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منظمة الأمم المتحدة
للتربية والعلم والثقافة

联合国教育、
科学及文化组织

Diversity of
Cultural Expressions

Diversité
des expressions
culturelles

Diversidad
de las expresiones
culturales

Разнообразие форм
культурного
самовыражения

تنوع أشكال التعبير
الثقافي

文化表现形式
多样性

6 CP

DCE/17/6.CP/8

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CONFERENCE OF PARTIES TO THE CONVENTION ON THE PROTECTION AND PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSIONS

Sixth ordinary session
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Item 8 of the provisional agenda: Secretariat's report on the follow-up to the recommendations of the External Auditor's "Report on the Governance of UNESCO and Dependent Funds, Programmes and Entities"

The UNESCO General Conference has invited all intergovernmental programmes, committees and convention bodies to include in their agenda an item relating to the follow-up to the recommendations from the External Auditor's "Report on the Governance of UNESCO and Dependent Funds, Programmes and Entities", contained in Document 38 C/23 (Resolution 38 C/101). At its tenth session in 2016, the Committee suggested that the Conference of Parties include in its agenda, at its sixth session, an item on the governance, procedures and working methods of the governing bodies. This document presents a status report on the follow-up to the External Auditor's recommendations.

Decision required: paragraph 16.

CONTEXT

1. In 2013, the General Conference decided that a “strategic performance review of all governing bodies [...] shall be carried out [...] with a view to formulating governance reform and cost-saving measures, as appropriate” (Resolution 37 C/96, Document 37 C/49 and Add.). In this context, it invited “all governing bodies, intergovernmental programmes, committees and organs established by conventions [...] to perform a self-assessment covering the overall relevance of their work in relation to their specific terms of reference as well as the efficiency and effectiveness of their meetings, including the impact and utility of experts’ time; the outcome of these self-assessments should be reported by January 2015”. The General Conference requested that a common assessment framework be delivered to all entities concerned to facilitate this self-assessment.
2. As a reminder, at its seventh session (December 2013), the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter referred to as “the Committee”), established under the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter referred to as “the Convention”), welcomed Document 37 C/49 (point 6.4) on governance reform. In this regard, the Committee invited all Parties to participate in the self-assessment exercise within the common framework delivered by the External Auditor and requested that the Secretariat facilitate this work (Decision 7.IGC 13).
3. To comply with Resolution 37 C/96 and Committee Decision 7.IGC 13, a self-assessment questionnaire was distributed to the Chairpersons of the Convention’s governing bodies for the 2013-2014 period, to gather feedback from Members of the Committee and the Parties, and to transmit the results to the External Auditor.
4. At the eighth session of the Committee (December 2014), the Secretariat transmitted a report concerning the audit of the governance of UNESCO and dependent funds, programmes and entities, which focused, in particular, on the ongoing self-assessment process as it related to the Committee and the Conference of Parties (see Document CE/14/8.IGC/6). The Committee examined the report and, during its debates, the Chairpersons of the governing bodies who had participated in the self-assessment shared their experiences with the Members of the Committee. In particular, they provided information on the chosen methodology and the progress of the process¹. The Committee took note of the audit and of the exercise undertaken thereon (Decision 8.IGC 6). At its fifth session (June 2015), the Conference of Parties invited the Committee to continue monitoring the implementation of the recommendations, notably those arising from the external audit (Resolution 5.CP 14). The results of the self-assessment by the governing bodies were included in the External Auditor’s Report².
5. Responses to the questionnaires for the self-assessment exercise were prepared in close cooperation with the members of the Bureau, then sent to the Parties for their feedback. Their comments were incorporated into the final version of the responses to the questionnaires. As concerns the main conclusions drawn from this exercise, the Parties confirmed the relevance of the Convention’s existing institutional model. They also confirmed that the governing bodies function in a satisfactory manner and that they have become increasingly effective over time. In terms of resource allocation, the Parties expressed a clear need for the strengthening of human and financial resources available to the Secretariat of the Convention. As the lack of resources can sometimes prevent the implementation of the resolutions and decisions adopted by the governing bodies, the comments underlined the need to implement an effective fundraising strategy, as well as to enhance the visibility of the Convention. No specific comments were made on the issues of transparency or

¹ See the detailed summary record of the eighth ordinary session of the Committee, Document CE/15/9.IGC/3, paragraphs 94 to 100.

