

Abdulqawi A. Yusuf (ed.). ***Standard-setting in UNESCO, Vol. I: Normative Action in Education, Science and Culture. Essays in Commemoration of the Sixtieth Anniversary of UNESCO; Vol. II: Conventions, Recommendations, Declarations and Charters adopted by UNESCO (1948–2006)***. Leiden/Boston: Martinus Nijhoff Publishers, 2007. Pp. 430/760. €250.00. ISBN: 9789004164505.

Since UNESCO's Constitution entered into force in 1946, UNESCO has adopted 35 conventions (including seven protocols thereto), 31 recommendations, and 13 declarations. These standard-setting instruments are variously related to UNESCO's mission to encourage and foster cooperation among nations for the increase and progress of education, the spread of culture, the conservation and protection of the world's cultural and natural heritage, the advancement of cooperation in all branches of intellectual property, and the promotion of better understanding among peoples, cultures, and civilizations. They were the subject of a symposium held at UNESCO Headquarters in Paris from 9 to 10 March 2006 in the context of the Organization's sixtieth anniversary celebrations.

The essays presented at this symposium, as well as introductory remarks by the chairmen of the panels, are included in the first volume of the book edited by Abdulqawi A. Yusuf. They are grouped into four parts. Part I is devoted to the methods of elaboration and implementation of UNESCO standard-setting instruments. After an introduction by Pierre Michel Eisemann, the editor gives an overview of UNESCO practices and procedures for the elaboration of standard-setting instruments. Thereafter, Laurence Boisson de Chazournes explains the system of monitoring, supervision, and coordination of the standard-setting instruments of UNESCO. She stresses that improving the monitoring and supervision system of an international organization depends on whether its goal is predominantly to promote compliance with specific standards, to monitor

such compliance, or simply to provide information to the organization. In the case of UNESCO, the rationale behind the monitoring and supervision of standard-setting should be to achieve a ‘knock-on effect’, enabling the Organization to rely on outside channels, which will lead to better account being taken of the ‘interconnection’ and interdependence of commitments undertaken by states at the international level. Eventually, Sabine von Schorlemer sheds some light on dispute settlement in the framework of UNESCO, which she rightly regards as deficient, since fewer than half of all UNESCO conventions contain any sort of dispute settlement mechanism. None of the conventions concluded in the last three decades contain a clause allowing for arbitration or judicial settlement, and the existing dispute settlement provisions, with only a few exceptions, merely provide for a common agreement by the conflicting Parties, not for ‘unilateral seizure’, which would give an individual conflicting Party a certain autonomy to instigate action. Thus, von Schorlemer makes some proposals for reform.

Part II of the volume examines, under the chairmanship of Francesco Francioni and Julio Faundez, the extent to which the constitutional objectives of UNESCO, namely promoting a peace founded on intellectual and moral solidarity and promoting dignity, equality, and mutual respect among human beings, were translated into legal commitments through the standard-setting instruments. Ruth L. Okediji presents UNESCO’s important normative influence on the international copyright system, whereas Héctor Gros Espiell shows how UNESCO strengthens moral solidarity in the field of genetics and bioethics. Jan Wouters and Maarten Vidal give an overview of the promotion of cultural exchange and cultural diversity by UNESCO. According to their assessment, UNESCO’s work has freed the protection and promotion of cultural diversity from the realm of state sovereignty and has raised it to the international sphere, where it has made humanity as such the title holder of the general interest in its preservation. Pemmaraju Sreenivasa Rao highlights the achievements of UNESCO in

the field of education, particularly in developing countries, but also reminds his audience that there are still miles to go before this part of UNESCO’s mission is accomplished. Federico Lenzerini’s considerations point into the same direction. He examines UNESCO’s activities to remove intolerance and prejudice from the world: ‘to transform tolerance into the new name of peace’. Furthermore, Souheil El Zein examines how UNESCO protects human dignity, which he very roughly defines as the respect that a person, as a human being, can demand of others, in the face of scientific and technological progress.

Under the chairmanship of Georges Abi-Saab and Eisemann, Part III analyses the manner in which UNESCO’s standard-setting instruments contributed to the consolidation of collaboration among nations in education, science, and culture. The essays of Francesco Francioni and Toshiyuki Kono deal with the protection of cultural heritage, the one written by Catherine Redgwell with the transmission of natural heritage to future generations. Wolfgang Benedek sheds light on the normative effects of UNESCO’s instruments with regard to the right to education. He explains that a final assessment is problematic since UNESCO lacks a proper evaluation system to review independently what is reported by the member states. He suggests that UNESCO should more widely open itself to the contribution of other organizations in order to secure a larger impact for its own standard-setting activities and to increase the chances of implementation and compliance in accordance with the principles and objectives of its Constitution. Alfred Fernandez explains UNESCO’s fight against discrimination in education and pleads in this context for developing a consolidated normative instrument on the right to education with an effective monitoring mechanism. Furthermore, Jerome H. Reichmann, Paul F. Uhler, and Heather J. Ritch examine UNESCO’s past, present, and future roles regarding access to scientific and technological knowledge.

