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QUESTION OF METHODS OF FACT-FINDING

Report of the Sixth Committee

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- I. Report of the Working Group on Question of Methods of Fact-Finding.
- II. Document prepared by the Secretariat listing the suggestions made by Member States and by the Secretary-General in relation to the question of existing or possible improved methods of fact-finding.

I. INTRODUCTION

1. The item entitled "Methods of fact-finding" was first placed on the agenda of the General Assembly at its eighteenth session as a sub-item of the item entitled "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations". In its resolution 1967 (XVIII) of 16 December 1963, the Assembly requested the Secretary-General to study the problem and referred the question to the 1964 Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States. At its twentieth session, the Assembly examined the relevant reports of the Secretary-General (A/5694) and of the 1964 Special Committee (A/5746) and adopted resolution 2104 (XX) of 20 December 1965, in which it requested the Secretary-General to prepare a second report on the question and invited Member States to submit any further views they might have on that subject. At its twenty-first session, the General Assembly, having been unable to consider the substance of the question, decided in its resolution 2182 (XXI) of 12 December 1966 to include an item entitled "Question of methods of fact-finding" in the provisional agenda of the twenty-second session and to renew its invitation to Member States to submit any views, or further views, which they might have on that subject.
2. At the twenty-second session of the General Assembly, the General Committee recommended that the item entitled "Question of methods of fact-finding" should be allocated to the Sixth Committee and the Assembly approved that recommendation at its 1564th plenary meeting, on 23 September 1967.
3. At the 973rd meeting of the Sixth Committee, on 17 October 1967, in the course of a discussion on the organization of work, a representative recalled that at the preceding session a number of delegations had expressed themselves in favour of establishing a working group on the question of methods of fact-finding. As it had been planned to allocate only five meetings to the item during the twenty-second session, he thought that the Chairman should be authorized to appoint a working group whose task would be to draw conclusions concerning the question. In reply to that suggestion, some representatives pointed out that such a group would not be able to work efficiently without knowing the views of delegations. The Committee finally decided, therefore, to devote part of its scheduled meetings to

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a general debate during which the question of the possible establishment of a working group would also be considered, on the understanding that if an affirmative conclusion was reached on that point, a working group would be established and the results of the deliberations of the group subsequently considered by the Committee at its remaining meetings.

4. The Sixth Committee devoted its 989th, 990th and 991st meetings, held on 2 and 3 November 1967, to the general debate and decided, at the conclusion of that debate, to establish a working group. After receiving the report of the Working Group (A/C.6/L.639), the Committee again took up the item at its 1023rd and 1024th meetings held on 13 December 1967.

5. In studying the item, the Committee had before it the observations and additional comments received from Governments in pursuance of General Assembly resolution 2182 (XXI) (A/6686 and Corr.1 and Add.1-3).

II. PROPOSAL

6. On 12 December 1967 a draft resolution (A/C.6/L.642), identical with the compromise proposal approved unanimously by the Working Group, was circulated under the sponsorship of the delegations of Czechoslovakia, Ecuador, Finland, Jamaica, Japan, Lebanon, Liberia, Netherlands, Somalia and Togo. The draft resolution was adopted without change by the Sixth Committee (see paragraph 24 below).

III. DISCUSSION

A. First stage

1. General debate

7. All speakers emphasized the importance of fact-finding for the pacific settlement of disputes. Different views were expressed, however, concerning the adequacy of existing machinery for fact-finding and the reasons that machinery was not always used. It was nevertheless generally recognized that the Sixth Committee's consideration of the topic, the written comments of Governments and the reports prepared by the Secretary-General had usefully served to draw attention to the possibilities of greater recourse to methods of fact-finding.

8. The question of fact-finding procedures gave rise to a variety of suggestions, one of which was the establishment of a permanent body for that purpose. In support of this suggestion it was argued that such a body would have a number of advantages over the existing machinery, in particular, that of separating inquiry from conciliation. It would also have the advantage of being already in existence, whereas the machinery provided for in the instruments now in force was only brought into being after a dispute had arisen, that is, at a time when the general climate was not conducive to co-operation and agreement between the parties. Thirdly, the harmonization and centralization of fact-finding procedures, which had hitherto been somewhat lacking in coherence, might facilitate and thus encourage recourse to methods of impartial inquiry, and would also make it possible to derive the greatest benefit from past experience and to acquire appropriate experience for the future. The proposed body would not only be engaged in establishing facts concerning disputes; it might also lend its services to States parties to treaties which provided for inquiry as a means of ensuring their execution, and to international organizations which had to take decisions on the basis of established facts. It was made clear that the proposed new body was intended to supplement and not to supersede existing machinery and that States would still be completely free to decide whether or not to make use of its services.

9. Several delegations supported this suggestion, but many others took the opposite view. Three main arguments were adduced against the establishment of a permanent international fact-finding body. In the first place, some delegations

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said that the establishment in the United Nations system of a permanent body which would have powers assigned to the Security Council would be contrary to the provisions of the Charter. In reply, it was argued that the proposed body could be used for fact-finding in many situations other than those in which the Council had competence, and that it would function in matters within the Council's competence only in so far as the Council decided to have recourse to it. That argument was countered by the observation that the Security Council could always establish an ad hoc organ if it saw fit and that there was no need for a permanent body.

Secondly, it was pointed out that in addition to regional fact-finding machinery there were already institutions of a general character in that field, and that in all cases it was the prerogative of States, as sovereign entities, to decide what fact-finding body was most appropriate in the given instance. It was also pointed out that the present stage of development of international law did not permit the centralization of existing fact-finding procedures. Thirdly, it was claimed that there were no grounds for assuming that a permanent body would be more effective than the existing procedures. Experience had proved, on the contrary, that what had made these procedures successful was their flexibility and diversity, and that therefore nothing would be gained by trying to centralize or codify them.