² See Document 197 EX/28, Annex, paragraphs 9 to 12, August 2015.

conflicts of interest, and although there has never been a reason to adopt such a strategy, they welcomed the suggestion as a means to further strengthen the governing bodies of the Convention. The Parties welcomed the report and did not issue any further comments.

WORKING GROUP ON GOVERNANCE AND IMPLEMENTATION OF ITS RECOMMENDATIONS

6. At its 197th session (October 2015), the Executive Board examined the Final Report on the Audit of the Governance of UNESCO and Dependent Funds, Programmes and Entities (see Information Document DCE/17/6.CP/INF.6). It then recommended that the General Conference, at its 38th session:
 - establish an open-ended working group to discuss the Auditor's Report and its recommendations in greater detail;
 - start the implementation of recommendations 1, 11 and 13 (Decisions 197 EX/28 and 44).
7. At its 38th session (November 2015), the General Conference endorsed the two recommendations from the Executive Board and reaffirmed the need for a holistic and comprehensive reform of UNESCO, particularly of its governing bodies, in order to ensure greater effectiveness and efficiency in the governance of the Organisation and to facilitate strategic decision-making (Resolution 38 C/101). The General Conference decided to establish an open-ended working group³ on governance, procedures and working methods of UNESCO's governing bodies. It also requested that the Director-General begin implementation of recommendations 1, 11 and 13 of the External Auditor's Report.
8. In addition, in its Resolution 38 C/101, the General Conference invited all intergovernmental programmes, committees and organs of the conventions to include, if possible in 2016, an item on their agenda concerning the follow-up to the recommendations of the External Auditor's Report contained in Document 38 C/23, to improve governance through concrete measures, and to report on their proposals to the Chairperson of the open-ended working group. Pursuant to this resolution, an item was placed on the agenda of the tenth session of the Committee.
9. At its tenth session, the Committee underlined the importance of this matter within UNESCO and emphasized the need to conduct a thorough review of governance, because this process concerns every organ and every convention⁴. It also mentioned that while all of the External Auditor's recommendations are pertinent, not all of them are applicable to the Convention. For instance, it is not possible to organise a single meeting for all cultural conventions. The Committee was pleased to find that most of the recommendations had already been examined and implemented. It also discussed the Secretariat's limited resources, especially with regard to human resources. It also reflected on the best way to improve the working conditions of the Convention, particularly in the context of the 2030 Agenda for Sustainable Development. Finally, the Committee suggested that the Conference of Parties include in its agenda, at its sixth session in June 2017, an item on the governance, procedures and working methods of the governing bodies (Decision 10.IGC 5, paragraph 7).

³ Pursuant to Resolution 38 C/101, the mandate of the working group is to examine the governance, procedures and working methods of the governing bodies of UNESCO, on the basis of the views and proposals received from Member States, the External Auditor's Report on the Governance of UNESCO and Dependent Funds, Programmes and Entities, relevant evaluations and audits by the Internal Oversight Service (IOS), as well as previous decisions and resolutions related to governance. The working group has been tasked with formulating a series of recommendations, including their likely impact and financial consequences, which will be submitted in 2017 to the 202nd session of the Executive Board, which will transmit them – along with its observations – to the General Conference.

⁴ See the detailed summary record of the tenth ordinary session of the Committee.

