

**PROTOCOL TO THE CONVENTION AGAINST DISCRIMINATION IN  
EDUCATION INSTITUTING A CONCILIATION AND GOOD OFFICES  
COMMISSION**

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from 9 November to 12 December 1962, at its twelfth session,

Having adopted, at its eleventh session, the Convention against Discrimination in Education,

Desirous of facilitating the implementation of that Convention, and Considering that it is important, for this purpose, to institute a Conciliation and Good Offices Commission to be responsible for seeking the amicable settlement of any disputes which may arise between States Parties to the Convention, concerning its application or interpretation,

Adopts this Protocol on the tenth day of December 1962.

**ARTICLE 1**

There shall be established under the auspices of the United Nations Educational, Scientific and Cultural Organization a Conciliation and Good Offices Commission, hereinafter referred to as the Commission, to be responsible for seeking the amicable settlement of disputes between States Parties to the Convention against Discrimination in Education, hereinafter referred to as the Convention, concerning the application or interpretation of the Convention.

**ARTICLE 2**

1. The Commission shall consist of eleven members who shall be persons of high moral standing and acknowledged impartiality and shall be elected by the General Conference of the United Nations Educational, Scientific and Cultural Organization, hereinafter referred to as the General Conference.

2. The members of the Commission shall serve in their personal capacity.

**ARTICLE 3**

1. The members of the Commission shall be elected from a list of persons nominated for the purpose by the States Parties to this Protocol. Each State shall, after consulting its National Commission for UNESCO, nominate not more than four persons. These persons must be nationals of States Parties to this Protocol.

2. At least four months before the date of each election to the Commission, the Director-General of the United Nations Educational, Scientific and Cultural Organization, hereinafter referred to as the Director-General, shall invite the States Parties to the present Protocol to send within two months, their nominations of the persons referred to in paragraph 1 of this Article. He shall prepare a list in alphabetical order of the persons thus nominated and shall submit it, at least one month before the election, to the Executive Board of the United Nations Educational,

Scientific and Cultural Organization, hereinafter referred to as the Executive Board, and to the States Parties to the Convention. The Executive Board shall transmit the aforementioned list, with such suggestions as it may consider useful, to the General Conference, which shall carry out the election of members of the Commission in conformity with the procedure it normally follows in elections of two or more persons.

#### **ARTICLE 4**

1. The Commission may not include more than one national of the same State.
2. 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.

#### **ARTICLE 5**

The members of the Commission shall be elected for a term of six years. They shall be eligible for re-election if re-nominated. The terms of four of the members elected at the first election shall, however, expire at the end of two years, and the terms of three other members at the end of four years. Immediately after the first election, the names of these members shall be chosen by lot by the President of the General Conference.

#### **ARTICLE 6**

1. In the event of the death or resignation of a member of the Commission, the Chairman shall immediately notify the Director-General, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.
2. If, in the unanimous opinion of the other members, a member of the Commission has ceased to carry out his functions for any cause other than absence of a temporary character or is unable to continue the discharge of his duties, the Chairman of the Commission shall notify the Director-General and shall thereupon declare the seat of such member to be vacant.
3. The Director-General shall inform the Member States of the United Nations Educational, Scientific and Cultural Organization, and any States not members of the Organization which have become Parties to this Protocol under the provisions of Article 2}, of any vacancies which have occurred in accordance with paragraphs 1 and 2 of this Article.
4. In each of the cases provided for by paragraphs 1 and 2 of this Article, the General Conference shall arrange for the replacement of the member whose seat has fallen vacant, for the unexpired portion of his term of office.

#### **ARTICLE 7**

Subject to the provisions of Article 6, a member of the Commission shall remain in office until his successor takes up his duties.

#### **ARTICLE 8**

1. If the Commission does not include a member of the nationality of a State which is party to a dispute referred to it under the provisions of Article 12 or Article 13, that State, or if there is more than one, each of those States, may choose a person to sit on the Commission as a member ad hoc.

2. The State thus choosing a member ad hoc shall have regard to the qualities required of members of the Commission by virtue of Article 2, paragraph 1, and Article 4, paragraphs 1 and 2. Any member ad hoc thus chosen shall be of the nationality of the State which chooses him or of a State Party to the Protocol, and shall serve in a personal capacity.

3. Should there be several States Parties to the dispute having the same interest they shall, for the purpose of choosing members ad hoc, be reckoned as one party only. The manner in which this provision shall be applied shall be determined by the Rules of Procedure of the Commission referred to in Article 11.

## **ARTICLE 9**

Members of the Commission and members ad hoc chosen under the provisions of Article 8 shall receive travel and per diem allowances in respect of the periods during which they are engaged on the work of the Commission from the resources of the United Nations Educational, Scientific and Cultural Organization on terms laid down by the Executive Board.

## **ARTICLE 10**

The Secretariat of the Commission shall be provided by the Director-General.

## **ARTICLE 11**

1. The Commission shall elect its Chairman and Vice-Chairman for a period of two years. They may be re-elected.

2. The Commission shall establish its own Rules of Procedure, but these rules shall provide, inter alia, that:

a. Two-thirds of the members, including the members ad hoc, if any, shall constitute a quorum.

b. Decisions of the Commission shall be made by a majority vote of the members and members ad hoc present; if the votes are equally divided, the Chairman shall have a casting vote.

c. If a State refers a matter to the Commission under Article 12 or Article 13:

(i) such State, the State complained against, and any State Party to this Protocol whose national is concerned in such matter may make submissions in writing to the Commission.

(ii) such State and the State complained against shall have the right to be represented at the hearings of the matter and to make submissions orally.

3. The Commission, on the occasion when it first proposes to establish its Rules of Procedure, shall send them in draft form to the States then Parties to the Protocol