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Организация
Объединенных Наций по
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منظمة الأمم المتحدة
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Chairperson of the Committee for the Protection of Cultural Property in the Event of Armed Conflict

H.E Mrs Zohour Alaoui
President of the General Conference
Chairperson
Open Ended Working Group on
Governance, procedures and working
methods of the governing bodies of
UNESCO

29 August 2018

Ref.: CLT/HER/CHP/18/1954/7149

Dear Ms President,

Allow me to refer to your letter dated 16 July last, regarding the implementation of the recommendations of the Working group on governance, procedures and working methods of the governing bodies of UNESCO that were endorsed by the General Conference at its 39th session (39 C/Resolution 87, enclosed).

I am pleased to inform you that the 11th meeting of the Committee for the Protection of Cultural Property in the Event of Armed Conflict considered the progress report on the follow-up to the recommendations of the External Auditor's "Report on the governance of UNESCO and dependent funds, programmes and entities" (Document C54/16/11.COM/14, enclosed). It also adopted Decision 11.COM 14 (copy enclosed), in which it requested the Secretariat to transmit Document CLT-16/11.COM/CONF.203/10 as well as the relevant decision on this subject adopted at its 11th meeting to the President of the working group (copy of the letter enclosed).

Please be advised that my distinguished predecessor Ms Artemis Papathanasiou transmitted, by her letter of 5 December 2016 (copy enclosed) to the then President of the General Conference H. E. Mr Stanley Mutumba Simataa, the main factual information on the Committee and a copy Document C54/16/11.COM/14.

I hope you find this information helpful.

Please accept, dear Ms President, the assurances of my highest consideration.



Ket Sophann

Chairperson of the Committee for the
Protection of Cultural Property in the Event
of Armed Conflict

X Methods of work of the Organization

87 Governance, procedures and working methods of the governing bodies of UNESCO

The General Conference.

Recalling 38 C/Resolution 101, by which it decided to establish an open-ended working group on governance, procedures and working methods of the governing bodies of UNESCO whose mandate would be to examine the governance, procedures and working methods of the governing bodies building on the recommendations of the Executive Board (197 EX/Decision 28 and 44), and to report to the Executive Board at its 202nd session with a view to enabling the Executive Board to make its recommendations to the General Conference at its 39th session,

Having considered document 39 C/20 containing the report and the recommendations of the open-ended working group on governance, as well as document 39 C/20 Add., containing the recommendations of the Executive Board thereon,

Taking note of the debates in the APX Commission,

1. *Thanks* the President of the 38th session of the General Conference, Chairperson of the open-ended working group on governance, as well as the members of the group, for their valuable contribution to the reflections of the General Conference on the structure, composition and methods of work of the General Conference and Executive Board, and of UNESCO's international and intergovernmental bodies;
2. *Endorses* the recommendations of the open-ended working group on governance as amended in document 39 C/70;
3. *Invites* the Executive Board, the Director-General and the governing bodies of the different organs examined by the open-ended working group on governance to implement, as appropriate, the above-mentioned recommendations;
4. *Underlines* the role of the Secretariat as facilitator in the follow-up process of all the international and intergovernmental bodies, and *invites* the Director-General to produce an electronic guidebook of good practices, as outlined in recommendations 76, 80 and 129, in a timely manner to inform UNESCO's international and intergovernmental bodies at their upcoming meetings in 2018 on possible concrete ways for further alignment with UNESCO's Medium-Term Strategy (C/4) and its Programme and Budget (C/5);
5. *Requests* the Director-General, in consultation with the President of the General Conference and the Chairperson of the Executive Board, to review the relevant UNESCO texts impacted by the above recommendations;

II

1. *Decides* to amend paragraphs 4 and 5 of Rule 82 of the Rules of Procedure of the General Conference as follows:

"XV. Voting

Rule 82 – Voting rights

(...)

4. (a) Member States shall address their communications invoking the provisions of Article IV.C, paragraph 8(c), to the Director-General, who shall transmit them to the Administrative Commission of the General Conference. That Commission shall take up the matter at the commencement of its work and issue in plenary meeting, as a matter of priority, a report and recommendations on the subject.
- (b) For this purpose, the Administrative Commission of the General Conference shall establish a working group on contributions. The working group shall consist of six members, one representative from each electoral group. Upon the first meeting of this working group, none of its members should be in a position to be deprived of their right to vote under Article IV.C, paragraph 8 (b), of the Constitution.
- (c) The term of office of the members of the working group shall be four years. Half of the members of the working group shall be replaced at each ordinary session of the General Conference.

Transitional provision:

On the first election of members of the working group, half of them, designated by drawing lots, shall only serve a term of two years.

- (d) The working group on contributions shall begin its work one to two months before the expiry of the time limit specified in paragraph 5 below.
5. The communications from Member States referred to in paragraph 4 (a) must be submitted no later than the opening day of the Executive Board session preceding the General Conference. In the absence of such a communication from the Member States concerned, the latter may no longer be authorized to take part in voting at that session of the General Conference."

Resolution adopted on the reports of the APX Commission and the Legal Committee at the 18th plenary meeting, on 13 November 2017.



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Culture Sector
Division for Heritage

H.E Mr Stanley Mutumba Simataa
President of the General Conference
Chairperson
Open Ended Working Group on
Governance, procedures and working
methods of the governing bodies of
UNESCO

4 January 2017

Ref.: CLT/HER/CHP/17/1

Dear Mr President,

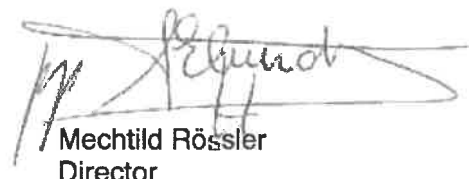
On behalf of Mr Sophann Ket, the Chairperson of the Committee for the Protection of Cultural Property in the Event of Armed Conflict ("the Committee"), allow me to refer to your letter of 8 December 2016 regarding the follow-up to the requirements set by the General Conference in its 38 C/Resolution 101 concerning governance, procedures and working methods of the governing bodies of UNESCO. I wish to inform you that that the Committee discussed the "Follow-up to the Recommendations of the External Auditor's "Report on the governance of UNESCO and dependent funds, programmes and entities" (Document 38 C/23)" during its 11th Meeting (UNESCO Headquarters, 8-9 December 2016).

At the request of the Chairperson, I am pleased to transmit to you, the respective decision.

The Chief of the Cultural Heritage Protection Treaties Section in the Division for Heritage, Mr Jan Hladik, would be pleased to provide any further information or clarification you might require. You may contact him by telephone at (33.1) 45.68.37.93, by fax at (33.1) 45.68.55.96 or by e-mail at j.hladik@unesco.org.

Thank you in advance for your consideration of this matter.

Please accept, dear Mr President, the assurances of my highest consideration.



Mechtild Rössler
Director



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**Chairperson of the Committee
for the Protection of Cultural Property in the Event of Armed Conflict**

H.E Stanley Mutumba Simataa
President of the General Conference
Chairperson
Open Ended Working Group on
Governance, procedures and working
methods of the governing bodies of
UNESCO

December 2016

Ref.: CLT/HER/CHP/16/135

Dear Mr President,

Allow me to refer to your letters of 6 April and 17 October 2016 last regarding the follow-up to the requirements set by the General Conference in its **38C/Resolution 101** concerning governance, procedures and working methods of the governing bodies of UNESCO.

In this regard, I am pleased to inform you that, as recommended by this Resolution, an item on governance has been inscribed on the provisional agenda of the 11th Meeting of the Committee ("the Committee") for the Protection of Cultural Property in the Event of Armed Conflict which will take place on 8-9 December 2016 at UNESCO's Headquarters.

I also took good note of the wish of the Working Group on governance to receive a summary of main factual information on intergovernmental programmes, committees and organs to allow Member States to hold effective deliberations on their governance.

In this regard, I am pleased to transmit to you herewith the fact sheet containing the requested main factual information on the Committee.

You will find also attached a document *C54/16/11.COM/14* on governance which will be presented to the Committee.

Please accept, dear Mr President, the assurances of my highest consideration.

Yours sincerely,

Artemis Papathanasiou
Chairperson of the Committee for the
Protection of Cultural Property in the
Event of Armed Conflict

DECISION 11.COM 13

The Committee,

1. Having considered Document C54/16/11.COM/13 and its Annex,
2. Thanks the Secretariat for its work;
3. Takes note of the document and its Annex;
4. Requests the Secretariat to provide updated information on the follow-up of the implementation of the recommendations contained in the IOS audit at its Twelfth Meeting on any outstanding matters.

DECISION 11.COM 14

The Committee,

1. Having examined Document C54/16/11.COM/14, and taking into account the General Conference Resolution 38 C /101,
2. Recalling the Audit of the Working Methods for the Cultural Conventions and Evaluation of UNESCO's standard-setting work of the Culture Sector conducted by the Internal Oversight Service,
3. Takes note of the inventory of the follow-up of the recommendations of the governance audit of UNESCO and its activities, funds and programmes;
4. Decides to forward the Document CLT-16/11.COM/CONF.203/10 as well as the relevant decision on this subject adopted at its Eleventh Meeting to the President of the Working Group with an unrestricted composition for the governance, procedures and working methods of the Governing Bodies;
5. Requests its Chairperson to include in his report at the Seventh Meeting of the Parties a point reflecting the content of the discussions concerning the monitoring of resolution 38 C/101 of the General Conference.



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11 COM

C54/16/11.COM/14
Paris, 22 November 2016
Original: French

**SECOND PROTOCOL TO THE HAGUE CONVENTION OF 1954
FOR THE PROTECTION OF CULTURAL PROPERTY
IN THE EVENT OF ARMED CONFLICT**

**COMMITTEE FOR THE PROTECTION OF CULTURAL PROPERTY
IN THE EVENT OF ARMED CONFLICT**

Eleventh Meeting
UNESCO Headquarters
8 – 9 December 2016

Point 14 of the provisional agenda:
**Follow-up of the Recommendations of the External Auditor's "Report on the
governance of UNESCO and dependent funds, programmes and entities"
(Document 38C/23)**

The document is presented pursuant to Resolution 38C/101, by which the General Conference of UNESCO invited all intergovernmental programmes, committees and organs of the Conventions to inscribe, in 2016 if feasible, an item concerning the follow-up of the recommendations of the External Auditor's "*Report on the governance of UNESCO and dependent funds, programmes and entities*" contained in Document 38 C/23.

Draft decision: paragraph 22.