10. In order to facilitate the Parties' discussions, the Secretariat has prepared a table on the status of the follow-up to the External Auditor's recommendations which have an impact on the governing bodies of the Convention (see Annex).
11. The table shows that several of the External Auditor's recommendations have already been examined by the governing bodies of the Convention and, in some cases, have been implemented. For example, Recommendation 3 (ii) underlining the need to shorten the duration of statutory meetings and to shorten agendas has already been implemented. Since the first session of the Conference of Parties, its meetings have taken place over a duration of 2 or 3 days, and it has reduced the number of items on its agenda from 15 in 2011 and 2013 to 12 in 2017, in order to better target its main priorities in accordance with the decisions of the Parties and to enable the Committee to establish its work plan⁵.
12. Progress has also been made regarding the implementation of Recommendation 14 concerning the evaluation of the governing bodies and the actions taken by the Secretariat in this regard. For instance, the Secretariat distributes a survey on the preparation and organisation of statutory meetings. It then transmits the responses it has collected to the governing bodies, following each statutory meeting. The results are accompanied by lines of action to improve and ensure the efficiency of subsequent meetings.
13. Moreover, when the Parties examine the status of the follow-up to the External Auditor's recommendations, they shall also take into account the status of the follow-up to recommendations from other audits/evaluations concerning, on the one hand, issues of governance and, on the other, the evaluation and monitoring of the implementation of the Convention, and which were examined by the Executive Board (Document 194 EX/22):
 - *The Evaluation of the Pilot Phase of the International Fund for Cultural Diversity* (IOS/EVS/PI/116), which led to the publication of a report by UNESCO's Internal Oversight Service (hereinafter referred to as "IOS") in 2012;
 - *The Audit of the Working Methods of the Six Conventions in the Field of Culture to Assess the Adequacy and Efficiency of UNESCO's Standard-setting Working Methods in the Culture Sector* (IOS/AUD/2013/06), which resulted in the publication of a report by IOS in September 2013;
 - *The Evaluation of UNESCO's Standard-setting Work of the Culture Sector, Part IV – 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions* (IOS/EVS/PI/134 REV), for which a desk study was published in April 2014 by IOS.
14. Status reports on the implementation of the recommendations have been presented regularly to the governing bodies over recent years⁶. Most of the recommendations

⁵ After each Conference of Parties (on odd years), the Committee adopts a work plan which sets out the priorities as well as the various activities planned, and includes a tentative timeline based on the financial and human resources available from the regular programme and available extra-budgetary funds. The Committee adopted a work plan in 2013 and 2015 and will adopt the next one in 2017.

⁶ See the following documents:

- Evaluation of the pilot phase of the IFCD and the implementation of recommendations, Document CE/13/4.CP/INF.6;
- Status reports on UNESCO's standard-setting work in the Culture Sector. Part IV - 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions, Document CE/14/8.IGC/5b, Annex II; Document CE/15/5.CP/8, Annex – Status report on the implementation of IOS recommendations; Report of the Secretariat, Document CE/15/9.IGC/4, Annex III – Status report on the implementation of IOS recommendations (IOS/EVS/PI/134 REV); Information Document DCE/16/10.IGC/INF.7, Annex – Status report on the implementation of IOS recommendations (IOS/EVS/PI/134 REV);
- Activities of the Committee (2013-2014), Document CE/13/7.IGC/13;
- Report on the audit on the working methods of cultural conventions, Document CE/14/8.IGC/5a, Annex II – Implementation of the IOS recommendations;

from these three audits/evaluations have already been implemented by the governing bodies of the Convention, including some that appear in the External Auditor's Report, as mentioned above. As for the implementation of the Convention, the first Global Report monitoring the implementation of the Convention was published in 2015 and allows the results to be disseminated worldwide.

15. At this session, the Conference of Parties is invited to examine the status of the follow-up to the implementation of the recommendations. To this end, the Parties are invited to consider the information provided in the Annex.

