



United Nations
Educational, Scientific and
Cultural Organization

Paris, 6 May 2019

Ref.: CL/4275

Subject: **Draft amendments to Article V of the Constitution**

Sir/Madam,

I have the honour to inform you that on 6 May 2019, I received the attached letter from the Permanent Delegate of Sweden to UNESCO transmitting two draft amendments to Article V of the Constitution. These draft amendments were submitted by the following 28 Member States (see Annex).

It is incumbent upon me pursuant to Article XIII¹ of the Constitution of UNESCO to transmit them to you.

Furthermore, Rule 109 of the Rules of Procedure of the General Conference provides that:

“The General Conference shall not adopt a draft amendment to the Constitution unless the draft has been communicated to Member States and Associate Members at least six months in advance.”

Please accept, Sir/Madam, the assurances of my highest consideration.

Audrey Azoulay
Director-General

Enclosures: 1

cc: National Commissions for UNESCO
Permanent Delegations to UNESCO

¹ “The draft texts of proposed amendments shall be communicated by the Director-General to the Member States at least six months in advance of their consideration by the General Conference.”

ANNEX

Paris, 6 May 2019

Dear Director-General,

The Permanent Delegations of Albania, Belgium, Benin, Côte d'Ivoire, Czechia, Denmark, Estonia, Finland, Gambia, Indonesia, Iceland, Latvia, Liberia, Lithuania, Luxembourg, Netherlands, Nigeria, Norway, Palestine, Philippines, Portugal, Republic of Korea, Saint Vincent and the Grenadines, Slovenia, Spain, Sweden, Switzerland, and Turkey have the honour to submit the following amendment to the UNESCO Constitution for the two proposals that the 205th session of the Executive Board recommended to the General Conference at its 40th session to consider for adoption concerning the election of Members of the Executive Board and voting at the Executive Board respectively (205 EX/Decision 21.I).

In accordance with Article XIII of the Constitution and Rules 10, 12 and 109 of the Rules of Procedure of the General Conference, we wish to kindly request that this amendment together with the explanatory note be circulated to all Member States at least six months in advance of the consideration by the 40th session of the General Conference, and further request the inclusion of a separate item on the Revised Provisional Agenda of the 40th session of the General Conference.

Please find enclosed to be included in your communication; the proposed amendment as well as an explanatory note. Please also find enclosed the signatures of the co-sponsors.

Please accept, Director-General, the renewed assurances of our highest consideration and esteem.

The Permanent Delegations of Albania, Belgium, Benin, Côte d'Ivoire, Czechia, Denmark, Estonia, Finland, Gambia, Indonesia, Iceland, Latvia, Liberia, Lithuania, Luxembourg, Netherlands, Nigeria, Norway, Palestine, Philippines, Portugal, Republic of Korea, Saint Vincent and the Grenadines, Slovenia, Spain, Sweden, Switzerland, and Turkey

To: Ms Audrey Azoulay, Director-General of UNESCO

cc: Governing Bodies Secretariat, Office of International Standards and Legal Affairs, UNESCO
Member States

Proposed amendment to the UNESCO Constitution concerning election of Members of the Executive Board

Proposed changes underlined.

UNESCO Constitution Article V.A.1 (a) :

The Executive Board shall be elected by the General Conference and it shall consist of fifty-eight Member States. A Member State shall not be eligible as a Member of the Executive Board if the total amount of contributions due from it exceeds the total amount of contributions payable by it for the current year and the immediately preceding calendar year. The General Conference may nevertheless permit such a Member State to be eligible as a Member of the Executive Board, if it is satisfied that failure to pay is due to conditions beyond the control of the Member State. The President of the General Conference shall sit ex officio in an advisory capacity on the Executive Board.

Proposed amendment to the UNESCO Constitution concerning voting at the Executive Board

UNESCO Constitution Article V.C, 14:

C. Voting rights

14. (a) Each Member of the Executive Board shall have one vote.

(b) A Member State shall have no vote if the total amount of contributions due from it exceeds the total amount of contributions payable by it for the current year and the immediately preceding calendar year. The General Conference may nevertheless permit such a Member State to vote, if it is satisfied that failure to pay is due to conditions beyond the control of the Member State.

Explanatory note concerning draft amendment to the UNESCO Constitution for improved measures for assessed contributions

The General Conference, in 39 C/Resolution 69, requested the Director-General in consultation with the External Auditor to submit a background document to the Executive Board at its 205th session on the overall management of assessed contributions.

The background document including all annexes, was discussed at an information meeting open to all Member States on 11 July 2018. The views of Member States were taken on board and the document was amended accordingly. The background document together with proposed measures to improve the collection of assessed contributions was then submitted to the Executive Board at its 205th session (document 205 EX/21 Part I).

Out of the eight measures proposed, the Executive Board recommended to the General Conference, at its 40th session, to consider the adoption of Proposals 2 and 3 dealing with the election of Members of the Executive Board and voting at the Executive Board respectively (205 EX/Decision 21.I).

The foundation of funding in the United Nations, including UNESCO, is assessed contributions and this is complemented by voluntary contributions. Assessed contributions represent all Member States' joint commitment and ownership of the United Nations and UNESCO. Assessed contributions thereby underpin the political principle of universality in UNESCO and the assurance that all Member States take responsibility and contribute together to the decision-making of the priorities of the Organization and to its funding.

The process for the issue of improved measures for assessed contributions since the General Conference in 2017 has been knowledge-based and inclusive and it eventually resulted in two proposals recommended by the 205th session of the Executive Board. The two proposals recommended by the Executive Board aim to ensure an orderly and predictable response should any Member State come into arrears in the future, while at the same time ensuring that this may not apply when failure to pay is due to conditions beyond the control of Member States.

As a follow-up to the decision of the Executive Board at its 205th session, and in order to implement these two proposals, a draft amendment to the UNESCO Constitution is proposed to be considered by the 40th session of the General Conference and to be included as a separate agenda item.