The final Part IV, introduced by the editor, takes a perspective which goes beyond UNESCO and its activities. Comprised of two articles written by Pierre-Marie Dupuy and

Nico Schrijver, it discusses the impact of UNESCO's standard-setting instruments on international law in general. Furthermore, John Donaldson focuses on developing new intergovernmental institutions through simplified agreements. Such agreements are concluded through two kinds of simplified procedures: either UNESCO's governing bodies are used as a convenient forum for the negotiation and adoption of a multilateral constitutive agreement in the form of statutes which comprise a framework for the institution to be created, and these statutes are then transmitted for ratification to states eligible to become members of the institution; or UNESCO concludes a bilateral agreement with the state which is to host the institution to be created; in this case, the agreement contains both the constitutive act for the intergovernmental institution (statutes) and the elements of the headquarters (seat) agreement.

The first volume ends with some short conclusions by Abi-Saab. He points out that UNESCO has served as an experimental laboratory for new techniques in the international law of cooperation, and in doing so it has contributed to the evolution of contemporary international law beyond the law of mere coexistence. In sum, the first volume is a collection of excellent articles which cover the various facets of the procedure, forms, regulative structures, and effects of standard-setting within UNESCO, thereby often pointing to other treaty regimes and elaborating on ways for future development.

The second volume contains all of the conventions and agreements adopted by the UNESCO General Conference, by intergovernmental conferences convened by UNESCO, or jointly by UNESCO and other international organizations, recommendations issued by the General Conference, and UNESCO declarations from the years 1948 to 2006.

## *Individual Contributions in Volume I*

K. Matsuuru, Foreword;  
A. A. Yusuf, Introduction;

*Part I: Methods of Elaboration and Implementation of UNESCO Instruments*  
*Panel 1: Elaborating and Implementing UNESCO's Standard-setting Instruments*  
P. M. Eisemann, Introduction;  
L. Boisson de Chazournes, Monitoring, Supervision and Coordination of Standard-setting Instruments of UNESCO;  
S. von Schorlemer, UNESCO Dispute Settlement;  
*Part II: From Constitutional Objectives to Legal Commitments*  
*Panel 2: Promoting a Peace Founded on Intellectual and Moral Solidarity*  
F. Francioni, Introduction;  
R. L. Okediji, An Enduring Legacy for the Knowledge Economy: UNESCO and the International Copyright System;  
H. Gros Espiell, Strengthening Moral Solidarity: Human Rights, Human Genetics, and the Ethics of Science and Technology;  
J. Wouters and M. Vidal, UNESCO and the Promotion of Cultural Exchange and Cultural Diversity;  
*Panel 3: Promoting Dignity, Equality and Mutual Respect among Human Beings*  
J. Faundez, Introduction;  
P. S. Rao, Advancing Education for Justice, Liberty and Peace;  
F. Lenzerini, Fostering Tolerance and Mutual Understanding among Peoples;  
S. El Zein, The Protection of Human Dignity in the Face of Scientific and Technological Progress;  
*Part III: Consolidating Collaboration among Nations in Education, Science and Culture*  
*Panel 4: Safeguarding the World's Cultural and Natural Heritage*  
G. Abi-Saab, Introduction;  
F. Francioni, A Dynamic Evolution of Concept and Scope: From Cultural Property to Cultural Heritage;  
T. Kono, UNESCO and Intangible Cultural Heritage from the Viewpoint of Sustainable Development;  
C. Redgwell, Protecting Natural Heritage and its Transmissions to Future Generations;  
*Panel 5: Fostering Access to Education and Knowledge*

*P. M. Eisemann*, Introduction;  
*W. Benedek*, The Normative Implications  
of Education for All (EFA): The Right to  
Education;

*A. Fernandez*, Ensuring Equal  
Opportunities in Education;

*J. Reichman, P. F. Uhlir, and H. J. Ritch*,  
Access to Scientific and Technological  
Knowledge: UNESCO's Past, Present and  
Future Roles;

*Part IV: Impact of UNESCO Standard-setting  
on International Law*

*Panel 6: Beyond Treaty Law: The Influence of  
the Legal Instruments Adopted by UNESCO  
on General International Law*

*A. A. Yusuf*, Introduction;

*P. M. Dupuy*, The Impact of Legal  
Instruments Adopted by UNESCO on  
General International Law;

*N. Schrijver*, UNESCO's Role in the  
Development and International Law: An  
Assessment;

*J. Donaldson*, Developing New  
Intergovernmental Institutions through  
Simplified Agreements;

*Part V: Conclusions*

*G. Abi-Saab*, General Conclusions

*Dr Diana Zacharias, LL.M.*

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