



Organisation
des Nations Unies
pour l'éducation,
la science et la culture

Executive Board

Hundred and seventy-seventh session

177 EX/33

PARIS, 3 August 2007
Original: French

Item 33 of the provisional agenda

PROTOCOL INSTITUTING A CONCILIATION AND GOOD OFFICES COMMISSION TO BE RESPONSIBLE FOR SEEKING THE SETTLEMENT OF ANY DISPUTES WHICH MAY ARISE BETWEEN STATES PARTIES TO THE CONVENTION AGAINST DISCRIMINATION IN EDUCATION: NOMINATIONS AND REPORT OF THE COMMITTEE ON CONVENTIONS AND RECOMMENDATIONS THEREON

SUMMARY

In accordance with Article 3, paragraph 2, of the above Protocol, the Director-General communicates to the Executive Board the list of persons nominated by the States Parties to the Protocol for the purpose of the election of three members of the Conciliation and Good Offices Commission by the General Conference at its next session.

Under the terms of the same paragraph, the Executive Board is required to transmit this list to the General Conference with such suggestions as it may consider useful.

Decision proposed: paragraph 12.

1. At its 12th session on 10 December 1962, the General Conference adopted a Protocol instituting a Conciliation and Good Offices Commission to be responsible for seeking the settlement of any disputes which may arise between States Parties to the Convention against Discrimination in Education.¹
2. Article 1 of this Protocol established, under the auspices of UNESCO, a Conciliation and Good Offices Commission, to be responsible for seeking the amicable settlement of disputes, between States Parties to the Convention, concerning the application or interpretation of the Convention.
3. The Protocol having entered into force on 24 October 1968, the General Conference at its 16th session, under Article 2 of the Protocol, elected the 11 members of the Commission on 6 November 1970.

¹ Document not reproduced but available at www.unesco.org/legal_instruments.

4. The General Conference at its 34th session will be required to fill three seats vacant since its 33rd session.

5. A list of members of the Commission, with indication of the dates of their election or re-election, appears in Annex I.

6. Under Article 2 of the Protocol, the members of the Commission must be persons of high moral standing and acknowledged impartiality. They serve in their personal capacity. In the election of members of the Commission, the General Conference shall endeavour to include persons of recognized competence in the field of education and persons having judicial experience, or legal experience, particularly of an international character. It shall also give consideration to equitable geographical distribution of membership and to the representation of the different forms of civilization as well as of the principal legal systems.

7. Article 4, paragraph 1, of the Protocol provides that the Commission may not include more than one national of the same State.

8. Article 3, paragraph 1, of the Protocol provides that the members of the Commission shall be elected from a list of persons nominated for the purpose by the States Parties to the Protocol, after consultation with their National Commissions for UNESCO. Each State Party may nominate not more than four persons, who must be nationals of States Parties to the Protocol.

9. In pursuance of paragraph 2 of the same Article, the Director-General, by letter DG/18/2007/004 of 29 March 2007, invited the States Parties to the Protocol to submit nominations, including nationals of other States Parties as announced by the Commission at its meeting on 13 and 14 October 2005, while specifying the vacant seat for which they are submitting the nomination. In accordance with the Record of the Meeting of the States Parties to the 1962 Protocol (Paris, 7 and 8 October 2003),² the Director-General also recalled the terms of Article 7 of the Protocol, whereby, subject to the provisions of Article 6, members of the Commission shall remain in office until the election of their successor.

10. The list of States Parties to the Protocol as at 1 June 2007 is reproduced in Annex II.

11. At the date of the preparation of the present document, no State had presented any candidates.

12. The Executive Board may wish to adopt a draft decision along the following lines:

The Executive Board,

1. Recalling the provisions of Article 3 of the Protocol instituting a Conciliation and Good Offices Commission to be responsible for seeking the settlement of any disputes which may arise between States Parties to the Convention against Discrimination in Education,
2. Having taken note of document 177 EX/33 and of the fact that no persons have yet been nominated by the States Parties to the aforementioned Protocol for the purpose of the election of three members of the Commission,
3. Requests the Director-General to transmit to the General Conference any candidatures which he may receive before the opening of its 34th session.

² Documents not reproduced but available at www.unesco.org/legal_instruments.