CONTEXT

1. At its 37th session (2013), the General Conference requested the external Auditor to perform an audit of the governance of UNESCO as a follow-up to the United Nations Joint Inspection Unit's (JIU) recommendations concerning the methods of work of UNESCO's intergovernmental bodies. In this Resolution, the General Conference invited all Governing Bodies, intergovernmental programmes, committees and organs established by the Conventions "to perform a self-assessment covering the overall relevance of their work in relation to their specific terms of reference as well as the efficiency and effectiveness of their meetings, including the impact and utility of experts' time; the outcome of these self-assessments should be reported by January 2015". (Resolution 37C/96).
2. In accordance with Resolution 37C/96, the Secretariat sent to the Presidents of the governing bodies of The Hague Convention of 1954 and its Second Protocol (Meeting of the High Contracting Parties, Meeting of the Parties and Committee for the Protection of Cultural Properties in the Event of Armed Conflict) who were in office during the period 2013-2014, a self-assessment questionnaire, in order to collect comments.
3. The results of the questionnaire were included in the Final Audit Report on the Governance of UNESCO and of its attached entities, funds and programmes and this was examined by the 197th session of the Executive Board (October 2015). The Executive Board recommended to the 38th session of the General Conference that a Working Group be established with an unrestricted composition to further discuss the recommendations of the audit report.

I. WORKING GROUP ON GOVERNANCE, PROCEDURES AND WORKING METHODS OF THE GOVERNING BODIES OF UNESCO

4. At its 38th session, in 2015, the General Conference of UNESCO reaffirmed the need for a global and holistic reform of UNESCO, in particular of its Governing Bodies in order to improve effectiveness and efficiency of governance and improve strategic decision-making in the Organization and it indicated that this reform needed to be led by the Member States. In its Resolution 38C/101, the General Conference decided to establish a Working Group of unrestricted composition concerning the governance, procedures and working methods of the Governing Bodies of UNESCO based on the recommendations of the Executive Board (Decisions 197 EX/28 and 44).
5. In accordance with Resolution 38C/101, the mandate of the Working Group is to examine the governance, procedures and working methods of the Governing Bodies of UNESCO, on the basis of the views and proposals received from Member States, from the *External Auditor's Report on the Governance of UNESCO and dependent funds, programmes and entities*, the relevant evaluations and audits to be conducted by the Internal Oversight Service (IOS), as well as previous Decisions and Resolutions related to governance. The task of the Working Group would be to formulate a series of recommendations as well as the likely impact and the financial implications that would be subjected to the examination of the General Conference at its 39th session.
6. The Working Group held two meetings, on 17 February and 1 April 2016. Other meetings are planned before its recommendations are submitted to the 202nd session of the Executive Board which will transmit them – accompanied by its observations – to the General Conference at its 39th session, in 2017. An informal summary of the contributions of the Member States resulting from the Working Group meetings that have been held to date is included in Annex I to the present Document.
7. Furthermore, in its Resolution 38C/101, the General Conference invited all the intergovernmental programmes, committees and organs of the Conventions to include on their agendas, if feasible in 2016, a point concerning the monitoring of the recommendations of the External Auditor's Report reproduced in document 38 C/23, to take concrete measures to improve their governance, and to report on the proposals they formulated to the President of the Working Group. Following this resolution, the Sixth Meeting of the Parties to the

Second Protocol (December 2015) adopted a recommendation under the terms of which it invited all the Parties to provide the Secretariat with *“their written comments [on Resolution 38C/101] to enable the Committee to hold an open-ended discussion on concrete measures for governance improvements”*.

8. Under the terms of this consultation, 9 Parties (Armenia, Belgium, Chile, Denmark, Finland, Germany, Norway, Sweden and Slovakia) submitted their observations to the Secretariat. These are presented in Annex III of this document.

II. RECOMMENDATIONS OF THE EXTERNAL AUDITOR’S REPORT: “REPORT ON THE GOVERNANCE OF UNESCO AND DEPENDENT FUNDS, PROGRAMMES AND ENTITIES”

9. An Executive Summary of the Audit Report on the governance of UNESCO and dependent funds, programmes and entities can be found in the Annex to Document 38C/23, attached to Annex II of the present Document.
10. As a reminder, UNESCO’s Internal Oversight Service (IOS) performed an Audit of the Working Methods of Cultural Conventions and an Evaluation of UNESCO’s standard-setting work of the Culture Sector¹. The Follow-up of the said evaluation has been on the agenda of the Committee for the Protection of Cultural Property in the Event of Armed Conflict (“The Committee”) since its Eighth Meeting (December 2013).
11. Some of the External Auditor’s recommendations contained in document 38C/23 have been examined or are currently under examination by the Committee in the context of the follow-up of the Audit of working methods of the Cultural Conventions and Evaluation of UNESCO’s standard-setting work of the Culture Sector. That is the case for some of the actions proposed by the Auditor under Recommendation 3, as shown hereunder:
- **“Accelerate the shortening of sessions”**: to the extent that meetings of the Committee, the Parties and the High Contracting Parties last for two days, a half-day and one and a half days respectively, it does not seem feasible to reduce their length further.
 - **“Biennial sessions rather than annual sessions, quadrennial rather than biennial”**: the frequency of the Meetings of the Committee and of the Parties to the 1999 Second Protocol is defined in the Second Protocol. The ordinary sessions of the Committee are held annually, while those of the Meetings of the Parties are biennial. The frequency of the Meetings of the High Contracting Parties is determined on the basis of the recommendations adopted by the High Contracting Parties. Recent practice consists in convening the High Contracting Parties to meet every two years, coordinating the meeting with the Meeting of the Parties to the Second Protocol. The practice consisting in organizing informal meetings of the Committee’s Bureau has been abandoned.
 - **“Lighten the agendas by classifying priorities and delegating minor decisions”**: the agendas for the Statutory meetings are, to a large extent, limited to the follow-up and the implementation of their decisions and recommendations.
 - **“Simplify and improve the dissemination of the results”**: the dissemination of the results (namely, the Committee’s decisions and the decisions and recommendations of the Meeting of the Parties and the Meeting of the High Contracting Parties as well as their respective final reports) was simplified several years previously, by ensuring their electronic transmission to the States Parties and making them available on the relevant Web pages.

¹ Available online at <http://www.unesco.org/culture/ich/doc/src/IOS-AUD-2013-06-EN.pdf>

12. Furthermore, it should be stressed that some of the External Auditor's recommendations have a general application and are relevant for all the Governing Bodies of the Cultural Conventions. This concerns several of the actions proposed by the Auditor under **Recommendation 3, as well as Recommendations nos. 5, 7 and 8**. The actions and recommendations proposed as well as their likely impact on the Governing Bodies are listed below, accompanied by the comments which the Committee would like, where appropriate, to take into consideration.
- **Recommendation No. 3**
 - **"Grouping the sessions"**
13. Currently, it does not appear feasible to synchronise meetings of the Committee, the Parties to the Second Protocol and the High Contracting Parties with those of the other Statutory Bodies of the Cultural Conventions, and to do so to the extent that the participants in the respective meetings have a very particular profile and are often remote from their capital cities.
- **"Rolling out the general use of the teleconference"**
14. It should be noted that although the use of teleconferences for smaller meetings could be envisaged, it would be difficult to implement them for wider Statutory meetings for practical reasons (e.g.: time differences between the States Parties, organization of discussions, voting processes and procedures, etc.).
- **"Only convening indispensable sessions, financed through the ordinary budget"**
15. In essence, statutory meetings are the result of legal obligations and are consequently indispensable. In the context of The 1954 Hague Convention and its two Protocols, Statutory meetings are financed exclusively with the resources of the ordinary budget.
- **"Reducing the number of participants in meetings" and "increasing the number of delegations of authority to the Bureaux"**
16. It should be noted that decisions are incumbent upon the States Parties and the Committee members even though they might want to consider reducing the number of their representatives at the statutory meetings and delegate minor decisions. As for the delegation of authority, it is also appropriate to note that the Committee's Rules of Procedure provide with the possibility of creating subsidiary bodies (Article 10) and sub-committees (Article 11). Numerous competencies cannot be legally delegated, and must be exercised specifically by the Meeting of the Parties (see Article 23 of the Second Protocol) or the Committee (see Article 27 of the Second Protocol).
- **Recommendation 5. On a provisional trial basis, the External Auditor recommends that the General Conference: (i) decide to elect, from 2016, the same States parties to the Governing Bodies of the heritage-related conventions, and that the Governing Bodies thus constituted shall hold their respective sessions in a single joint session, under appropriate legal arrangements.**
17. The implementation of part (i) of the present recommendation implies that all the States Members are Parties to the same Conventions as well as to the 1954 and 1999 Protocols – meaning that all of them have ratified the same Cultural Conventions. It should be noted, however, that this is not the case and that the ratification of the Conventions has been dealt with by each country on a national level. (In this respect, for example, 127 States are parties to the Convention of 1954, 104 to the 1954 Protocol, 68 to the 1999 Second Protocol, 131 to the 1970 Convention, 192 to the 1972 Convention, 169 to the 2003 Convention and 143 to the 2005 Convention).
18. Furthermore, a single joint session of all the Cultural Conventions would imply changes to the basic texts (Conventions, Rules of Procedure, Orientations, Operational Directives,

Guidelines etc.) and a complete review of the internal calendar for the cycle of meetings and statutory deadlines.

19. It should be noted that the holding of separate meetings does not prevent the promotion of synergies between UNESCO's various standard-setting instruments in the field of culture, something that the Secretariat is promoting.
 - **Recommendation 7. The External Auditor recommends (i) to undertake in 2016, under the supervision of the Bureau of the Executive Board, the drawing up of a draft Code of Governance, harmonising and codifying the Rules of Procedure, texts and practices of the Governing Bodies of all UNESCO universe entities.**
20. Part (i) of the present recommendation concerns the systematisation of Rules of Procedure of the "Governing Bodies of all UNESCO universe entities" and, consequently, would involve a revision of the texts of the Rules of Procedure of each of the Governing Bodies. In this regard, it is to be noted that it is the responsibility of the Governing Body in question to amend and adopt its own Rules of Procedure. Consequently, the harmonization and systematization of the Rules of Procedure, texts and practices of the Governing Bodies of all the "UNESCO universe entities" would, if such a proposal is approved, have to be undertaken in two steps: firstly, at the level of the Body in question and secondly on a basis common to all the Governing Bodies.
 - **Recommendation 8. The External Auditor recommends: (i) examining the means of introducing a pre-selection system for individual candidates for the functions of chair and vice-chair of the Governing Bodies, based on transparent and robust criteria of competence, (ii) to limit the total length of consecutive terms of office (e.g. to four years) for the same delegate in a Governing Body, in order to allow the acquisition of sufficient experience by the delegates and their periodic replacement, (iii) to recommend that the Member States who are candidates for a seat within a Governing Body undertake to nominate a full member or alternate member with sufficient experience in that Body's field, (iv) to introduce compulsory training for exercising the functions of chair and vice-chair of a Governing Body, adapted to the experience of the newly elected members.**
21. This recommendation suggests the introduction of new rules concerning the designation/election of Chairs and Vice-Chairs of Governing Bodies, a limitation of the duration of terms of office as well as requirements for such a term of office. Consequently, such provisions will be included in the Rules of Procedure of each Governing Body. However, as indicated above, it should be stressed that amendments/revisions of the texts of the Rules of Procedure of each of the Governing Bodies are responsibility of the Body in question which is also responsible for the amendment and adoption of its Rules of Procedure.
22. In view of the above, the Committee might want to adopt the following decision:

DRAFT DECISION 11.COM 14

The Committee,

1. Having examined document C54/16/11.COM/14,
2. Recalling the Audit of the Working Methods for the Cultural Conventions and Evaluation of UNESCO's standard-setting work of the Culture Sector conducted by the Internal Oversight Service,
3. Takes note of the inventory of the follow-up of the recommendations of the governance audit of UNESCO and its activities, funds and programmes;
4. Decides to forward the Document CLT-16/11.COM/CONF.203/XX as well as the relevant decision on this subject adopted at its eleventh Meeting to the President of the Working Group with an unrestricted composition for the governance, procedures and working methods of the Governing Bodies;
5. Requests its President to include in his/her report at the Meeting of the Parties a point reflecting the content of the discussions concerning the monitoring of resolution 38C/101 of the General Conference.

