

GOVERNANCE AT UNESCO

Introduction

1. As is normal in any democratic membership institution, the governance and methods of work of UNESCO have often been reconsidered by its governing bodies. The first part of the present chapter recalls the broad outlines of the main reviews undertaken throughout the history of the Organization and its second part focuses particularly on reform efforts since 1995. Indeed, it has been considered that 1995 is a significant watershed, since that year saw the effective application of a significant change in the composition of the Executive Board following the 1991 Constitutional amendment (whose consequences in terms of governance are the object of the third part), along with the creation of an ad hoc Working Group on the Structure and Function of the General Conference (“Krogh group”), which was the forebear of systematic reviews of the methods of work of the governing bodies right up to the present.

Historical background until 1995

2. More often than not, the purpose of reform measures has been to enhance separately the effectiveness, functioning and working methods of the General Conference or the Executive Board, or, with respect to the Director-General, the preparation, presentation and content of the documents relating to the programme and budget (and medium-term planning since 1970).

3. The first such initiative dates back to the period 1950-1952. Under the first version of the Constitution, the General Conference met each year, and took decisions “on programmes drawn up by the Executive Board”, which was “responsible for the execution of the programme adopted by the Conference” and prepared “its agenda and programme of work”. At the time, the Executive Board was composed of 18 prominent personalities elected by the General Conference (a number which was regularly increased since) and the number of Member States was not high (65 in 1952). In 1951, wishing to make savings in its operating costs, the General Conference decided to hold its sessions every two years and therefore requested the Director-General to prepare, with the Executive Board, the necessary amendments to the Constitution, including provisions to take greater account of the true role of the Director-General in the preparation and execution of the programme and budget, particularly within a biennial financial period, while preserving the Executive Board’s prerogatives.

4. Accordingly, in 1952, the General Conference adopted amendments to the Constitution which are still in force today: it is the Director-General who “prepares” the Draft Programme and Budget, which the Executive Board “submits”, together with its own recommendations, to the General Conference. The Executive Board remains “responsible for the execution of the programme adopted by the Conference”, and is furthermore authorized “having regard to circumstances arising between two ordinary sessions, [... to] take all necessary measures to ensure the effective and rational execution of the programme by the Director-General”. In this connection, it should be recalled that ever since the early years of the Organization, the Executive Board has decided on the organization of work to be submitted to the General Conference at each of its sessions. Although this is not a provision of the Constitution or of the Rules of Procedure, it is an extremely useful practice, which helps the work of the General Conference to get under way very rapidly.

5. At its 12th session, in 1962, the General Conference invited the Executive Board to study “changes which it might be advisable to make in the relative functions and

responsibilities of the organs of UNESCO” in order to enable them “to carry out more effectively the functions and responsibilities that are proper to them” and to report to it thereon at its 13th session. This matter was resubmitted to the Executive Board by the General Conference at each of its sessions until 1972. As a result of this dialogue between the two governing bodies, in which the Director-General naturally participated, a number of changes took place in the methods of work of the General Conference and the Executive Board.

6. It may thus be noted that while it was anxious to further concentrate the work of the General Conference by reducing its length and decreasing the volume of documentation, the Executive Board recommended in 1972 to the General Conference at its 17th session, to establish five programme commissions rather than the single programme commission customary until that time (subdivided into a number of sub-commissions and committees): this is the structure which is still in force today (with the addition of a sixth programme commission at the 34th session). Also in 1972, the Executive Board again came out in favour of maintaining biennial sessions for the General Conference.

7. It may also be noted that at its 67th session (1964), the Executive Board regarded “as the main problem the excessive workload borne by the three organs of UNESCO” and considered that “the best way of reducing the pressure of work on the three organs would not be to amend the Constitution of UNESCO, but to alter the character of the material and, more particularly, of the programme and budget documents, submitted to the General Conference and the Executive Board”. In addition, as early as 1966, the Executive Board expressed the wish that the General Conference pay greater attention to the Executive Board’s recommendations on the Draft Programme and Budget. This concern was subsequently reiterated on several occasions.

8. A new factor came into play in the late 1960s with the introduction in UNESCO of medium-term planning, as part of a reform affecting the whole United Nations system. It had previously been customary for the General Conference to adopt, in addition to its programme and budget for the forthcoming biennium, a resolution entitled “Preparation of the future programme” which was meant to provide the Director-General with a basis for the elaboration of the next C/5 document. Medium-term planning could provide a more systematic tool for anticipation “allowing a broad and thorough discussion to determine the Organization’s policies and its lines of work”, a concern which was to resurface later in the context of the Temporary Committee established by the Executive Board in 1984 (see below) and the Working Group on the Structure and Function of the General Conference set up in 1996 (see below).

9. The original approach to medium-term planning has gradually changed in the light of experience. The third Medium-Term Plan (1990-1995) was more concise than the first two, and was more like a general policy document than a programming document. The purpose was to help the General Conference to examine and adopt the main lines of thrust that would serve as a basis for programming through the C/5 document over the three corresponding biennia. It was in that same spirit that, for the period 1996-2001, the “Plan” gave way to a “Strategy”, in accordance with the recommendation made by the Executive Board to the General Conference.

