

## ЮНЕСКО: НОРМОТВОРЧЕСТВО И ПРАВОПРИМЕНЕНИЕ UNESCO SUPPORT FOR RULEMAKING AND ENFORCEMENT

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# КОВЧЕГ ЮНЕСКО: 80 ЛЕТ ПУТИ К НЕДОСТИЖИМОЙ ЦЕЛИ UNESCO'S ARK: 80 YEARS OF JOURNEY TO AN UNATTAINABLE GOAL

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**Аннотация.** В статье, посвященной 80-летию Организации Объединенных Наций по вопросам образования, науки и культуры (ЮНЕСКО), проанализирован путь, пройденный этой важной международной институцией, к тем высоким целям, которые были закреплены в ее Уставе в 1945 году. Рассмотрены философские, исторические и международно-правовые предпосылки создания специализированной организации в области гуманитарного сотрудничества. Раскрыта органическая идеальная связь Устава ЮНЕСКО с таким основополагающим документом всей системы ООН, как Всеобщая декларация прав человека.

Уставная миссия ЮНЕСКО наиболее ярко выражена в недостижимо высокой, но поистине кантовской

формуле: «Мир, основанный лишь на экономических и политических соглашениях правительств, не сможет завоевать единодушной, прочной и искренней поддержки народов; он должен базироваться, во избежание неудачи, на интеллектуальной и нравственной солидарности человечества». Дальнейший ход истории подтвердил как практическую недостижимость данного идеала, так и его непреходящую ценность как цели развития цивилизации *homo sapiens*.

Рассмотрены некоторые перипетии развития отношений Советского Союза, а позднее и Российской Федерации с ЮНЕСКО. Намечены пути преодоления такой застарелой проблемы ЮНЕСКО, как политизация программной деятельности. Практически по любому вопросу, относящемуся к компетенции Организации, прогресс может быть достигнут, если страны-члены проявят добрую волю, откажутся от выдвижения надуманных проблем или политизации проблем реальных и если ни одна из стран или групп стран не будет стремиться к какому-то привилегированному положению в Организации, что само по себе несовместимо с сутью многостороннего международного сотрудничества.

Отмечается необходимость модернизации Организации, повышения ее эффективности, концентрации активности на решении проблем, требующих объединения интеллектуальных сил всего человечества.

• **Ключевые слова:** ЮНЕСКО, Устав ЮНЕСКО, права человека, ООН, интеллектуальная и нравственная солидарность, интеллектуальное сотрудничество, кафедры ЮНЕСКО, культура мира

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**Abstract.** An article dedicated to the 80th anniversary of the establishment of the United Nations Educational, Scientific and Cultural Organization (UNESCO) analyzes the path taken by this important international institution to the lofty goals that were enshrined in its Constitution in 1945. The philosophical, historical and international legal prerequisites for the creation of a specialized organization in the field of humanitarian cooperation are considered. The organic ideological connection of the UNESCO Constitution with such a fundamental document of the entire UN system as the Universal Declaration of Human Rights is revealed.

The statutory mission of UNESCO is most clearly expressed in an unattainably high, but truly Kantian formula: "A peace based only on the economic and political agreements of governments will not be able to win the unanimous, lasting and sincere support of peoples; it must be based, to avoid failure, on the intellectual and moral solidarity of mankind". The subsequent course of history confirmed both the practical unattainability of this ideal and its enduring value as a goal for the development of the civilization of *homo sapiens*.

Some vicissitudes of the development of relations between the Soviet Union, and later the Russian Federation with UNESCO, are considered. Ways to overcome such a long-standing problem of UNESCO as the politicization of program activities are outlined. On almost any issue within the competence of the Organization, progress can be made, if the member states show good will, refrain from raising imaginary issues or politicizing real problems, and

Intellectual voices must unite to expose injustice,  
the trampling or infringement of human rights.  
They must propose new solutions to new problems.  
Creativity and ideas contain the power to inspire change.  
Freedom and justice must be reaffirmed  
and forged anew every day.

*Federico Mayor Zaragoza,  
Director-General of UNESCO from 1987 to 1999*

November 16, 2025, marked the 80th anniversary of the foundation of the United Nations Educational, Scientific, and Cultural Organization — UNESCO. The Editorial Board of the journal “Works on Intellectual Property”, published for over a quarter of a century by the UNESCO Chair on Copyright, Neighboring, Cultural, and Information Rights at the National Research University Higher School of Economics, could not ignore this significant event.

The philosophical justification for humanity’s need for such an international organization can be found in Kant’s legacy and, in particular, in his treatise “To Perpetual Peace”. Here in particular the organic connection between such categories as “politics”, “peace”, “morality”, “human dignity”, and “human rights” is revealed. Kant was convinced: “True politics, therefore, cannot take a step without giving morality its due first, and although politics itself is a difficult art, its connection with morality is not an art at all, since morality cuts the knot which politics could not untie while they were in dispute. Human rights must be considered sacred, no matter what sacrifices it may cost the ruling power. There is no middle ground here, and one cannot invent a middle ground of pragmatically determined rights (something between rights and benefits)” [1].

