**CONVENTION FOR THE SAFEGUARDING OF THE
INTANGIBLE CULTURAL HERITAGE**

**INTERGOVERNMENTAL COMMITTEE FOR THE
SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE**

**Eleventh session**

**Addis Ababa, Ethiopia**

**28 November to 2 December 2016**

**Item 7 of the Provisional Agenda:**

**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)**

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| **Summary**The General Conference of UNESCO at its thirty-eighth session by its 38 C/Resolution 101, invited all intergovernmental programmes, committees and organs of the Conventions to inscribe, in 2016 if feasible, an item on their agenda concerning the follow-up to the recommendations of the External Auditor’s ‘Report on the governance of UNESCO and dependant funds, programmes and entities’ contained in Document 38 C/23. This document presents recent situations as regards the recommendations of the External Auditor’s report, which are of direct relevance to the governing organs of the 2003 Convention.**Decision required:** Paragraph 10 |

1. At its thirty-seventh session in 2013 the General Conference of UNESCO, by 37C/Resolution 96, requested the External Auditor to conduct an audit of the governance of UNESCO as a follow-up to the recommendations by the United Nations Joint Inspection Unit (JIU) 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 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’. Furthermore, the General Conference invited the ‘External Auditor to facilitate the self-assessment of governing bodies by delivering a common assessment framework’.
2. In April 2014, the External Auditor sent to the Chairs of all governing bodies of UNESCO including dependant funds, programmes and entities two questionnaires composing the aforementioned self-assessment framework. The Secretariat of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage (‘the 2003 Convention’), copied to the message of the external auditor, forwarded the questionnaires in June 2014 to the Chairperson of the governing organs of the 2003 Convention. Consequently, the Chairpersons of the fifth session of the General Assembly and of the ninth session of the Intergovernmental Committee coordinated the comments from States Parties and members of the Committee respectively. As requested by the External Auditor, the Secretariat had several exchanges with both Chairpersons to address specific factual or technical elements the questionnaires gave rise to and provided the information requested. A working document ([ITH/14/9.COM/8](http://www.unesco.org/culture/ich/doc/src/ITH-14-9.COM-8-EN.doc)) reporting on this audit was examined by the Committee during its ninth session.
3. The Executive Board at its 197th session in 2015 examined the final audit report on the governance of UNESCO and dependant funds, programmes which included the results of the self-assessment questionnaires and recommended to the General Conference to:
	1. establish an open-ended working group to further discuss the recommendations of the audit report, and
	2. requested the Director-General to start the implementation of recommendations 1, 11 and 13 of the External Auditor’s report (197 EX/Decision 28 and 44).
4. The General Conference at its thirty-eighth session in 2015 examined the audit report ([document 38 C/23](http://unesdoc.unesco.org/images/0023/002352/235207e.pdf)) and the recommendations of the Executive Board. By 38 C/Resolution 101, it reaffirmed the ‘need to optimize the governance of intergovernmental programmes, committees and conventions by harnessing the potential for greater synergy, harmonization, efficiency and impact while bearing in mind requirements regarding the quality of the work and the specific mandate, constituency and functioning of individual governing bodies’ and adopted the two above-mentioned recommendations of the Executive Board.
5. Pursuant to 38 C/Resolution 101, the mandate[[1]](#footnote-1) of the Working Group[[2]](#footnote-2) 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, the External Auditor’s report on the governance of UNESCO, relevant evaluations and audits by the Internal Oversight Service (IOS), as well as previous decisions and resolutions related to governance. The Working Group will submit its recommendations to the Executive Board at its 202nd session in 2017, which will in turn make its recommendations to the General Conference at its thirty-ninth session in the same year.
6. Furthermore, the General Conference, by 38 C/Resolution 101, invited all intergovernmental programmes, committees and organs of the Conventions to inscribe, in 2016 if feasible, an item on their agenda concerning the follow-up to the recommendations of the External Auditor’s report contained in [document 38 C/23](http://unesdoc.unesco.org/images/0023/002352/235207e.pdf), to improve their governance by concrete measures, and to report on their proposals to the Chairperson of the open-ended working group. This is why the present session of the Intergovernmental Committee of the 2003 Convention is asked to examine this agenda item.
7. Some of the recommendations of the External Auditor contained in [document 38 C/23](http://unesdoc.unesco.org/images/0023/002352/235207e.pdf) have already been examined by the Committee and/or the General Assembly of States Parties (i.e. [Decision 8.COM 5.c.1](http://www.unesco.org/culture/ich/en/Decisions/8.COM/5.c.1), [Decision 8.COM 5.c.2](http://www.unesco.org/culture/ich/en/Decisions/8.COM/5.c.2), [Decision 9.COM 13.g](http://www.unesco.org/culture/ich/en/Decisions/9.COM/13.g) and [Decision 10.COM15.c](http://www.unesco.org/culture/ich/en/Decisions/10.COM/15.c) of the Committee and [Resolution 5.GA 4.1](http://www.unesco.org/culture/ich/en/Resolutions/5.GA/4.1) of the General Assembly), in relation to the question of the governance, and notably of the working methods of the governing organs of the 2003 Convention. This concerns in particular:
	1. the evaluation of UNESCO's Standard-setting Work of the Culture Sector, Part I: 2003 Convention for the Safeguarding of the Intangible Cultural Heritage completed by UNESCO’s IOS completed in 2013, and
	2. the audit of the working methods of all six cultural conventions in the field of culture assessing the adequacy and efficiency of the working methods of UNESCO’s standard-setting work in the Culture Sector completed by IOS in 2013.
8. The annex to the present document summarizes the recommendations that are of direct relevance to the governing organs of the 2003 Convention and the decisions or actions taken if any.
9. Furthermore, Annex I of the report by the Secretariat on its activities ([document ITH/16/11.COM/5](http://www.unesco.org/culture/ich/doc/src/ITH-16-11.COM-5-EN.docx)) presents the status of the implementation of the twenty-four recommendations of the evaluation and the four recommendations of the audit report of the working methods of all six culture conventions. It is also to be noted that the recent sixth session of the General Assembly further highlighted the need for increasing the synergies and coherence of specific aspects of its work with other conventions in the field of culture, such as the Rules of Procedures and its conduct of business ([Resolution 6.GA 11](http://www.unesco.org/culture/ich/en/Resolutions/6.GA/11)).
10. The Committee may wish to adopt the following decision:

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The Committee,

1. Having examined document ITH/16/11.COM/7,
2. Recalling [Decision 8.COM 5.c.1](http://www.unesco.org/culture/ich/en/Decisions/8.COM/5.c.1), [Decision 8.COM 5.c.2](http://www.unesco.org/culture/ich/en/Decisions/8.COM/5.c.2), [Decision 9.COM 13.g](http://www.unesco.org/culture/ich/en/Decisions/9.COM/13.g), [Decision 10.COM 15.c](http://www.unesco.org/culture/ich/en/Decisions/10.COM/15.c) and [Resolution 6.GA 11](http://www.unesco.org/culture/ich/en/Resolutions/6.GA/11),
3. Further recalling the Audit of the Working Methods of Cultural Conventions and the Evaluation of UNESCO’s Standard-Setting work of the Culture Sector undertaken by the IOS,
4. Takes note of the efforts and steps already undertaken with a view to improve and streamline the working methods of the governing organs of the 2003 Convention in line with the Recommendations by the External Auditor and IOS on this matter;
5. Further takes note of recent situations as regards the recommendations of the External Auditor’s report which are of direct relevance to the governing organs of the 2003 Convention;
6. Decides to transmit, as requested, Document ITH/16/11.COM/7 and the relevant decision to the Chairperson of the Open-ended Working Group on the Governance Procedures and Working Methods of the Governing Bodies.

