

**WORKING GROUP ON THE GOVERNANCE, PROCEDURES,
AND WORKING METHODS OF THE GOVERNING BODIES OF UNESCO**

RECOMMENDATIONS

PART 2. STRUCTURE, COMPOSITION AND METHODS OF WORK OF UNESCO'S INTERNATIONAL AND INTERGOVERNMENTAL BODIES (IIBS)

E. SPECIFIC RECOMMENDATIONS FOR THE UNESCO CONVENTIONS

Convention against Discrimination in Education and Conciliation and Good Offices Commission

N°	Recommendation	Implemented	Ongoing (delivery date)	Not Implemented
92	<p>a. States Parties of the Convention and its Protocol reflect on utility of Conciliation and Good Offices Commission, and decide whether to continue with the status quo or take additional measures.</p> <p>b. The CR Committee and the Legal Committee be requested for their views on the matter.</p>		Implementation expected by 40 th session of the General Conference (November 2019) ¹	

1 Pursuant to the working group's recommendation 92 endorsed by the General Conference, on 19 December 2018 the Secretariat launched a consultation of the States Parties to the 1960 Convention and the 1962 Protocol on the utility of the Commission. The Secretariat received eight responses from these States.

The result of this consultation will first be presented to the CR Committee at the 207th session of the Executive Board in the document concerning the general monitoring of the implementation of standard-setting instruments, and then transmitted, with the Board's comments, to the Legal Committee at the 40th session of the General Conference, in accordance with recommendation 92.

Result of the consultation on the utility 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

46. At its 39th session, by means of 39 C/Resolution 87, the General Conference of UNESCO endorsed the recommendations made by the open-ended working group on governance, procedures and working methods of the governing bodies of UNESCO, as amended in document 39 C/70. With regard to the 1960 Convention against Discrimination in Education and the Conciliation and Good Offices Commission², which had never been called upon to exercise its functions to date, the working group established in recommendation 92 that: (a) States Parties to the Convention and its Protocol should reflect on the utility of the Conciliation and Good Offices Commission and decide whether to continue with the status quo or to take additional measures; and that (b) the CR Committee and the Legal Committee be requested for their views on the matter.

47. Pursuant to the working group's recommendation 92 endorsed by the General Conference, on 19 December 2018 the Secretariat launched a consultation of the States Parties to the 1960 Convention and the 1962 Protocol on the utility of the Commission. The Secretariat received eight responses³ from these States.

48. The majority of States were in favour of the status quo, emphasizing the non-confrontational nature of the procedure established by the 1962 Protocol and the relevance of the Commission in the context of the Global Education 2030 Agenda. In this regard, they noted that there was a constant flow of ratifications of the Protocol (five ratifications since 2000, of which two were in 2017) and that, moreover, there had been elections to the Commission at the 39th session of the General Conference, after which the 11 seats were filled. Furthermore, they stressed that the existence of the Commission had no real financial implications for UNESCO. In the absence of referrals, the Commission had not met and therefore had not generated any costs. The Protocol did provide that its Secretariat was ensured by the Director-General of UNESCO, but the Secretariat confined itself to organizing the election every two years by correspondence of the Chairperson and Vice-Chairperson. With regard to the election of the Commission members, that took place during the work of the General Conference, and information was included in the documents addressed to Member States on that occasion. In this regard, the States suggested that in addition to the provisions for equitable geographical distribution for the election of members of the Commission, it would be advisable to add a criterion for gender balance in its membership. Finally, for these States, consideration of the utility of the Commission should take into account the interest of maintaining at the States' disposal a method for the peaceful settlement of disputes concerning discrimination in education that might arise in the future. The Commission was a treaty body whose existence was not a result of a decision of one of UNESCO's governing bodies, but of the entry into force of the 1962 Protocol. Accordingly, any initiative that might lead to the abolition of the Commission would be within the sole competence of the States Parties to the 1962 Protocol.

49. Other States were in favour of the abolition of the Conciliation and Good Offices Commission, given that it had never been called upon to use its good offices. Those States considered that any disputes which might arise between the States Parties to the 1960 Convention should be subject to review by the Committee on Conventions and Recommendations of the Executive Board, particularly since it had a mandate to examine communications addressed to UNESCO on specific cases of human rights violations in UNESCO's fields of competence, including the field of education. In addition, in the event of a dispute between two or more States Parties to the Convention and the Protocol, the States involved could negotiate the use of an *ad hoc* commission to organize direct conciliation to resolve the dispute. In any case, those States were of the opinion that it would not be considered productive for the Organization to maintain parallel structures for the same type of

² Information relating to the Conciliation and Good Offices Commission can be found on the Organization's website: http://portal.unesco.org/en/ev.php-URL_ID=31330&URL_DO=DO_TOPIC&URL_SECTION=201.html

³ Armenia, France, Finland, Jordan, Mongolia, Sweden, Togo and Uruguay.

problem arising from the implementation of UNESCO's standard-setting instruments. In addition, the streamlining of UNESCO's structures would also contribute to the Director-General's strategic transformation, in line with the discussions held by the working group on governance.

50. The result of the consultation, together with the comments of the Executive Board at the current session on the utility of the Commission, will be transmitted by the Secretariat to the Legal Committee at the 40th session of the General Conference, in accordance with recommendation 92 of the aforementioned working group, endorsed by the General Conference at its last session.