16. The Conference of Parties may wish to adopt the following resolution:

DRAFT RESOLUTION 6.CP 8

The Conference of Parties,

1. *Having examined Document DCE/17/6.CP/8 and its Annex and Document DCE/17/6.CP/INF.6;*
2. *Recalling its Resolution 5.CP 14 paragraph 4 and Decisions 7.IGC 13, 8.IGC 6 and 10.IGC 5 of the Committee;*
3. *Also recalling the audit of the working methods of cultural conventions and the evaluation of UNESCO's standard-setting work in the Culture Sector by the Internal Oversight Service (IOS);*
4. *Notes with satisfaction the work carried out to improve and streamline the working methods of the 2005 Convention's governing bodies;*
5. *Takes note of the status report on the follow-up to the recommendations of the audit on the governance of UNESCO and dependent funds, programmes and entities;*
6. *Requests the Secretariat to transmit Document DCE/17/6.CP/8 and Resolution 6.CP 8 to the Chairperson of the open-ended working group on governance, procedures and working methods of the governing bodies.*

- Secretariat's report on the follow-up to the recommendations of the External Auditor's "Report on the Governance of UNESCO and Dependent Funds, Programmes and Entities", Document DCE/16/10.IGC/5, Annex.

ANNEX

**Status report on the follow-up to the recommendations of the External Auditor’s
“Report on the Governance of UNESCO and Dependent Funds, Programmes and
Entities”**

RECOMMENDATION ⁷	STATUS
<p>Recommendation n° 3 : The External Auditor recommends that the General Conference (i) delegate the steering and management of the following 10 actions to the Bureau of the Executive Board; (ii) to that end, provide the Board with the appropriate means to ensure, after obtaining the opinion of each of the governing bodies, consulted as needed and in the most efficient way, the adoption, at the 39th session of the General Conference, of a guide to best practices applicable to the whole of UNESCO and its dependent funds, programmes and entities:</p>	<p>Not applicable (N/A)</p>
<p>- accelerate the shortening of sessions,</p>	<p>During its past four sessions, the Committee has completed its work in 3 days (Decisions 7.IGC 14, 8.IGC 15 and 10.IGC 11) or in 4 days (Decision 9.IGC 11), instead of the 5 days it previously required.</p> <p>Since its first ordinary session in 2007, the Conference of Parties has completed its work in 2 days (2007, 2009, 2011) or in 3 days (2013 and 2015).</p>
<p>- group meetings together,</p>	<p>This recommendation was presented to the Committee at its seventh session. The Members of the Committee underlined the importance of allowing sufficient time between meetings of the governing bodies of different cultural conventions to allow members of the different committees adequate time to prepare, thereby achieving increased efficiency in terms of decision making.</p>

⁷ As a reminder, the General Conference requested the Director-General to start implementing Recommendations 1, 11 and 13 of the External Auditor concerning UNESCO governing bodies.

RECOMMENDATION ⁷	STATUS
<p>- make annual meetings biennial, and biennial meetings quadrennial,</p>	<p>The Convention sets the frequency of meetings: annual for the Committee (Article 23.2) and biennial for the Conference of Parties (Article 22.2). The provisions of the Convention are reflected in the Committee's Rules of Procedure (Rule 2.1) as well as those of the Conference of Parties (Rule 3). Changing the frequency of statutory meetings would require an amendment to the Convention (Article 33).</p> <p>The Committee emphasised the importance of holding its statutory meetings on an annual basis, because it allows necessary decisions for the implementation of the Convention to be taken, for instance, decisions related to the management of the International Fund for Cultural Diversity and to the implementation of the Committee's work plan.</p>
<p>- make more use of teleconferences,</p>	<p>It would be difficult to hold intergovernmental meetings by teleconference, because they bring together participants from around the world. For practical and logistical reasons (time differences, the specific procedure for debates and voting), it would be complicated to convene over 300 participants, which is the average number of people attending meetings of the governing bodies, at a precise date and time and over a period of several days.</p>
<p>- convene essential meetings only and finance them through the regular budget,</p>	<p>The Convention sets the frequency of the meetings of its governing bodies, all of which are <i>de facto</i> mandatory.</p> <p>Meetings of the governing bodies are all financed through the regular budget and are all held at UNESCO Headquarters in Paris.</p>
<p>- reduce the number of meeting participants,</p>	<p>The rules of procedure of the governing bodies (Section I for the Conference of Parties; Section III for the Committee) set forth the conditions for participation in statutory meetings.</p> <p>It is up to the Parties and the Members of the Committee to decide whether to reduce the number of participants in their delegations who attend sessions of the governing bodies.</p> <p>However, the governing bodies have expressed their wish to have more experts participating in their meetings, both as part of the Parties' delegations and</p>