10. At the same time, more interest was gradually displayed in the role of the National Commissions. They have thus become more involved in the preparation of the strategies and programmes. Since 1994, regional and subregional consultations have been held every two years for this purpose. The usefulness of these consultations was reaffirmed in the report of the above-mentioned Working Group on the Structure and Function of the General Conference, which in 1997 approved the recommendations of the Working Group.

11. In 1984, following the notice of withdrawal from the Organization received from the United States of America, the Executive Board decided at its 119th session to establish a temporary committee whose mandate was “to present to the Board recommendations and concrete measures designed to improve the functioning of the Organization”. A large part of the work of the Temporary Committee was devoted to the functioning and decision-making procedures of the governing bodies, on which it made numerous concrete recommendations, which the Executive Board approved. These recommendations were basically aimed at bolstering the role of the Executive Board in the preparation of the sessions of the General Conference (focus, preparation of decisions, in particular concerning the C/5 document, organization of the General Policy Debate, etc.), and at rationalizing the organization and functioning of the Executive Board itself. As the Committee noted in 1985, these recommendations were heeded, beginning with the preparation of the 23rd session of the General Conference (Autumn 1985).

12. In this connection, the Temporary Committee strongly emphasized the usefulness of consensus as a decision-making procedure, and recommended “increased opportunities for consultation among Member States and between Member States and the Secretariat, particularly at the time of the preparation of the draft programme and budget (C/5 document) by the Secretariat and in any event before the draft programme and budget is considered by the governing bodies”.

13. This concern prompted the Executive Board, at its 131st session (1989), to recommend a change in the process of consulting Member States: with a view to the preparation of document 26 C/5 (1992-1993), the Director-General was invited to consult the Member States no longer by means of a questionnaire as previously, but by means of preliminary proposals based on the policy guidelines drawn up by the General Conference at its 25th session (1989) for the preparation of that document. At the same time, the Executive Board recommended further reductions in the length and workload of the General Conference. And beginning in the 1980s, there started a gradual but very appreciable reduction in the length of the General Conference, which has fallen from 32 days at the 23rd session (1985) to 16 working days at the 34th session (2007).

14. Similarly, the Executive Board decided a few years later, in 1992, to re-examine the frequency of sessions of the General Conference; this was done at its 141st session in 1993. The two alternatives considered on that occasion were either to maintain the biennial periodicity in force since 1952 or to go over to a three-year cycle. The arguments put forward in favour of such a move included the budgetary savings that would be achieved and the greater flexibility that would result with regard to the preparation, execution and evaluation of the programme. The arguments against stressed the need not to weaken the guidance role of the General Conference. Consensus was not reached, and the Executive Board finally did not recommend changing the biennial periodicity.

15. When, at the request of the General Conference, the Executive Board reconsidered, the following year, the methods of work of the governing bodies, it invited the Director-General to submit to it at its 145th session (autumn 1994) a study dealing in particular with the possibility of reorganizing the General Conference, taking into account the replies from Member States to a consultation on that subject undertaken by the President of the 27th session of the General Conference. The Director-General accordingly submitted to the Executive Board document 145 EX/39 “Methods of work of the General Conference and the Executive Board”. Part IV of that document contained three options which might serve as a basis for a major reorganization of the structure and timetable of the General Conference, and of the respective contributions of the two governing bodies to the process of preparing and adopting the programme.

16. Following its examination of these options, the Executive Board invited the Director-General, when submitting to it at its 146th session a proposal for the organization of work of the 28th session of the General Conference (1995), "to take into consideration, as a possible alternative to the usual timetable which places the General Policy Debate at the beginning of the session, the option put forward in paragraphs 49 and 50 of document 145 EX/39". Under that option, the General Policy Debate would be held after the work of the commissions, rather than at the beginning of the session. However, the Executive Board decided at its 146th session to recommend that the General Conference should keep the general policy debate at the beginning of the session.

17. At its 28th session, the General Conference invited its President (Mr Torben Krogh, Denmark) to establish between the 28th and 29th sessions "an ad hoc working group whose mandate would be to examine the structure and function of the General Conference and recommend the most effective means to restore to the Conference its original function as a full-fledged policy-making body". This group was to be made up of "18 experts from Member States" and present its conclusions to the Executive Board so that they could be submitted, with the Executive Board's comments, at the 29th session of the General Conference.

18. The group held three meetings at Headquarters in 1996 and 1997 before submitting its report to the General Conference, together with the comments of the Executive Board. The General Conference endorsed all of the recommendations contained in this document, as amended by the Executive Board. They touched on various aspects of the role and functioning of the General Conference, but recommendations 1 to 10 and recommendation 23 merit particular attention as they were aimed at rationalizing the respective roles of the three organs of UNESCO in the process of the preparation, adoption and implementation of the programme and budget and, upstream, at strengthening the role of Member States, their National Commissions and permanent delegations to the Organization.