ANNEX I

CONCILIATION AND GOOD OFFICES COMMISSION TO BE RESPONSIBLE FOR SEEKING THE SETTLEMENT OF ANY DISPUTES WHICH MAY ARISE BETWEEN STATES PARTIES TO THE CONVENTION AGAINST DISCRIMINATION IN EDUCATION

MEMBERSHIP AND DATES OF ELECTION OR RE-ELECTION

Member¹	Date of election or re-election²
Ms Léa Akissi (Côte d'Ivoire)	16 October 2003
Mr Pierre Michel Eisemann (France)	16 October 2003
Mr Klaus Hübner (Germany)	16 October 2003
Mr Iman el Kaffas (Egypt)	20 October 2005
Mr Francesco Margiotta-Broglio (Italy)	16 October 2003
Mr Munther W. Masri (Jordan)	20 October 2005
Ms Florence Mutonyi D'Ujanga (Uganda)	16 October 2003
Ms Yvette Rabetafika-Ranjeva (Madagascar)	16 October 2003

¹ The Commission normally consists of 11 members, in accordance with Article 2 of the 1962 Protocol. Currently, three vacant seats remain to be filled at the next session of the General Conference.

² The members of the Commission shall be elected for a term of six years, in accordance with Article 5 of the Protocol.

ANNEX II

LIST OF STATES PARTIES TO THE PROTOCOL INSTITUTING A CONCILIATION AND GOOD OFFICES COMMISSION TO BE RESPONSIBLE FOR SEEKING THE SETTLEMENT OF ANY DISPUTES WHICH MAY ARISE BETWEEN STATES PARTIES TO THE CONVENTION AGAINST DISCRIMINATION IN EDUCATION

(Paris, 10 December 1962)

Argentina	Madagascar
Australia	Malta
Brunei Darussalam	Morocco
Costa Rica	Netherlands
Côte d'Ivoire	Niger
Cyprus	Norway
Denmark	Panama
Dominica	Philippines
Egypt	Portugal
France	Saint Vincent and the Grenadines
Germany	Senegal
Guatemala	Solomon Islands
Israel	South Africa
Italy	Spain
Jordan	Uganda
Libyan Arab Jamahiriya	United Kingdom of Great Britain and Northern Ireland



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PROTOCOL INSTITUTING A CONCILIATION AND GOOD OFFICES COMMISSION TO BE RESPONSIBLE FOR SEEKING THE SETTLEMENT OF ANY DISPUTES WHICH MAY ARISE BETWEEN STATES PARTIES TO THE CONVENTION AGAINST DISCRIMINATION IN EDUCATION: NOMINATIONS AND REPORT OF THE COMMITTEE ON CONVENTIONS AND RECOMMENDATIONS THEREON

ADDENDUM AND CORRIGENDUM

1. This document communicates the updated list, as at 24 August 2007, of the persons nominated for the purpose of election to the Commission, whose curriculum vitae provided by States Parties are reproduced in the annex hereto:

Mr António Pedro Barbas Homem (Portugal)

2. In the light of the foregoing, the draft decision in paragraph 14 of document 177 EX/33 should read as follows:

The Executive Board,

1. Recalling the provisions of Article 3 of the Protocol instituting a Conciliation and Good Offices Commission to be responsible for seeking the settlement of any disputes which may arise between States Parties to the Convention against Discrimination in Education,
2. Having taken note of the list of persons nominated by the States Parties to the Protocol for the purpose of the election of three members of the Commission communicated to it by the Director-General pursuant to Article 3, paragraph 2, of the said Protocol (177 EX/33 and Add. and Corr.),
3. Transmits this list to the General Conference at its 34th session;
4. Requests the Director-General to add to this list any candidatures which he may receive before the opening of the 34th session of the General Conference.

ANNEX

CURRICULUM VITAE

ANTÓNIO PEDRO BARBAS HOMEM

António Pedro Pereira Nina Barbas Homem, born in Mozambique, 12 April 1960, married, four daughters.

Residence Calçada de S. Catarina, No. 10-A, Cruz Quebrada, Portugal.

Primary education in Mozambique.

Secondary and Higher education in Lisbon.

1983: Law degree (*licenciado*) (Law Faculty, Lisbon University).

1988: Master's degree in Law (Law Faculty, Lisbon University).

1998: Ph.D. in Law (Law Faculty, Lisbon University).

2006 Agregado (Law Faculty, Lisbon University).

Professor at the Faculty of Law of Lisbon University (Catedrático) and visiting professor at the Faculty of Law at the University of Coimbra.

1989-1991: Legal counsel to the Constitutional Court.

1991-1996: Legal counsel to the Minister of Education.

2002-2003: Legal counsel to the Minister of Science and Higher Education.

Coordinates the postgraduate course in Education Law at the Law Faculty of Lisbon University and organized several conferences and congresses on education law.

Former President of the Pedagogical Council and Vice-Dean of Law Faculty, Lisbon University.

Board member of European Association for Education Law and Policy (ELA).

President of the Portuguese Association for Education Law.

Director of the journal *Educação e Direito* (Education and the Law).

