first and last of each biennium).

An opinion was put forward that the role and timing of the plenary be reviewed. It was also noted that the Joint Commission, which is not in the Rules of Procedure, has taken up more space in the timetable. In this connection, some Member States inquired why a plenary is not held at the very beginning of the Executive Board. Moreover, it might be desirable that committees report to the plenary in the middle of the session and not only at the end.

The Secretariat indicated that some committees take place before the plenary to allow as many Member States as possible to participate and so that the Plenary can adopt their reports.

Several Member States were in favor of limiting delivery of national statements to once a year for more efficient time management. It was likewise suggested that this could be done on a voluntary/trial basis without changing the Rules of Procedure. One delegation shared a survey of practices of other UN bodies and agencies.

Other Member States stressed the importance of national statements as an inherent right, and as a means to enhance dialogue among Member States, including capital-based delegates, and the Director-General. The Secretariat also reminded that summary records were made only for plenary meetings and not for those of the commissions.

While there was consensus to uphold the right of Member States to deliver national statements at each session of the Executive Board, the option for Member States willing to voluntarily limit their national statements to once per year was viewed in a favorable manner.

d. Rules of Procedure

i. Frequency of meetings

The Co-Chairs noted there were no comments to alter the number of regular sessions of the Executive Board as contained in the Constitution and Rules of

Procedure. Some Member States voiced that fragmentation and reduction of working days of regular sessions of the Executive Board should be avoided.

At the request of Member States, the issue of intersessional meetings was taken up under this item.

- Several Member States recalled that intersessional meetings were being conducted on a trial basis, and expressed concerns regarding their efficiency and practicality, citing limited time for discussions, high costs, and additional workload for the Secretariat.
- One delegation noted that UNESCO has the highest number of meetings among the UN agencies if intersessional meetings were counted, and that small delegations were penalized by this.
- A number of Member States articulated that the Preparatory Group and information meetings were more inclusive and effective mechanisms to prepare for regular sessions of the Board.
- One Member State was of the view that Intersessional meetings were useful in advancing consultations before the Executive Board, such as on the Structured Financing Dialogue.

Member States inquired about the evaluation process. The Secretariat indicated that the evaluation of intersessional meetings is foreseen in 197 EX/ Decision 28 & 44. The President of the Executive Board also announced that he wished to conduct a mid-term review, including associated costs, which will be discussed at the last intersessional meeting of the year on 16 December 2016. A Member State considered that the Sub-Group should wait for the results of the evaluation by the Board.

The Co-Chairs noted that based on the Executive Board decision, the evaluation of the intersessional meetings would be included in the report of the Working Group on Governance to be submitted to the 39th General Conference. In this regard, discussion on the intersessional meetings could also be part of the mandate of the Working Group on Governance. Some Member States inquired about the criteria and methodology of the evaluation.

The Secretariat took note of the discussions which would be conveyed to the Presidents of the Executive Board and General Conference.

ii. Role of the Bureau

As proposed for the General Conference, some Member States emphasized the need for minutes of meetings of the Bureau of the Executive Board. Timely dissemination of minutes would increase transparency and avoid differences in

interpretation of results of Bureau meetings. No delegations expressed any reservations to this proposal and its rationale.

It was recalled that the function of the Bureau is to act as an agenda committee (as stated in Rule 14 of the Rules of Procedure of the Executive Board). It was also pointed out by some delegations that Vice-Chairs represent their Electoral Groups in the Bureau, and not simply their countries. In addition, with respect to the role of the President of the Executive Board, Rule 13 of the Rules of Procedure was highlighted by a Member State.

At the request of a Member State, Rule 59 of the Rules of Procedure of the Executive Board was discussed.

The Member State expressed surprise that the Director-General's proposal to amend Rule 59 was tabled for the 200th session of the Executive Board, and stated that it should be discussed first in the Working Group as it was a governance matter. At the request of the Co-Chair, the Secretariat explained the background of the proposed amendment provided in the explanatory note contained in document 200 EX/3 Part II.