**ANNEX**

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| **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 thirty-ninth 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  |
| Action  | Status |
| * 1. accelerate the shortening of sessions
 | * The duration of the ninth and tenth sessions of the Committee was five days respectively (one day less than the eighth session).
* The sixth session of the General Assembly lasted three days (one day less than the fifth session and two days less than the fourth session).
 |
| * 1. group meetings together
 | * The Committee, during its ninth session encouraged the Secretariat to strengthen its efforts in coordinating meetings of States Parties for the different conventions, taking particular care to schedule them as far ahead as possible and with adequate time between them ([Decision 9.COM 13.g](http://www.unesco.org/culture/ich/en/Decisions/9.COM/13.g)). This decision responds to a recommendation by IOS resulting from the audit of the working methods of all six cultural conventions, contrary to what is recommended by the External Auditor.
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| * 1. make annual meetings biennial, and biennial meetings quadrennial
 | * Paragraph 2 of Article 4 of the 2003 Convention stipulates that ‘the General Assembly will meet in ordinary session every two years’. Changing the frequency of the meetings of the General Assembly entails revising the text of the 2003 Convention. Article 38 of the Convention establishes how amendments may be adopted and how they enter into force.
* Rule 2.1 of the Rules of Procedure of the Committee stipulates that ‘the Committee shall meet at least once a year in ordinary sessions’. The decision to change this Rule lies with members of the Committee. In accordance with Rule 48 of the Rules of Procedure such decision shall be taken by a two-thirds majority.
 |
| * 1. make more use of teleconferences
 | * Making use of Rule 12.3 of the Rules of Procedure of the Committee, the Bureau of the Committee holds electronic consultations every year (two in 2014, one in 2015 and two in 2016). Through these electronic consultations the Bureau adopts decisions such as the granting of International Assistance up to US$100,000, emergency assistance requests irrespective of the amount, adopting its final report to the General Assembly and approving the use of the 20% of the resources of the Intangible Culture Heritage Fund allocated to ‘other functions of the Committee’.
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| * 1. convene essential meetings only and finance them through the regular budget
 | * Statutory meetings were established by States Parties, either through the adoption of the text of the Convention or the Rules of Procedure of the organs of the Convention and are therefore mandatory.
* Statutory meetings are financed by the regular programme. When such meetings are hosted abroad, core costs are financed by the regular programme, while the host country covers the extra costs resulting from holding the meeting outside UNESCO headquarters.
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| * 1. reduce the number of meeting participants
 | * The Rules of Procedure of the General Assembly and the Committee establish who may participate in these meetings. The decision of revising these rules or reducing the number of representatives at statutory meetings lies with States Parties and members of the Committee.
 |
| * 1. shorten agendas by prioritizing and delegating minor decisions
 | * The General Assembly during its fifth session adopted revisions to the Operational Directives concerning the schedule of accreditation of non-governmental organizations. As a result of these revisions, requests shall be received by the Secretariat and examined by the Committee only in odd-numbered years instead of every year ([Resolution 6.GA 7](http://www.unesco.org/culture/ich/en/Resolutions/6.GA/7)).
* Furthermore, to allow more time for other agenda items the Committee delegates to its Bureau a number of decisions such as approving International Assistance requests up to US$100,000 and the use of 20% of the resources of the Intangible Culture Heritage Fund allocated to ‘other functions of the Committee’.
* During its tenth session, the Committee adopted a new working method by which decisions concerning nominations, proposals and requests are adopted as a whole without debate based on the recommendation of the Evaluation Body, rather than paragraph by paragraph, except for those decisions for which a member of the Committee specifically requests to open the floor.
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| * 1. increase the delegation of authority to the bureau
 | * At its sixth session in 2016, the General Assembly approved amendments to the Operational Directives (chapter I.8, I.10, I.14 and I.15) to increase the ceiling of International Assistance requests that can be approved by the Bureau from US$25,000 to US$100,000 ([Resolution 6.GA 7](http://www.unesco.org/culture/ich/en/Resolutions/6.GA/7)). The Bureau is also responsible for approving emergency assistance requests irrespective of the amount and approving the use of 20% of the resources of the Intangible Culture Heritage Fund allocated to ‘other functions of the Committee’.
* On five occasions since 2010, the Committee delegated to its Bureau final decisions on the International Assistance requests when they required revision.
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| * 1. simplify and improve the dissemination of results
 | * The working and information documents, summary records and decisions of the Committee and resolutions of the General Assembly are disseminated by publishing them online on the website of the Convention.