ANNEX I

**WORKING GROUP ON THE GOVERNANCE, PROCEDURES AND WORKING METHODS OF
THE GOVERNING BODIES OF UNESCO**

INFORMAL SUMMARY OF CONTRIBUTIONS FROM MEMBER STATES



Working Group on the Governance, Procedures and Working Methods of the Governing Bodies of UNESCO

Informal Summary of Contributions from Member States

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

Proposed dates for the meetings of Sub-Group 1

Proposed by the Bureau of the Working Group and approved on 1 April 2016 by the Working Group:

- 2 June 2016
- 23 September 2016

Overarching issues

- Balance of decision-making powers between the two governing bodies according to their constitutional mandates
- Enhanced and institutionalized dialogue and cooperation between General Conference and Executive Board
- Relations between the General Conference, the Executive Board and the Secretariat of UNESCO.
- Governance reform to focus on effectiveness and efficiency
- Cost-cutting approach is not an aim *per se* (move beyond)
- Small delegations to contribute to all reforms
- Participation of all Member States and the governing bodies of the international and intergovernmental entities of UNESCO in the drafting of the C/4 and C/5
- All proposed reforms should be costed
- Ensure visibility of the work of the Organization and its Governing Bodies

1. General Conference:

- Timing/schedule and flexibility of Commissions – possibility of permanent Commissions
- Simplification of agenda items, grouping of items and taking note items. Annotated agenda
- Review the National Policy Statements to provide guidance to the Executive Board and the Secretariat in the formulation of the C/5 and to focus on key programme areas and on selected items (cf: dedicated round table of Ministers/Ministerial Round table on the preparation of future C/5)
- Role of the Bureau and distribution of minutes of Bureau meetings

- Proposed amendments to the Rules of procedure of the General Conference on Rule 82 on voting rights (document 38 C/WG/1/4)
- Large participation and geographical balance in reform decision- making

2. Executive Board:

- Limitation of (consecutive) terms
- Review the Executive Board's own reforms of its structure and working methods
- Organizational meetings at the beginning of the two-years cycle to determine provisional agendas and programmes of work, open to all Member states
- Increased participation of all Member States in the debate of the C/5 programme design
- Reduction of agenda items, reduction and grouping of items, taking note items, annotated agenda
- Reduction/Abolition of the general debate for national statements
- Open ended informal consultations on proposed draft decision before discussions in Commissions and Plenary
- Role of the Bureau and distribution of minutes of Bureau meetings
- Improved reporting by the Executive Board to the General Conference on its own activities and on programme implementation, including the Board's evaluation
- Thematic Debate during and outside the formal session of the Executive board
- Interactive sessions of dialogue between the DG and the Executive Board on the report on the programme implementation
- Review the debate on staffing issues
- Participation and geographical balance in reform decision making

B. "Structure, composition and methods of work of UNESCO's international and intergovernmental bodies (IIBs)" (Sub-Group 2)

Proposed dates for the meetings of Sub-Group 2

To be agreed

Overarching issues

- Coherence with the Organization's Programme and priorities
- Enhanced visibility of results
- Streamlining activities of IIBs to contribute to C/5 expected results
- IIBs to address UNESCO's role in the implementation of the 2030 agenda
- Coherence and synergies, noting different geneses and legal status of various bodies and independence of some of them
- Balance between equity and efficiency in participation of Member States
- Each IIB to review the recommendations of the external auditor in line with resolution 38 C/101

Harmonization of methods of work

- Harmonization of working methods and of Rules of Procedure
- Streamlining reporting formats
- Common practices and procedures
- Clarification of the mandates of Bureaus versus main organs

Alignment with C/5 and overarching priorities

- Involvement of IIB in the preparation of UNESCO's Programme and Budget - Consultation of IIB in the preparation, in particular on the format and timing
- Contributions of IIB to deliver the C/5 and the expected results once approved by the General Conference - Presentation of the approved C/5 to IIB, planning of activities of IIB based on the consideration of the approved C/5 and IIB reporting on contribution to the Expected Results of the C/5.
- Priority setting mechanism
- Development of result framework – a theory for change of the IIB.

Efficiency of results delivery

- Annotated agendas with discussion points
- Reinforced use of ICTs and availability of documents online
- Measures to enhance transparency of the work of IIBs
- Visibility and communication on respective mandates
- Improving efficiency of meetings (length, participants, technical aspects, dissemination of results)

Enhanced coordination with and among IIBs

- Merging IIBs with similar or related programme focus.
- Regular meetings of the presidents of treaty bodies
- Harmonization of the global calendar of meetings over the biennium
- Relation between IIBs and the General Conference, including reporting

C. Date of the forthcoming meeting of the Working Group

- 3 October 2016

ANNEX II

Document 38C/23

**FOLLOW UP TO THE UNITED NATIONS JOINT INSPECTION UNIT (JIU)
RECOMMENDATIONS CONCERNING THE METHODS OF WORK OF UNESCO'S
INTERGOVERNMENTAL BODIES**

REPORT BY THE EXTERNAL AUDITOR



General Conference

38th session, Paris 2015

38 C

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Organisation
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Организация
Объединенных Наций по
вопросам образования,
науки и культуры

منظمة الأمم المتحدة
للتربية والعلم والثقافة

联合国教育、
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38 C/23

2 November 2015

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Item 5.2 of the provisional agenda

FOLLOW UP TO THE UNITED NATIONS JOINT INSPECTION UNIT (JIU) RECOMMENDATIONS CONCERNING THE METHODS OF WORK OF UNESCO'S INTERGOVERNMENTAL BODIES

REPORT BY THE EXTERNAL AUDITOR

OUTLINE

Source: 37 C/Resolution 96 and 197 EX/Decision 28 and 44.

Background: This document is presented in compliance with 37 C/Resolution 96 and 197 EX/Decision 28 and 44.

Purpose: By 37 C/Resolution 96, the General Conference requested the External Auditor to present an interim report on the findings and main recommendations of the governance review to the Executive Board at its 196th session, with the full report to be presented at the 197th session of the Executive Board, with a view to recommending relevant follow-up measures for consideration by the General Conference at its 38th session.

Decision required: the General Conference is invited to take a decision on the proposals contained in document 38 C/23, paragraph 1.

INTRODUCTION

1. After examining the external audit report on the governance of UNESCO and dependent funds, programmes and entities and the amendments to the Rules of Procedure of the Executive Board, the Executive Board adopted the following decision with a view to recommending follow up measures for consideration by the 38th General Conference (197 EX/Decision 28 and 44):

The Executive Board,

1. Having examined document 197 EX/44,
2. Also having examined documents 197 EX/28 and 197 EX/28.INF on the audit of the governance of UNESCO,
3. Recognizing the hard work undertaken by the informal group of friends of governance,
4. Considering the recommendations and conclusions of the External Auditor's report on the governance of UNESCO,
5. Reaffirming the need for a holistic and comprehensive reform of UNESCO, particularly its governing bodies, in order to ensure greater effectiveness and efficiency of the governance of the Organization,
6. Takes note of the additional information provided by the Secretariat on the financial implications of the proposals contained in document 197 EX/44,
7. Recommends that the General Conference, at its 38th session:
 - (a) discuss the question of the governance and working procedures and methods of the governing bodies of UNESCO;
 - (b) establish an open-ended working group on governance, procedures and working methods of the governing bodies of UNESCO on the basis particularly of the External Auditor's report on the governance of UNESCO;
 - (c) define the terms of reference and timetable of the open-ended working group, so that it may submit its report to the General Conference at its 39th session;
8. Requests the Director-General of UNESCO to include in the agenda of the 38th session of the General Conference of UNESCO an item on the governance and working procedures and methods of the governing bodies of UNESCO;
9. Also requests the Director-General to submit to the first meeting of the above-mentioned working group, further information on the structure of the governing bodies of other agencies of the United Nations system, including aspects relating to their composition, functioning and frequency of meetings, in order to establish a comparison within the system.
10. Requests the Chair of the Executive Board, in consultation with the Director-General, to prepare the necessary practical arrangements and organize on a trial basis, during the biennium 2016-2017, and without amending the Rules of Procedure, meetings of the Executive Board members, in principle six times per year. These meetings will be open to

Member States member of the Executive Board, to non members of the Executive Board as observers with enhanced participation status, and to the Secretariat;

11. Decides to suspend the Preparatory Group and the Information Meetings on a trial basis during the biennium 2016-2017 and to integrate them in the meetings of Executive Board members as described under paragraph 10. These meetings have no decision-making power, but will foster discussions in view of the regular formal Executive Board sessions during the biennium, to be followed by an evaluation to be included in the report referred to in paragraph 7c;
12. Requests the Director-General to review and improve the existing orientation materials, regarding the functions and responsibilities of the governing organs and Executive Board members, as well as a UNESCO acronym glossary to be provided to Member States;
13. Requests the Director-General to start the implementation of recommendations 1, 11 and 13 of the above-mentioned External Auditor's Report on Governance and to report to the 199th session of the Executive Board on progress.



