

Sub-Group 2 on “Structure, composition and methods of work of UNESCO’s International and Intergovernmental Bodies”

Informal Summary of the second meeting **31 March 2017**

The Co-Chairs recalled that the agenda and programme of work were approved at the first meeting of Sub-Group 2 on 28 February 2017. They informed that the MOST IGC, during its recent meeting in Kuala Lumpur, decided to reduce the number of its Bureau members from eight to six, to harmonise with other IIBs taking into account discussions of the Sub-Group.

The Co-Chairs recalled the eight broad areas¹ which summarized deliberations on the matrix of submissions under agenda item 3. Member States made general statements recalling the following issues:

- Need to improve the relationship and modalities for dialogue between the General Conference and IIBs (mere submission of reports may not be sufficient for meaningful exchanges);
- Resource mobilization and communication strategies can be strengthened, harmonized, and synergized;
- Intergovernmental nature of Bureaus should be reaffirmed. A guidance note could be prepared on rules and duties of Bureau members;
- Terms limits for membership in Bureaus is desirable;
- Timing of election of Bureau members should be harmonised with the General Conference (using MOST and IGBC as models);
- All members of IIBs/ members states should be informed of Bureau meetings well in advance;
- Documents related to Bureau meetings should appear online before meetings take place; outcomes should be communicated to all members, and as appropriate, all permanent delegations, in a timely manner;
- Possibility of opening Bureau meetings to observers as much as possible;
- Standard charter applicable to all IIBs with common guidelines.

The Co-Chairs highlighted that the governance reform process was one of dialogue and consultation between the Working Group and the IIBs. It was noted that implementation of the Working Group’s recommendations, when adopted by the General Conference, would depend very much on the feedback and cooperation of the IIBs. The Co-Chairs reiterated their intention to develop both general and specific draft recommendations. They also mentioned exploring “right-sizing” of the IIBs for coherence and harmonization purposes.

1. Intergovernmental Councils and Committees – Culture and Communication and Information (items 3f, 3g and 3h of the Agenda)

f. Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation (ICPRCP)

¹ As reflected in the informal summary of the first meeting of Sub-Group 2 held on 28 February 2017.

The Co-Chairs proposed that the form and structure of the ICPRCP be taken up under item 3, and its substance be examined in relation to item 6.d, the 1970 Convention, since the two concerned similar subject matter. A few Member States nevertheless expressed the view that the ICPRCP was different in nature from the 1970 Convention, in terms of its scope and functioning. They stated that while the Subsidiary Committee monitored the 1970 Convention and was not retroactive, the ICPRCP was an independent body, established in 1978, that considered cases that have taken place before 1970.

It was recognized that Bureau meetings should rightfully be closed when dealing with sensitive matters. Strengthening linkages with the C/5 and support from the Secretariat were also raised.

g. Intergovernmental Council of the International Programme for the Development of Communication (IPDC)

The Co-Chairs received a letter from the Chair of IPDC on the consultation process among IPDC Council Members in preparation for the 61st Meeting of the IPDC Bureau in March 2017, aimed at reviewing the Statutes and Rules of Procedure of the IPDC and reporting on its proposals and recommendations to the Chairperson of the Working Group on Governance.

A number of Member States opined that the Bureau of IPDC had overly expansive powers and was not balanced in terms of its composition. Its intergovernmental nature should be enhanced. Others considered its composition was adequate, and participation of experts was very important. Some noted the Bureau acted transparently, was open to all Member States and minutes of its meetings were circulated. Some suggested that the number of its members be aligned with other IIBs to six. It was also recommended that Bureau meetings be open to observers and that procedures for election of Bureau members be adjusted.

A number of Member States supported that the Bureau's powers be limited to recommending projects to the Intergovernmental Council for final approval. On the other hand, some Member States considered that such an exercise could only be performed by a smaller group, since a Council of 39 members would have difficulties in reviewing and deciding on all proposed projects. A delegation expressed concern that not all six IPDC priorities were taken into account by the Bureau when selecting projects. The focus seemed to be only on two of them. Moreover, a number of delegations expressed the view that project selection criteria remained unclear and should be made more transparent and objective.

The possibility of extending the Council meeting from two, to three days was suggested, as well as holding annual Council meetings. The limitation of mandates to two consecutive terms in the Council and the Bureau was proposed. Some Member States recognized the concrete results of IPDC and the good functioning of its Secretariat. The UN Plan of Action on the Safety of Journalists was cited as a good practice by one delegation.

