



United Nations
Educational, Scientific and
Cultural Organization

Executive Board

Hundred and ninetieth session

190 EX/50

PARIS, 17 October 2012
Original: English/French

REPORT OF THE COMMITTEE ON CONVENTIONS AND RECOMMENDATIONS

1. The Committee on Conventions and Recommendations (CR) held a public working meeting on 5 October 2012 that was provisionally chaired by Ms Assel Utegenova, the representative of Kazakhstan, who, pursuant to Rule 16.3 of the Rules of Procedure of the Executive Board, was subsequently elected as Chair of the CR Committee at the plenary meeting of the Board on 8 October 2012. The Committee met on 16 October 2012 to adopt this report.

2. The Committee on Conventions and Recommendations examined the following items from the agenda of the Executive Board:

Item 24 Implementation of standard-setting instruments

General monitoring (190 EX/24 Part I)

3. Introducing the item, the Legal Adviser and the Director of the Office of International Standards and Legal Affairs, representing the Director-General, drew attention to document 190 EX/24 Part I, which contained a global report on the three UNESCO conventions and 11 recommendations that the CR Committee was in charge of monitoring, including an assessment of current trends in monitoring the implementation of each instrument.

4. Some members of the Committee requested additional information on the outcomes of the work of the Meeting of States Parties to the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property held on 20 and 21 June 2012 at UNESCO Headquarters, as mentioned in paragraphs 16 and 17 of document 190 EX/24 Part I.

5. After stressing that the paragraphs in question had been drafted at the end of May 2012, the representative of the Culture Sector pointed out that the States Parties to the 1970 Convention had, at their second Meeting, adopted Rules of Procedure establishing a Subsidiary Committee composed of the representatives of 18 States Parties, which would be responsible, *inter alia*, for preparing and submitting to the Meeting of States Parties recommendations and guidelines that could contribute to the implementation of the Convention. The outcomes of that Meeting, together with the Rules of Procedure adopted, were presented in the document prepared by the Secretariat for item 43 of the agenda of the current session of the Executive Board. After the document in question, document 190 EX/43, had been distributed to the Committee, one member requested that additional written information be submitted to the Committee before the adoption of its report.

6. Another member of the Committee then expressed the view that the matter of monitoring the 1989 Convention on Technical and Vocational Education and the 2001 Revised Recommendation

concerning Technical and Vocational Education should be reconsidered in the light of the continuing review of those two instruments.

7. In that regard, the representative of the Education Sector recalled that the Secretariat, pursuant to 187 EX/Decision 20 (IV), had submitted at the current session of the Board the conclusions of the review of the two instruments concerning the field of technical and vocational education and training (TVET), together with a proposal relating to their future and their monitoring, which would be examined by the members of the Committee during its consideration of item 24 Part IV (see paragraphs 15 to 25 of this report).

8. Lastly, after recalling that the Conciliation and Good Offices Commission instituted by the 1962 Protocol had never been called upon to make use of its good offices or to perform its conciliation-related functions, one member of the Committee said that the Secretariat should carry out an evaluation of what was preventing the Commission from working.

9. After the meeting, the representative of the Culture Sector, responding to the request by one member of the Committee (see paragraph 5 of this report), submitted the following written information:

At the second Meeting of States Parties to the 1970 Convention held on 20 and 21 June 2012 at UNESCO Headquarters, the States Parties, *inter alia*, adopted Rules of Procedure stipulating that the Meetings of States Parties should be convened every two years. The Rules of Procedure also set out the arrangements for the election of a Subsidiary Committee of 18 members (Article 14.4), which shall be convened annually by the Secretariat (Article 14.2). In addition, the Rules of Procedure specify the functions to be performed by the Subsidiary Committee once it has been elected, including the preparation of guidelines contributing to the implementation of the Convention (Article 14.6(c)). The application of the provisions of the Rules of Procedure should lead to the convening of the monitoring organs (Meeting of States Parties and Subsidiary Committee) in 2014 at the earliest, that is two years after the second Meeting of States Parties, as the third Meeting has to elect the 18 members of the Subsidiary Committee (three per electoral group).