United Nations
Educational, Scientific and
Cultural Organization

Executive Board
Hundred and ninety-seventh session

197 EX/28
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Item 28 of the provisional agenda

NEW AUDITS BY THE EXTERNAL AUDITOR

SHORT-FORM REPORT

**AUDIT OF THE GOVERNANCE OF UNESCO
AND DEPENDENT FUNDS, PROGRAMMES AND ENTITIES**

SUMMARY

This document is the short-form report of the External Auditor's audit report on the governance of UNESCO and its dependent funds, programmes and entities, as submitted in document 197 EX/28.INF, in compliance with Article 12.6 of the Financial Regulations and pursuant to 37 C/Resolution 96.

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

EXECUTIVE SUMMARY

AUDIT REPORT ON THE GOVERNANCE OF UNESCO AND DEPENDENT FUNDS, PROGRAMMES AND ENTITIES

DISCLAIMER: This executive summary was drawn up by the External Auditor at the Secretariat's request in order to optimize translation costs and facilitate the governing bodies' discussions. Only the long-form report is authoritative in terms of the exact content, nature and scope of the External Auditor's observations and recommendations.

1. In November 2013, by 37 C/Resolution 96, the General Conference requested that the External Auditor conduct an audit of the external governance of UNESCO and entities that are attached to or administered by the Organization (Annex 2), following a report by the United Nations Joint Inspection Unit (JIU) on the administration and management of UNESCO. At its request, an interim report was submitted to the Executive Board in April 2015 (196 EX/23 INF.5). The full report, summarized here, was submitted to the Board in July 2015 so that, pursuant to the aforementioned resolution, it could recommend "*relevant follow-up measures for consideration by the General Conference at its 38th session*" (November 2015).

2. The first chapter summarizes the conditions under which the governance review took place. It was based in particular on the self-assessment of the governing bodies, cost evaluation of governance arrangements and benchmarking with international institutes.

3. The second chapter proposes guidelines in continuity with numerous recommendations, which, in the past, advised that external governance be better managed, but which have not yet delivered all the results expected. These recommendations remain necessary even though they are insufficient given the dysfunctions and persistent shortcomings that led to the request for the present audit.

4. The third and last chapter therefore lays out 15 new recommendations, in order to restructure and enrich external governance. Annexes complete the remarks made in these chapters.

I. METHODOLOGY, SELF-ASSESSMENT, COSTS	II. BETTER MANAGING EXTERNAL GOVERNANCE	III.-RESTRUCTURING AND REINFORCING EXTERNAL GOVERNANCE	Annexes
<ul style="list-style-type: none"> • The review took into account the numerous audits and evaluations of recent years. • There was an underlying complacency in the governing bodies' assessment, which limited its scope. • The indirect costs of governance are still unclear, but their estimation, albeit imperfect, indicates that they are significant. 	<ul style="list-style-type: none"> • Action in ten areas, stemming from recommendations that are thus reiterated and enlarged. • Many were blocked completely or partly by obstacles, which the context, especially budgetary, made it necessary to overcome. 	<ul style="list-style-type: none"> • 15 new recommendations aim to reduce overlapping, bring governing bodies closer, harmonize rules and procedures, improve performance and reduce costs. • Confidence can best be regained through measures on governance codes, ethics and audit committees in particular. 	<ul style="list-style-type: none"> • <i>International law on governance.</i> • <i>Statistical results of the self-assessment.</i> • <i>Direct and indirect costs.</i> • <i>Governing bodies coping with risks of perception of conflict of interest, corruption and fraud.</i> • <i>Observations.</i>

I. METHODOLOGY AND SELF-ASSESSMENT

(1) Scope and definitions

5. Neither UNESCO nor the United Nations, which uses the term “main organs”, has defined “governing body”. Here, that term will designate a statutory body or regular meeting of UNESCO (see 191 EX/16 Part IV, Annex): “meetings of a representative character”, Category I (international conferences of States), Category II (intergovernmental meetings other than international conferences of States) and Category III (non-governmental conferences). Advisory bodies, which meet occasionally, fall outside that scope (for instance, UNESCO forums such as the Global Citizenship Education Forum), as do the category 2 institutes and centres.

6. The international law of governance has developed in recent years, though UNESCO itself has not yet defined it. A definition of governance has therefore been adopted in cooperation with the Organization, and served as a reference for the audit:

Definition: *Governance refers to the legal framework and the exercise of political authority required to lead and supervise the work of the Organization, determine its strategic direction, set its priorities, regularly assess its performance, determine the level of acceptable risk for its action, allocate resources in accordance with agreed policies and expected results and report thereon to stakeholders.*

7. The External Auditor has held discussions with each of the concerned components of UNESCO.¹ These discussions took various forms adapted to each component and to the subjects addressed. The findings were, for the most part, annexed to the aforementioned interim report. From February 2014 to June 2015, this work mobilized, on a part-time basis, as many as six auditors who had vast experience of international organizations and management issues in a diplomatic, multilateral environment. The dispersal, the frequent diversity and the sometimes incomplete character of the main resource, product and result indicators of the entities that have a governing body were an added difficulty, despite the efforts that are being carried out to remedy the situation.

8. The audit took into account all kinds of reports, as the governance evaluation process is practically continuous at UNESCO, especially through the Special Committee. It also took into account the successive reforms that have been undertaken, some of which are substantial, such as the one undertaken after the independent external evaluation (IEE, 2010).

(2) Self-assessment in 2014

9. The results of the self-assessment requested by the General Conference² can either be termed predominantly positive, if taken literally and only considered from the viewpoint of the response rate and ratings of the respondents, or disappointing, if substantial feedback had been expected. On the one hand, the diversity of the factual data received in response reflects the absence of a standardized management chart summarizing the nature, activity and resources of the entities and their governing bodies. On the other, self-assessment of the “*continued relevance, overlapping mandates, transparency and efficiency of decision-making and the cost of governance arrangements*”, as requested by the General Conference, was frequently tardy and incomplete. However, those replies, albeit incomplete, add up to an acceptable, representative survey.

¹ It is impossible to discern how the components of “the UNESCO universe” and their governing bodies are organized without an official organizational chart.

² “(a) all the governing bodies, intergovernmental programmes, committees and conventions are invited to participate in a self-assessment bearing on the global relevance of their work with regard to their specific mandate, as well as the efficiency and effectiveness of their meetings, and particularly the impact and usefulness of experts’ time (...)”.

10. The self-assessment rightly highlights UNESCO's strengths. Moreover, it expressed a general contentment: 41% of the replies gave the highest rating regarding goals reached and the quality of governance. The only recurring negative observation concerned the inadequacy of the budgets of the governing bodies, as much for their functioning as for actions they supervise. The self-assessment did not reveal any strong will, let alone the possibility of a consensus, to reform UNESCO's governance. This confirms the predominant "wait-and-see" attitude³, further illustrated by the implementation of only a quarter of the IEE's recommendations concerning governance.

11. The hundreds of written or oral comments, both general and specific, gathered in the course of the self-assessment confirm, leaving aside individual positions,⁴ that there is no desire, even among a minority, for in-depth reform.

12. In brief, the tone – or rather atonality – of some of the self-assessment contributions would suggest that the leaders of the governing bodies, who are mostly representatives of Member States, do not feel comfortable with officially sharing a critical analysis of the current governance practice. This finding, which seems to be at variance with the preoccupations of the General Conference, is a matter for concern.

If this exercise were to end there, ***the conclusion would at the very least be that the governing bodies do not desire any major changes, except additional financial resources, and that it is very unlikely that there will be a consensus to resolutely take the determined initiatives required to bring about substantial, lasting improvements to governance. This feeling is corroborated by the inconsistent follow-up to previous audits and evaluations in this field.***

(3) The cost of external governance arrangements

13. A new estimate of the cost of external governance arrangements (governing bodies and the bodies that assist them) has been considered.⁵ The External Auditor finds that the accounting and auditing tools allow for only a partial – and sometimes very approximate – estimate of the costs featuring in UNESCO's accounts. The result is a very broad biennial range, from **\$25 million to \$39 million** (one of the annexes sets out the methodological problems involved in estimating these costs and the working time of the secretariats of the governing bodies of the conventions, programmes and institutes).

Estimated biennial costs

1. Direct costs of the General Conference and Executive Board (source: GBS): **\$7.2 million.**
2. Direct costs of conventions, programmes and category 1 institutes (source: External Auditor, GBS methodology): **\$5.3 million.**
3. Valuation of the working time of secretariat staff not directly assigned to the governing bodies (source: Secretariat): **\$7.9 million.**
4. Unrecognized voluntary contributions in kind: **\$2 million to \$12 million** (source: Secretariat, non-exhaustive amount).
5. Valuation of the working time of the secretariats of conventions, programmes and institutes devoted to external governance *stricto sensu*: **\$2.2 million to \$6.6 million** (source: External Auditor's estimate).

³ The Executive Board had foreseen this wait-and-see attitude: see 37/C/49 Add. Annex.

⁴ In most cases, the self-assessment was carried out by one person or a few people, with collegial review (by a governing body, bureau or commission) being the exception.

⁵ Reports 191 EX/16 Part IV and 191 EX/16.INF, 15 March 2013, contained previous evaluations.

14. The estimate is all the more incomplete because the occupation of the meeting rooms at Headquarters has not been valued. The General Conference might usefully task the Secretariat with proposing modernization of their management, as well as additional savings, drawing among other things on the experience of the Committee on Conferences of the United Nations General Assembly and its services, summarized in an annex.

15. There have been reductions in staff numbers in recent years, but the Secretariat has not assessed whether they have materially reduced the working time it spends on the governing bodies.

16. The conclusion on this point is that, since UNESCO has not provided itself with the means to establish the real cost of the current external governance arrangements with a sufficient degree of accuracy, **that cost can be evaluated only approximately; it would, on average and per biennium, fall in a range of about 5% to 8% of regular budget spending.**⁶

17. The range of \$2 million to \$12 million for unrecognized contributions in kind (see 4 in the box above), for instance, essentially relates to the annual meeting of the 1972 Convention. Such a level of spending and such a range of evaluation for a single governing body meeting is evidence of erratic governance, especially if compared to the total financial resources available for achieving the objectives of other conventions and programmes. It means that one to two hundred million dollars (at current values), maybe even much more, have been spent on huge gatherings under one convention since it came into being⁷.

(4) Benchmarking

18. To acknowledge the General Conference's concerns, comparisons have also been made with other United Nations specialized agencies. Best practices that could be transposed to UNESCO, have thus been mentioned. All the United Nations Secretary General's reports on the "Comprehensive review of governance and oversight within the United Nations and its funds, programmes and specialized agencies", following the 2005 World Summit remain a base corpus. The very Member States that adopted these principles and their follow-up at the United Nations went on to exonerate themselves on a number of points when they were required to reflect upon them and, if possible, decide how they could be applied at UNESCO.