19. The major objective was to strengthen the General Conference's guidance and policy-making function, while at the same time recommending the aim of "fostering dialogue and exchanges" among delegates (recommendations 24 to 26). The spirit of the recommendations as a whole was described by the President in an introduction he wrote when the report was published. The main point underscored by Mr Krogh was that, in order to exercise its constitutional role fully, the General Conference should simplify its discussions on the C/5 document submitted to it for final approval, so as to focus more on the subsequent C/5 document, by giving the Director-General guidelines for its preparation.

20. The approved recommendations were implemented from the 30th session of the General Conference onwards. In particular, the commissions discussed not only document 30 C/5 but also the main lines of document 31 C/5. The same occurred at the 31st session, except for the fact that, as the General Conference was on that occasion also required to adopt a new Medium-Term Strategy (2002-2007), the future C/5 document and the Strategy were discussed as a joint item in each commission. At its 160th session (autumn 2000), the Executive Board was informed in detail of the follow-up to the recommendations, including the difficulties that had arisen in a few cases. Part two of the present chapter addresses this matter in detail.

21. Previously, on the initiative of its Chairperson, a study on the three organs of UNESCO had been submitted to the Executive Board at its 156th session (spring 1999). After the Special Committee had examined the study, the Executive Board adopted 156 EX/Decision 5.5. The decision referred in particular to the consideration of the Draft Programme and Budget and the influence of the recommendations made to the General Conference on that subject by the Executive Board. It came into effect as of the 30th session of the General Conference (1999).

22. The Executive Board also decided to pursue consideration of the question through its Special Committee at its 159th session (spring 2000), that is, after the General Conference. At that session, the Executive Board created, within the Special Committee, an ad hoc working group with six members whose mandate would be “to carry out inter-sessional work on the issue of UNESCO’s governance, the relations between its three organs and the related structure of the subsidiary organs of the Executive Board”.

23. This group presented its report and recommendations to the Special Committee at the 160th session. The first of the recommendations was entitled: “The role of the General Conference with respect to the Medium-Term Strategy (C/4) and the Programme and Budget (C/5)”. It is aimed at rearranging substantially the schedule for the preparation and adoption of the C/4 and C/5 documents, including that relating to the respective involvement of the General Conference and Executive Board.

24. The Executive Board decided to resume consideration of this recommendation at its 161st session (spring 2001), after which it requested its Special Committee “to study further recommendation as well as its implications and to report thereon to it at its 162nd session, with a view to presenting that recommendation to the General Conference at its 31st session”. At its 162nd session, the Executive Board also had at its disposal an information document on the implications of the recommendations, in particular their legal aspects. It decided to transmit the relevant documents to the General Conference at its 31st session “for information”, recommending that the General Conference “decide on appropriate modalities for further consideration”. Through 31 C/Resolution 70, the General Conference invited the Executive Board to pursue reflection on governance issues, particularly through open-ended meetings of its Special Committee. Further debate and lack of consensus during the 2002-2003 biennium, led to 32 C/Resolution 92 through which a new ad hoc group was instituted under the Chairmanship of the President of the 32nd session, and whose recommendations were endorsed by the General Conference in 33 C/Resolution 92.

25. It is important to recall that one Constitutional amendment in the 1990s has had a major impact on the manner in which the three organs of UNESCO interact. This is the amendment adopted by the General Conference at its 26th session in 1991 transforming the composition of the Executive Board into that of Member States (whereas previously it had been that of individuals nominated by Member States). Once the Constitutional amendment (often referred to as the “Japanese amendment” since the item was tabled by that country) had come into full effect with the election of members of the Executive Board at the 28th session of the General Conference in 1995, the Executive Board’s role was clearly bound to change. Over the ensuing decade, little by little the Executive Board’s working practices and culture have evolved in line with its new status, sometimes generating repercussions – and at times tensions – in its interactions both with the Secretariat and its Director-General and with the full membership at the General Conference.

26. Over recent biennia, starting with the “Krogh” group in 1996-1997, discussions on the subject of the three organs and the General Conference have continued along roughly the same format, which is to say that the General Conference adopts a resolution calling upon the “three organs” to continue to make appropriate improvements, both in the internal arrangements for efficiency and relevance of the two governing bodies and also in the harmonious working relations and interactions between and among the three organs of UNESCO; the President of the corresponding session of the General Conference – usually by way of a working group – along with the Executive Board, through its Special Committee, follow up on that resolution, and an item is introduced on the agenda of the ensuing session of the General Conference.

27. It is noteworthy, however, that this work, particularly in the Executive Board, has continued to run up against the two enemies that are lack of consensus and lack of time. The

Executive Board, for one, was merely continuing to reflect the significant disparities of views that have constantly manifested themselves among Member States in questions relating to the General Conference or the three organs. One example is the debate concerning the timing of the “ministerial” portion of the General Conference and the corresponding General Policy Debate: i.e. whether the senior representatives of Member States should participate towards the end of the General Conference – to endorse the technical work done in the commissions by their designated experts and alternates, or on the other hand, should initiate the policy discussions with their formal policy statements, to be followed up by the work of the commissions (the existing and long-standing format). This matter has been under debate for at least the past two decades, but it has never been definitively resolved to change the current formula.