10. In addition to the suggestion that a permanent fact-finding body should be established, it was asked what steps might be taken to improve existing facilities for fact-finding and why those facilities were not used more frequently. In the course of the discussion it was suggested that the Assembly might again invite Member States to consider submitting names for inclusion in the Panel for Inquiry and Conciliation established under General Assembly resolution 268 D (III), thereby taking up the suggestion made in the first report of the Secretary-General on the item (A/5694). More frequent recourse to the services of rapporteurs and mediators was also advocated in cases submitted to the Security Council or the General Assembly. Reference was made to a number of other facilities, such as those provided for in the Hague Conventions of 1899 and 1907 and the General Act for the Pacific Settlement of International Disputes. Various regional facilities were also mentioned.

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11. Other delegations supported the idea of a panel consisting of nationals of all Member States and representing a complete range of specialized fields, from which the States concerned would be invited to choose, in the light of the technical requirements of the inquiry, the members of each ad hoc commission, who would thus retain the confidence of the parties to the dispute. One delegation indicated that it was not averse to the establishment of a special unit in the United Nations Secretariat for assisting and advising any ad hoc bodies which might be established.

2. Establishment of a working group

12. During the general debate on the question, the Committee also examined the proposal for the establishment of a working group on the question of methods of fact-finding. A formal proposal (A/C.6/L.624) was submitted by Colombia, Ecuador, Jamaica, Japan, Liberia, Madagascar, Mexico, Netherlands, Pakistan, Somalia, Togo, and Turkey and read as follows:

"The Sixth Committee,

"Desiring to make every effort to give adequate consideration to agenda item 88 entitled 'Question of methods of fact-finding',

"Mindful that the item has been included in the agenda of the twenty-second session pursuant to resolution 2182 (XXI), which requested its inclusion in the provisional agenda with a view to considering what further action might be appropriate,

"Noting that, with regard to methods of fact-finding in international relations, a considerable documentation has now been made available by the reports of the Secretary-General on practice in relation to settlement of disputes as well as in respect to the execution of international agreements (A/5694 and A/6228), by chapter VII of the report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States (A/5746), and furthermore by the views expressed and the proposals made by Member States since the seventeenth session of the General Assembly, including the written comments by Governments in pursuance of resolutions 1967 (XVIII), 2104 (XX) and 2182 (XXI) - (A/5725, A/6373 and Add.1, A/6686 and Add.1-3),

"Considering that the above-mentioned documentation shows that the main points of view on the subject have been expressed,

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"Considering further that the examination of the agenda item in question would be greatly facilitated by the establishment of a working group, the more so since the Committee's heavy programme of work permitted it to allow only a very limited number of meetings for the consideration of the item,

"1. Decides that a working group shall be established as soon as possible whose task will be to report and to make recommendations to the Sixth Committee on possibilities for further action, in the light of the reports of the Secretary-General, the views expressed and the proposals made;

"2. Requests the Secretariat to prepare a document listing all the suggestions made by Member States and by the Secretary-General in relation to the question of existing or possible improved methods of fact-finding;

"3. Requests its Chairman after consultations to propose to the Committee the composition of the working group containing no more than fifteen members and being so designated as to ensure a balanced representation of the various geographic groups within the United Nations."

13. This proposal was supported by many representatives. In favour of the proposed measure, reference was made to the encouraging precedent of the Working Group on the draft Declaration on Territorial Asylum and to the recommendations, unanimously approved by the General Assembly in its resolution 1898 (XVIII), of the Ad Hoc Committee on the Improvement of the Methods of Work of the General Assembly. A number of delegations, however, criticized the text of the proposal. In the first place, it was stated that the phrase "on possibilities for further action" in operative paragraph 1 was unclear and that a working group could not achieve positive results unless there was agreement at the outset among the members of the Committee on clearly defined terms of reference. In addition, the expression "balanced representation" in operative paragraph 3 was considered an unfortunate innovation. In reply, it was said that the sponsors had used the words "further action" because that wording was used in operative paragraph 2 of General Assembly resolution 2182 (XXI) and that their intention had been to employ the usual formulation of "equitable representation".

14. At the 990th meeting on 3 November 1967, the United Arab Republic submitted the following amendments (A/C.6/L.626):

"1. In operative paragraph 1, after the word 'recommendations' replace the existing text by the following: 'on the possibilities of reconciliation of different views in order to expedite the consideration of the item by the Sixth Committee';

"2. In operative paragraph 3, third line, replace the words 'a balanced' by the word 'equitable'."

15. In view of those amendments and the above-mentioned observations, the co-sponsors submitted a revised version of their text (A/C.6/L.624/Rev.1), in which the words "on possibilities for further action" in operative paragraph 1 were replaced by the words "on the subject in question", and the words "a balanced representation of the various geographic groups within the United Nations" in operative paragraph 3 by the words "equitable geographical representation". At the 991st meeting, the representative of the United Arab Republic announced that he was withdrawing the second of his amendments (see paragraph 14 above), which was no longer relevant, and the co-sponsors submitted orally a second revised version of operative paragraph 1, incorporating the first of the amendments submitted by the United Arab Republic. Operative paragraph 1 thus would read as follows:

"Decides that a working group shall be established as soon as possible whose task will be to report and to make recommendations on the possibilities of reconciliation of different views in order to expedite the consideration of the item by the Sixth Committee, in the light of the reports of the Secretary-General, the views expressed and the proposals made;"

16. At the 991st meeting, on 3 November 1967, the proposal (A/C.6/L.624/Rev.1), as amended, was adopted by 72 votes to none, with 12 abstentions. It was agreed that, in accordance with a proposal made during the debate, the Rapporteur of the Committee would attend the meetings of the Working Group.

17. At the 998th meeting, on 15 November, 1967, the Committee unanimously decided to increase the membership of the Working Group, which it had originally fixed at fifteen, to sixteen. It was agreed that the Group would be composed of the following States: Ceylon, Czechoslovakia, Ecuador, Finland, France, Jamaica, Japan, Lebanon, Liberia, Netherlands, Somalia, Togo, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland and United States of America.

