

Hundred and seventy-first session

171 EX/62
PARIS, 27 April 2005
Original: English

**DRAFT DECISIONS RECOMMENDED
BY THE SPECIAL COMMITTEE**

1. The Special Committee of the Executive Board held four meetings on 13, 14, 25 and 26 April 2005 with Ms Kapila Vatsyayan (India) in the chair. Pursuant to Rule 16.2 of the Rules of Procedure of the Executive Board, the Committee elected Mr Lê Kinh Tai (Viet Nam) as its temporary Chairperson.

2. The Committee considered the following items of the agenda:

Item	Title
21	Report by the ad hoc working group on relations between the three organs of UNESCO (171 EX/16 and Corr. (English only));
39	Comments by the Director-General on the implementation of the Internal Oversight Service (IOS) Strategy in 2004-2005: Annual Report 2004 (171 EX/31);
60	Participation of the European Community in the intergovernmental meeting of experts (category II) on the preliminary draft convention on the protection of the diversity of cultural contents and artistic expressions (171 EX/47 and Add.).

21 Report by the ad hoc working group on relations between the three organs of UNESCO (171 EX/16 and Corr. (English only))

3. After considering this item, and having taken into consideration the contributions by the Commissions and the Committees of the Executive Board, the Special Committee decided to recommend to the Executive Board that it adopt the following draft decision:

The Executive Board,

1. Having examined the final report of the ad hoc working group on the relations between the three organs of UNESCO contained in document 171 EX/16 and Corr. (English only),
2. Having examined also the report of the Special Committee on this item,

3. Thanks the President of the 32nd session of the General Conference, Chairperson of the ad hoc working group, for the presentation of the report of the ad hoc working group to the Special Committee and for the explanations provided at the request of its members;
4. Takes note of the recommendations contained in the report of the ad hoc working group;
5. Recommends that the General Conference, when examining these recommendations, take into consideration the observations and the suggestions made by the Executive Board, as follows:

Comments on recommendations Nos. 1, 3 and 4 by the ad hoc working group

With reference to the programme management cycle, the opinions were divided. While some Members of the Board underlined the technical advantages possibly brought by such a cycle – namely the alleviation and improvement of the programming process, the alignment of the length of the Medium-Term Strategy with the new term of office of the Director-General, and the more precise and improved nature of the consultation with Member States – others emphasized its major disadvantages, such as possible difficulties at the national level with regard to a longer-term budgetary commitment, the lack of experience of such a cycle in the United Nations system, and the risk of rendering the programme less flexible and hampering UNESCO's ability to respond effectively to changing needs during its execution. It was recommended that a full debate take place in the General Conference.

Comments on recommendations Nos. 2 and 5 by the ad hoc working group

There was a general endorsement of these recommendations.

Comments on recommendation No. 6 by the ad hoc working group

The Executive Board recognized the need for a simpler procedure for the admissibility of draft resolutions, directly placed under the control and responsibility of Member States themselves. Due to the complexity of this recommendation, amendments to the Rules of Procedure of the General Conference would be necessary.

Comments on recommendation No. 7 by the ad-hoc working group

While there was general agreement that a reduction of the number of agenda items would be useful for the conduct of business, some Members of the Board recalled that the right of Member States to place items on the agenda should in no way be curtailed. In this connection, it was suggested that the duration of the sessions of the General Conference should be extended.

Comments on recommendations Nos. 8 to 12 by the ad-hoc working group

The Executive Board took note of these recommendations. While generally agreeing with them, the Board would have wished further technical precision as to their implications.

Comments on recommendation No. 13 by the ad-hoc working group

No specific views were expressed on this recommendation.

Comments on recommendation No. 14 by the ad-hoc working group

Some Members of the Board expressed support for the shortening of the agenda, while others stressed that nothing should pre-empt the right of Member States to place items on the agenda as appropriate. The proposal that a number of agenda items could be identified for “taking note” only by the Executive Board was positively considered.

Comments on recommendations Nos. 15 and 16 by the ad-hoc working group

There was a general agreement with the spirit of these recommendations. While the necessity of holding thematic debates was highlighted, opinions were divided as to whether these debates must be held inside or outside the formal sessions of the Board.

Comments on recommendation No. 17 by the ad-hoc working group

There was a general agreement that the debates on the staffing issues could be carried out in a more effective manner. Opinions were divided as regards the systematic holding of private meetings at each session of the Board.