However, in view of the urgent need for UNESCO and Member States to continue without delay the discussions initiated in 2011, notably at the celebration of the 40th anniversary of the 1970 Convention, with regard to improving the implementation of that standard-setting instrument, the preparation and submission of recommendations and operational guidelines provided for in Article 14.6(c) of the Rules of Procedure has become a priority for many States Parties. The Secretariat therefore considers it important to convene an Extraordinary Meeting of States Parties in 2013, that is one year before the date specified in the Rules of Procedure, in order to elect the Subsidiary Committee and, in particular, to initiate the development and examination of guidelines to facilitate implementation of the Convention. This should make it possible to build on the progress made since 2011; to meet the expectations of the States that prioritize the protection of cultural goods and efforts to combat trafficking in those goods; and to encourage the effective implementation of the Convention at the earliest opportunity.

The Director-General's proposal to convene the Extraordinary Meeting is presented, together with the Rules of Procedure adopted, in document 190 EX/43, "Convening of an Extraordinary Meeting of States Parties to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property".

10. At the end of the discussions, the members of the Committee decided to recommend the following draft decision to the Executive Board:

The Executive Board,

1. Recalling 15 C/Resolution 12.2, 23 C/Resolution 29.1, 165 EX/Decision 6.2, 32 C/Resolution 77, 170 EX/Decision 6.2, 171 EX/Decision 27, 174 EX/Decision 21, 175 EX/Decision 28, 176 EX/Decision 33, 177 EX/Decisions 35 (I) and (II), 34 C/Resolution 87, 180 EX/Decision 31, 181 EX/Decision 27, 182 EX/Decision 31, 184 EX/Decision 20, 185 EX/Decision 23 (I), 186 EX/Decision 19 (I), 187 EX/Decisions 20 (I) and 189 EX/Decision 13 (I) relating to the first aspect of the terms of reference of the Committee on Conventions and Recommendations (CR), which concerns the implementation of standard-setting instruments,
2. Having examined document 190 EX/24 Part I and the report of the Committee on Conventions and Recommendations thereon (190 EX/50),
3. Urges Member States once again to fulfil their legal obligations under Article VIII of the Constitution of UNESCO regarding periodic reports on the action taken on conventions and recommendations;
4. Requests the Director-General to evaluate the reasons preventing the Conciliation and Good Offices Commission instituted by the 1962 Protocol from working;
5. Requests the Director-General to ensure the implementation of the legal framework for the enforcement of standard-setting instruments adopted at its 177th session by the programme sectors and the UNESCO Institute of Statistics (UIS), which have responsibility for the conventions and recommendations monitored by the Committee on Conventions and Recommendations;
6. Decides to continue consideration of this item at its 191st session.

Item 24 Application of the 1966 Recommendation concerning the Status of Teachers and the 1997 Recommendation concerning the Status of Higher-Education Teaching Personnel – Report by the Director-General on allegations received by the Joint ILO/UNESCO Committee of Experts (190 EX/24 Part II)

11. This item was presented by the representative of the Director-General, Mr David Atchoarena, Director of the Division for Teacher Development and Higher Education of the Education Sector. He presented the document 190 EX/24 Part II containing the interim report of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART) on allegation received by the CEART from teachers' organizations regarding non-observance of the Recommendations. This interim report presents the CEART's examination of the case from Japan. He explained that the report has been examined by the Governing Body of ILO and is now submitted for consideration by the Executive Board of UNESCO.

12. One Member of the Committee observed that the draft decision makes reference to two unions whereas the Annex refers to three unions.

13. The representative of the Education Sector confirmed that this matter would be examined and that clarification would be provided at later date. Through this oral report, the Secretariat, after consultation with CEART, would like to point out that the recommendations in the Annex and the document 190 EX/24 Part II and its Annex are coherent and refer to only Japan Teachers' and Staff Union (KENKYO) and Japan Teachers' Union (JTU). Indeed the title of the Annex mentions Nakama Union, in addition to the two unions. Nakama Union is a local union while ZENKYO and

JTU are national-level unions and the issues submitted by Nakama Union are in line with those submitted by ZENKYO and JTU. During the fact-finding mission to Japan, the CEART working group on allegations did not meet with Nakama Union although it had provided information in support of ZENKYO and JTU's allegation.