19. Two recommendations stem from this first chapter dedicated to methodology, self-assessment and costs:

Recommendation No. 1. The External Auditor recommends that the Secretariat provide the Executive Board at its spring 2016 session with an official organizational chart of the "UNESCO universe" and the different governing bodies.

Recommendation No. 2. The External Auditor recommends that:

- (i) a report on the means required to evaluate and manage the full external governance costs of each entity be prepared and submitted to the Executive Board for discussion at its spring 2016 session, and
- (ii) that the Executive Board initiate the comprehensive implementation of this report between now and the spring 2017 session, with a view to producing a comprehensive

⁶ This global ratio has only an indicative meaning for the "UNESCO universe", as the mandates of each of its governing bodies are different, and their activities depend on variables such as voluntary contributions, whether they are counted or unrecognized in the accounts of the Organization.

⁷ A rigorous analysis would have to include the expenses borne by Member States for the travel arrangements of representatives and experts for the work of the governing bodies, in addition to those of their permanent representatives. Based on a total of 200 trips per month for all the entities – an estimate that is purely intuitive, but probably not excessive – at an average of \$4,000, that would amount to some \$19 million of additional marginal costs per biennium, directly borne by the Member States.

and constructive report on external governance costs for the General Conference at its 39th session.

II. BETTER MANAGEMENT OF EXTERNAL GOVERNANCE

20. This second chapter examines the principal mechanisms and some of the governance procedures or practices that, according to the audit, can be improved upon. It is broadly equivalent to an examination of the follow-up to the recommendations previously made in numerous internal and external audit or evaluation reports, since the current findings are so similar to those made in the past. It largely reflects the findings of the Executive Board, which pointed out in 2013 that *“governance structures are found to be heavy (size and number of subsidiary bodies, frequency of meetings)”*⁸.

21. One obstacle to carrying out recommendations is the diversity of the current patchwork of governing bodies and of their performance. This obstacle will remain for as long as the – fiction, all the more comfortable for having foundations – persists that it is up to each body to decide on its own governance, despite the fact that all the Member States come together in a General Conference. The result is a recommendation reiterating the advice that has so far been ignored, and a recommendation to put in place the means to overcome previous obstacles, as well as a timetable:

Recommendation No. 3. The External Auditor recommends that the General Conference:

- (i) delegate the steering and management of the following ten actions to the Bureau of the Executive Board;
- (ii) to that end, provide the Board with the appropriate means to ensure, after obtaining the opinion of each of the governing bodies, consulted as needed and in the most efficient way, the adoption, at the 39th session of the General Conference, of a guide to best practices applicable to the whole of UNESCO and its dependent funds, programmes and entities:
 - accelerate the shortening of sessions
 - group meetings together
 - make annual meetings biennial, and biennial meetings quadrennial
 - make more use of teleconferences
 - convene essential meetings only and finance them through the regular budget
 - reduce the number of meeting participants
 - shorten agendas by prioritizing and delegating minor decisions
 - increase the delegation of authority to the bureau
 - simplify and improve the dissemination of results
 - encourage best practices

Recommendation No. 4. The External Auditor recommends that:

- (i) the Secretariat place at the Executive Board’s disposal the budget (possibly funded by the resources of the appropriate Special Accounts), experts and services required to establish a draft “guide to best practices in governance” and a concrete implementation plan to be considered by the Executive Board at its autumn 2016 session and for adoption by the General Conference at its 39th session;
- (ii) the experts to be placed at the Board’s disposal should not have had any ties whatsoever to UNESCO over the previous three years, and should ensure balanced

⁸ 37 C/49 Add., Annex, para. 44.

representation of the management cultures of the Member States of the General Conference;

- (iii) at its autumn 2016 session, the Executive Board have before it a report drawn up by its experts and validated by its Bureau, containing a significant acceleration plan for the implementation of each action listed in the guide, together with indicators of inputs, outputs and expected outcomes that are measurable and relevant regarding the situation as at 31 December 2015;
- (iv) the reports preparatory to the adoption of the budget contained in document 39 C/5 clearly identify in detail the effects related to the implementation of the guide to best practices, such as decreased expenditure relating to governing bodies, redeployment of the projected savings with a view to the implementation of the plan, dissemination of the guide, and training for delegation and Organization staff members.

RESTRUCTURING AND STRENGTHENING EXTERNAL GOVERNANCE

22. The third and last chapter responds to the General Conference's questions concerning "continued relevance [and] overlapping terms of reference". The synoptic table of 49 governing bodies and related entities, established by the External Auditor and annexed to the report, reveals a complexity that is unequalled among all the other agencies in the United Nations system with approximately comparable resources (some \$250 million per year).

23. Stemming from historical differences between legal instruments, this complexity partly explains why the governance structure does not correspond to any operational rationale and thus leaves the Organization open to risks of overlapping mandates and gaps in the system. Recent initiatives undertaken by governing bodies to remedy it have been mentioned, but there are still too few. As a result of the analysis thus developed, ten new recommendations have been formulated:

Recommendation No. 5. On a provisional trial basis, the External Auditor recommends that the General Conference:

- (i) decide to elect, from 2016, the same States Parties to the governing bodies of the heritage-related conventions and that the governing bodies thus constituted shall hold their respective sessions in a single joint session, under appropriate legal arrangements;
- (ii) entrust the Executive Board with organizing the implementation of this arrangement by its autumn 2016 session and provide it with appropriate resources;
- (iii) request the Secretariat consequently to merge the secretariats of these conventions by 1 September 2016.

Recommendation No. 6. The External Auditor recommends:

- (i) experimenting with a two-yearly meeting of chairs and directors of Category 1 institutes in the Education Sector and with structured coordination between the two sessions;
- (ii) examining, on the basis of this trial, the requirements for combining the institutes within a single *corporate* unit of which the current institutes would form operational divisions, with a single supreme governing body;
- (iii) that for the autumn 2016 Executive Board session the Secretariat produce a report that sets out the lessons learned from this trial and the conditions under which combining the institutes, or at the very least the establishment of joint governance, might be possible, together with an action plan to achieve this.

Recommendation No. 7. The External Auditor recommends:

- (i) drawing up a draft governance code in 2016, under the supervision of the Bureau of the Executive Board, that harmonizes and systematizes the rules of procedure, texts and practices of the governing bodies of all UNESCO universe entities;
- (ii) ensuring that this document is regularly updated through a repertoire of practice prepared by the Secretariat and submitted for approval to the Executive Board;
- (iii) adopting the decisions needed to implement this system at the 39th session of the General Conference.

Recommendation No. 8. The External Auditor recommends:

- (i) examining means of introducing a screening system for individual candidates for the offices of chair and vice-chair of governing bodies, based on robust and transparent criteria of competence;
- (ii) adopting a resolution to limit the total length of consecutive terms of office (e.g. to four years) for the same delegate in a governing body so that delegates can gain sufficient experience but the bodies can at the same time be periodically renewed;
- (iii) that Member States candidates for a seat on a governing body undertake to nominate a full member or alternate with sufficient experience in that body's field;
- (iv) introducing mandatory training for the offices of chair and vice-chair of a governing body, tailored to the experience of the new officers.

Recommendation No. 9. The External Auditor recommends establishing an open working group, under the direction of the Chair of the Executive Board and with the assistance of the Secretariat of the Governing Bodies, in order to prepare a proposal, along the lines of practice in other international organizations, to be examined at the 39th session of the General Conference, for systematic voting on a specific set of issues under debate, in each category of governing body, and according to arrangements to be specified.

Recommendation No. 10. The External Auditor recommends:

- (i) setting up an ethics committee;
- (ii) adding a section on the ethical conduct of members of governing bodies to the code of governance recommended elsewhere;
- (iii) that the Ethics Office assist the governing bodies, at their request;
- (iv) that public declaration of interest arrangements be put in place for experts assisting governing bodies.

Recommendation No. 11. The External Auditor recommends:

- (i) strengthening oversight of risk management, under the control of the General Conference and within a framework defined by the General Conference,
- (ii) delegating oversight of risk management to the Executive Board or an independent audit committee; and
- (iii) that the arrangements put in place and the progress made be reported on to the General Conference at its 39th session.

Recommendation No. 12. The External Auditor recommends:

- (i) the establishment of an independent audit committee, in accordance with the recommendations made in 2011 by the United Nations Joint Inspection Unit, with competence for all the entities, funds and programmes attached to UNESCO;
- (ii) to that end, that the Bureau of the Executive Board supervise the preparation of draft terms of reference and draft rules to be submitted to the General Conference at its 39th session for approval;
- (iii) that, pending amendment of the Basic Texts of UNESCO, an ad hoc interim audit committee reporting directly to the Executive Board be established, based on the current Oversight Advisory Committee.

Recommendation No. 13. The External Auditor recommends that the General Conference:

- (i) approve the draft medium- and long-term strategic plans concerning resources, especially IT resources, the organization and methods of the Organization, and in general, structural investments;
- (ii) delegate to the Executive Board the annual review of these plans, their budgets, and input, output and outcome indicators.

Recommendation No. 14. The External Auditor recommends that the General Conference set up an independent biennial governance evaluation under the supervision of the Executive Board and with the relevant support of the Secretariat. This would include the actions of the secretariats of convention and programme governing bodies, and the first report of the evaluation would be reviewed by the independent audit committee and then by the General Conference in 2017.

Recommendation No. 15. The External Auditor recommends that the General Conference:

- (i) create the position of governance adviser to the Executive Board from 1 January 2016, as well as, depending on the new responsibilities of the adviser:
- (ii) some positions for specialized advisers, by 1 July 2016;
- (iii) entrust an independent expert group with the selection of candidates.

GENERAL CONCLUSION

24. With \$250 million a year, ambitious UNESCO is one of the poorest agencies in the United Nations system. Member States must therefore balance their priorities in terms of their approach to governance, between the absolute supremacy of political power, whose results can be measured today, and the stated but inconsistently accepted need for scientific skill and exactitude, which is indispensable in the areas of culture, education and the natural and human sciences.

25. As the External Auditor has already recommended, there is a need to give “experts a central role in the delegations”, with strict ethical guarantees. If this is not possible, then governance of UNESCO must be reviewed “to clearly acknowledge its geopolitical rather than scientific nature”.⁹

⁹ See report WHC-11/35.COM/INF.9A, para. 178, recommendation 10.

26. Furthermore, without rigorously selecting a limited number of ordered priorities, and even developing methods such as intersectorality giving the Organization a “competitive” advantage, the impact of any reform will remain marginal, at the expense of the populations whose expectations are high.

27. The conclusion is thus that three sequences must be connected:

- (i) continue previous efforts, fully developing the best practices already recommended,
- (ii) accept that this effort does not dispense with the need to renew structures, and work resolutely towards this goal,
- (iii) order priorities pragmatically according to the resources allocated to the means thus reconfigured.