Another Member State raised a query regarding Rule 29. The Co-Chair stated that according to the Rules of Procedure, the Board had discretion to decide whether to hold private meetings and whether to publish reports of such private meetings.

e. Working methods

Member States that took the floor advocated for more predictability in terms of the schedule, working methods, a more streamlined draft agenda, preliminary informal consultations on draft decisions, and more user-friendly documentation and information.

- *Reduction of agenda items: clustering, taking note of agenda items*

Some delegations noted the long and complex agenda of the Executive Board and suggested clustering it by sectors or themes to streamline and simplify the agenda. A Member State called for more balance in the topics of the agenda to avoid fragmentation of debates.

The Secretariat recalled that more than half of the items are statutory stemming from Executive Board or General Conference decisions and efforts have been undertaken in the past to regroup items as much as possible (eg. Item 5, UNESCO Prizes, Category II Centers). The Secretariat and a delegation stated that reduction in the overall time for the sessions of the Executive Board is due to budget restrictions, and that the process by which the draft agenda is presented and approved provides opportunities for Member States to comment and amend it.

In addition, the Sub-Group considered whether extending the deadline for submission of new items on the agenda was practical.

The Co-Chairs took note of the call for streamlining the draft agenda and may present a proposal to the Sub-Group in this regard.

- *Open-ended informal consultations on draft decisions*

Some Member States recalled the useful practice in the UN in New York and Geneva that sponsors of draft decisions convene open-ended informal consultations to discuss draft decisions before these are presented to the plenary or commissions for adoption.

They shared that currently, there is a lack of opportunity to ask questions and to understand positions of various groups and member states in advance. Also, time is limited to request instructions from capitals on new substantive texts. Informal consultations could save a lot of time in the commissions and plenary which devote much time to amending draft decisions. For technical documents, the Secretariat could also provide explanations through informal consultations. One delegation suggested that Room X could be used for this purpose when a formal meeting is not being held in it.

The Secretariat recalled that for the preparation of debates, there used to be in the past mechanisms such as the FA Group of Experts or the Ad Hoc Preparatory Group. The intersessional meetings have now integrated these mechanisms. The Secretariat also informed that rooms were available to Member States during the Executive Board sessions to convene informal consultations, if they desired.

A Member State requested for better working methods that would differentiate between draft decisions, amendments, and amendments that, due to their length and substance, presented new draft decisions. In this connection, one delegation noted that limiting the possibilities for amendments could be problematic when amendments arise from discussions in the room.

Some delegations voiced the opinion that many .INF documents should belong to the main series. The Secretariat responded that there are considerable costs factors, notably in terms of languages in which the documents need to be translated, in determining main series and INF documents.

There were views expressed that documentation could be made user-friendly. Also, information dissemination and guidance on procedures (such as submission of amendments) could be possibly made more accessible through the website and electronic means.

f. Relationship with General Conference and Secretariat

A group of Member States requested that the Sub-Group consider the elaboration of the 39 C/5 since electronic consultations were insufficient. In their view, the past practice of

having a working group on the preparation of the C/5 in close cooperation with the Secretariat was very useful.

The Secretariat indicated that the preparations for the C/5 were discussed twice during the intersessional meetings and that a drafting group will most probably be set up for the 39 C/5 as done previously in the Executive Board.

g. Other issues

No other issues were raised.

5. Summary of recommendations

The Co-Chairs informed that this agenda item and the Sub-Group's Report to the Working Group would be discussed at the third meeting of Sub-Group 1, scheduled on 15 November 2016.

The Co-Chairs would prepare preliminary proposals based on the two meetings of the Sub-Group and engage in consultations with all Electoral Groups ahead of the next meeting.

The Working Group on Governance shall consider the outcomes of the Sub-Group at its meeting to be chaired by the President of the General Conference on 15 December 2016.

The meeting adjourned.

Participants: 75 Member States and one intergovernmental organisation