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| * 1. encourage best practices
 | * A satisfaction survey is distributed to all participants of the statutory meetings at the end of each session. Even though the return rate is low, the Secretariat analyzes those results and tries to maintain practices praised by participants and improve the ones that were considered unsatisfactory.
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| **Recommendation No. 5**. On a provisional trial basis, the External Auditor recommends that the General Conference:1. 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;
2. entrust the Executive Board with organizing the implementation of this arrangement by its autumn 2016 session and provide it with appropriate resources;
3. request the Secretariat consequently to merge the secretariats of these conventions by 1 September 2016.
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| Action | Status |
| 1. 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;
 | * In accordance with Article 5 of the 2003 Convention the Committee is composed of representatives of 24 States Parties elected by the States Parties meeting in General Assembly. Committees of other Conventions have different structures, for example, while the Committee of the 2005 Convention is also composed of 24 representatives of States Parties, the Committees of the 1972, 1970 and 1954 (Second Protocol) Conventions are composed of 21, 18 and 12 representatives of States Parties respectively.
* Currently not all States Parties to the 2003 Convention are States Parties to the other culture conventions and vice versa not all States Parties to other conventions are Parties to the 2003 Convention. Therefore, implementing part (i) of recommendation 5 may prove impossible as it entails excluding States that are not Parties to all culture conventions from becoming members of the Committee.
* Furthermore implementing these recommendations requires amendments to the text of the Convention as regards Article 38 and Rule 3 of the Rules of Procedure as well as to the corresponding articles in the other culture conventions or/and their Rules of Procedure.
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| **Recommendation No. 7**. The External Auditor recommends:1. 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;
2. ensuring that this document is regularly updated through a repertoire of practice prepared by the Secretariat and submitted for approval to the Executive Board;
3. adopting the decisions needed to implement this system at the 39th session of the General Conference.
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| Action | Status |
| 1. 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;
 | * At its sixth session the General Assembly noted the disparity of the rules of procedure of the different organs of the UNESCO cultural conventions. With the aim to improve coherence in the procedures of the above-mentioned organs in order to bring closer their conduct of business, the General Assembly invited States Parties to communicate to the Secretariat by 30 November 2016 proposals for the modification of its Rules of Procedure. It also requested the Secretariat to prepare a working document reflecting the proposals received and to present it at the seventh session of the General Assembly. ([Resolution 6.GA 11](http://www.unesco.org/culture/ich/en/Resolutions/6.GA/11)). The Secretariat sent a letter to all States Parties of the Convention (15 September 2016) reminding them of this resolution.
* The decision to amend the Rules lies with States Parties and members of the Committee. In accordance with Rule 18 of the Rules of Procedure of the General Assembly and Rule 48 of the Rules of Procedure of the Committee such decision shall be taken by a two-thirds majority.
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| **Recommendation No. 8**. The External Auditor recommends:1. 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;
2. 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;
3. 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;
4. introducing mandatory training for the offices of chair and vice-chair of a governing body, tailored to the experience of the new officers.
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| 1. 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;
 | * Neither the Rules of Procedure of the General Assembly nor those of the Committee foresee any screening system for the Chairperson and Vice-Chairpersons. Implementation of this recommendation will require amendments to the Rules of Procedure of both organs of the Convention.
* The decision to amend the Rule lies with States Parties and members of the Committee. In accordance with Rule 18 of the Rules of Procedure of the General Assembly and Rule 48 of the Rules of Procedure of the Committee such decision shall be taken by a two-thirds majority.
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| 1. 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;
 | * In accordance with Article 6 of the Convention, States Members of the Committee are elected for a term of four years and may not be elected for two consecutive terms.
 |
| 1. 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;
 | * In accordance with Article 6.7 of the Convention ‘States Members of the Committee shall choose as their representatives persons who are qualified in the various fields of intangible cultural heritage’.
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1. For the Mandate of the Working group, see: <http://www.unesco.org/new/en/general-conference-38th/working-group-on-governance/> (last accessed on 14 September 2016). [↑](#footnote-ref-1)
2. The Working Group held two meetings, respectively on 17 February and 1 April 2016. [↑](#footnote-ref-2)