

**Meeting of the Conciliation and Good Offices Commission
Responsible for Seeking the Settlement of any Disputes which may arise between
States Parties to the Convention against Discrimination in Education**

(Paris, 13 and 14 October 2005)

Report

1. At the request of its Chairman, Mr Francesco Margiotta-Broglio (Italy), and in pursuance of the provisions of Article 20 of the Protocol of 10 December 1962, the Conciliation and Good Offices Commission Responsible for Seeking the Settlement of any Disputes which may arise between States Parties to the Convention against Discrimination in Education met on 13 and 14 October 2005, to adopt any proposals for amendments to its Rules of Procedure enabling the procedure established by the said Protocol to be evaluated and revitalized.
2. By way of introduction, the Chairman recalled that the Commission had never met since the adoption of its Rules of Procedure (1971). He also highlighted the problems encountered by the Commission to date, namely the lack of any disputes submitted to it, and the difficulties faced by the General Conference in electing all the members of the Commission whose term of office was nearing expiry, owing to the small number of candidatures presented by the States Parties to the Protocol.
3. Recalling the need to maintain the Conciliation and Good Offices Commission in existence, in accordance with the conclusions of the Meeting of the States Parties held in October 2003, the members of the Commission expressed the opinion that the Director-General should make a special effort to raise the awareness of the Member States of UNESCO regarding acceptance and application of the 1962 Protocol, which was closely linked to the 1960 Convention against Discrimination in Education, ratified by nearly 90 Member States. They also stressed the importance of recalling, when members of the Commission were elected, the provisions of Article 3 of the Protocol whereby each State Party may present four candidates including nationals of other States Parties to the Protocol.
4. The members of the Commission went on to examine one by one the Rules of Procedure of the Commission, as adopted on 21 December 1971 and amended on 10 April 1974, with a view to bringing them up to date. Accordingly, the members of the Commission decided on the following amendments reproduced below:
 - Rule 1, paragraph 1:

“The term of office of members of the Commission elected by the General Conference at one of its sessions shall begin on the date of their election.”
 - Rule 15, paragraph 2:

“The Director-General shall appoint the Secretary of the Commission after consultation with the Chairman of the Commission.”
 - Rule 17, paragraph 3:

“The manner of keeping the register shall be laid down by the Chairman in consultation with the Secretary of the Commission.”

- Rule 22, paragraph 2:

“If a meeting of the Commission has been convened and it is found that there is no quorum, the Chairman may carry out consultations with the members present.”
- Rule 25, paragraph 1:

“The Commission shall deliberate in private. Its deliberations and the statements made within it shall be and shall remain secret.”
- Rule 25, paragraph 3:

“The Secretary shall be present at the deliberations. No other person may be admitted except by decision of the Commission.”
- Rule 27:

“The minutes of the deliberations concerning a dispute shall be secret; they shall be limited to a record of the subject of the discussions, the votes taken, the names of those voting for and against a motion and any statements expressly made for insertion in the minutes.”
- Rule 31:

“The official languages of the Commission shall be Arabic, Chinese, English, French, Russian and Spanish.”
- Rule 34, paragraph 2:

“The Commission may at the request of a State Party to a dispute or *ex officio* order that the examination of the dispute be postponed.”
- Rule 46:

“During the meeting referred to in Rule 45, or at any time thereafter but before the Commission has been convened, the Chairman may, after having informed the members of the Commission, suggest to the Parties any measures likely to bring about the amicable settlement of the dispute.”
- Rule 47, paragraph 3:

“The Commission, or in the interval between meetings, the Chairman, may extend any time limit which has been fixed. In special circumstances and after the opposing State Party has been given an opportunity of stating its views, the Commission, or in the interval between meetings the Chairman, may decide that any step taken after the expiration of a time limit shall be considered as valid. In the event of this being contested, it is for the Commission to decide.”
- Rule 51, paragraphs 1 and 2:
 1. If the Commission accepts the dispute which was referred to it under Article 12 or Article 13 of the Protocol, it shall hear the States Parties during the hearings provided for in Rule 24 of these Rules of Procedure in order to clarify the issues in dispute between them, and shall endeavour to obtain any information that might serve this end. The Commission shall

seek as far as possible to obtain the full cooperation of the States concerned in the work of the Commission.

2. In order to bring about agreement between the States Parties to the dispute, as provided in Article 17 of the Protocol, the Commission may, at any time, make – orally or in writing – recommendations to the States Parties to the dispute. It may recommend that the States Parties to the dispute accept specific terms of settlement. It shall point out to the States Parties to the dispute arguments in favour of its recommendations. It may fix time limits within which each State Party to the dispute shall inform the Commission of its decision concerning the recommendations made.”

– Rule 58:

“1. The Chairman shall prepare and submit to the General Conference on behalf of the Commission the reports on the Commission’s activities mentioned in Article 19 of the Protocol. These reports shall be sent in advance to the members of the Commission for their observations, if any, within a fixed time limit.

2. No report shall be prepared in the absence of any proceedings by the Commission.”

5. The Commission also carried out a rapid assessment of the procedure established by the Protocol. On that occasion some members of the Commission raised the question of the advisability of a possible revision of the Protocol by its States Parties with a view to permitting an extension of the right of referral to the Commission either to individuals or non-governmental organizations or, in exceptional cases (mass and flagrant violations), to the UNESCO Executive Board, which already considers communications received by the Organization concerning cases and questions of violations of human rights within UNESCO’s fields of competence (104 EX/Decision 3.3 of the Executive Board). Most members expressed support for maintaining the present provisions of the 1962 Protocol, while recalling the conclusions of the October 2003 meeting at which the States Parties to the 1962 Protocol had already provided an interpretation of some articles of the Protocol in order to enable it to fulfil its functions.

6. This report will be communicated to all the States Parties to the Protocol.

Mr Francesco MARGIOTTA-BROGLIO
President of the Commission

ANNEX

Meeting of the Conciliation and Good Offices Commission Responsible for Seeking the Settlement of any Disputes which may arise between States Parties to the Convention against Discrimination in Education

(Paris, 13 and 14 October 2005)

Members of the Commission

Ms Léa Akissi (Côte d'Ivoire)

Mr Pierre Michel Eisemann (France)

Mr Iskandar Ghattas (Egypt)

Mr Francesco Margiotta-Broglio (Italy)
Chairman of the Commission

H.E. Ms Yvette Rabetafika-Ranjeva (Madagascar)
Vice-Chairperson of the Commission

Secretariat

Mr Abdulqawi A. Yusuf
Legal Adviser

Mr Guillermo Trasancos
Secretary of the Commission