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Diversity of  
Cultural Expressions

# 10 IGC

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## INTERGOVERNMENTAL COMMITTEE FOR THE PROTECTION AND PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSIONS

**Tenth Ordinary Session  
Paris, UNESCO Headquarters  
12-15 December 2016**

**Item 5 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, if possible in 2016, 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). This document presents a status report on the follow-up to the External Auditor's recommendations.

Decision required: paragraph 15.

## 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 ordinary 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 ordinary session of the Committee (in 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 process<sup>1</sup>. The Committee took note of the audit and of the exercise undertaken thereon (Decision 8.IGC 6). At its fifth ordinary session (June 2015), the Conference of Parties invited the Committee to continue monitoring the implementation of 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 Report<sup>2</sup>.
5. Responses to the questionnaires for the self-assessment exercise were prepared in close cooperation with the members of the Bureau and 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 implementation of the resolutions and decisions adopted by the governing bodies, the

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

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

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 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 197<sup>th</sup> 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/16/10.IGC/INF.7). It then recommended that the General Conference, at its 38<sup>th</sup> session:
  - establish an open-ended working group to discuss the Auditor's Report and its recommendations in greater detail;
  - start implementation of recommendations 1, 11 and 13 (Decisions 197 EX/28 and 44).
7. At its 38<sup>th</sup> 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 group<sup>3</sup> 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 ordinary session of the Committee.
9. In order to facilitate the Committee's 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).

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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 to formulate a series of recommendations, including their likely impact and financial consequences, that will be submitted in 2017 to the 202<sup>nd</sup> session of the Executive Board, which will transmit them – along with its observations – to the General Conference.

10. 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. This recommendation has already been implemented since 2013, in so far as the duration of the Committee meetings has been reduced from 5 to 3 or 4 days, and the Committee has also reduced the number of items on its agenda, from 16 in 2013 to 12 in 2016, in order to better target its main priorities in accordance with the work plan<sup>4</sup> it adopts.
11. The table also shows that other recommendations from the External Auditor that were already examined by the Committee were previously rejected, for example, Recommendation 3 (ii) on grouping sessions. During the seventh ordinary session, the Members of the Committee underlined the importance of allowing sufficient time between the governing bodies meetings of the different cultural conventions to allow members of the different committees adequate time to prepare, thereby achieving increased efficiency in terms of decision making.
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 respect. For example, 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 at the end of each statutory meeting. The responses are accompanied by lines of action to improve and ensure the efficiency of subsequent meetings.
13. Moreover, the Committee in its review of the status of the follow-up to the External Auditor's recommendations, 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) :
  - Evaluation of the pilot phase of the International Fund for Cultural Diversity (IOS/EVS/PI/116), a report published in 2012 by UNESCO's Internal Oversight Service (hereinafter referred to as "IOS");
  - 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), a desk study published in April 2014 by IOS.

<sup>4</sup>

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 available. The Committee adopted a work plan in 2013 and 2015.

14. Status reports on the implementation of the recommendations have been presented regularly to the governing bodies over recent years<sup>5</sup>. Most of the 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. The Committee may wish to adopt the following decision:

### **DRAFT DECISION 10.IGC 5**

*The Committee,*

1. *Having examined Document DCE/16/10.IGC/5 and its Annex and Document DCE/16/10.IGC/INF.7,*
2. *Recalling Resolution 5.CP 14 paragraph 4 of the Conference of Parties and its Decisions 7.IGC 13 and 8.IGC 6,*
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/16/10.IGC/5 and Decision 10.IGC 5 to the Chairperson of the open-ended working group on governance, procedures and working methods of the governing bodies.*

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See the following working 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; 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);
- Activities of the Committee (2013-2014), Document CE/13/7.IGC/13;
- Report of the Internal Oversight Service. Report on the audit of the working methods of cultural conventions, Document CE/14/8.IGC/5a, Annex II – Implementation of the IOS recommendations.

**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 <sup>1</sup>	STATUS
<p><b>Recommendation n° 3</b> : 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 39<sup>th</sup> 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><b>Not applicable (N/A)</b></p>
<p>- accelerate the <b>shortening</b> of sessions,</p>	<p>During its past three ordinary sessions, the Committee has completed its work in 3 days (Decisions 7.IGC 14 and 8.IGC 15) 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>- <b>group</b> meetings together,</p>	<p>This recommendation was presented to the Committee at its seventh ordinary 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>

<sup>1</sup> As a reminder, the General Conference requested the Director General to start implementation of Recommendations 1, 11 and 13 of the External Auditor concerning UNESCO governing bodies.