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B. Second stage - Consideration of the report of the Working Group
(A/C.6/L.639)

18. At its 1023rd and 1024th meetings, held on 13 December 1967, the Sixth Committee considered the report submitted by the Working Group (A/C.6/L.639). The Sixth Committee also had before it a draft resolution (A/C.6/L.642), co-sponsored by the States listed in paragraph 6 above, identical in its terms with that submitted by the Working Group. It was stated in the course of the Sixth Committee's discussions that the Legal Counsel had given his opinion that, in accordance with standard United Nations practice, it was not necessary for the draft resolution, which had been unanimously adopted by the Working Group, to be sponsored by individual Member States; the opening words of paragraph 17 of the Working Group's report had nevertheless been chosen so as not to prevent States from sponsoring the proposal if they wished to do so.

19. All delegates speaking on the item during the second stage of the Sixth Committee's debate expressed their support for the draft resolution which had been proposed. A tribute was paid to the efforts of the Working Group, which, despite the difficulties encountered, had successfully led to a reconciliation of the different views held on the question of methods of fact-finding. Although the results achieved had not been spectacular, they represented a positive if modest step towards wider acceptance of the importance of recourse to impartial methods for the settlement of international disputes. In this sense the item could be said to have made distinct progress since its first inclusion in the agenda of the General Assembly. Several delegates, speaking in explanation of vote, wished to emphasize that the draft resolution was based on the assumption that no permanent organ would be established. They pointed out that the majority of members had not in fact favoured any advance along those lines; the draft resolution did not therefore institute any change in the obligations of Member States.

20. It was pointed out that the draft resolution distinguished the concept of fact-finding from that of conciliation, called upon States to make more effective use of the existing methods - thereby suggesting that they were not being effectively used at present - and incorporated the idea that the Secretary-General should prepare a register of persons proposed by Member States whose services might be used for purposes of fact-finding. Several delegations expressed regret that, although the draft resolution affirmed in general terms the importance of fact-

finding, it had not gone further and included some of the other constructive ideas which had been put forward, such as the proposal that the Secretary-General should continue to consider favourably giving appropriate assistance with regard to fact-finding in response to requests made by States. A number of speakers also mentioned the formulation which had been examined by the Working Group whereby more explicit reference would have been made in the draft resolution to the main facilities for fact-finding which now exist and which had been specified in paragraph 13 of the Working Group's report.

21. It was agreed, in response to a request by one representative, that the report of the Working Group should be annexed to the present report (annex I), and, in accordance with a recommendation of the Working Group itself (A/C.6/L.639, paragraph 4), that the document prepared by the Secretariat listing the suggestions made by Member States and by the Secretary-General in relation to methods of fact-finding (A/C.6/SC.9/L.1) should also be annexed to the report (annex II).

22. In answer to a question raised by one representative, the Chairman of the Working Group, who was also one of the co-sponsors of draft resolution A/C.6/L.642, confirmed that the request made to Member States in operative paragraph 4 of the proposal to nominate up to five of their nationals for inclusion in the proposed register of experts did not constitute an obligation for Member States to comply with the request. On this understanding, the representative concerned agreed not to request a separate vote on operative paragraph 4 in order to record the abstention of his delegation.

IV. VOTING

23. At its 1024th meeting, on 13 December 1967, the Sixth Committee unanimously adopted draft resolution A/C.6/L.642 without recourse to a formal vote. Statements in explanation of vote were made by the representatives of the Union of Soviet Socialist Republics, Italy and Nigeria.

V. RECOMMENDATION OF THE SIXTH COMMITTEE

24. The Sixth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

Question of methods of fact-finding

The General Assembly,

Recalling its resolutions 1967 (XVIII) of 16 December 1963, 2104 (XX) of 20 December 1965 and 2182 (XXI) of 12 December 1966 on the question of methods of fact-finding,

Noting the comments submitted by Member States pursuant to the above-mentioned resolutions and the views expressed in the United Nations,

Noting with appreciation the two reports submitted by the Secretary-General in pursuance of the above-mentioned resolutions,

Recognizing the usefulness of impartial fact-finding as a means towards the settlement of disputes,

Believing that an important contribution to the peaceful settlement of disputes and to the prevention of disputes could be made by providing for impartial fact-finding within the framework of international organizations and in bilateral and multilateral conventions or other appropriate arrangements,

Affirming that the possibility of recourse to impartial methods of fact-finding is without prejudice to the right of States to seek other peaceful means of settlement of their own choice,

Reaffirming the importance of impartial fact-finding in appropriate cases for the settlement and the prevention of disputes,

Recalling the possibility of the continued use of existing facilities for fact-finding,

1. Urges Member States to make more effective use of the existing methods of fact-finding;

2. Invites Member States to take into consideration, in choosing means for the peaceful settlement of disputes, the possibility of entrusting the ascertainment of facts, whenever it appears appropriate, to competent international organizations and bodies established by agreement between the parties concerned,

in conformity with the principles of international law and the Charter of the United Nations or other relevant agreements;

3. Draws special attention to the possibility of recourse by States in particular cases, where appropriate, to procedures for the ascertainment of facts, in accordance with Article 33 of the Charter of the United Nations;

4. Requests the Secretary-General to prepare a register of experts, in legal and other fields, whose services the States parties to a dispute may use by agreement for fact-finding in relation to the dispute, and requests Member States to nominate up to five of their nationals to be included in such a register.