The Secretariat stated the upcoming evaluation of IPDC would produce recommendations that would likely address the issues raised. The evaluation would consider cost-effectiveness and the fund mobilization strategy, the timing of meetings and priority-setting. The report of the evaluation would be ready in June 2017 and presented to the Executive Board at its 202nd session. The Secretariat said that it ensured contributions of programs and meetings of the IPDC were reflected in the C/5 planning exercise.

f. Intergovernmental Council of the Information for All Programme (IFAP)

IFAP was created following a decision by the General Conference in 1999, authorizing the Executive Board to create a programme merging the General Information Programme (PGI) and the Intergovernmental Informatics Programme (IIP). IFAP sought to promote international reflection and debate on the ethical, legal and societal challenges of the information society; promote and widen access to information in the public domain through the organization, digitization and preservation of information; promote the use of international standards and best practices in communication, information and informatics in UNESCO's fields of competence.

Updates on IFAP's work in developing criteria for selection of projects and terms of reference for its Working Groups were shared by a delegation. It was noted that presentation and discussion on IFAP's report to the General Conference could be improved. Also, election of its Bureau could be held earlier in the year. Lack of resources was raised as a concern. It was noted that the external audit did not suggest any major changes. The co-Chairs invited delegations to reflect on the harmonization of the composition of Bureau members across the IIBs.

2. Conventions (items 6a to 6h of the Agenda)

a. Convention against Discrimination in Education and Conciliation and Good Offices Commission

Based on background information, the Co-Chair noted that the Conciliation and Good Offices Commission had never been triggered or called to act on its mandate, as defined by the Protocol to the Convention. It met only twice for organisational purposes. Therefore, the practice of submitting a report to each regular session of the General Conference was discontinued. It was noted that the Chair of the Commission proposed in a letter that the Executive Board be allowed to submit communications to the Commission, in order to revitalize its work. The Co-Chair expressed the view that this would run counter to what was in the Protocol, as the Commission was designed to be an inter-state dispute settlement mechanism. In any case, such a revision would require an amendment of the Protocol.

Some Member States stressed the importance of the Convention and the Executive Board's Committee on Conventions and Recommendations (CR). Others suggested that the utility of the Commission be re-examined, considering it had never met for its intended purposes.

The Co-Chaired proposed recommending to States Parties of the Convention and its Protocol to reflect on whether to continue with the status quo, or take additional measures. The Secretariat also suggested that the CR Committee and the General Conference's Legal Committee could be requested for their views.

b. Convention against Doping in Sports

Some Member States took serious note of the indication that readjustments of the Conference of Parties and its Bureau were needed. In this connection, enhancing synergies and coordination between the Bureau and the Social and Human Sciences Sector was called for. Opportunities to promote the visibility of the Convention and increasing its resources could be strengthened. Partnerships with other organisations and joint initiatives with MINEPS were encouraged. There were questions with respect to the Bureau since the Convention did not have a Committee.

The Secretariat informed that CIGEPS reviewed the working documents of MINEPS on integrity of sport, which was closely linked to the Convention's mandate. Cooperation was established between the World Anti-Doping Agency and the CoP. An intersectoral approach was being promoted in operational activities under the Convention. The Bureau and the CoP were actively seeking to address the financial situation. All Electoral Groups were represented in the Bureau.

General Debate on the six Culture Conventions

The Co-Chairs opened a general debate on the six Culture Conventions, considering the call for harmonization and synergies between them. Although the Conventions and their respective governing bodies were independent and had their own specificities, they also shared common characteristics in terms of general mandates (e.g. promotion and safeguarding of culture), objectives (i.e. international cooperation), and mechanisms, working methods, and procedures (e.g., intergovernmental Committees and lists for three of the Conventions).

In its reply to Member States, the Secretariat clarified the roles of the Conventions Common Services Unit (CCS) and the Culture Conventions Liaison Group (CCLG). The CCS was set up by the Director-General in May 2014 as a response to the recommendations of the 2013 IOS Audit of the Working Methods of Cultural Conventions and followed the restructuring of the Organization and the CLT Sector. Its purpose was to increase coordination among the Conventions' secretariats and enhance efficiency, as well as pooling together common services and processes throughout the six conventions. CCS provides support for the logistics of statutory and other meetings, communication and awareness-raising services, and Partnerships with the private sector. The CCLG brings all secretaries of the Conventions together to discuss critical issues of processes, common approaches and procedures, common planning and new and emerging issues. In addition, a sectoral fund mobilisation strategy was currently under finalisation as per IOS' recommendation.