These humanistic ideas received universal recognition and normative enshrinement in the fundamental documents of international law only in the mid-20th century, when the unprecedented horrors of World War II were still fresh in the conscience of humanity. It was the barbaric acts of the Nazi invaders and their satellites that pushed the world community to the understanding that “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the

world” [2]. In turn, “since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed”, for which “That the wide diffusion of culture, and the education of humanity for justice and liberty and peace are indispensable” [3].

The rejection of mercantilism and political conformism, characteristic for the nascent UNESCO, was most clearly expressed in the unattainably high, but truly Kantian formula: “A peace based only on the economic and political agreements of governments will not be able to win the unanimous, lasting and sincere support of peoples; it must be based, to avoid failure, on the intellectual and moral solidarity of mankind” [3]. The subsequent course of history confirmed both the practical unattainability of this ideal and its enduring value as a goal for the development of the civilization of *homo sapiens*.

In the practice of international relations, attempts have been made before to create a specialized organization whose goal is to develop education and culture on a global scale in order to overcome ignorance and prejudice — fertile ground for hatred, hostility, and discrimination on racial, national, religious, or linguistic grounds. In particular, the International Committee on Intellectual Cooperation, created at the suggestion of Nobel Peace Prize laureate, legal scholar, and theorist of solidarism Leon Bourgeois, has been operating within the framework of the League of Nations since 1922. The executive body of the 12-member Committee was the International Institute of Intellectual Cooperation, founded with financial support from France in 1926. At the same time, the International Bureau of Education was opened in Geneva, which exists to this day as a structural subdivision of UNESCO.

The League of Nations, which during its relatively short history of about a quarter of a century contributed to the settlement of approximately forty international conflicts, nevertheless failed to prevent the Second World War and was doomed. But the idea of the widespread implantation of education and culture for the sake of restoring and preserving world peace has not died. It was already November 16, 1942, when a conference of education ministers of the anti-Hitler coalition countries opened in London. Its initiators were two English intellectuals: Richard Butler and Malcolm Robertson.

In the first stage, they were joined by representatives of eight so-called governments in exile based in London. Step by step, the circle of participants expanded, and the conference acquired the character of a regular event: by December 1945, about 60 meetings were held, in which a representative of the USSR participated as an observer. It was in the depths of the conference that both the idea and the draft of the UNESCO Constitution matured.

Despite the fact that the Soviet observer regularly participated in the conference, the Soviet Union did not become one of the UNESCO founders. Surviving archival documents reveal the reasons for it. On August 3, 1945, three months before the opening of the international conference on establishing UNESCO, the British government sent Moscow an official invitation to take part in it. On September 10, the invitation to the conference opening on November 1 was sent again. However, the persistent politeness of the British did not prevent V.M. Molotov from personally approving a rather harsh response: "In the opinion of the Soviet Government, measures for the preparation and creation of an Organization for Education and Culture, as well as measures for convening a conference to establish such an Organization, should be carried out by the Social and Economic Council of the United Nations after its formation at the upcoming first session of the General Assembly" [4].

Thus, in a personal note from the Soviet ambassador to Great Britain on September 30, 1945, the official version was formulated: the Soviet Union refuses to participate in the creation of UNESCO, as it is outraged by the violation of procedure. And when the British, on November 2, appealed for the third time to the Soviet government to take part in the conference, they were only given the confirmation of the Kremlin's unchanged position.

Finally, on November 13, shortly before the conference closed, the British Embassy transmitted to the USSR Ministry of Foreign Affairs a message from its chairman, once again inviting Moscow to send its representatives. The response given by A.Ya. Vyshinsky, incidentally, much later, on November 21, when the conference had already become a thing of the past, was purely formal and not without a touch of mockery: "The Conference's appeal, received with such a great delay, has been forwarded to the interested Soviet authorities" [5].

As for the real reasons for Moscow's hostile attitude towards the creation of UNESCO, they were obviously rooted in the ideological blinkeredness of the that-time leadership of the totalitarian state. They were organically repelled by the classless, universal human values for which the Organization was founded: intellectual and moral solidarity, respect for the dignity of the human person, freedom to seek objective truth and exchange thoughts and knowledge, and the rooting of the idea of

protecting peace in the minds of people. They say that V.M. Molotov explained to one of his assistants the true reason for the USSR's refusal to participate in the creation of UNESCO: "We cannot allow Anglo-American spies to roam freely throughout our country" [6].

Only on June 25, 1953, after the death of I.V. Stalin and some weakening of the totalitarian order, the board of the USSR Ministry of Foreign Affairs spoke in favor of the country joining UNESCO, together with the "people's democracies" [7]. The Central Committee of the CPSU supported the initiative, and on April 21, 1954, the Soviet ambassador to Great Britain, on behalf of the Government of the USSR, signed the UNESCO Constitution [8].