ANNEXES

ANNEX I

Report of the Working Group on Question of Methods of Fact-Finding*

I. ESTABLISHMENT OF THE WORKING GROUP, MEMBERSHIP AND DOCUMENTATION

1. At its 991st meeting, on 3 November 1967, the Sixth Committee adopted a resolution, the operative part of which was worded as follows:

"1. Decides that a working group shall be established as soon as possible whose task will be to report and to make recommendations on the possibilities of reconciliation of different views in order to expedite the consideration of the item by the Sixth Committee, in the light of the reports of the Secretary-General, the views expressed and the proposals made;

"2. Requests the Secretariat to prepare a document listing all the suggestions made by Member States and by the Secretary-General in relation to the question of existing or possible improved methods of fact-finding;

"3. Requests its Chairman after consultations to propose to the Committee the composition of the working group containing no more than fifteen members and being so designated as to ensure equitable geographical representation."

2. At its 998th meeting the Committee decided, on the proposal of the Vice-Chairman, to increase the membership from fifteen to sixteen; the following States were designated as members of the Working Group: Ceylon, Czechoslovakia, Ecuador, Finland, France, Jamaica Japan, Lebanon, Liberia, the Netherlands, Somalia, Togo, the Union of Soviet Socialist Republics, the United Arab Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America. It was also agreed that the representative of Mexico would attend the debates in his capacity as Rapporteur of the Sixth Committee.
3. The Group held seven meetings on 17, 22 and 27 November and 4, 8 and 11 December 1967. At its first meeting, convened on 17 November by the Rapporteur

* Previously issued under the symbol A/C.6/L.639.

of the Sixth Committee, it unanimously elected Mr. El-Erian (United Arab Republic) Chairman and Mr. Francis (Jamaica) Rapporteur. The Chairman, having been called away on other duties, was replaced as from the third meeting by the Rapporteur of the Group.

4. Document A/C.6/SC.9/L.1 was submitted to the Working Group by the Secretariat, pursuant to paragraph 2 of the above-mentioned resolution. The Working Group recommends to the Sixth Committee that this document should be included as an annex to its report to the General Assembly.

II. DISCUSSION

5. In accordance with a suggestion made by the Chairman, the Group proceeded first, on the basis of the Secretariat document (A/C.5/SC.9/L.1), to the general debate on the methods to be followed, bearing in mind the terms of reference laid down by the Sixth Committee.

6. On the question of methods, it was stated that account should be taken of the tenor of the debate in the Sixth Committee, which had revealed that there was complete unanimity on the importance of fact-finding. It was also stressed that the Working Group should avoid becoming embroiled in unnecessary repetitions and should concentrate, as the Sixth Committee has asked it to do, on reconciling the different views that had been expressed. On the one hand, during the Sixth Committee's debate, some speakers had advocated the establishment of a permanent organ, while many delegations stated their position in favour of maintaining the status quo. A number of speakers also stressed the need to investigate what measures could be taken to improve existing machinery for fact-finding. Some representatives suggested that the authors of specific suggestions which required explanation should be invited to state their views to the Working Group. However, it was pointed out that, if each member presented his own analysis of the situation, the points of agreement would be more clearly apparent; it would then be possible to see whether the number of supporters for a given suggestion made it worth while to have the details elucidated.

7. In connexion with the Secretariat document (A/C.6/SC.9/L.1), it was stated that, as it was intended solely to list the suggestions made in relation to the

question of fact-finding, it inevitably reflected only one of the schools of thought which had found expression during the debate in the Sixth Committee; at least it made it apparent that, even among the authors of specific suggestions, there were very few who proposed the establishment of a permanent organ for fact-finding. In reply to that, it was stated, firstly, that the Working Group was representative of all points of view, and, secondly, that the suggestions listed in the Secretariat document showed that there was a whole spectrum of shades of opinion on the basis of which it should be possible to find a generally acceptable formula. After a number of delegations had pointed out that only twelve Member States had made specific suggestions, one member stated that silence on the part of some States was not necessarily an indication of a negative attitude but might reflect some uncertainty as to the best way of resolving the problem. Another representative pointed out that his delegation had stated in the Sixth Committee that it was neither necessary nor useful to set up a permanent organ of inquiry but that, if the majority decided to proceed with the study of the question, that delegation's suggestion, as reproduced in the Secretariat document, should be taken into account.

8. Three working papers were submitted with a view to arriving at a common text which the Group would recommend to the Sixth Committee for adoption. They were produced by Finland, the Netherlands and Czechoslovakia respectively.

9. The text submitted by Finland was worded as follows:

"I. The Finnish delegation would like to put forward the following outline proposed for the consideration of the Working Group.

1. The General Assembly should adopt a resolution calling attention to the importance of fact-finding in connexion with international disputes.

2. The General Assembly should request the Secretary-General to invite Member States to submit names for inclusion in a register of persons who would be competent in legal and other fields and who could be called upon to find the facts in relation to specific disputes. Member States would be asked to submit the names of a limited number (up to five) of their nationals for inclusion in such a register. The register would be published by the Secretary-General on the basis of the replies received from Member States.

3. In the event of a dispute the States involved might, by agreement, each nominate one person from the register; the persons nominated would, in turn, select a Chairman, who might not necessarily be drawn from the register. The task of the fact-finding organ so established would be to ascertain the facts relating to the dispute and to submit a report to the States concerned.

4. The task of the fact-finding organ would be confined exclusively to the finding of the facts relating to the dispute and would not extend to the making of proposals regarding the solution of the dispute.

5. The expenses of the fact-finding organ would be divided between the parties to the dispute in the way assessed by that organ.

6. The General Assembly should also recommend that greater use be made of existing machinery for fact-finding within the framework of international organizations.

"II. Consideration might be given, in addition to the above, to the possibility that individual members of the International Court of Justice might be asked to act as Chairman of the fact-finding bodies established under paragraph 3 above.