28. One of the main reasons for this reluctance to change is that, as has been noted repeatedly over the years, UNESCO’s Constitution is considered as a sturdy, solid and extremely well balanced instrument – perhaps one of the best in the international system – and as a result, Member States have often baulked at the prospect of needing to amend fundamental provisions in the Constitution as a necessary prerequisite for implementing some of the modifications agreed upon during debates on these three organs issues.

29. At the same time, the Executive Board has continued to pay careful attention to its own methods of work, which were required to evolve as it felt more and more fully cloaked in its new intergovernmental status, and there have been significant improvements in efficiency and relevance as a result, even as the pressure of its agenda continued to expand and the duration of its sessions contract particularly under budgetary restrictions. It is certainly clear that, with its now mature intergovernmental character, its ability to take significant political decisions on delicate subjects on the basis of a long drawn-out process of negotiation has been enhanced and is without doubt due in large measure to the full recourse it can now have to the well-honed mechanisms of relations between States in the international system. Thus the Executive Board is fulfilling the Constitutional function of standing in for the community of UNESCO Member States on urgent and unforeseen matters in between sessions of the General Conference. In its relations with the General Conference, however, the Executive Board in its post-1995 composition has sometimes been strongly criticized by States non-Members of the Board for a tendency to act as if it were a mini-General Conference of itself, and to consider that the recommendations it transmits to the Conference – indeed often after lengthy and exhaustive discussions that are at least nominally conducted on behalf of the entire UNESCO membership – should not be touched (because of the delicate compromise surrounding their adoption) and just be “rubber-stamped”, an attitude that has aroused at times quite severe comments during the sessions of the General Conference itself.

30. In these conditions, the General Conference – itself also beset with workload, time and budget problems – has not been able either to reach full consensus on many of the issues that have constantly emerged over time, and even expressed frustration that its resolutions have not been fully implemented. It has also, at times, adopted positions that either contradict other decisions taken by it at prior sessions, or, again, seem to call for conflicting results.

31. At any rate, the General Conference, at its 33rd session (2005), adopted a very substantial and detailed resolution on the three organs and in doing so, clearly indicated which of the three organs was being charged with responsibility for follow-up. Over the 2006-2007 biennium, the three organs thus each pursued the implementation of those recommendations entrusted to it, while being attentive to the need to harmonize its work and recommendations with those being pursued by the others. Adjustments and improvements were made to the organization of the 34th session of the General Conference as a result, but no major changes were recommended, by the Director-General, the Executive Board or the

President of the General Conference even when they were seemingly called for in 33 C/Resolution 92, for a number of reasons outlined in the consolidated report presented to the General Conference in 2007 at its 34th session (34 C/19 and Annex Rev.).

32. At the session, the General Conference noted the progress made in the implementation of that Resolution's numerous provisions, and the need to continue its implementation in other areas. At the same time, the Conference, perhaps conscious of some of the above contradictions, held an informal brainstorming meeting of its General Committee at which many of the comments indicated a readiness to move further forward in this regard. The present report is the consequence of the willingness expressed by Member States.

33. By way of conclusion, it is perhaps worth recalling what is noted by the Director-General, in paragraph 29 of document 34 C/19: "The Director-General is satisfied with the rate of implementation of the many provisions of this important resolution, which after many years of discussion of the respective roles of the three organs of the Organization, has finally achieved a balance among them which it is for each of the three organs, and their respective heads, to respect and implement over the coming years. Indeed, a certain number of the provisions of 33 C/Resolution 92 still have to be more fully implemented. Financial restrictions, for example, have curtailed the Director-General's ability to implement some of the more ambitious plans concerning the Conference's organization; other procedural matters require specific adaptations to the Rules of Procedure of the General Conference and/or the Executive Board; and others again have actually met with a rather more mitigated reaction on the part of Member States during the consultations conducted than the adoption of the resolution at the 33rd session would have led to believe, meaning that the Director-General, the Chairperson of the Executive Board and the President of the General Conference both separately and collectively are inclined to allow such provisions a little more time for careful reflection and study before full implementation."

The reform of the methods of work since 1995

34. It should be noted that one of the reasons why this work was undertaken is to make a clear distinction between recommendations which are still considered useful, so as to insist on their implementation, and those that have not proved their worth and should thus be definitively closed in order to move forward.

35. Past reform initiatives or proposals that were not retained either by the General Conference or by the Executive Board (most of them outlined throughout the historical background part above) have also been reviewed in detail in the aforementioned individual reports. Since the Informal Working Group did not deem appropriate or useful to restore or revisit any of them, they are not reflected here.

29 C/Resolution 87

36. Among the recommendations contained in 29 C/Resolution 87 (issued from the report of the 1996-1997 ad hoc working group) the following ones have not been fully or partially implemented, for the reasons explained below.

R4 *The General Conference should invite the steering committees of intergovernmental bodies to submit observations and recommendations to it, in the fields covered by each one of them, on the Draft Programme and Budget.*

37. The timetable for the preparation of the C/5 document makes it difficult to consult intergovernmental bodies in a consistent and timely fashion, since the dates of their different meetings do not necessarily coincide with the different stages of document C/5 preparation.

