

Hundred and seventy-first session

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MONITORING THE RATIFICATION OF CONVENTIONS

SUMMARY

This item has been placed on the agenda of the 171st session of the Executive Board at the request of Ecuador.

Decision proposed: paragraph 5.

EXPLANATORY NOTE

1. Conventions are binding international instruments on a specific subject adopted by Member States. Once ratified, they enter into force and have the force of law, over and above the national legislation of individual countries. Their application is the responsibility of the relevant national and/or local authorities of each country, and the Committee on Conventions and Recommendations (CR) of UNESCO's Executive Board, in accordance with established regulations and its terms of reference, has the authority to examine all issues concerning their application, to analyse the information required of Member States by the General Conference on the application of conventions and recommendations, and to establish specific procedures for the submission of reports thereon by Member States.

2. UNESCO's activities in various fields are evolving rapidly, given the countless recurring problems affecting regions, continents or the world as a whole. In this area, UNESCO carries out the necessary studies, designs strategies, dictates policies and decides, according to the scale and importance of the matter in hand, whether to gather together a given number of experts and convene Member States so that in the discussion, and after intensive debate, conclusions can be reached that will benefit those regions, continents or indeed the whole world. These studies and conclusions, according to the case in point, can take many years and require, in addition, the investment of considerable resources.

3. Once the Member States have managed to reach agreement on the norms, provisions and regulations to be observed on the subject, they eventually sign a document containing them, called a convention. The next step is ratification by the respective authorities of each Member State. In some cases, it is the President of the Republic, in others it is the Congress, or the Assembly, or another body, according to the legal structure of the Member State. Unfortunately, on some occasions, the convention is signed by States but is never applied because it is not ratified by the competent national authorities. Thus, both the resources and the time put in by UNESCO, delegates and the countries themselves, go unrewarded and the aspirations of peoples are not fulfilled since the international instrument does not become duly viable and therefore its application cannot be required.

4. UNESCO, an institution that has initiated the procedure or has been urged to do so by one or more Member States, sees its mission left unaccomplished. Therefore, it is essential to adopt the necessary measures so that the process of approval and ratification of conventions, prior to their application, can be completed successfully, for which the following is required:

- (a) ensure, by all possible means, that conventions that have been approved are ratified by Member States so that they can be applied;
- (b) raise the awareness of Member States, through their Permanent Delegates, in order to attain this objective;
- (c) recommend to Member States that they make every effort within their power to ensure that the competent national authorities ratify conventions;
- (d) secure the close cooperation of the Permanent Delegates to UNESCO to achieve these objectives.

PROPOSED DRAFT DECISION

5. In light of the foregoing, the following draft decision is proposed:

The Executive Board,

1. Considering:

- (a) that the themes dealt with by UNESCO are of fundamental importance to life on our planet, in all its expressions and manifestations,
- (b) that, as a result of the far-reaching study of these themes and the combined reflection of Member States in various meetings over lengthy periods of time, documents are drafted in the form of conventions which must be ratified by States,
- (c) that, notwithstanding the importance of the implementation of these instruments, their content has become part of the frustrated aspirations of peoples, as they are not ratified by the competent national authorities,

2. Decides:

- (a) to form a commission to monitor the ratification of conventions, made up of a limited number of delegates of Member States representing the electoral groups and serving on a rotating basis, which shall report regularly on its work;
- (b) to recommend to the members of that commission that they draw up its rules of procedure at the first meeting.