"III. On the basis of the above, the Finnish delegation would like to submit the following operative paragraphs of a draft resolution for the attention of the Working Group:

'The General Assembly,

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'1. Asks the Secretary-General to prepare a register of experts nominated by Governments of Member States, to be used as a basis for the selection of ad hoc organs for fact-finding;

'2. Requests Member States to nominate not more than five of their nationals who would be competent in legal and other fields for inclusion in the register of experts;

'3. Invites Member States if possible, in the event of a dispute, to agree to have recourse to the register of experts for the purpose of establishing an ad hoc organ for fact-finding;

'4. Suggests that, in principle, one person should be nominated by each of the States parties to a dispute. The persons so nominated select a chairman who might not necessarily be drawn from the register;

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'5. Agrees that the task of any ad hoc organ so established would be to ascertain the facts relating to the dispute and to submit a report to the States concerned;

'6. Agrees further that the expenses of the ad hoc fact-finding organ would be divided between the States parties to the dispute the way assessed by the organ'."

10. Several delegations noted with satisfaction that the formula proposed by Finland meant the setting up of ad hoc organs and had the advantage of allowing States complete freedom; approval of the suggested system of financing was also voiced. Nevertheless, it was pointed out that other methods of fact-finding already existed, that other suggestions had been made, and that it might not be desirable to lay stress on one of those methods to the detriment of the others, especially as the Panel created by resolution 268 D (III) had not fulfilled the hopes placed in it. One representative stated that some aspects of the suggested formula called for more thorough study and that the Working Group might be departing from its terms of reference if it made so specific a proposal. Nevertheless, in the interest of compromise, many delegations expressed willingness to support the main idea of the Finnish proposal, and it was decided to include the proposal in the text of the draft resolution recommended by the Working Group (see para. 16).

11. The text submitted by the Netherlands read as follows:

"The General Assembly,

"Recalling its resolutions 1967 (XVIII) of 16 December 1963, 2104 (XX) of 20 December 1965 and 2182 (XXI) of 12 December 1966 on the question of methods of fact-finding,

"Noting with appreciation the two reports submitted by the Secretary-General in pursuance of the above-mentioned resolutions,

"Noting the comments submitted by Member States pursuant to paragraph 1 of resolution 1967 (XVIII), paragraph 2 of resolution 2104 (XX) and paragraph 1 of resolution 2182 (XXI), and the views expressed during its eighteenth, twentieth, twenty-first and twenty-second sessions,

"Noting chapter VII of the report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States, established under General Assembly resolution 1966 (XVIII) of 16 December 1963,

"Considering that, in Article 33 of the Charter, inquiry is mentioned as one of the peaceful means by which the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall seek a solution, and that inquiry, investigation and methods of fact-finding are also referred to in other instruments of a general or regional nature,

"Recognizing the importance of effective impartial fact-finding as a means towards the settlement of disputes and the need to promote its further development and strengthening,

"Bearing in mind that an early ascertainment of facts may be instrumental in preventing disputes and failure to comply with obligations,

"Considering that recourse to or acceptance of a procedure for impartial fact-finding, including any obligation freely undertaken to submit existing or future disputes concerning the facts to any such procedure, shall not be regarded as incompatible with sovereign equality,

"Having examined certain specific proposals put forward in the course of the discussions of this subject in the General Assembly,

"Considering that certain facilities for impartial fact-finding by the method of inquiry already exist for use by the international community,

"Believing that an important contribution to the peaceful settlement of disputes and to the prevention of such disputes could be made by providing for impartial fact-finding within the framework of international organizations and in bilateral and multilateral conventions,

"1. Reaffirms the importance of impartial fact-finding in appropriate cases, for the settlement and the prevention of disputes;

"2. Paragraph on fact-finding organ or Panel as proposed by the Netherlands or Finnish delegation, if the Working Group decides to include one of these proposals;

"3. Urges Member States and United Nations organs in appropriate cases to make use of existing fact-finding machinery with a view to facilitating the settlement of disputes and the compliance with multilateral and bilateral agreements;

"4. Calls upon Member States to make nominations to the Panel for Inquiry and Conciliation created by General Assembly resolution 268 D (III) of 28 April 1949 and to keep in mind the possibility of using the Panel in appropriate instances;

"5. Recalls the facilities for Commissions of Inquiry to be formed ad hoc under the Hague Conventions of 1899 and 1907 and the facilities in connexion with fact-finding procedures offered by the Permanent Court of Arbitration established by those Conventions;

"6. Appeals to Member States which have not yet done so to accede to the Revised General Act for the Pacific Settlement of International Disputes;

"7. Urges organs of the United Nations and other organizations in considering regional problems, and regional organizations to develop and use procedures of impartial fact-finding, wherever such procedures might assist in handling disputes with which they may be concerned;

"8. Invites the Secretary-General in the course of his routine examination of the Secretariat's structure to consider suggestions made for the facilities in the Secretariat to assist States desiring to use methods of fact-finding;

"9. Invites the Secretary-General to consider sympathetically requests for assistance in making qualified persons, staff and facilities available on the request of the parties to a dispute, and to assist them in carrying out tasks of fact-finding;

"10. Requests the Secretary-General each year to communicate to the General Assembly and the Security Council the last consolidated list of persons designated by Member States to serve on the Panel for Inquiry and Conciliation;

"11. Expresses the hope that in the course of any study which UNITAR may make of this subject it will take account of the studies, proposals and suggestions made and the views expressed during the consideration of this question by the General Assembly;

"12. Requests the Secretary-General to transfer the studies, proposals and suggestions made and the views expressed during the consideration of this question by the General Assembly to the International Law Commission if that Commission takes up this question."

