

SECTION RECOMMENDATIONS AND REPORTS

American Bar Association Section of International Law and Practice Reports to the House of Delegates

I. Report on UNESCO Reforms

RECOMMENDATION

BE IT RESOLVED that the American Bar Association:

Supports efforts of the United States and other nations to bring about reforms in the United Nations Educational, Scientific and Cultural Organization (“UNESCO”) designed to:

- emphasize its core programs in the fields of education, science, communications and culture;
- revise programs which duplicate activities of other United Nations agencies and infringe on their mandates;
- eliminate politicization of UNESCO;
- reform budgetary and management practices to eliminate waste;
- strengthen the Executive Board and improve management and personnel recruitment practices; and

Supports the active continued participation of the United States, through its observer mission and its reform observation panel of private citizens, in efforts to rehabilitate and improve UNESCO, so that the United States will be in a position to consider a return to membership.

REPORT

I. Background

UNESCO was founded in London in 1945 by forty-four nations, including the United States, as one of fifteen specialized agencies of the U.N. Its constitutionally mandated functions are to promote collaboration

among nations in education, science, culture and communications through theoretical research and action-oriented programs.

UNESCO thus functions in two fields which have not always been clearly distinguished: facilitation of cooperation among educational, scientific and cultural institutions and experts of member nations, and activities "in the field" such as elimination of illiteracy, preservation of antiquities and improvement of scientific education.

In recent years, the United States Department of State and observers of United Nations affairs have become increasingly concerned that UNESCO too often has strayed from its purposes and has tended to function as a partisan anti-Western political agency stressing activities such as attacks on Israel, the creation of a "new world information and communication order" involving government control of press reporting, blatantly pro-Soviet "peace and disarmament" initiatives, and the emphasis of "collective rights" (such as those of States) in denigration of individual human rights and freedoms. In 1974-76, the Congress required withholding of U.S. contributions to UNESCO because of political bias on issues related to Israel.

In addition, observers have become concerned about the quality of basic decisions involving how to divide UNESCO's large budget (\$391 million for 1984-85), of which in the past the U.S. has contributed approximately one quarter, between its educational and its "field" activities. This budget now is used largely to fund hundreds of annual major international conferences and otherwise to support the agency's 2,300-person bureaucracy in Paris, leaving what is estimated as only one dollar in five to fund action-oriented programs in the developing world.

Observers also have been critical of UNESCO personnel and management practices, which involve highly centralized control over program, budget and staff activities, are often unresponsive to Western interests, and seem to lack the balance and objectivity which should be UNESCO's guiding light. UNESCO's Executive Board lacks both personnel and powers necessary to provide proper supervision of the activities of the Secretariat.

Complaints about these trends and suggestions for changes were made but went largely unheeded.

In June of 1983, the United States Government commissioned a review of U.S. participation in UNESCO, which led to the conclusion that continued membership in the organization as then organized, focused and directed did not serve U.S. and Western interests and that passive toleration of its politicized and inefficient activities tended to bring the entire system of U.N. specialized agencies into jeopardy. In December of 1983, the United States announced its intention to withdraw from membership in UNESCO at the end of 1984. At the same time, the United States took

the position that it would nevertheless work for UNESCO reform during 1984 and, if reform occurred, would be willing to reconsider this decision.

This announced intention to withdraw served as a catalyst for widespread discussion of reform. During the year 1984, the United States and representatives of a group of twenty-four Western nations made a large number of specific suggestions for changes in UNESCO. In the U.S., an independent bipartisan Monitoring Panel on UNESCO, composed of distinguished private citizens and chaired by President James B. Holderman of the University of South Carolina, was established to examine the extent of change occurring and likely to be expected within UNESCO and to report to the Secretary of State before the end of the year. It was charged with evaluation of three fundamental concerns of the United States: that the interests of minority groups, including particularly Western countries, be protected; that UNESCO return to its original purposes as defined in its Constitution; and that an appropriate balance between Western and statist approaches be restored.

The Monitoring Panel divided into a series of Task Forces and concentrated on the progress of reform proposals in four areas: UNESCO programs, budget, management, and structures and institutions. Its detailed report of November 24, 1984 concluded unanimously that while there was considerable discussion and some incremental movement in the direction of reform, there had been no concrete change. At the end of 1984, the United States implemented its withdrawal from UNESCO.

II. Prospects

Once previously the United States resigned from membership in a United Nations agency: in 1977, somewhat related problems with the International Labor Organization led to a U.S. decision to withdraw from that agency. Following reforms related in part to the impetus of the U.S. action, politicization was reduced and the U.S. rejoined the I.L.O. in 1980.

U.S. withdrawal from UNESCO is now a fact. However, this step has not ended U.S. interest in the activities of that agency. The U.S. has designated a Reform Observation Panel of independent experts charged to assess and report on events within UNESCO and to work for changes in each of the major areas of concern. It also is establishing an observer mission in Paris to protect American interests at UNESCO and to work with like-minded member states on reform measures.

Pressures for UNESCO reform continue. The United Kingdom has advised UNESCO that it will withdraw at the end of 1985 unless changes are made by that time, and the Governments of Japan, the Federal Republic of Germany, the Netherlands, Belgium and Canada have expressed concern with the need for UNESCO reforms. On April 16, 1985 the Deputy