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**Committee on the Elimination of Racial Discrimination**

Rules of Procedure of the ad hoc Conciliation Commission on the interstate communication submitted by the State of Palestine against Israel under article 11 of the International Convention on the Elimination of All Forms of Racial Discrimination

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Preamble

The ad hoc Conciliation Commission (the Commission), established pursuant to article 12 of the Convention on the Elimination of All Forms of Racial Discrimination (the Convention), following the inter-state communication submitted by the State of Palestine against Israel to the Committee on the Elimination of Racial Discrimination (the Committee) under article 11 of the Convention;

Having regard to:

‒ articles 11, 12 and 13 of the Convention; rules 21, 23, 25, 26, 35, 61, 72, 73, 74, 75, 76, 77, 78 and 79 of the Rules of Procedure of the Committee;

‒ the decision on jurisdiction in the inter-state communication submitted by the State of Palestine against Israel, adopted by the Committee on 12 December 2019, during its 100th session;

‒ the decision on the admissibility of the inter-State communication submitted by the State of Palestine against Israel, adopted by the Committee on 30 April 2021 at its 103rd session, requesting the Chair to carry out consultations with the States parties concerned on the composition of the Commission;

‒ the decision on the election of the Commission among the Committee’s members, pursuant to article 12 (1)(b) of the Convention, adopted by the Committee on 30 November 2021, during its 105th session,

Adopts the following Rules of Procedure:

Rule 1: Application of the Rules

1 These Rules apply to the conciliation of the dispute arising out of the communication submitted by the State of Palestine against Israel (States Parties) before the Committee on the Elimination of Racial Discrimination, under article 11 of the Convention.

2 These rules aim at facilitating the Commission in its mission of making its good offices available to the States concerned with a view to reaching an amicable solution of the matter.

3. The Commission shall have the power to interpret the provisions of the Convention and these Rules as necessary.

4 The Commission is expected to complete its mandate within a reasonable timeframe until the matter is fully considered.

Rule 2: Role of the Commission

1 The mandate of the Commission is to make available its good offices to the States concerned with a view to an amicable solution of the matter on the basis of respect for the Convention.

2 The Commission will be guided by principles of impartiality, objectivity, fairness and justice, giving consideration to the obligations of the parties regarding the Convention.

3 The Commission shall consider the matter on the basis of information made available to it by the Committee as well as other relevant information supplied by the States Parties or obtained from any other relevant sources. It may also decide to hear oral statements from the States Parties.

Rule 3 Membership of the Commission and filling of vacancies

1. The members of the Commission shall serve in their personal capacity.
2. The term of the elected Members of the Commission will end with the mandate of the Commission.

3 Whenever a vacancy arises in the Commission, the Chair of the Committee shall fill the vacancy as soon as possible in accordance with procedures laid down in rules 72 to 74 of the Rules of the Committee. He/she shall proceed with filling such vacancy upon receipt of a notification through the Secretariat.

Rule 4: Chairpersonship

1. The Commission shall elect its own Chair. The Commission may also elect a Vice-Chair.

2. The Chair of the Commission shall organise its work, preside over its meetings and guide the Secretariat.

3. The Vice-Chair shall substitute for the Chair if the latter is unable to carry out his/her duties or if the post of the Chair is vacant.

4. If both the Chair and the Vice-Chair are unable to fulfil their duties, or if both posts are vacant, the duties of the Chair shall be discharged by a member of the Commission elected by consensus.

Rule 5: Solemn declaration

Upon assuming his/her duties, each member of the Commission shall make the following solemn declaration at the first meeting of the Commission:

“*I solemnly declare that I will perform my duties and exercise my powers as a member of the ad hoc Conciliation Commission honourably, faithfully, impartially and conscientiously*.”

Rule 6: Place and format of the meetings

1. The meetings of the Commission shall normally be held at the United Nations Headquarters in Geneva or at any other convenient place as determined by the Commission.

2. The Commission may decide to conduct online meetings if necessary. Online meetings will also be subject to paragraphs 6 and 7 of article 12 of the Convention.

Rule 7: Languages

1. The working language of the Commission shall be English.

2. Any party to the dispute may however request to use a language other than the UN official languages (Arabic, Chinese, English, French, Russian and Spanish). In this case, it shall itself provide for interpretation into one of the official languages. Interpretation into the other official languages by the interpreters of the Secretariat may be based on the interpretation in the working language.

Rule 8: Secretariat

The Secretariat of the Committee provided in accordance with article 10, paragraph 3, of the Convention shall also service the Commission. In this regard, the Secretariat:

* a) shall prepare an estimate of the expenses of the members of the Commission to be shared by the States Parties to the dispute upon the members’ approval;
* b) shall be responsible for all the necessary arrangements for meetings of the Commission;
* c) shall be responsible for keeping the members of the Commission informed of any questions which may be brought before it for consideration;
* d) shall assist the Commission in the fulfilment of its duties;
* e) shall provide substantive support to the Commission;
* f) shall be the channel for all communications concerning the Commission;
* g) shall have custody of the archives of the Commission.