12. The delegate of the Netherlands pointed out that the fifth and eleventh preambular paragraphs of his proposal were based on preambular paragraphs contained in resolution 1967 (XVIII) and that the eighth preambular paragraph followed the wording agreed upon by the Special Committee on Friendly Relations with regard to the peaceful settlement of disputes. As to the fourth and sixth operative paragraphs, the Netherlands delegate explained that they reflected the suggestions put forward by the Secretary-General in his report (A/5694, para. 386); operative paragraph 10 was also to be read in the same context. Operative paragraphs 5 and 7 were founded on the proposals made by the United Kingdom and Japan (A/C.6/SC.9/L.1, paras. 10 and 5). Operative paragraphs 8 and 9 took up the ideas put forward by Ceylon and Nigeria (*ibid.*, paras. 7 and 13). Operative paragraph 11 was based on UNITAR's report (A/6500, p. 17 and annex II, para. 9 (g)), while operative paragraph 12 should be considered in the light of the report of the International Law Commission on the work of its nineteenth session (A/6709/Rev.1, para. 46).

13. In connexion with this text, the Working Group gave careful consideration to a proposal whereby reference would have been made in the preamble of the draft resolution put forward by the Group to some of the main facilities for fact-finding which now exist, such as those available under the Panel for Inquiry and Conciliation established under General Assembly resolution 268 D (III), the facilities for the formation of ad hoc Commissions of Inquiry under The Hague Conventions of 1899 and 1907, the facilities with respect to fact-finding existing within the framework of the Permanent Court of Arbitration and under the provisions of the General Act for the Pacific Settlement of International Disputes. A formulation along these lines was not acceptable, however, to certain members of the Group. It was eventually agreed, after informal discussions, that the following text should be included in the preamble of the proposed draft resolution (see para. 16):

"Recalling the possibility of the continued use of existing facilities for fact-finding,"

At the same time, the Group accepted that it should be stated in its report that the facilities referred to included those provided by the Panel for Inquiry and

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Conciliation set up under resolution 268 D (III), the facilities for the formation of ad hoc Commissions of Inquiry under The Hague Conventions of 1899 and 1907 and the facilities within the framework of the Permanent Court of Arbitration and under the provisions of the General Act for the Pacific Settlement of International Disputes, A few delegations stressed the fact that this statement was without prejudice to their position in regard to those facilities.

14. Operative paragraphs 7 and 9 were not accepted. Some delegations said that they contained suggestions that were of interest. One representative observed, however, that if some of the suggestions that had been made were mentioned it might be necessary to list all of them, thus causing the whole attempt at reconciliation to break down. Paragraph 11 was also not accepted. Some delegations felt that there would be no danger in drawing attention to the study which the United Nations Institute for Training and Research intended to make, since to do so would not prejudice anyone's position. Others, however, took the view that an express reference to the work of the Institute was unnecessary in the context.

15. The delegate of Czechoslovakia pointed out that his proposal, the text of which is given below, was based upon consultation with a large number of delegations:

"The General Assembly,

"Recalling its resolutions 1967 (XVIII) of 16 December 1963, 2104 (XX) of 20 December 1965 and 2182 (XXI) of 12 December 1966 on the question of methods of fact-finding,

"Noting the comments submitted by Member States pursuant to paragraph 1 of resolution 2182 (XXI) and the views expressed during its twenty-second session,

"Taking into account that ad hoc bodies are one of the methods of fact-finding,

"Reaffirming its belief that an important contribution to the peaceful settlement of disputes and to the prevention of such disputes could be made by recourse to the methods of fact-finding within the framework of international organizations or under appropriate arrangements,

"1. Invites States to take into consideration, whenever it appears indispensable, in the selection of means for the solution of their disputes, also the possibility to entrust the ascertaining of facts relating to the

dispute to the existing competent organizations or to ad hoc bodies in conformity with the principles of international law and the Charter of the United Nations and without prejudice to the right to seek other peaceful means of settlement of their own choice;

"2. Draws the attention to the fact that, whenever the methods of peaceful settlement of disputes will be applied in accordance with Article 33 of the Charter of the United Nations in every concrete case, recourse should be made according to the possibility, if it appears appropriate, to investigation for fact-finding in accordance with the provisions of the Charter of the United Nations."

16. Some comments were made concerning the third preambular paragraph, which appeared to refer only to ad hoc fact-finding bodies to the exclusion of permanent organs. With respect to operative paragraph 1, some delegations requested that a reference should be made to permanent fact-finding organs, if only through the use of the wording "ad hoc or other bodies". However, this was not acceptable to other delegations. It was ultimately decided to include in the text of the draft resolution the following wording: "to competent international organizations and bodies established by agreement between the Parties concerned". In connexion with paragraph 2, some delegations stressed that, besides Article 33 of the Charter, Article 2, paragraph 3, among others, also applied, and that the paragraph should be worded accordingly. Agreement was ultimately reached on the following text, which it was decided to include in the Working Group's draft resolution:

"Draws special attention to the possibility of recourse by States in particular cases, where appropriate, to procedures for the ascertainment of facts, in accordance with Article 33 of the Charter of the United Nations,".

III. RECOMMENDATION OF THE WORKING GROUP

17. In the light of the above report and of the discussions which took place, the Working Group on Question of Methods of Fact-Finding unanimously adopted the following draft resolution which it submits for the consideration of the Sixth Committee:

The General Assembly,

Recalling its resolutions 1967 (XVIII) of 16 December 1963, 2104 (XX) of 20 December 1965 and 2182 (XXI) of 12 December 1966 on the question of methods of fact-finding,

/...