Although some progress has been made in this area in the framework of 33 C/Resolution 92, the above reasons rule out an effective implementation of this recommendation other than the coordination and interaction of these bodies with the whole action of the Organization provided by the Director-General through the role played by Secretariat in each of them.

R6 The General Conference should request the Executive Board to consider on its behalf questions of less importance which are usually placed on the agenda of the Conference, including minor administrative and budgetary questions. The reports that it would submit to the General Conference on these matters should be adopted without discussion, unless a delegation requests a debate on one of them.

38. To date no definition of “questions of less importance” has been provided by either the General Conference or the Executive Board. Although it seems difficult to reduce the number of items on the agenda (see below, recommendation 7 of 33 C/Resolution 92), an enhanced and proactive role of the Executive Board in the preparation of the agenda, along with the appropriate recommendations for the adoption of items without debate, would certainly help to further the objective of this recommendation. The fact that, since the 34th session, the agenda of the General Conference is annotated, may also contribute to this aim. Concrete suggestions on this matter are contained in the next part, under governance-related issues.

R18 It was recommended that, during the general policy debate, the heads of delegation might inter alia wish to focus on the basic thrust and orientation of the programme submitted to the General Conference for adoption.

39. Even though Member States are invited at each session to give effect to this recommendation, experience shows that this is rarely the case. Indeed, this is a matter of the sovereignty of Member States and the intention of their heads of delegation. Some progress could nevertheless be achieved in the framework of the proposals made in the next chapter concerning the General Policy Debate and ministerial round tables.

R23 To enable the commissions to have genuine discussions and to bring significant influence to bear on developments in the Organization’s programmes, the group recommends: (i) that they devote less time to formalities for adopting the proposed programme at a given session and to examining draft resolutions; and (ii) that they focus the major part of their work on the main lines of emphasis of the ensuing programme.

40. Although some time has been devoted since 1997 to the future programme (within each commission or, for the 34th session, at the interdisciplinary meeting), commissions devote the major part of their proceedings to the consideration of the C/5 document to be adopted at the session and of the draft resolutions referred to it. The recommendations made in the following part of the present chapter, together with the proposals presented in the next chapter should help the General Conference go along these lines, without necessarily focusing on the work of the commissions alone.

R27 The group recommends that all the questions to be examined by each commission be covered in a single document (apart from the C/4, C/5 and C/3 documents) which would indicate clearly the main items requiring decisions.

41. The timetable of preparation of documents covers several months, and some documents depend on the results of meetings (including the Executive Board session) being held close to the opening of the General Conference, which makes it difficult to prepare a single document within a reasonable time frame. Furthermore, the preparation of separate documents for each agenda item facilitates its transmission to the competent authorities in each Member State.

42. The above reasons seem to make the pursuit of this recommendation difficult, although the proposals concerning a possible shortening of the autumn (year two) session of the Executive Board contained in the following chapter would certainly improve the timely preparation of all Member States for the General Conference session.

R31 The group recommends that significant improvements be made to the information for delegates: both basic information and daily updates on the progress of the proceedings, particularly by improving the Journal and by designing, on an experimental basis, a Vice-President to be responsible for informing the delegates.

43. While Member States consider that the information of delegates has improved since this recommendation was made, no Vice-President has ever been designated to fill the information function. This may be due to the fact that the nominees to the posts of Vice-Presidents of the General Conference are Member States, not individuals, and that the task would be a time-consuming one. However, the proposals relating to the visibility of the work of the General Conference contained in the next chapter would certainly call for an increased involvement of delegates, in particular heads of delegation, in public information issues.

33 C/Resolution 92

44. The implementation of the recommendations contained in 33 C/Resolution 92 (stemming from the report of the 2004-2005 ad hoc working group) will be reviewed by the General Conference under a separate item on the agenda of the 35th session. However, several of them are of particular relevance to the content of the present report and to the proposals it contains.

R6 Decides that guidelines for new simplified criteria for the submission of draft resolutions to the General Conference relating to the C/5 document should be recommended by the Executive Board for the development of criteria by the Legal Committee of the General Conference.

45. The President of the 33rd session of the General Conference had been entrusted by the General Conference with the implementation of this recommendation and, having conducted extensive consultations, concluded that there was no clear wish to amend the Rules of Procedure and therefore the criteria in force should be maintained in the preparations for the 34th session of the General Conference. The Executive Board endorsed, at its 176th session the recommendation arising from the President's consultations; the debate held at the Special Committee of the Executive Board brought out the fact that the Committee could not improve on the criteria already contained in the Rules of Procedure with regard to the submission of draft resolutions and their admissibility. The General Conference having accepted the concurring views of its President and of the Executive Board in this regard, these criteria are still in force.

R7 Consistent with the relevant Rules of Procedure of the General Conference, decides on reducing the number of agenda items for the General Conference with a view to focusing discussions on the key priorities of the Organization.

46. Debate on this item at the Executive Board did not result in a recommendation. It was considered that the number of items on the agenda of the General Conference was somewhat difficult to reduce because of the sovereign right of Member States, under the Rules of Procedure, to propose the inclusion of items in the agenda. However there was a discussion about available options to facilitate the work of the General Conference in cases of items already examined in depth by the Executive Board. The proposals contained in the next part of the present chapter seek to provide an appropriate solution to this problem.