14. At the end of the debate, the members of the Committee decided to recommend to the Executive Board the following draft decision:

The Executive Board,

1. Recalling 154 EX/Decision 4.4 and 157 EX/Decision 6.3,
2. Having examined document 190 EX/24 Part II and the report of the Committee on Conventions and Recommendations (CR) thereon (190 EX/50),
3. Takes note of the CEART's interim report relating to allegations on the non-observance of certain provisions of the ILO-UNESCO 1966 Recommendation in Japan, annexed to document 190 EX/24 Part II;
4. Invites the Director-General to communicate the CEART's interim report to the Government of Japan and to the All Japan Teachers' and Staff Union (ZENKYO) and the Japan Teachers' Union (JTU), and to invite them to take the necessary follow-up action as recommended in that report.

Item 24 Application of the 1989 Convention on Technical and Vocational Education and the 2001 Revised Recommendation concerning Technical and Vocational Education (TVET) (190 EX/24 Part III)

15. In introduction, the Assistant Director-General for Education, representative of the Director-General, presented the document 190 EX/24 Part III containing the Secretariat's overall review of the two normative instruments on technical and vocational education and training (TVET). In view of the complexity of the matter, the Assistant Director-General for Education explained the background and rationale in considerable detail.

16. The representative of the Director-General reminded the Members of the Committee of the discussion held during the 187th session of the Board on the findings of the independent study regarding the impact of the two normative instruments, examining in particular why only 17 Member States have ratified the Convention. The CR Committee, through 187 EX/Decision 20 (IV), had requested that the content, relevance and scope of the two instruments be discussed at the 3rd International Congress on TVET in Shanghai in May 2012.

17. The Secretariat's overall review of these instruments took into account a broad range of inputs including discussions from the recent sessions of the Board; the findings of the independent study; UNESCO's review of global trends and issues in TVET; the special session in the 3rd International Congress; and the overall outcomes of the Congress and other developments.

18. The Assistant Director-General for Education summarized the finding of the review which identified a gap between the content of these instruments and the rapid changes in TVET development in Member States with factors such as rapid demographic and technological changes and deepening concerns relating to youth unemployment, underemployment, peace and sustainable development driving the change. He explained that more integrated approaches to policy areas such as labour markets, education, training and health are now needed. There have also been significant developments regarding the articulation between education and training and the world of work, and the role of TVET in lifelong learning, including certification and the validation of prior learning, career guidance and counselling.

19. The representative of the Director-General explained that there is a strong case and momentum for further revisions to the Recommendation to allow for a new update of the set of standards and practices that may be helpful for Member States. Indeed, the overall weight of professional opinion, including that of the Secretariat, is in favour of revising the Recommendation. The Secretariat therefore recommends that the Board proposes to the 37th session of the General Conference to agree to revise the Recommendation. With regards to the Convention, the decision on the future of this instrument could be deferred to a further session of the General Conference. Various options for the Convention may be considered by the General Conference when adopting revisions to the Recommendation.

20. The Assistant Director-General for Education further clarified the reasons for the Secretariat to suggest revising the Recommendation first. One is that revising a Recommendation takes much shorter time than revising a Convention. Second, the voting process for revising a Recommendation is much lighter, requiring a simple majority rather than a two-thirds majority in the case of a Convention. Third, a Recommendation will go into force immediately after adoption by the General Conference, whereas a Convention would require further time for ratification. Fourthly and most importantly, a Recommendation is a more flexible instrument which can easily facilitate the require transformation of TVET and for it to stay current.

21. The representative of the Director-General explained that if the Committee agrees to this proposal for the way forward, the Director-General will submit at the 191st session of the Board, a preliminary study on the technical and legal aspects relating to the desirability of making further revisions to the Recommendation.