RECOMMENDATION ⁷	STATUS
	<p>as civil society observers. Aware of the financial constraints in this regard, the Secretariat is looking for ways to include more participants in the governing bodies' sessions using social networking tools.</p>
<p>- shorten agendas by prioritising and delegating minor decisions,</p>	<p>At its last three sessions, the Conference of Parties has reduced the number of items on its agenda, from 15 in 2013 and 2015 to 13 in 2017.</p> <p>At its last four ordinary sessions, the Committee has reduced the number of items on its agenda, from 16 in 2013 and 2014 to 13 in 2015, then 12 in 2016, in order to better target its main priorities, in line with the work plan it adopts.</p>
<p>- increase the delegation of authority to the bureaus,</p>	<p>At its ninth and tenth sessions, the Committee decided to organise a working session between civil society representatives and the Bureau, prior to each meeting of the governing bodies, in order to address, inter alia, specific issues of importance to civil society (Decisions 9.IGC 9 and 10.IGC 6).</p>
<p>- simplify and improve the dissemination of results,</p>	<p>Since 2013, a knowledge management system has been implemented, which simplifies and improves communication and the dissemination of the governing bodies' results (decisions of the Committee, resolutions of the Conference of Parties, working and information documents, including analytical summary records of meetings of the governing bodies).</p> <p>In 2015, the first Global Report monitoring the implementation of the Convention was published, disseminating its results worldwide. The next report will be published in 2017.</p>

RECOMMENDATION ⁷	STATUS
<p>- encourage best practices.</p>	<p>Since the fourth session of the Conference of Parties (June 2013):</p> <ul style="list-style-type: none"> - the Secretariat distributes a satisfaction survey on the preparation and organisation of statutory meetings. It then sends the responses it receives to the governing bodies following each statutory meeting. The responses are accompanied by lines of action to improve and ensure the efficiency of subsequent meetings. - after each Conference of Parties (on odd years), the Committee adopts a work plan which sets out the priorities as well as the various activities planned, and includes an estimated timeline based on the financial and human resources of the regular programme and the extra-budgetary funds available. The Committee adopted a work plan in 2013 and 2015. The next one will be adopted in 2017.
<p>Recommendation n° 5: On a provisional trial basis, the External Auditor recommends that the General Conference :</p> <ul style="list-style-type: none"> (i) decide to elect, from 2016, the same States Parties to the governing bodies of the heritage-related conventions and that the governing bodies thus constituted shall hold their respective sessions in a single joint session, under appropriate legal arrangements, (iii) request the Secretariat consequently to merge the secretariats of these conventions by 1 September 2016. 	<p><i>The 2005 Convention is not a “heritage-related convention”.</i></p> <p>The choice to ratify an international convention is a national decision taken by UNESCO Member States. This is the reason why not all Member States are Parties to all conventions.</p> <p>Electing the same State Parties to the governing bodies of cultural conventions would imply that the Member States have ratified the same conventions, which is not the case.</p>
<p>Recommendation n° 7: The External Auditor recommends:</p> <ul style="list-style-type: none"> (i) drawing up a draft governance code in 2016, under the supervision of the Bureau for the Executive Board, that harmonises and systematises the rules of procedure, texts and practices of the governing bodies of all UNESCO universe entities, (ii) ensuring that this document is regularly updated through a repertoire of practice prepared by the Secretariat and submitted for approval to the Executive Board, (iii) adopting the decisions needed to implement this system at the 39th session of the General Conference. 	<p>The secretariats of the cultural conventions are preparing a comparison of the different rules of procedure for each of the conventions in order to identify the main differences between them.</p> <p>The elaboration of a code for governance would have an impact on the governing bodies’ respective rules of procedure, which would then need to be harmonised.</p> <p>Only the Committee (Rule 47) and the Conference of Parties (Rule 21) may make amendments to their own rules of procedure and modify them.</p>