Noting the comments submitted by Member States pursuant to the above-mentioned resolutions and the views expressed in the United Nations,

Noting with appreciation the two reports submitted by the Secretary-General in pursuance of the above-mentioned resolutions,

Recognizing the usefulness of impartial fact-finding as a means towards the settlement of disputes,

Believing that an important contribution to the peaceful settlement of disputes and to the prevention of disputes could be made by providing for impartial fact-finding within the framework of international organizations and in bilateral and multilateral conventions or other appropriate arrangements,

Affirming that the possibility of recourse to impartial methods of fact-finding is without prejudice to the right of States to seek other peaceful means of settlement of their own choice,

Reaffirming the importance of impartial fact-finding in appropriate cases, for the settlement and the prevention of disputes,

Recalling the possibility of the continued use of existing facilities for fact-finding,

1. Urges Member States to make more effective use of the existing methods of fact-finding;

2. Invites Member States to take into consideration, in choosing means for the peaceful settlement of disputes, the possibility of entrusting the ascertainment of facts, whenever it appears appropriate, to competent international organizations and bodies established by agreement between the Parties concerned, in conformity with the principles of international law and the Charter of the United Nations or other relevant agreements;

3. Draws special attention to the possibility of recourse by States in particular cases, where appropriate, to procedures for the ascertainment of facts, in accordance with Article 33 of the Charter of the United Nations;

4. Requests the Secretary-General to prepare a register of experts, in legal and other fields, whose services the States parties to a dispute may use by agreement for fact-finding in relation to the dispute, and requests Member States to nominate up to five of their nationals to be included in such a register.

ANNEX II

Document prepared by the Secretariat listing the suggestions made by Member States and by the Secretary-General in relation to the question of existing or possible improved methods of fact-finding*

INTRODUCTION

1. At its 991st meeting on 3 November 1967, the Sixth Committee adopted a resolution establishing a Working Group on the Question of Methods of Fact-Finding. In operative paragraph 1 of the resolution it was stated that the task of the Working Group would be

"to report and to make recommendations on the possibilities of reconciliation of different views in order to expedite the consideration of the item by the Sixth Committee, in the light of the reports of the Secretary-General, the views expressed and the proposals made".

2. In operative paragraph 2 of the resolution the Sixth Committee requested the Secretariat

"to prepare a document listing all the suggestions made by Member States and by the Secretary-General in relation to the question of existing or possible improved methods of fact-finding".

The present document, which has been prepared in response to this request, does not attempt to recapitulate all the views that Member States have expressed at various times since the topic was first raised, but only to list the specific suggestions which have been made regarding either existing or possible improved methods of fact-finding. A more extensive study would, in any case, be difficult to execute in the limited time available, having regard to the fact that the Working Group is to report to the Sixth Committee at the present session of the General Assembly.

* Previously issued under the symbol A/C.6/SC.9/L.1.

3. The document has been prepared on the basis of the following United Nations records:

- Official Records of the General Assembly, Eighteenth Session, Sixth Committee, Summary Records. Discussion of agenda item 71, 803-825, 829 and 831-834 meetings.
- Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States. First Session, 1964. 36, 37 and 39 meetings.
- Official Records of the General Assembly, Twentieth Session, Sixth Committee, Summary Records. Discussion of agenda items 90 and 94, 870-872, 874-893 and 898 meetings.
- Official Records of the General Assembly, Twentieth Session, Annexes, agenda items 90 and 94
 - Report of the Secretary-General on methods of fact-finding (A/5694).
 - Comments received from Governments on Member States (A/5725 and Add.1-7).
 - Report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States, chapter VII (A/5746).
- Official Records of the General Assembly, Twenty-first Session, Sixth Committee, Summary (or Provisional Summary) Records. Discussion of agenda item 87. 924-942 meetings.
- Official Records of the General Assembly, Twenty-first Session, Annexes, agenda item 87.
 - Comments received from Governments of Member States (A/6373 and Add.1)
- Question of Methods of Fact-Finding: Note by the Secretary-General. A/6686 and Add.1-3.
- General Assembly, Twenty-second Session, Sixth Committee. Provisional Summary Records, 989-991 meetings.

In addition reference is made in one case to a statement made before the General Assembly.

4. The suggestions are set out in the alphabetical order of the Member States making the suggestions, followed by the suggestion of the Secretary-General. No reference is made to the comments of other Member States regarding the suggestions made.

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SUGGESTIONS

(1) Establishment of a Special body reporting to the Security Council (Cameroon)

5. In submitting its comments in response to resolution 1967 (XVIII), the Government of Cameroon stated:

"As to the question of methods of fact-finding, it would be desirable for consideration to be given to the establishment of a special body reporting to the Security Council. Such a body should draw up an inventory of existing national customs and legal media, develop and improve them and make them effective. It should also study the most up-to-date methods of impartial fact-finding". a/

(2) Maintenance of a panel by the General Assembly (Ceylon)

6. In the course of his statement at the 990th meeting of the Sixth Committee on 3 November 1967, the representative of Ceylon stated that:

"His Government might be willing to consider the maintenance by the General Assembly of a panel which would include nominees from all Member States and offer a complete range of specialization. While the parties should be encouraged to select the members of a particular commission of inquiry from such a panel, their choice should not be limited to the panel. In that way, the flexibility of the investigating organ's terms of reference would be matched by flexibility of its composition. That would allow for the fact that the report of an organ of inquiry was inevitably coloured to some extent by the individual judgements of its members, and would at the same time ensure that the membership continued to enjoy the confidence that the parties had placed in it. The ad hoc approach would ensure the representation on an organ of inquiry of persons trained in the particular disciplines demanded by the nature of the investigation, and would reduce the membership to the number required for the efficient discharge of the organ's functions".

7. He added that

"If the General Assembly were to establish a roster of names, the Secretariat might be asked to supply the requisite staff and administrative support, initially perhaps on a part-time basis. The staff might be headed by an executive secretary whose functions would be confined to providing organs of inquiry with the facilities and services required for the discharge of their functions, and who would seem well qualified to act as repository of the body of experience that would develop from the work." b/

a/ Official records of the General Assembly, twentieth session, annexes, agenda items 90 and 94, A/5725)

b/ A/C.6/SR.990.

(3) Establishment of a special international body for fact-finding or, alternatively, the conferring of appropriate powers on existing organizations (Ecuador)

8. In its written comments submitted in response to resolution 2182 (XXI), the Government of Ecuador declared that it would be desirable to establish a special international body for fact-finding. As an alternative, however, the Government considered that

"appropriate powers should be conferred on existing organizations which are capable of undertaking the work of fact-finding in international relations". c/

A number of other Governments have made similar proposals.