Russian delegation on 27<sup>th</sup> session of the General Conference of UNESCO, October 25, 1993 (from left to right): Permanent Representative, Ambassador Mikhail Fedotov, counselor Vladimir Gay, Deputy Permanent Representative Albert Roganov, Chairman of the National Commission for UNESCO, Minister of Science Boris Saltikov (photo is from private archive of author)

Decades have passed since then. Today, we live not only in a different century, but even in a different millennium. Has UNESCO, with its humanistic ideals, become a thing of the irrevocable past? I believe that this is impossible, just as it is unthinkable to abandon the ideals of universal peace, respect for human rights, and the intellectual and moral solidarity of humanity. Of course, in today's conditions these ideals seem even more unattainable than they did at the height of the Cold War. But nevertheless, our country is objectively interested in the UNESCO's ark continuing its' saving journey.

As noted in the Concept of the Humanitarian Policy of the Russian Federation Abroad, "it is necessary to consistently develop cooperation with UNESCO, the purpose of which is to promote the strengthening of peace and security by expanding cooperation between peoples in the fields of education, science and culture. It is important to prevent further politicization of this Organiza-

zation by excluding from its agenda issues of territorial integrity and sovereignty, which lead to the emergence of conflict potential on this important international platform. In the interests of preserving UNESCO's traditional atmosphere of consensus, universal involvement, mutual respect, and equal dialogue, attempts by individual states to promote politically motivated and non-universal initiatives should be resolutely suppressed, and the unfounded imposition of discussions on human rights issues within the framework of this Organization should be countered". At the same time, "it is necessary to promote the unification of the Russian public on the basis of the values enshrined in the Constitution of UNESCO, and to more actively utilize Russia's intellectual potential in order to implement the objectives of the Russian Federation's humanitarian policy abroad" [9].

The editorial board of the journal "Works on Intellectual Property" and the staff of the UNESCO Chair on Copyright, Neighboring, Cultural and Information Rights at the Higher School of Economics hope to preserve UNESCO's unique nature — a combination of extraordinary breadth of competence with the organic integrity of its mission — strengthening peace in the minds of people, when international intellectual cooperation fosters a culture of peace as a counterweight to the culture of violence, when solidarity and morality displace suspicion and ignorant aggression.

International cooperation in education, science, culture, and communication is particularly valuable for understanding new civilizational challenges, as the long-term strategic solutions to the problems of strengthening peace and stability in the modern era lay in these areas. This approach to the UNESCO's objectives fits seamlessly into the concept of a multipolar and interdependent world based on the equality of states, the rejection of "double standards", respect for the diversity of cultures, national traditions, and religions, the existence of a single standard of human rights and fundamental democratic institutions throughout the world, and the need for states to pool their efforts in the fight against intolerance, aggressive nationalism, xenophobia, organized crime, and terrorism.

As a person who served as Russia's Ambassador and Permanent Representative to UNESCO in the 1990s, I would venture to note that the continued enhancement of the effectiveness of our interaction with UNESCO is, in my view, linked, firstly, to the growing genuine involvement of Russian partners in its multifaceted practical activities and, secondly, to the persistent search for new points of convergence between the interests of Russia and various groups of countries in specific projects and programs, such as, for example, the preservation of cultural heritage, including intangible heritage, the devel-

opment of creative industries, the regulation of artificial intelligence, etc. The principle of "more specificity, less politicization" perfectly corresponds to the real needs of both the Member States and the entire international community.

Of course, the position of any UNESCO Member State is based on its political preferences and doctrines. And in this sense, every intergovernmental organization is political. But, unlike many other international organizations, such as the OSCE, there are simply no issues within UNESCO's mandate that cannot be resolved by consensus. Agreement can be reached on practically any issue if the member countries show good will, refrain from raising imaginary issues or politicizing real problems, and if no country or group of countries seeks any privileged position in the Organization, which is incompatible itself with the essence of multilateral international cooperation.

Finally, it is fundamentally important to achieve increased efficiency within UNESCO itself, which undoubtedly needs to be modernized as a part of the reform of the entire UN system. This applies even to such small matters as correctness and punctuality in correspondence between the UNESCO Secretariat and partner organizations: national commissions, chairs, associated schools, clubs, etc. At the General Assembly of the Commission of the Russian Federation for UNESCO held in February 2025, it was noted that its members "expect a correction of the current course after the re-election of the Director-General of the Organization at the 43rd session of the General Conference in November of this year".

Guided by the well-known principle of "thinking globally, acting locally", it is necessary to orient the Organization's activities to the maximum extent possible toward solving problems that require the unification of the intellectual and practical efforts of all humanity. As UN Secretary-General Antonio Guterres noted in his opening address to the 40th session of UNESCO's General Conference, "A world with so many divisions and fault lines cannot be sustainable. In this context, UNESCO's work plays a key role in uniting the world" [10].

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