22. One Member of the Committee observed that a convention that has only 17 ratifications over 23 years is de facto dead and although it would continue to exist legally, there is no future for the Convention. This member proposed two alternatives, either to prepare a new Convention or to not have any Convention at all and to motivate Member States through other instruments.

23. In his response on these two alternatives, the Assistant Director-General for Education reiterated that the Convention developed 23 years ago is rigid to befit the needs of the Member States which require flexibility to develop their TVET systems. The Secretariat's suggestion is to update the Recommendation first. Should the Committee agree to this proposal, UNESCO will suspend the monitoring of the Convention then in three years from now when we submit the revised recommendation the board will decide on whether we want to have a new convention.

24. Prior to the adoption of the draft decision along the lines of revising the Recommendation, the Chair of the CR proposed to add a paragraph proposed during the debate on item 24 Part I requesting the Director-General to suspend the monitoring of these instruments until they are possibly revised (see paragraphs 6 and 7 of the present report). The draft decisions were adopted with the additional paragraph 7.

25. At the end of the debate, the members of the Committee decided to recommend to the Executive Board the following draft decision:

The Executive Board,

1. Recalling 34 C/Resolution 87, 177 EX/Decisions 35 (I) and (II), 184 EX/Decision 20 and 187 EX/Decision 20 (IV),
2. Further recalling 181 EX/Decision 8, in which the Board approved the Strategy for Technical and Vocational Education and Training (TVET), and document 182 EX/INF.5, in which the Strategy was amended,
3. Considering the deliberations of the Executive Board at its 187th session, and the "Shanghai Consensus: Recommendations of the Third International Congress on

Technical and Vocational Education and Training ‘Transforming TVET: Building Skills for Work and Life’ (Shanghai, May 2012)”, in which the Congress recommended that the Director-General of UNESCO “consider the relevance and currency of UNESCO’s Convention on Technical and Vocational Education (1989) and the Revised Recommendation concerning Technical and Vocational Education (2001), with a view to the possible development of new or revised normative instruments adapted to a changing world”,

4. Having examined document 190 EX/24 Part III and the report of the Committee of the Conventions and Recommendations on this matter 190 EX/50,
5. Recommends that the Director-General consider partnerships with other organizations concerned, such as the International Labour Organization (ILO), and consult the UNESCO-UNEVOC network on the scope of further revisions to the Revised Recommendation concerning Technical and Vocational Education (2001);
6. Requests the Director-General to submit to the Executive Board, at its 191st session, a preliminary study on the technical and legal aspects relating to the desirability of making further revisions to the 2001 Revised Recommendation concerning Technical and Vocational Education, with a view to submitting the study to the General Conference at its 37th session.
7. Requests the Director-General to delay further monitoring of the implementation of the 1989 Convention and the 2001 Revised Recommendation until possible development of their revised texts.

Item 24 1974 Recommendation on the Status of Scientific Researchers
(190 EX/24 Part IV and Add.)

26. This item 24 was presented by the Assistant Director-General for Social and Human Sciences, representative of the Director-General, who underlined that 40 Member States submitted national reports on the application of the 1974 Recommendation on the Status of Scientific Researchers and took part in the consultations concerning the possibility of reviewing and updating this Recommendation.

27. The majority of national submissions expressed a firm suggestion that the revision of the 1974 Recommendation would be desirable and could be entrusted to an ad hoc expert group, composed of all or several members of the World Commission on the Ethics of Scientific Knowledge and Technology (COMEST) along with representatives of different national commissions for UNESCO or permanent delegations to UNESCO.

28. One member of the CR Committee underlined the need to organize an online consultation involving a broad range of actors and stakeholders concerning the elements of the 1974 Recommendation requiring a possible revision.