Proposed decision

28. The Executive Board may wish to consider adopting a decision along the following lines:

The Executive Board,

- 1. Recalling 37 C/Resolution 96;
- 2. Having examined documents 197 EX/28 and 197 EX/28.INF,

ANNEX III

**COMMENTS RECEIVED FROM THE PARTIES TO THE SECOND PROTOCOL IN THE
CONTEXT OF THE RECOMMENDATION MADE BY THE SIXTH MEETING OF THE PARTIES**

The following comments are reproduced by the Secretariat as they were received (original version) from the Parties who manifested them (Armenia, Belgium, Chile, Denmark, Finland, Norway and Sweden)

ARMENIA

On behalf of the Armenian National Commission of Armenia, I am pleased to transmit the comments of Armenia with regards to the Resolution 38 C/Res.101 "Governance, procedures and working methods of the governing bodies of UNESCO":

- Referring to the Rules 12.2, 12.3, 34 of the Rules of Procedure of the Committee for the Protection of Cultural Property in the Event of Armed Conflict, make following modifications in order to ensure thorough and comprehensive examination of the documents relating to the items on the provisional agenda:
 - Define the strict/appropriate date interval/period/deadline for the members of the Committee, as well as for the States Parties to the Second Protocol not members of the Committee to propose agenda items for the inclusion in the provisional agenda as 12 weeks before the beginning of the session;
 - Change the date interval/period/deadline for distribution of the documents relating to the items on the provisional agenda of each session of the Committee from six weeks to eight weeks before the beginning of the session.

BELGIUM

Belgium resolutely supports the current process with a view to improving the Governance, procedures and working methods of the Governing Bodies of UNESCO.

However, after having analysed the summary produced by the External Auditor in its audit report of the governance of UNESCO (document 197 EX/28 of the Executive Board), unfortunately it considers recommendation 5 to be impractical, since the diversity of the Governing Bodies (for example in terms of composition and frequencies of meetings) is governed, at least in respect of the Culture Conventions, by international Conventions from which there can be no exceptions.

Belgium, however, in the spirit of the abovementioned recommendation 5, supports all the possible structural synergies between the Governing Bodies and within UNESCO, and pleads for greater concertation and cooperation between them.

CHILE

The Permanent Delegation of Chile to UNESCO presents its compliments to UNESCO's Secretariat of the Committee for the Protection of Cultural Property in the Event of Armed Conflict and, in reference to letters CLT/HER/CHP/16/511 and CLT/HER/CHP/16/723, has the honour to transmit to it the comments of the State of Chile.

With respect to changes to the Rules of Procedure of the Meeting of the High Contracting Parties to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, according to the legal analysis of the documentation provided, the Permanent Delegation of Chile considers that there are no objections or suggestions for modification.

With respect to Resolution 38C/Res.101, adopted by the General Conference of UNESCO, concerning the "Governance, procedures and working methods of the Governing Bodies of UNESCO", the Permanent Delegation of Chile considers that there is no objection.

With reference to Decision 10.COM/40, point 6, the Permanent Delegation of Chile considers as positive, as adopted, the existing working relationship and cooperation between the Bureau of the 1954 Convention and the Bureau of the 1970 Convention for the Fight against the Illicit Trafficking of Cultural Property, especially due to the fact that our country works actively to implement this Decision on a national level.

GERMANY

Please note that Germany does not have proposals on the working methods of the Meeting of States Parties to the 1999 Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

JOINT POSITION OF NORDIC COUNTRIES (DENMARK, FINLAND, NORWAY and SWEDEN)

Denmark, Finland, Norway and Sweden consider international cooperation on the protection of cultural heritage in the event of armed conflict as an important pillar of UNESCO's work. To that end, the 1954 Hague Convention (including its two Protocols) constitutes an important standard-setting framework, and in light of the ongoing discussions on governance reform we wish to express our support to UNESCO's efforts to further explore ways of strengthening the exchange and cooperation among Member States within this framework.

We therefore highly welcome the opportunity to share our observations and proposals for improvements in response to the Recommendations of the 11th Meeting of the High Contracting Parties (in particular paras 9 and 10) from December last year. The following suggestions are building on experiences from the existing governance mechanisms and other good practices of several of UNESCO's culture conventions.

Firstly, setting the agenda of future Meetings of High Contracting Parties should be conducted with a view to enhance strategic focus and as part of common efforts to communicate the relevance of the Convention to stakeholders. On this background, we wish to suggest that:

- Appropriate time for debate should be allocated to the Meetings of the High Contracting Parties, which in principle is expected to convene 127 Member States every second year. Last year only half-a-day was allocated to that Meeting to discuss the overall implementation of the Convention, while 3 and a half days were allocated to discussions limited to issues related to the 2nd Protocol (with 68 Parties).
- Current issues and challenges related to the implementation of the Convention, for instance such as the relevance of UNESCO's newly adopted strategy on reinforced action for the protection of cultural heritage in conflict zones, should become key discussions topics for the agenda of future Meetings.
- Annotated agendas, highlighting key questions to be debated and possible expected outcomes of the deliberation, is a useful tool to specify and structure the discussions of meetings, and, hence, may increase the motivation of Member States to participate.

Secondly, further exploring the potential of Periodic Reporting could strengthen focus on trends and challenges based on evidence and good practice. From this perspective, we would encourage further reflections on the possibility of introducing the following measures:

- The information and data obtained by the secretariat in the Periodic Reports should constitute the main working document in relation to discussions such as item 5 ("exchange of national experiences and debate") of last year's Meeting.
- To that end, UNESCO's secretariat could facilitate the debate by preparing an analytical summary of received Periodic Reports, which is strategic and action-orientated. The summary could indicate transversal issues as well as challenge identified which should be addressed in the future implementation of the Convention.
- To specify the role of the Periodic Reports an additional chapter in the Rules of the Execution of the Convention could be developed on Article 26, as already seen in the operational guidelines of other culture conventions.

In addition to this we also attach some suggestions for amendments to the Rules of Procedures of the Meeting of the high Contracting Parties which partly reflect the above-mentioned observations,

but also deal with some few other issues in order to harmonize Rules of Procedures with those of other culture conventions.

Denmark, Finland, Norway and Sweden look forward to continued discussion on these and other possible suggestions related to governance reform within the framework of the 1954 Hague Convention in order to develop consolidated proposals ahead of the next Meeting of the High Contracting Parties in December 2017.

SLOVAKIA

I have the honour to keep you informed of the position of the Slovak Republic on the subject of the comments on Resolution 38 C/Res.101 concerning the “Governance, Procedures and Working Methods of the Governing Bodies of UNESCO”, adopted by the 38th session of the General Conference of UNESCO held in Bonn. The Slovak Republic adheres to and entirely respects the content of this resolution. In this respect, Slovakia remains without a motion for the agenda.



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Chairperson of the Meeting of the Parties to the 1999 Second Protocol

H.E Mrs Zohour Alaoui
President of the General Conference
Chairperson
Open Ended Working Group on
Governance, procedures and working
methods of the governing bodies of
UNESCO

29 August 2018

Ref.: CLT/HER/CHP/18/1954/7147

Dear Ms President,

Allow me to refer to your letter dated 16 July last, regarding the implementation of the recommendations of the Working group on governance, procedures and working methods of the governing bodies of UNESCO that were endorsed by the General Conference at its 39th session (39 C/Resolution 87, enclosed).

In this regard, I am pleased to inform you that the 7th meeting of the Parties to the 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (Paris, 27 – 28 November 2017) adopted Recommendations 13 and 14, in which it requested the Secretariat to present at its 8th meeting a consolidated version of the draft amendments to its Rules of Procedure prepared on the basis of the results of the work of the Working group on governance, procedures and working methods of the governing bodies of UNESCO (C54/17/7.SP.Recommendations 13 and 14, enclosed).

Please be advised that my distinguished predecessor H. E. Mr Sophann Ket transmitted, by his letter of 5 December 2016 (copy enclosed) to the then President of the General Conference H. E. Mr Stanley Mutumba Simataa, the main factual information on the Meeting of the Parties to the 1999 Second Protocol.

I hope you find this information helpful.

Please accept, dear Ms President, the assurances of my highest consideration.



Mounir Anastas

Chairperson of the 7th Meeting of the
Parties to the 1999 Second Protocol to the
Hague Convention of 1954 for the
Protection of Cultural Property in the Event
of Armed Conflict



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7 SP Recommendations

C54/17/7.SP/Recommendations
Paris, 28 November 2017
Original: English / French

SEVENTH MEETING OF THE PARTIES TO THE SECOND PROTOCOL TO THE 1954 HAGUE CONVENTION FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT

UNESCO Headquarters, Paris

27 (p.m.) – 28 November 2017

ADOPTED RECOMMENDATIONS

The Seventh Meeting of the Parties to the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict:

1. Recalling the recommendations adopted at its Sixth Meeting (9 December 2015),
2. Congratulates the Chairperson H. E. Mr Mounir Anastas (Palestine), the Rapporteur Mr Romeld Bustamante Araujo (Peru) and the Vice-Chairpersons (Belgium, Cambodia, Mali and Serbia) for their elections;
3. Welcomes the report of the Secretariat on its activities;
4. Takes note of the report of the Chairperson of the Committee for the Protection of Cultural Property in the Event of Armed Conflict;
5. Also elects the six Members of the Committee for the Protection of Cultural Property in the Event of Armed Conflict: Armenia, Cambodia, Egypt, El Salvador, Italy and Japan;
6. Thanks the previous Chairpersons of the Committee for the Protection of Cultural Property in the Event of Armed Conflict, for their outstanding contributions to the conduct of the business of the Committee, as well as Georgia, Greece and Mali;

7. Thanks UNESCO Member States, and the participating governmental and non-governmental organizations for their active contribution to the promotion and dissemination of the Second Protocol;
8. Also thanks the Czech Republic, Greece and the Netherlands for their contributions to the Fund for the Protection of Cultural Property in the Event of Armed Conflict;
9. Calls upon States not yet party to the Second Protocol to become party to it as soon as possible, and to adopt relevant implementing legislation and effectively apply it;
10. Encourages the Parties to submit requests for the granting of enhanced protection;
11. Further calls upon all Parties and other potential donors to consider contributing to the Fund for the Protection of Cultural Property in the Event of Armed Conflict;
12. Requests the Secretariat to prepare for its Eighth Meeting a proposal of the distribution of seats on the Committee to ensure that each electoral group is represented;
13. Also requests the Secretariat to dispatch by 31 January 2019 a summary document concerning its Rules of Procedure based on the proposals and observations of the Parties received by 30 June 2018, and on the results of the work of Sub-Group 2: 'Structure, composition and methods of work of UNESCO's International and Intergovernmental Bodies (IIBs)' concerning the Rules of Procedures of Cultural Conventions;
14. Further requests the Secretariat to present at its Eighth Meeting a consolidated version of the draft amendments on its Rules of Procedure on the basis of observations and proposals of the Parties on the summary document, received by 30 June 2019, for possible adoption;
15. Invites the Director-General to convene in 2019, in accordance with Article 23 of the Second Protocol, the Eighth Meeting of the Parties to the Second Protocol to the Hague Convention of 1954 in conjunction with the Thirteenth Meeting of the High Contracting Parties to the Hague Convention of 1954.