Comments on recommendation No. 18 by the ad-hoc working group

This recommendation gave rise to divergent, even opposed views. Some Board Members preferred option A, provided that the duration of the Plenary be extended, stressing that it would enable greater participation of small delegations; however, they sought clarification concerning the membership of expert groups. Others expressed their preference for option B. Yet several other Members favoured the continuation of the present structure.

Comments on recommendation No. 19 by the ad-hoc working group

- (i) Bearing in mind the historical background of the Special Committee and its specific mandate and role, many Members of the Board felt that the Committee should be maintained in its present format. Others were in favour of its abolition.
- (ii) Several Members of the Board stressed that the mandate of the NGO Committee could be expanded and strengthened with a view to revitalizing its role. On this issue, the NGO Committee endorsed the conclusions of the ad-hoc working group on the relations between the three organs of UNESCO.

Paragraphs 43 and 52 of the Report: There was a divergence of opinions concerning the mandate of the Committee on Conventions and Recommendations (CR) as reflected in paragraph 43 of the report of the ad hoc working group. While many Board Members – including those of the Committee itself – were generally in favour of reinforcing its current mandate on human rights-related issues and agreed with the proposal that the follow-up of standard-setting texts could, on the other hand, be given higher priority within the Secretariat, others believed that human rights-related issues should not be part of the mandate of the CR. On this issue, the CR Committee endorsed the conclusions of the ad-hoc working group on the relations between the three organs of UNESCO. Some Members of the Board also felt that the wording under paragraph 43 should have been formulated as a recommendation contained within recommendation 19.

Comments on recommendations Nos. 20 and 21 by the ad-hoc working group

Several Board Members expressed concern that a reduction of the size of the Executive Board would be detrimental to a truly inclusive and democratic decision-making process; others believed that it would enable the Board to fulfil its functions in a more efficient manner.

Comments on recommendation No. 22 by the ad-hoc working group

There was a general agreement on this recommendation, provided that it would not slow down or jeopardize UNESCO's response in emergency situations but rather bring additional support to the Director-General's interventions.

Comments on recommendations Nos. 23, 24 and 25 by the ad-hoc working group

These recommendations were generally endorsed. A number of Board Members thought that further clarifications were needed with regard to their concrete implications.

Comments on recommendation No. 26 by the ad-hoc working group

The Members of the Executive Board expressed their inability to commit to a concrete time-bound action plan before knowing which kind of measures will be actually approved by the General Conference. They also noted that the report of the ad-hoc working group required further deliberations and a negotiation process.

39 Comments by the Director-General on the implementation of the Internal Oversight Service (IOS) Strategy in 2004-2005: annual report 2004 (171 EX/31)

4. After having examined this item, the Special Committee communicated its recommendation to the Finance and Administrative Commission (FA) which examined this item subsequently.

60 Participation of the European Community in the intergovernmental meeting of experts (category II) on the preliminary draft convention on the protection of the diversity of cultural contents and artistic expressions (171 EX/47 and Add.)

5. Since there was no agreement on item 60 by the members of the Special Committee, the Committee decided, by consensus, to refer the matter to an informal working group, and requested the informal working group to submit to the Special Committee its recommendations. The informal working group met three times. After useful and detailed discussions, the informal working group could not arrive at a consensus either. The Chairperson of the informal working group, at its meeting on 22 April 2005, made a summing up which was endorsed by all concerned members that, since there was no consensus on her text, the entire matter should be transmitted to the Executive Board along with the revised draft decision proposed by the Chairperson of the informal working group, as follows:

The Executive Board,

1. Recalling 169 EX/Decision 3.7.2 in which it invited the Director-General to convene meetings of government experts (category II) aimed at taking forward the preparation of the preliminary draft convention on the protection of the diversity of cultural contents and artistic expressions in order to report to the General Conference at its 33rd session,
2. Having examined document 171 EX/47, concerning the participation of the European Community in the intergovernmental meeting of experts (category II) on the preliminary draft convention on the protection of the diversity of cultural contents and artistic expressions submitted by the Member States of the European Union represented in the Executive Board,
3. Mindful of the need to respond appropriately to the evolution of international law in the context of the participation of economic regional integration organizations, to which relevant competences have been transferred by their Member States, in the preparation of the preliminary draft convention on the protection of the diversity of cultural contents and artistic expressions,

4. Decides on an exceptional basis that the European Community, while maintaining its observer status, may actively participate in the same manner as full participants in the work of the intergovernmental meeting of experts, excluding the right to vote;
5. Recommends to the General Conference to consider the issue of granting the same rights to the European Community with respect to the consideration of the item related to the preliminary draft convention on the protection of the diversity of cultural contents and artistic expressions, under the auspices of UNESCO.