Rule 9: Distribution of official documents

Reports, formal decisions and other official documents of the Commission shall be distributed by the Secretariat to all members of the Commission, to the States Parties to the dispute and, if the Commission so decides, to others concerned.

Rule 10: Transmission of information to members of the Commission

1. The Chair of the Committee shall make available, through the Secretariat, the information obtained and collated by the Committee in relation to articles 11 and 12 of the Convention to the members of the Commission, at the time of notifying the members of the Commission of the date of the first meeting.

2. The Secretariat shall immediately transmit any new submission of a State Party with respect to the case under consideration to all members of the Commission and to the other State Party, giving it the opportunity to provide its observations in a reasonable timeframe. The concerned States Parties may decide to confine their respective replies to the information already contained in their previous submissions.

Rule 11: Disclosure of information

When the Commission receives information concerning the dispute from a party, it discloses the substance of that information to the other party in order that the other party may have the opportunity to present any submission which it considers appropriate.

Rule 12: Meetings of the Commission

1. The meetings of the Commission shall be held in private unless the Commission decides otherwise.

2. The Commission may invite the States Parties concerned to appoint one or several representatives to take part in the proceedings before the Commission

3. The Commission shall decide, which other persons besides the States Parties, their representatives, counsels and advocates, and Secretariat of the Commission, may attend its meetings.

Rule 13: Communication with the States Parties

1. The Commission will communicate to the States Parties through their permanent representatives to the Office of the United Nations in Geneva via the Secretariat.

2. The Commission may invite the States Parties to meet with it or may communicate with them orally or in writing. It may meet or communicate with the parties together or with each of them separately.

Rule 14: Interlocutory matters

1. The Commission may take any measure which it considers expedient in order to find an amicable solution of the matter on the basis of respect for the Convention.

2. Each State Party may, on its own initiative or at the invitation of the Commission, submit to the Commission suggestions for the settlement of the dispute.

Rule 15: Co-operation of parties with the Commission

The States Parties are expected to co-operate in good faith with the Commission and are invited to comply with requests by the Commission to submit written materials, provide evidence and attend meetings.

Rule 16: Confidentiality

The Commission and the States Parties must keep confidential all matters relating to the conciliation proceedings. Confidentiality extends also to the settlement agreement, except where its disclosure is necessary for purposes of implementation and enforcement.

Rule 17: Decisions

1. Decisions of the Commission, if not obtained by consensus, shall be made by a simple majority of the members. The modalities of the votes are ruled by articles 49-57 of the Rules of Procedure of the Committee.

2. A majority of the members of the Commission shall constitute a quorum.

Rule 18: Report of the Commission

1. When the Commission has fully considered the matter, it shall prepare and submit to the Chair of the Committee a report embodying its findings on all questions of fact relevant to the issue between the State Parties and containing such recommendations as it may think proper for the amicable solution of the dispute.

2. The Chair of the Committee shall communicate the report of the Commission as soon as possible after its receipt to each of the States Parties to the dispute and to the members of the Committee.

3. The States Parties to the dispute shall, within three months after the receipt of the Commission’s report, inform the Chair of the Committee whether or not they accept the recommendations contained in the report of the Commission. The Chair shall transmit the information received from the States Parties to the dispute to the members of the Committee.

4. After the expiry of the time limit provided for in the preceding paragraph, the Chair of the Committee shall communicate the report of the Commission and any declarations of the States Parties concerned to the other States Parties to the Convention.

Rule 19: Content of the report

The report provided for in paragraph 1 of article 13 of the Convention shall contain:

* a) the date on which it was drawn up; the names of the Chair and members of the Commission;
* b) the names of the States Parties;
* c) the names of the agents, counsel and advocates of the States Parties;
* d) a statement of facts;
* e) findings on all questions of fact relevant to the issue between the parties and
* f) recommendations as the Commission may think proper for the amicable solution of the dispute;

Rule 20: Final provisions

1. The Commission shall formally adopt the present Rules of Procedure during its first meeting. Prior to the meeting, a draft shall be circulated by the Secretariat among the members of the Commission for comments.

2. Any question not dealt with in these Rules of Procedure shall be decided by the Commission and in compliance with the Convention and the Committee’s Rules of Procedure.

3. In a case of urgency, the Chair may consult the members of the Commission by email. Any decision taken as a result must be approved by a simple majority of the members.

4. The Commission may amend and adopt its methods of work, timeline and programme of work as it deems appropriate.

5. These Rules, except when they reproduce provisions of the Convention or the Rules of Procedure of the Committee, may be amended by a decision taken by a simple majority of the members of the Commission. The Rules as amended shall be communicated to the States Parties.

6. The present Rules shall be communicated to the States Parties concerned.