29. At the end of the debate, the members of the Committee decided to recommend to the Executive Board the following draft decision:

The Executive Board,

1. Recalling 177 EX/Decision 35 (I), and 189 EX/Decision 13 (III),
2. Having examined document 190 EX/24 Part IV and Add., and the report of the Committee on Conventions and Recommendations thereon contained in document 190 EX/50,

3. Expresses gratitude to Member States that submitted their national reports on the application of the 1974 Recommendation on the Status of Scientific Researchers and took part in the preliminary consultations that enabled the Director-General to prepare the expanded and consolidated report on the implementation of the 1974 Recommendation in line with 189 EX/Decision 13 (III);
4. Welcomes the opinions expressed by Member States that the 1974 Recommendation on the Status of Scientific Researchers represents an important element of an overarching and broad ethical framework to guide scientific activity and remains adequate and applicable for the science ethics and science policy, issues that it is designed to address;
5. Takes note of the opinions and views expressed by Member States concerning the desirability of revising and updating the 1974 Recommendation on the Status of Scientific Researchers;
6. Invites the Director-General to establish an ad hoc expert group, the terms of reference of which should include the preparation of a first draft of the preliminary study of the technical and legal aspects relating to the desirability of revising the 1974 Recommendation on the Status of Scientific Researchers;
7. Further invites the Director-General to organize an online consultation involving a broad range of actors and stakeholders concerning the elements of the 1974 Recommendation requiring a possible revision;
8. Requests the Director-General to submit to the Executive Board, at its 191st session, the aforementioned preliminary study, with a view to inscribing the question of a possible revision of the 1974 Recommendation on the agenda of the 37th session of the General Conference.
9. Invites the Director-General to transmit to the General Conference at its 37th session the expanded and consolidated report on the measures taken by Member States to implement the 1974 Recommendation, together with its observations and any observations or comments that the Director-General may wish to make.

Item 25 Reflection on the Joint Expert Group UNESCO (CR)/ECOSOC (CESCR) on the Monitoring of the Right to Education (190 EX/25)

30. The Assistant Director-General for Education presented document 190 EX/25 and its main elements.

31. This was followed by a discussion, in which five Members of the Committee took part (Saint Lucia, Ghana, Mexico, France and Italy). Saint Lucia, the first country to take the floor, suggested the adoption of option (A) to terminate the Joint Expert Group, in particular in view of the current financial situation of the Organization, and encouraged the Secretariat and the Committee on Economic, Social and Cultural Rights (CESCR) to continue their work and collaboration as the alternative solution. This was followed by Ghana, which suggested the adoption of option (B) to maintain the Joint Expert Group as an ad hoc committee with a re-definition of its mandate and mission. The Joint Expert Group could meet when resources are available and precisely identified. Mexico suggested that the Joint Expert Group works in a permanent way, when the resources are available, and that its mandate should be more practical and its body should be composed with the same number of Members from the CR and CESCR. Then, as a Member of the Joint Expert Group, Mr Pierre Michel Eisemann (France), shared with the Members of the Committee his experience and views on the Joint Expert Group. He emphasized that its work has been done and already accomplished, and that when the Joint Expert Group met in 2011, it itself realized that there is no longer a mission to fulfil. The Secretariat shall continue its close collaboration and work

with the CESCO, and then if the necessity comes up, it can be suggested for an ad hoc or permanent organ to fulfil a certain mission. Italy suggested the adoption of option (A) with certain flexibility by adding that if there shall be a necessity, an ad hoc group shall be summoned to fulfil a respective mission.

32. The Assistant Director-General for Education took note of remarks made and provided clarifications as to the implications of option (B) in terms of financial resources which mainly consist of travel costs.

33. After having examined this item, the Committee decided to adopt option (A), being understood that if there shall be a necessity, an ad hoc group shall be summoned to fulfil a respective mission.

34. At the end of the debate, the members of the Committee decided to recommend to the Executive Board the following draft decision:

The Executive Board,

1. Recalling 162 EX/Decision 5.4 (II), 171 EX/Decision 27, 172 EX/Decision 26, 175 EX/Decision 29, 177 EX/Decision 37, 179 EX/Decision 24, 181 EX/Decision 28, 184 EX/Decision 23, and 187 EX/Decision 21,
2. Having examined document 190 EX/25, and the report of the Committee on Conventions and Recommendations (CR) thereon (190 EX/50),
3. Takes note of the content of the reports and suggestions they contain,
4. Decides to adopt option (A) proposed in document 190 EX/25, paragraph 11, and requests the Director-General to begin its implementation.