R8 Decides that UNESCO should use its convening power better in order to make the General Conference a more interesting meeting place, and better suited to allow new inputs to its programmes, for instance through the organization of thematic debates, introduced by renowned experts or ministers from Member States, as well as an increased number of round table discussions. Also decides that the general policy debate should be organized differently, taking into account best practices of other intergovernmental organizations, and using innovative means with the aim of attracting the interest of the media, and the public at large. The new format of the general debate should give the heads of delegation adequate opportunity to deliver their main political message, preferably focused on selected themes. During the General Conference, one or several ministerial round tables could continue to be held; furthermore, other innovative, interactive discussions could be held with a view to promoting “real” dialogue/networking among Member States.

47. As indicated in one of the individual reports contained in Annex 6, this recommendation quite appropriately illustrates the difficulties and contradictions involved in this exercise. Indeed, it seems difficult to reconcile the focusing of the General Conference on key priority areas and policy-relevant debates while increasing thematic debates and Ministerial Round Tables in order to make it a more interesting meeting place, yet without adopting formal measures to curtail the number of agenda items on its agenda. Nevertheless, the said report asserts that the status of implementation of this recommendation augurs well for its future, and the complete set of ideas, suggestions and recommendations contained in the present report – particularly those relating to the General Policy Debate and ministerial round tables – go along the same lines.

R9 Decides that, if possible, all elections should take place at the end of the first week of the General Conference, and that the election procedures should be improved, and preferably automated. Accordingly, also decides that the communications received from Member States invoking the provisions of Article IV.C, 8(c) of the Constitution should be examined by the Executive Board at its session immediately preceding the General Conference in order to allow the Conference to decide on voting rights, upon the recommendations of the Executive Board, at the opening of the session.

48. This recommendation cannot be fully implemented without amendment of the Rules of Procedure of the General Conference. Although the advanced examination of communications by the Executive Board certainly simplifies the task of the General Conference in establishing voting rights, Member States still have the right, under Rule 83, to present communications until the third day of the Conference, which in practice means that voting rights can only be established towards the end of the first week of the session and thus (owing to the rules governing elections, which establish that the Nominations Committee meets once the 48-hour deadline for the submission of nominations has expired) the best possible date for the first election to take place falls within the second week of the session. At the 34th session – owing to the fact that the General Conference opened on a Tuesday – the election of members of the Executive Board took place on Wednesday of the second week, and all other elections on the next day. Member States expressed their satisfaction with this schedule, which is the best possible one in the framework of the existing rules.

R12 Decides on greater participation of the governing bodies of the intergovernmental programmes and UNESCO's (category 1) institutes in the drafting of the C/4 and C/5 documents as well as documents relating to the implementation and evaluation of their activities.

49. As explained above referring to R4 of 29 C/Resolution 87, there exist practical difficulties for the full implementation of this recommendation. However, progress has been made in that the questionnaire for the elaboration of documents 34 C/4 and 34 C/5 was also addressed to governing bodies of intergovernmental programmes and UNESCO's (category

1) institutes. Efforts have also been made to seek their views at the time of preparing the joint C/3 and EX/4 document and evaluation plans and reports – falling within the purview of a particular governing body – will henceforth be brought to their attention with a view to eliciting comments and policy guidance.

Governance-related issues

50. It would be important to create the conditions to further the constitutional role of the General Conference as supreme decision-making body of the Organization, through the improvement of its functioning. However, tackling the structure and working methods of the General Conference alone would disregard an extremely important dimension: the relationship between the two governing bodies. A clear understanding of the Constitutional roles of each and thereby of the dynamics that should prevail between the two lies beneath more specific aspects of their respective methods of work.

51. As indicated in the above-mentioned report, the implications of the 1991 Constitutional amendment concerning the composition of the Executive Board have not been sufficiently analysed, particularly through a holistic approach to this major change both in terms of governance (and corresponding working methods) of the Executive Board and of dynamics between the two governing bodies. This may be one of the reasons for the mixed results of previous discussions on the relationship between the three organs. The following paragraphs attempt to capture this approach, and propose various specific recommendations.

52. It should be stated from the outset that the analysis and related recommendations presented herewith are based on a firm premise: the Constitution is a solid and well-balanced text and it is generally recognized that any improvement should be achieved without changes to it, particularly as far as the balance between the respective roles, prerogatives and responsibilities of each of the three organs is concerned. Although necessary in some cases, I believe that changes to the Rules of Procedure of both the Executive Board and the General Conference should be kept to a minimum.

53. The role of the General Conference as supreme policy-making body may only be fully affirmed if the Executive Board plays a more efficient role in (i) relieving the General Conference of items (and related decisions) that are not distinctively linked to the “orientation and main lines of work of the Organization” and (ii) creating the conditions for effective decision-making thereon by the General Conference. However, the Executive Board needs to ensure that it is perceived by all Member States, in a reinforced decision-making role, as representative of the whole community of Member States of UNESCO, whose views it voices, represents and puts into operation between sessions of the General Conference. On the other hand, the General Conference should give further recognition to the Executive Board's broad oversight and management role, and thus focus its proceedings on major policy-setting and strategic orientations. A better understanding of these two roles, which are interlinked and mutually reinforcing, would result in strengthened UNESCO governance in the future.