RECOMMENDATION <sup>1</sup>	STATUS
<p>- make <b>annual meetings biennial, and biennial meetings quadrennial,</b></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 in 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 for the 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 its work plan.</p>
<p>- make more <b>use of teleconferences,</b></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 <b>essential meetings only and finance them through the regular budget,</b></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 programme budget and are all held at UNESCO headquarters in Paris.</p>

RECOMMENDATION <sup>1</sup>	STATUS
<p>- <b>reduce the number of meeting participants,</b></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 as civil society observers. Aware of the financial constraints, the Secretariat is looking for ways to include more participants in the governing bodies' sessions using social networking tools.</p>
<p>- <b>shorten agendas</b> by prioritising and delegating minor decisions,</p>	<p>At its three last ordinary sessions, the Committee has reduced the number of items on its agendas, with a decrease from 16 in 2013 and 2014 to 13 in 2015, and 12 in 2016, in order to better target its main priorities, in line with the work plan it adopts.</p>
<p>- increase the <b>delegation of authority to the bureaus,</b></p>	<p>At its ninth ordinary session, the Committee decided to organise a working session between civil society representatives and the Bureau, prior to the meetings of the governing bodies, in order to address, inter alia, specific issues of importance to civil society (Decision 9.IGC 9).</p>
<p>- simplify and improve the <b>dissemination of results,</b></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.</p>

RECOMMENDATION <sup>1</sup>	STATUS
<p>- encourage <b>best practices</b>.</p>	<p>Since the fourth session of the Conference of Parties (June 2013):</p> <ul style="list-style-type: none"> <li>- the Secretariat has distributed a satisfaction survey on the preparation and organisation of statutory meetings. It then sends the responses it receives to the governing bodies. The responses are accompanied by lines of action to improve and ensure the efficiency of subsequent meetings.</li> <li>- 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 programme and the extra-budgetary funds available. The Committee adopted a work plan in 2013 and 2015.</li> </ul>
<p><b>Recommendation n° 5:</b> On a provisional trial basis, the External Auditor recommends that the General Conference :</p> <ul style="list-style-type: none"> <li>(i) decide to <b>elect, from 2016, the same States Parties to the governing bodies of the heritage-related conventions</b> and that the governing bodies thus constituted shall hold their respective sessions in a single joint session, under appropriate legal arrangements,</li> <li>(iii) request the Secretariat consequently to merge the secretariats of these conventions by 1 September 2016.</li> </ul>	<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 that not all Member States are Parties to all the 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><b>Recommendation n° 7:</b> The External Auditor recommends:</p> <ul style="list-style-type: none"> <li>(i) <b>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</b>, texts and practices of the governing bodies of all UNESCO universe entities,</li> <li>(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,</li> <li>(iii) adopting the decisions needed to implement this system at the 39<sup>th</sup> session of the General Conference.</li> </ul>	<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 <sup>1</sup>	STATUS
<p><b>Recommendation n° 8:</b> The External Auditor recommends:</p> <p>(i) examining means of introducing a <b>screening system for individual candidates for the offices of chair and vice-chair of governing bodies</b>, based on robust and transparent criteria of competence,</p>	<p>The governing bodies have adopted a practice for the election of their Chair 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 <b>to limit the total length of consecutive terms of office</b> (e.g. to four years), <b>for the same delegate in a governing body</b> 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 <b>undertake to nominate a full member or alternate with sufficient experience</b> in that body's field,</p> <p>(iv) introducing <b>mandatory training for the offices of chair and vice-chair</b> 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"> <li>- a regional group presents the same number of candidates as the number of seats to be filled; or</li> <li>- the number of Parties within a regional group is less than the number of seats to be filled.</li> </ul> <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 the 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 meetings 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 <sup>1</sup>	STATUS
<p><b>Recommendation n° 9:</b> The External Auditor recommends <b>establishing an open working group</b>, 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 <b>a proposal</b>, along the lines of practice in other international organisations, to be examined at the 39<sup>th</sup> session of the General Conference, <b>for systematic voting on a specific set of issues under debate</b>, in each category of governing body, and according to arrangements to be specified.</p>	<p>The General Conference established the working group at its 38<sup>th</sup> 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><b>Recommendation n° 14:</b> The External Auditor recommends that the General Conference set up an <b>independent biennial governance evaluation under the supervision</b> of the Executive Board and with the relevant support of the Secretariat. <b>This would include the actions of the secretariats of convention and programming governing bodies</b>, 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>