Delegates stressed that the CLT Conventions were at the core of the mandate of UNESCO, and allowed for global recognition of the importance of UNESCO's work, including through, among others, inclusion in UN Security Council resolutions. The need for the Conventions to be closely linked to the C/5 was emphasized, together with a stronger connection between their governing bodies and the General Conference. In particular, resolutions of the General Conference on the Culture Programme should guide and complement the resolutions of the governing bodies of the Conventions. The Secretariat recognised that, while delegations were fully involved in the C/5 and reflection of priorities in each Convention's work, the Chairpersons should be better briefed on the eight expected results of major programme IV.

Some Member States expressed concerns regarding politicisation, especially in the handling of nominations for the various lists, and in the imbalance and lack of adequate financial and human resources. A lack of consistency in terms of appropriate assistance to all the Conventions was cited as a governance issue within UNESCO and the Secretariat. It was noted that the 1954 Convention had a mandate closely linked to peace, but was endowed with very little resources. In particular, the imbalance in staffing among Conventions was of real concern. The Secretariat recalled that the workload for the 1972 and 2003 Conventions had continued to grow in an exponential manner and that secondments from Member States were welcome.

Member States suggested drawing lessons from best practices of other UN organisations, such as UNEP. It was noted by a delegation that synergies among the environmental Conventions were achieved in terms of organisational matters, information-sharing, and fundraising that helped increase efficiency, transparency, cost-effectiveness and visibility. In this regard, alignment/ harmonization of procedures, more efficient conduct of elections, voting, decision-making and drafting of resolutions, and clarification of roles and term limitations of Bureaus, as well as more synchronized schedules of meetings, and coherence in budget allocations would be desirable. Broad consultations on harmonizing rules of procedures were required.

The Ad Hoc Working Group of the 1972 Convention was recognised as a good practice that contributed to building a culture of teamwork which pushed forward discussions on complex issues. This aided preparation and lightened workload of Committee sessions, though it also required resources and time from Member States and the Secretariat.

Member States advocated for capacity-building and common training on all cultural conventions. The Secretariat confirmed that capacity-building was organised jointly, whenever relevant, for example with the forthcoming training in Almaty of the 1954 and 1970 Conventions, or other joint activities between the 2003 and 1972 Conventions.

The Co-Chairs highlighted the practice, starting from 2015, of organising meetings of the Chairpersons of the Committees of the Cultural Conventions. It was noted that such meetings should be more interactive and action-oriented. Chairpersons could discuss common themes and challenges and thereby consider shared responses and development of further synergies and cooperation.

Member States also referred to the meeting of Bureau members of the 1954 and 1970 Conventions. In general, these gatherings should go beyond the political scope and concentrate on substance and operational aspects. In addition, experts in the different bodies should continue to have prominent roles. The Secretariat agreed that as far as the regrettable politicization of the bodies was concerned, the participation of experts, as a requirement in most Conventions, would encourage professionalism and scientific expertise. For some Member States, politicisation derived from the incorporation and treatment of certain resolutions and files.

Periodical reporting was also highlighted as a best practice. The Secretariat recognised the substantive expertise gained, for example by the long-standing World Heritage Convention reporting cycles. The information gathered was the stepping stone for actions on the ground; action plans were developed for all regions; other Heritage Conventions (1954, 1970) were also upgrading periodical reporting systems, including electronically, to allow for better analysis and monitoring.

The Co-Chairs summarized the issues raised by the Member States as follows:

1. Need to increase balance (in funding and human resources) among Conventions;
2. Potential harmonisation in terms of working methods and rules of procedure (e.g. deadlines and role and composition of Bureaus);
3. Fostering synergies (among Conventions, Committees and the Secretariat)
4. Transparency and accountability measures;
5. Relationship between the Committees and General Assemblies;
6. Relationship between Conventions and the General Conference (alignment, inputs to the C/5, training, and reporting);
7. Reduction of politicisation, role of experts, and improvement of decision-making;
8. Best practices

Another area that could be looked at was relationship of the Conventions with other entities and initiatives.

c. Convention on the Protection of Cultural Property in the Event of Armed Conflict (1954)