54. In order to reinforce the General Conference's role as the starting point in the programme and strategy elaboration, its debates on the future Programme and Budget (C/5) and Medium-Term Strategy (C/4) should be improved, allocated more time (possibly in the framework of either the proposed Plenary Ministerial Forum or an interdisciplinary meeting) and facilitated by the appropriate documentation provided by the Secretariat. It might even be worth considering reintroducing the past practice – referred to in part 1 of this chapter – of a clear and distinct resolution relating to the preparation of the ensuing C/5 (and, where relevant, C/4) document.

55. Once the General Conference has determined the appropriate orientation, it is the role of the Executive Board to issue guidance to the Director-General for the preparation of the documents (including document C/4 adjustment in the framework of the rolling strategy). Therefore, the Executive Board should have an opportunity to analyse the policy statements and strategic orientations made during the previous session of the General Conference when it begins considering the next C/5 document.

56. According to article V.B.6(a) of the Constitution, the Executive Board, at a later stage, "... examines the programme of work for the Organization and corresponding budget estimates submitted to it by the Director-General (...) and shall submit them with such recommendations as it considers appropriate to the General Conference". All Member States should be aware of the enhanced representative process employed nowadays by the Executive Board thereon. Consequently, it should be sought at the General Conference, where at all possible, to maintain and endorse the consensus text contained in the recommendations by the Executive Board, which stem from a long process of consultation and negotiation among Member States and with the participation of the Director-General. Although the General Conference should keep its sovereign decision-making right, re-opening debate on consensual text should be envisaged at the appropriate policy-setting level and should thus preferably apply only to exceptional circumstances (i.e. additional content or recent developments) and be made, when possible, at ministerial level. Here again, it would be important to recall one of the main conclusions of the Krogh group (endorsed through 29 C/Resolution 87), i.e. it is at the beginning of the programme elaboration cycle that the General Conference should fully play its role of policy orientation, avoiding spending too much time on the final adoption of the programme at the outcome of the two-year process. Recognition of this important fact was thus underlined by Member States already a decade ago and it is the practical translation of this fact that this report seeks to go resolutely towards full implementation.

57. The whole process of preparing the C/5 document needs to be seen in the light of the intergovernmental character of the Executive Board. This was indeed the case during the 2006-2007 biennium, when the recommendations by the Executive Board (C/6) were formulated in the form of amendments to draft document C/5 submitted by the Director-General, thus facilitating the task of the General Conference in the finalization of the document. With this positive development, it would be even more important to ensure that the recommendations by the Executive Board were finalized by the spring session of the Executive Board in the second year of the biennium, and could thus be addressed to all Member States together with the C/5 document. In practice, this would mean that the document to be finalized and adopted by the General Conference would be an Executive Board-revised (with the concurrence of the Director-General) version of the C/5 document.¹

58. In this context, a question arises concerning the draft resolutions (DRs) relating to the C/5 document submitted by Member States. One possibility discussed is that of having the Executive Board receive and examine, at its autumn session just before the General Conference, the DRs submitted by Member States in order to verify the coherence and compatibility of these with the consensus reached by the Executive Board. This option would imply amendments to the Rules of Procedure governing this category of draft resolutions and would not favour the proposal to reduce the length of the autumn (year two) session of the Executive Board in order to facilitate a timely preparation of the General Conference. Another possibility – not implying amendments to the Rules of Procedure – would be to leave the DR process as it stands. This would enhance the individual or collective influence of Member States on draft document C/5 through the submission of DRs, since these would be able to

¹ In this context, it should be recalled that the statutory deadline for the dispatch of both draft C/5 and C/6 documents (recommendations of the Executive Board on the draft C/5 document) is three months before the opening of the session (Rule 11 of the Rules of Procedure of the General Conference).

take account of the full scope of proposals relating to the draft programme within the same time framework and deadlines. In order to ensure the coherence of content advocated in the first option, it would be desirable nevertheless that the comments issued by the Director-General on DRs considered admissible contain, in addition to his own views, an assessment of the compatibility of the proposals with the recommendations formulated by the Executive Board. Furthermore, during the session, the Board Members appointed to represent the Executive Board in each of the subsidiary organs of the General Conference would be able to offer the appropriate feedback.

59. In order to meet the deadlines described above regarding the finalization of its document C/5 recommendations (C/6), the Executive Board should consider creating its drafting group on document C/5 (and C/4) for the entire biennium in the autumn session of the first year of the biennium. This would enable this group to begin technical work intersessionally – as soon as the C/5 document is published – on verifying that the Director-General's draft is in line with the guidance issued by the Executive Board in response to his earlier outline proposals. At the ensuing spring session, further substantive comments and amendments would only be addressed by this group in-session once the general debate has provided the opportunity for an in-depth debate on the C/5 document. The terms of reference, composition and working methods of this group, as well as the in-depth consideration of its work by the plenary, should be carefully considered by the Executive Board in order to allay concerns expressed at the General Conference about its representativeness. Ideally, in such a scenario, an early (autumn, year one) agreement in principle on the foreseen provisional budget ceiling would be not only be desirable but extremely useful for the work of both the Executive Board and the Director-General respectively, having the additional advantage from the logistical and financial point of view of requiring only a single budget scenario and therefore the draft C/5 document to be prepared.