X

X Methods of work of the Organization

87 Governance, procedures and working methods of the governing bodies of UNESCO

The General Conference.

Recalling 38 C/Resolution 101, by which it decided to establish an open-ended working group on governance, procedures and working methods of the governing bodies of UNESCO whose mandate would be to examine the governance, procedures and working methods of the governing bodies building on the recommendations of the Executive Board (197 EX/Decision 28 and 44), and to report to the Executive Board at its 202nd session with a view to enabling the Executive Board to make its recommendations to the General Conference at its 39th session,

Having considered document 39 C/20 containing the report and the recommendations of the open-ended working group on governance, as well as document 39 C/20 Add., containing the recommendations of the Executive Board thereon,

Taking note of the debates in the APX Commission.

1. *Thanks* the President of the 38th session of the General Conference, Chairperson of the open-ended working group on governance, as well as the members of the group, for their valuable contribution to the reflections of the General Conference on the structure, composition and methods of work of the General Conference and Executive Board, and of UNESCO's international and intergovernmental bodies;
2. *Endorses* the recommendations of the open-ended working group on governance as amended in document 39 C/70;
3. *Invites* the Executive Board, the Director-General and the governing bodies of the different organs examined by the open-ended working group on governance to implement, as appropriate, the above-mentioned recommendations;
4. *Undertines* the role of the Secretariat as facilitator in the follow-up process of all the international and intergovernmental bodies, and *invites* the Director-General to produce an electronic guidebook of good practices, as outlined in recommendations 76, 80 and 129, in a timely manner to inform UNESCO's international and intergovernmental bodies at their upcoming meetings in 2018 on possible concrete ways for further alignment with UNESCO's Medium-Term Strategy (C/4) and its Programme and Budget (C/5);
5. *Requests* the Director-General, in consultation with the President of the General Conference and the Chairperson of the Executive Board, to review the relevant UNESCO texts impacted by the above recommendations;

II

1. *Decides* to amend paragraphs 4 and 5 of Rule 82 of the Rules of Procedure of the General Conference as follows:

"XV. Voting

Rule 82 – Voting rights

(...)

4. (a) Member States shall address their communications invoking the provisions of Article IV.C, paragraph 8(c), to the Director-General, who shall transmit them to the Administrative Commission of the General Conference. That Commission shall take up the matter at the commencement of its work and issue in plenary meeting, as a matter of priority, a report and recommendations on the subject.
- (b) For this purpose, the Administrative Commission of the General Conference shall establish a working group on contributions. The working group shall consist of six members, one representative from each electoral group. Upon the first meeting of this working group, none of its members should be in a position to be deprived of their right to vote under Article IV.C, paragraph 8 (b), of the Constitution.
- (c) The term of office of the members of the working group shall be four years. Half of the members of the working group shall be replaced at each ordinary session of the General Conference.

Transitional provision:

On the first election of members of the working group, half of them, designated by drawing lots, shall only serve a term of two years.

- (d) The working group on contributions shall begin its work one to two months before the expiry of the time limit specified in paragraph 5 below.
5. The communications from Member States referred to in paragraph 4 (a) must be submitted no later than the opening day of the Executive Board session preceding the General Conference. In the absence of such a communication from the Member States concerned, the latter may no longer be authorized to take part in voting at that session of the General Conference."

Resolution adopted on the reports of the APX Commission and the Legal Committee at the 18th plenary meeting, on 13 November 2017.



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Chairperson of the Meeting of the Parties to the 1999 Second Protocol

H.E Stanley Mutumba Simataa
President of the General Conference
Chairperson
Open Ended Working Group on
Governance, procedures and working
methods of the governing bodies of
UNESCO

5 December 2016

Ref.: CLT/HER/CHP/16/136

Dear Mr President,

Allow me to refer to your letters of 6 April and 17 October 2016 regarding the follow-up to the requirements set by the General Conference in its **38C/Resolution 101** concerning governance, procedures and working methods of the governing bodies of UNESCO.

With regard to the recommendation under this Resolution to inscribe an item on governance on the agendas of the statutory meetings in 2016, please be advised that the next meeting of the Parties to the 1999 Second Protocol will take place in December 2017 at UNESCO's Headquarters. Thus, it may be too late to report in time to the Working Group on the Governance, Procedure and Working Methods of the Organization, and particularly its Sub-Group 2, which will examine, early in 2017, the governance of the intergovernmental programmes, committees and organs.

I also took good note of the wish of the Working Group on governance to receive a summary of main factual information on intergovernmental programmes, committees and organs to allow Member States to hold effective deliberations on their governance.

In this regard, I am pleased to transmit to you herewith the fact sheet containing the requested main factual information on the Meeting of the Parties to the 1999 Second Protocol.

Please accept, dear Mr President, the assurances of my highest consideration.

Yours sincerely,

Sophann Ket
Chairperson of the Meeting of the
Parties to the 1999 Second Protocol



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Chairperson of the meeting of the High Contracting Parties to the 1954 Hague Convention

H.E Mrs Zohour Alaoui
President of the General Conference
Chairperson
Open Ended Working Group on
Governance, procedures and working
methods of the governing bodies of
UNESCO

7 September 2018

Ref.: CLT/HER/CHP/18/1954/7146

Dear Ms President,

Allow me to refer to your letter dated 16 July last, regarding the implementation of the recommendations of the Working group on governance, procedures and working methods of the governing bodies of UNESCO that were endorsed by the General Conference at its 39th session (39 C/Resolution 87, enclosed).

In this regard, I am pleased to inform you that the 12th meeting of the High Contracting Parties to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (UNESCO Headquarters, 27 November 2017) considered the progress report on the follow-up to the recommendations of the External Auditor's "Report on the governance of UNESCO and dependent funds, programmes and entities" (Document C54/17/12.HCP/INF.5, enclosed). It also adopted Recommendations 8 and 9 and Decision, in which it requested the Secretariat to present at its 13th meeting a consolidated version of the draft amendments to its Rules of Procedure prepared on the basis of the results of the work of Working group on governance, procedures and working methods of the governing bodies of UNESCO (C54/17/12.HCP/Recommendations 8 and 9 and Decision 12.HCP 6, enclosed).

Please be advised that my distinguished predecessor H. E. Mr Mounir Anastas transmitted, by his letter of 5 December 2016 (copy enclosed) to the then President of the General Conference H. E. Mr Stanley Mutumba Simataa, the main factual information on the Meeting of the High Contracting Parties to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

I hope you find this information helpful.

Please accept, dear Ms President, the assurances of my highest consideration.



Ms Lorena Sol de Pool

Chairperson of the 12th meeting of
the High Contracting Parties to the
1954 Hague Convention

Enclosures: 5

X Methods of work of the Organization

87 Governance, procedures and working methods of the governing bodies of UNESCO

The General Conference,

Recalling 38 C/Resolution 101, by which it decided to establish an open-ended working group on governance, procedures and working methods of the governing bodies of UNESCO whose mandate would be to examine the governance, procedures and working methods of the governing bodies building on the recommendations of the Executive Board (197 EX/Decision 28 and 44), and to report to the Executive Board at its 202nd session with a view to enabling the Executive Board to make its recommendations to the General Conference at its 39th session,

Having considered document 39 C/20 containing the report and the recommendations of the open-ended working group on governance, as well as document 39 C/20 Add., containing the recommendations of the Executive Board thereon,

Taking note of the debates in the APX Commission,

I

1. *Thanks* the President of the 38th session of the General Conference, Chairperson of the open-ended working group on governance, as well as the members of the group, for their valuable contribution to the reflections of the General Conference on the structure, composition and methods of work of the General Conference and Executive Board, and of UNESCO's international and intergovernmental bodies;
2. *Endorses* the recommendations of the open-ended working group on governance as amended in document 39 C/70;
3. *Invites* the Executive Board, the Director-General and the governing bodies of the different organs examined by the open-ended working group on governance to implement, as appropriate, the above-mentioned recommendations;
4. *Underlines* the role of the Secretariat as facilitator in the follow-up process of all the international and intergovernmental bodies, and *invites* the Director-General to produce an electronic guidebook of good practices, as outlined in recommendations 76, 80 and 129, in a timely manner to inform UNESCO's international and intergovernmental bodies at their upcoming meetings in 2018 on possible concrete ways for further alignment with UNESCO's Medium-Term Strategy (C/4) and its Programme and Budget (C/5);
5. *Requests* the Director-General, in consultation with the President of the General Conference and the Chairperson of the Executive Board, to review the relevant UNESCO texts impacted by the above recommendations;

II

1. *Decides* to amend paragraphs 4 and 5 of Rule 82 of the Rules of Procedure of the General Conference as follows:

"XV. Voting

Rule 82 – Voting rights

(...)

4. (a) Member States shall address their communications invoking the provisions of Article IV.C, paragraph 8(c), to the Director-General, who shall transmit them to the Administrative Commission of the General Conference. That Commission shall take up the matter at the commencement of its work and issue in plenary meeting, as a matter of priority, a report and recommendations on the subject.
- (b) For this purpose, the Administrative Commission of the General Conference shall establish a working group on contributions. The working group shall consist of six members, one representative from each electoral group. Upon the first meeting of this working group, none of its members should be in a position to be deprived of their right to vote under Article IV.C, paragraph 8 (b), of the Constitution.
- (c) The term of office of the members of the working group shall be four years. Half of the members of the working group shall be replaced at each ordinary session of the General Conference.

Transitional provision:

On the first election of members of the working group, half of them, designated by drawing lots, shall only serve a term of two years.

- (d) The working group on contributions shall begin its work one to two months before the expiry of the time limit specified in paragraph 5 below.
5. The communications from Member States referred to in paragraph 4 (a) must be submitted no later than the opening day of the Executive Board session preceding the General Conference. In the absence of such a communication from the Member States concerned, the latter may no longer be authorized to take part in voting at that session of the General Conference."

Resolution adopted on the reports of the APX Commission and the Legal Committee at the 18th plenary meeting, on 13 November 2017.