Five Member States took the floor and stressed the importance of more ratifications of the 1954 Hague Convention and its two Protocols. Another recurring theme was the need to ensure a fair and equitable rotation of Committee members. Some Member States noted with satisfaction that the meetings of the Bureau were open and transparent, and suggested that the number of its meetings may be reduced. Some suggested to review the Guidelines for the Implementation of the 1999 Second Protocol to the 1954 Hague Convention, and to streamline the periodic reporting system. It was also noted that the Secretariat's Human Resources were scarce and needed strengthening.

d. Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970)

Some Member States favoured streamlining the working methods of the 1970 Convention and the ICPRCP, notably by organising back-to-back meetings and one joint meeting. It was also proposed by one Member State to pool together the two bodies, considering the numerous overlaps between them. Others took the floor and spoke in favour of keeping the work of these two bodies separate, as the Subsidiary Committee of the 1970 Convention dealt with restitution cases that fall under the 1970 Convention, while the ICPRCP dealt with all other relevant cases.

One Member State evoked the possibility of attributing to the Committee on Conventions and Recommendations not only the role of good offices pertaining to cases/ situations concerning individuals, but also those relating to cultural goods.

Member States recognised that the 1970 Convention had advanced significantly with the creation of the Subsidiary Committee, and the elaboration of Operational Guidelines. The staff devoted to this Convention should be strengthened, including to allow for more coordinated work with the Bureau in preparation of the agenda. The informal meetings organised were considered most useful.

The Secretariat confirmed that several synergies are already promoted between the 1970 Convention and ICPRCP, like organizing the meetings back-to-back last year. Further convergence could be discussed by the Subsidiary Committee, such as having joint meetings, reminding that legal consequences had to be carefully considered.

e. Convention Concerning the Protection of the World Cultural and Natural Heritage (1972)

Member States expressed their appreciation for the 1972 Convention that could be considered a flagship of UNESCO. Some noted that the Convention presented many good practices, such as periodic reporting and creation of ad hoc working groups that tackled issues related to governance. One delegation expressed the need to increase resources for the Convention and ensure a balanced and representative World Heritage List. The composition of the Bureau may be examined in relation to those of other Committees. It was also noted that the World Heritage Committee, oversaw resources of the World Heritage Fund and could amend the Operational Guidelines of the Convention.

f. Convention on the Protection of the Underwater Cultural Heritage (2001)

Several Member States took the floor and expressed their appreciation for the Convention, calling for the need of achieving more ratifications. The organisation of an Exchange Day, preceding the Meeting of States Parties, was considered a good practice to be emulated, as it allowed thematic discussions between States Parties.

Member States expressed serious concern over the low staffing and financial resources available for the 2001 Convention's Secretariat. A minimum of three permanent posts per Convention was suggested by some of those who took the floor. Encouraging secondments from Member States was again suggested. The question of the 2001 Convention's

Secretariat being kept under the 1954 Convention's Secretariat. – as it is done presently- was raised by one Member State.

g. Convention for the Safeguarding of the Intangible Cultural Heritage (2003)

Several Member States noted that at its last session, its Committee had decided to establish an informal ad hoc working group, to be convened by the President, which would meet between sessions to discuss consultation and dialogue between the Evaluation Body and submitting States Parties, the procedure of decision-making of the Committee on nomination dossiers, and other related matters. The results framework developed for the Convention was noted as an excellent best practice.

Member States called for more briefing and orientation for new members of the Committee. In addition, Bureau Members, in their capacities as regional Vice –Presidents, should improve consultations with respective electoral groups, according to two delegates.

Member States drew attention to the need avoid politicisation, expressing concern about credibility of the Convention. One Member State was preoccupied with the perceived different treatment with respect to the number of files proposed by some countries.

The Secretariat acknowledged the need to reduce politicisation, which was often linked with the listing of files, and recalled that this issue was being addressed by the ad hoc working group. The Secretariat also stated that all criteria and rules for the inscription of files, including the number of files that could be examined from each country, were in the Operational Directives, and that the Secretariat always abided by these regulations.

h. Convention on the Promotion and Protection of the Diversity of Cultural Expressions (2005)

The Co-Chairs noted that there was no time for the discussion on the 2005 Convention and decided, supported by the Member States present, to resume the deliberations at the next meeting of Sub-Group 2, scheduled for the time being for 9 May 2017.

Participants: 80 Member States and one intergovernmental organisation