Main publications deal with Theory of Law, History of Law, International Relations and Education Law.

Main publications (books):

- *Iluminismo e Direito em Portugal. O Reinado de D. José I*, Lisbon, 1987 [Enlightenment and the Law during the reign of King José I]
- *A Legislação Ultramarina Portuguesa. Do Início da Expansão às Ordenações Filipinas* (report), 1966 [Portuguese Overseas Legislation]
- *Judex Perfectus: Função Jurisdicional e Estatuto Judicial em Portugal, 1640-1820*, 2 volumes, Lisbon, 1998 (2nd edition, Coimbra, Livraria Almedida, 2003) [Judex Perfectus. Judicial Function and Legal Status of Judges in Portugal]
- *O Justo e o Injusto*, Lisbon, AAFDL, 2001 [Just and Unjust]

- *A Lei da Liberdade. I. Introdução Histórica ao Pensamento Jurídico. Épocas Medieval e Moderna*, Cascais, Principia, 2001 [Freedom's Law. An Historical Introduction to Legal Thinking]
- *O Que é o Direito. Uma explicação breev para jovens leitores com pouca paciência para longas explicações*, Cascais, Principia, 2001 [What is Law? A short Introduction for Young Readers with Little Patience for Long Explanations]
- *História das Relações Internacionais. O Direito e as Concepções Políticas. 1648-1815*, Coimbra, Almedina, 2003 [History of International Relations. Legal and Political Doctrines]
- *História do Pensamento Jurídico. Guia de Estudo*, Lisbon, AAFDL, 2004 [History of Legal Thought. A Study Guide]
- *O Debate da Justiça. Estudos sobre a crise da justiça em Portugal* (org.), Lisbon, VISLIS, 2001 [The Debate of Justice]
- *Legislação de Educação*, org. and introduction, Coimbra, Coimbra Editora, 2001 [The Law of Education]
- *Estatuto do Aluno do Ensino Não Superior*, org., Lisbon, Plátano, 2003 [Legal Statute of Students – Non-Higher Education]
- *João Paulo II e o Direito*, org., Cascais, Principia, 2003 [Pope John Paul II and the Law]
- *O Espírito das Instituições. Um Estudo de História do Estado*, Coimbra, Almedina, 2006 [The Spirit of Institutions. A Study in the History of the State]
- *Temas de Direito da Educação*, org., Coimbra, Almedina, 2006 [Themes of Education Law]
- *O Processo de Codificação do Direito em Portugal. Aspectos Gerais*, Lisbon, AAFDL, 2007 [The Codification Process in Portugal]

Some articles in education law:

The Legal Status of Teachers in Portugal in Jan de Groof (ed.), *The Legal Status of Teachers in Europe*, Leuven, Acco, 1995; *Right to Education and Minorities*, in Jan de Groof and Jan Fiers (eds.), *The Legal Status of Minorities in Education*, Acco, Leuven, 1996; *Do Direito da Educação aos Direitos Educativos*, in *Meridionália*, 1 (December 1996); *Constitutional Aspects of the Legal Status of Pupils*, in Jan de Groof and Hilde Pennernan (eds.), *The Legal Status of Pupils in Europe*, Kluwer Law International, 1996; *Direitos e deveres de pais, professores e alunos perante a autonomia da escola*, *Educação e Direito*, 1 (1999); *Education Law and Legal Methodology*, in Walter Bercka, Jan de Groof and Hilde Pennernan (eds.), *Autonomy in Education*, Kluwer Law International, 1998; *Regionalização, Municipalização e Localização na Educação*, “Estudos em Homenagem ao Professor Doutor Manuel Gomes da Silva”, Coimbra, Coimbra Editora, 2001; *Educational Rights in Portugal*, in Jan de Groof (ed.), *No Person Shall Be Denied the Right to Education*, Wolff, Nijmegen, 2004; *O Direito da Educação na União Europeia*, *Revista do Centro de Estudos Judiciários*, Brazil, 31 (Year IX, December 2005); *Fontes do Direito da Educação na União Europeia*, in *Temas de Direito da Educação*, Coimbra, Almedina, 2006; *Students Rights*, Charles Rosso and Jan de Groof (eds.), *The Legal Rights of Students* (Scarecrow Press, USA, 2006).

Main conferences on Education Law and Policy: Utrecht, 1997; Moscow, 1998; Brasília, 2005; São Paulo, 2006, congress of European Association for Education Law and Policy (ELA): Ghent, 1994; Bremen, 1995; Dublin, 1996; Salzburg, 1998; Paris, 2000; Brussels, 2001; Amsterdam, 2004; Bruges, 2005; Salzburg, 2006; Berlin, 2007.

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