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12 HCP

C54/17/12.HCP/INF.5
Paris, 1 October 2017
Original: French

**HAGUE CONVENTION OF 1954
FOR THE PROTECTION OF CULTURAL PROPERTY
IN THE EVENT OF ARMED CONFLICT**

TWELFTH MEETING OF THE HIGH CONTRACTING PARTIES

**UNESCO Headquarters, Paris
27 November 2017 (a.m.)**

Item 5 of the provisional agenda:

Progress report on the follow-up to the Recommendations of the External Auditor's "Report on the governance of UNESCO and dependant funds, programmes and entities" (Document 38C/23)

This document contains a progress report on the follow-up of the recommendations of the External Auditor's "Report on the Governance of UNESCO and dependent Funds, Programmes and Entities" set out in document 38 C/23, paragraph 10 of the recommendations adopted in 2015 at the Eleventh Meeting of the High Contracting Parties to the 1954 Hague Convention.

1. Reiterating the need for a holistic and comprehensive reform of UNESCO, and of its governing bodies in particular, in order to improve the efficiency and effectiveness of the governance of the organization and awareness of the intergovernmental nature of UNESCO, the General Conference established, at its 38th session (Paris 3-18 November 2015), by Resolution 38 C/101, an open-ended working group on governance, procedures and working methods of the governing bodies of UNESCO on the basis of the views and proposals received from Member States, the External Auditor's Report on the Governance of UNESCO and dependent Funds, Programmes and entities, relevant evaluations and audits by the Internal Oversight Service (IOS), as well as previous decisions and resolutions related to governance. The Working Group was also tasked with drawing up concrete proposals regarding follow-up, which will be presented to the General Conference at its 39th session (Paris 30 October - 14 November 2017) for deliberation.¹
2. In accordance with its mandate, two sub-groups were consequently created by the Working Group on the governance of the General Conference.² Sub-group 1 shall assess the "structure, composition and working methods of the governing bodies (General Conference and Executive Council)", and sub-group 2 the "structure, composition and working methods of the international and intergovernmental bodies of UNESCO".
3. In accordance with Resolution 38 C/101 which invited all of the intergovernmental programmes, committees and bodies of the Conventions to include on their agenda an item on governance, and with paragraph 10 of the Recommendations adopted in 2015 at the Eleventh Meeting of the High Contracting Parties to the 1954 Hague Convention recommending that the Secretariat include on the agenda of its next meeting an item on the follow-up of the resolution adopted by the General Conference, this subject was included on the agenda.

PROGRESS REPORT

4. The Sixth Meeting of Parties to the 1999 Second Protocol (Paris, 8-9 December 2015), adopted a recommendation inviting all of the Parties to the 1999 Second Protocol "to provide the Secretariat with their written comments on Resolution 38 C/101 regarding the "governance, procedures, and working methods of the governing bodies of UNESCO"" in order to prepare a working document for the Committee for the Protection of Cultural Property in the Event of Armed Conflict ("the Committee") at its 11th meeting to enable it to hold an open-ended discussion on concrete measures for governance improvements. In response to this recommendation, the Secretariat compiled the observations submitted by the States and presented document C54/16/11.COM/14 at the 11th meeting of the Committee (Paris, 8-9 December 2016). Having examined document C54/16/11.COM/14, the Committee adopted Decision 11.COM 14 to submit the document to the President of the Working Group on the governance, procedures, and working methods of the governing bodies of UNESCO.
5. Furthermore, at the request of the President of the General Conference dated 17 October 2016, the Chairpersons of the Meeting of the High Contracting Parties to the 1954 Hague Convention, of the Meeting of Parties to the 1999 Second Protocol and of the Committee provided a summary of the key factual information regarding the governing bodies of the 1954 Hague Convention and the corresponding 1999 Second Protocol.

¹ Resolution 38.CP 101: http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/GBS/38GC/pdf/101_Resolution.pdf

² Mandate of the Working Group on the governance, procedures, and working methods of the governing bodies of UNESCO: http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/GBS/38GC/pdf/TOR_FINAL_E.pdf

6. The open-ended working group established by the General Conference, as well as its two sub-groups, met on several occasions in 2016 and 2017. Sub-group 2, which is more specifically looking at the structure, composition and working methods of the international and intergovernmental bodies of UNESCO, thus met on 31 March 2017 to examine issues related to the governing bodies of the Conventions in the field of culture and noted “that the 1954 Convention had a mandate closely linked to peace, but has very few resources”.
7. The Member States also gave their remarks, and “highlighted 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 the members of the Committee.” Some Member States underlined that the meetings of the Bureau had been open and transparent and suggested reducing the number of sessions. Others suggested an examination of the Guidelines for the Implementation of the 1999 Second Protocol to the Hague Convention of 1954 and the streamlining of the periodic reports system. They also noted that the human resources of the Secretariat were limited and needed to be reinforced.
8. The Members States also referred to the meeting of the members of the Bureau: “In general, these meetings should go beyond the political scope and concentrate on the essence and the operational aspects.” Furthermore, it was underlined that the experts within the various bodies should continue to play a major role. The Secretariat agrees that, with regard to the politicization of these bodies, the participation of experts would encourage professionalism and scientific expertise. Some Member States reported that this politicization results from the handling of some files. The production of periodic reports was also highlighted as an exemplary practice.
9. The recommendations of the open-ended working group are available at the following address: [http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/GBS/EXB/images/Final Consolidated reccomandations Eng.pdf](http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/GBS/EXB/images/Final_Consolidated_reccomandations_Eng.pdf)
10. The informal summary of the meetings of the open-ended working group that have already taken place can be found at the following address: <http://www.unesco.org/new/en/general-conference-39th/working-group-on-governance/sub-group-2/>



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12 HCP Decisions

C54/17/12.HCP/Decisions

Paris, 27 November 2017

Original: English / French

1954 HAGUE CONVENTION FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT

TWELFTH MEETING OF THE HIGH CONTRACTING PARTIES

UNESCO Headquarters, Paris

27 November 2017 (a.m.)

ADOPTED DECISIONS

DECISION 12.HCP 3

The Meeting of the High Contracting Parties,

1. Having considered document C54/17/12.HCP/3,
2. Adopts the agenda contained in the above-mentioned document.

DECISION 12.HCP 6

The Meeting of the High Contracting Parties,

1. Having examined document C54/17/12.HCP/6 and its Annex,
2. Recalling paragraph 9 of the Recommendations adopted at the 11th meeting of the High Contracting Parties (8 December 2015), and also recalling Resolution 39 C/87 of the General Conference,
3. Requests the Secretariat to dispatch by 31 January 2019 a summary document based on the Comparative Matrix of Cultural Conventions and on the proposals and observations of the High Contracting Parties received by 30 June 2018 and on the results of the work of the Working Group on governance, procedures and working methods of the governing bodies of UNESCO concerning the Rules of Procedures of Cultural Conventions;
4. Also requests the Secretariat to present a consolidated version of the draft amendments on the basis of observations and proposals of the High Contracting Parties on the summary document, received by 30 June 2019, for possible adoption at its 13th meeting.



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12 HCP Recommendations

C54/17/12.HCP/Recommendations
Paris, 27 November 2017
Original: English / French

TWELFTH MEETING OF THE HIGH CONTRACTING PARTIES TO THE 1954 HAGUE CONVENTION FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT

UNESCO, Paris

27 November 2017 (a.m.)

ADOPTED RECOMMENDATIONS

The Twelfth Meeting of the High Contracting Parties to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict:

1. Recalling the Recommendations adopted at its 11th meeting (8 December 2015),
2. Congratulates the Chairperson H. E. Ms Lorena Sol de Pool (El Salvador), Rapporteur Ms Artemis Papatthanassiou (Greece), and Vice-Chairpersons (the Czech Republic, Japan, South Africa and Tunisia) for their election;
3. Welcomes the report of the Secretariat on its activities, particularly those undertaken in order to ensure the protection of cultural property;
4. Calls upon States not yet party to the 1954 Hague Convention and/or its two Protocols to become party to them as soon as possible, and to adopt relevant implementing legislation and effectively apply it;
5. Encourages all High Contracting Parties to reiterate these encouragements during bilateral and multilateral contacts as appropriate;

6. Also calls upon all High Contracting Parties to provide voluntary financial support to the Secretariat and for the implementation of activities of UNESCO related to the Convention and its 1954 (First) Protocol;
7. Also welcomes the United Nations Security Council Resolution 2347 and encourages all High Contracting Parties to report on the national implementation of this Resolution;
8. Takes note of the progress report on the ongoing work, undertaken by the General Conference, to examine the governance, procedures, and working methods of the governing bodies of UNESCO;
9. Invites the Secretariat to ensure appropriate follow up on all relevant Recommendations of the General Conference regarding governance reform, including through the possible use of existing good governance practices as identified in Annex III of the Recommendations;
10. Also invites the Director-General to convene in 2019 a full day (subject to availability of resources) meeting of the High Contracting Parties (the 13th meeting of the High Contracting Parties to the 1954 Hague Convention), in accordance with Article 27 of the Convention, and to publish the draft Recommendations electronically in advance.



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منظمة الأمم المتحدة
للتربية والعلم والثقافة

联合国教育、
科学及文化组织

Chairperson of the Meeting of the High Contracting Parties to the 1954 Hague Convention

H.E Stanley Mutumba Simataa
President of the General Conference
Chairperson
Open Ended Working Group on
Governance, procedures and working
methods of the governing bodies of
UNESCO

05 December 2016

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Dear Mr President,

Allow me to refer to your letters of 6 April and 17 October 2016 regarding the follow-up to the requirements set by the General Conference in its **38C/Resolution 101** concerning governance, procedures and working methods of the governing bodies of UNESCO.

With regard to the recommendation under this Resolution to inscribe an item on governance on the agendas of the statutory meetings in 2016, please be advised that the next meeting of the High Contracting Parties to the 1954 Hague Convention will take place in December 2017 at UNESCO's Headquarters. Thus, it may be too late to report in time to the Working Group on the Governance, Procedure and Working Methods of the Organization, and particularly its Sub-Group 2, which will examine, early in 2017, the governance of the intergovernmental programmes, committees and organs.

I also took good note of the wish of the Working Group on governance to receive a summary of main factual information on intergovernmental programmes, committees and organs to allow Member States to hold effective deliberations on their governance.

In this regard, I am pleased to transmit to you herewith the fact sheet containing the requested main factual information on the Meeting of the High Contracting Parties to the 1954 Hague Convention.

Please accept, dear Mr President, the assurances of my highest consideration.

Yours sincerely,

Mounir Anastas
Chairperson of the Meeting of the
High Contracting Parties to the 1954
Hague Convention