60. As far as the preparation of the C/4 document is concerned, for all the reasons put forward above, the former practice of establishing a drafting group at the General Conference (which was not pursued at the 34th session) should not be systematically envisaged. Indeed, the current process developed by the Executive Board in drafting its recommendations on the C/4 document appears to be much more inclusive and democratic. These should be accompanied by a DR for solemn adoption by the General Conference, in recognition of the significant moment it represents in the life of the Organization.

61. Although the most important topic in the relations between the Executive Board and the General Conference is doubtless the preparation of the programmatic and strategic documents, other issues related to the provisional agenda of the General Conference (prepared by the Executive Board) and items contained therein (other than the C/4 and C/5 documents) also seem in need of analysis from the broad governance point of view of the present chapter.

62. Many items comprehensively and conclusively debated in the Executive Board are further debated at the General Conference. This is often perceived as an avoidable misuse of time, energy and resources and, more importantly, allows the debates of the General Conference to stray from their major policy-setting purpose. Although some progress has already been made through delegation of authority from the General Conference to the Executive Board in specific areas (for example, the further examination and subsequent signing authorization to the Director-General concerning the creation of category 2 institutes, upon the initial approval of the General Conference), it might be desirable to enhance mechanisms whereby subjects of a routine nature comprehensively debated by the Executive Board can be referred to the General Conference with the corresponding Executive Board recommendation, including that of their adoption "without debate". Some examples would include the admission of NGOs already maintaining official relations, many administrative matters (Headquarters Committee reports, reports on staffing issues) etc. The

General Conference would of course decide in each case whether or not to accept recommendations without debate.

63. The above has already been proposed on several occasions but progress in this area has been slow. The introduction of an annotated agenda for the General Conference since the last session, together with a substantive, thorough debate by the Executive Board on the preparation of the agenda of the General Conference, should facilitate progress in this regard.

64. The Executive Board should also consider reviewing its methods for preparing the agenda of the General Conference. The provisional agenda would, as at present, be prepared by the Executive Board at its spring session in year two with annotations and an indication of items the Executive Board believes might be adopted without debate at the General Conference, but would be immediately circulated to Member States by the Director-General following the closure of the Executive Board's session. This would require an adjustment to current Rule of Procedure 9, which sets a deadline such that the provisional agenda remains open to the inclusion of items after having been examined by the Executive Board. The inclusion of supplementary items (later in the process, i.e. at the autumn session of the Executive Board and beyond) would remain within the same procedures, in the framework of the rules currently in force.

65. In preparing the revised provisional agenda (autumn session preceding the General Conference) the Executive Board should take into careful consideration the need to allocate sufficient time at the General Conference for significant policy debates and thus seek to make more use of its prerogative to propose the non-inclusion of items or their adoption without debate. Should proposals for shortening the length of the Executive Board session preceding the General Conference be adopted, this would also imply a reduction of "last-minute" items (and corresponding documentation) on the agenda of the General Conference as a result of decisions by the Executive Board at that session, and the consequent re-scheduling of the Executive Board's programme of work throughout the biennium.

66. The Executive Board's final recommendations (revised provisional agenda) would still be considered by the General Committee of the General Conference before adoption by the Conference in plenary. This would afford any Member State the opportunity for further reaction on these recommendations, and thus would deny no Member State its sovereign right to request to have an item debated within the existing Rules of Procedure.

67. In this context, it is recommended that all agenda items referred to the General Conference by the Executive Board be introduced at the beginning of the corresponding debate (whether in plenary or commission) by the Chairperson or a designated representative of the Executive Board, thus affording the General Conference the opportunity to get an explanation on the background leading to the Executive Board's recommendation and the main features of its own debates on the subject, and – where relevant – obviating to the maximum the need for further debate on the subject.

68. In later years, the number of items referred to the General Conference by the Executive Board has been constantly on the increase. While this is a mark of the Executive Board's important work in the preparation of the General Conference, many of them are examined by the Executive Board only at its last (autumn) session preceding the General Conference, thus leaving little time for Member States (and particularly States non-Members of the Board) to consult and prepare themselves for decision-making during the General Conference. In order to avoid this, it would be more than appropriate for the Executive Board to ensure that its substantive business and resulting recommendations to the General Conference (programme and budget but many other matters too) be concluded at its year two spring session and dispatched in good time to Member States, and that accordingly its autumn

session be distinctly shorter (three or four days maximum) devoted only to business that could not be addressed beforehand, such as the preparation of the revised provisional agenda of the General Conference, items linked to the results of meetings having taken place in that quarter, etc. (it goes without saying that this short session would have to be longer every four years, with regard to the business involved by the nomination to the post of Director-General).