RECOMMENDATION ⁷	STATUS
<p>Recommendation n° 8: The External Auditor recommends:</p> <p>(i) examining means of introducing a screening system for individual candidates for the offices of chair and vice-chair of governing bodies, based on robust and transparent criteria of competence,</p>	<p>The governing bodies have adopted a practice for the election of their Chairperson and Rapporteur based on geographic rotation of electoral groups.</p> <p>Neither the Committee's nor the Conference of Parties' Rules of Procedure contain provisions on this issue.</p> <p>Only the Committee (Rule 47) and the Conference of Parties (Rule 21) may make amendments to their own rules of procedure and modify them.</p>
<p>(ii) adopting a resolution to limit the total length of consecutive terms of office (e.g. to four years), for the same delegate in a governing body so that delegates can gain sufficient experience but the bodies can at the same time be periodically renewed,</p> <p>(iii) that Member States candidates for a seat on a governing body undertake to nominate a full member or alternate with sufficient experience in that body's field,</p> <p>(iv) introducing mandatory training for the offices of chair and vice-chair of a governing body, tailored to the experience of the new officers.</p>	<p>Members of the Committee are elected for a four-year term.</p> <p>A Member may not be elected for two consecutive mandates unless:</p> <ul style="list-style-type: none"> - a regional group presents the same number of candidates as the number of seats to be filled; or - the number of Parties within a regional group is less than the number of seats to be filled. <p>This provision has rarely been used by the governing bodies.</p> <p><i>Rule 16 of the Rules of Procedure of the Conference of Parties</i></p> <p>The governing bodies shall elect their Chairpersons and Bureau members taking into account the principle of geographical rotation between electoral groups and the skills of the individuals elected.</p> <p>The Parties and the Members of the Committee (Rule 5 of the Rules of Procedure of the Committee) have the right to limit the mandate of a delegate participating in the sessions of the governing bodies, or to designate a specialised member or alternate member from their delegation.</p> <p>The Secretariat provides briefings for all regional groups, at their invitation, including Bureau members, the Chairperson and Vice-Chairpersons, before each session of the governing bodies.</p> <p>There is no formal training programme.</p>

RECOMMENDATION ⁷	STATUS
<p>Recommendation n° 9: The External Auditor recommends establishing an open working group, under the direction of the Chair of the Executive Board and with the assistance of the Secretariat of the governing bodies, in order to prepare a proposal, along the lines of practice in other international organisations, to be examined at the 39th session of the General Conference, for systematic voting on a specific set of issues under debate, in each category of governing body, and according to arrangements to be specified.</p>	<p>The General Conference established the working group at its 38th session in 2015 (Resolution 38 C/101).</p> <p>Procedures related to the vote are set out in the Committee's Rules of Procedure (Section VII) as well as in those of the Conference of Parties (Rule 14). Only the Committee (Rule 47) and the Conference of Parties (Rule 21) may make amendments to their own rules of procedure and modify them.</p>
<p>Recommendation n° 14: The External Auditor recommends that the General Conference set up an independent biennial governance evaluation under the supervision of the Executive Board and with the relevant support of the Secretariat. This would include the actions of the secretariats of convention and programming governing bodies, and the first report of the evaluation would be reviewed by the independent audit committee and then by the General Conference in 2017.</p>	<p>The implementation of this recommendation is dependent on decisions that will be taken concerning audits in progress, including the audit of the working methods of the governing bodies of cultural conventions.</p> <p>Since the fourth session of the Conference of Parties (June 2013), the Secretariat distributes a satisfaction survey on the preparation and organisation of statutory meetings. It then sends the responses it receives to the governing bodies following each statutory meeting. The responses are accompanied by lines of action to improve and ensure the efficiency of subsequent meetings.</p> <p>An evaluation and audit of the International Fund for Cultural Diversity (IFCD) is carried out every 5 years (paragraph 22 of the Guidelines on the Use of the Resources of the IFCD). An evaluation took place in 2012 and the next one is scheduled for 2017.</p>