9. Speaking in the General Assembly on 26 September 1967, the representative of Ecuador stated that

"Consideration must be given to the possibility of creating a special international body for fact-finding, which must be of a standing nature and endorsed with sufficiently flexible terms of reference to permit it to enjoy the assistance of specialists or experts in every case. The presence of such a body in a dispute would be a guarantee of effectiveness and impartiality in the dealings among the parties thereto." d/

(4) Compilation of a list of experts (Finland)

10. In response to resolution 2182 (XXI), the Government of Finland stated that, in its opinion, the importance of fact-finding as a means of settling international disputes depended primarily upon the fact finders' special expert knowledge and technical experience of the matter which was the subject of the dispute. The Finnish Government was accordingly of the view that

"it would be of great importance to consider the possibilities of setting up a list of experts similar to the register of experts and scholars in international law (A/6677) which has been prepared on the initiative of the Secretary-General with a view to furthering the appreciation of international law by providing technical assistance. Likewise it should be considered in which way international organizations representing special technical and economic fields could offer their help to States needing for the settlement of disputes fact-finding carried out by an important body." e/

c/ A/6686/Add.1.

d/ A/PV.1568.

e/ A/6686/Add.3.

(5) Stationing of United Nations representatives in various geographical regions of the world (Japan)

11. The Japanese Government, in indicating its support for the idea of establishing a special international body for fact-finding or of entrusting to an existing organization fact-finding responsibilities, has on several occasions expressed the view that regard should be had to questions of feasibility and of relative expenditure. With these considerations in mind, the Japanese Government suggested that study should be given to the idea

"of posting representatives of the United Nations in some form or other in the various geographical areas of the world. It would naturally be desirable if such representatives, for example, as representatives of the Secretary-General, were stationed permanently in each part of the world, especially in such unstable regions as South-East Asia, the Middle East, Africa and Latin America. The Japanese Government considers that securing such United Nations presence in various regions would make possible speedy fact-finding activities by these representatives upon recommendation by the Security Council or the General Assembly and would greatly contribute to the pacific settlement of disputes. If the posting of permanent representatives were not feasible, roving institutions in some form or other might also serve the purpose."f/

(6) Establishment of a permanent organ (Netherlands)

12. The Netherlands has made a number of suggestions for the establishment of a permanent organ. The most detailed suggestion is that contained in document A/6373. The main features of that suggestion are that the organ should supplement the function of existing institutions, that the co-operation of States would be voluntary, and that the means used should be flexible. The organ's terms of reference would be limited to the establishment of facts concerning disputes, or which are relevant to the execution of international agreements, or which are required for informational purposes in the taking of decisions at international level. The organ would be a standing body, composed of independent persons of high moral standing and acknowledged impartiality; it was suggested that fifteen members would be a suitable number. The organ would be placed at the disposal of the United Nations and the specialized agencies, or of two or more States. The terms of reference of the organ would be determined by its statute and by the

mandate issued to it for each separate inquiry. As regards procedure, the initiative to institute an inquiry should rest exclusively with States or inter-governmental organizations. The granting of admission to territory or other facilities for the execution of a fact-finding mandate would, as a rule, be mentioned or implied in the inquiry agreement between the States concerned, but might also be given by a third State if its co-operation was required. The report of the organ would be by majority vote, with mention of any differences of opinion amongst members. The organ might be established and its statute adopted by a resolution of the General Assembly, or by any other means that might be appropriate.

(7) Special Department in the United Nations Secretariat (Nigeria)

13. In its comments regarding resolution 2182 (XXI), the Government of Nigeria stated, inter alia,

"The Government of Nigeria is not averse to the establishment within the United Nations Secretariat of a special department to be ready and at hand to advise and help any ad hoc fact-finding body that may be established from time to time. Since the questions which will be subject to fact-finding are of different kinds and may necessitate employing the services of experts in the field covered by an inquiry, an ad hoc body will have definite advantages over a permanent body." g/

(8) Formation of ad-hoc fact-finding committees by the Secretary-General (Philippines)

14. In submitting its comments in response to resolution 1967 (XVIII), the Government of the Philippines declared that, in preference to the establishment of a permanent fact-finding body within the United Nations, the Government considered that

"it would be more feasible to authorize the Secretary-General to form ad hoc fact-finding committees whenever situations arise necessitating the determination of the nature of a dispute or the causes thereof." h/

g/ A/6686/Add.2.

h/ Official records of the General Assembly, twentieth session, annexes, agenda items 90 and 94, (A/5725/Add.7).

(9) Establishment of a special international body for fact-finding (Singapore)

15. The Singapore Government stated that it welcomes "the establishment of a special international body for fact-finding". i/

(10) Use of the Permanent Court of Arbitration (United Kingdom)

16. In its comments submitted in response to resolution 2182 (XXI), the Government of the United Kingdom suggested that an examination of existing instruments for fact-finding, with a view to their possible adaptation, should go hand in hand with consideration of the question of whether or not it would be useful to establish a new permanent organ for fact-finding. In this connexion the Government expressed the view that:

"For example, it is quite likely that the Permanent Court of Arbitration at The Hague already provides the foundation for whatever may be required at least in the realm of the settlement or prevention of international disputes. The growth of the membership of the Permanent Court of Arbitration from forty-five in 1946 to sixty-five in 1966, as well as the direct experience of the Government of the United Kingdom in the use of that Court in the case of the Red Crusader, encourages them in this view." j/

A similar suggestion was made by the Government of Turkey. k/

(11) Reconstruction of the Panel for Inquiry and Conciliation established under resolution 268 D (III) or Greater Use of Rapporteurs and Conciliators in cases before the General Assembly and the Security Council (United States)

17. Speaking in the Sixth Committee at its 990th meeting on 3 November 1967, the representative of the United States suggested that, as regards methods of fact-finding,

"Perhaps the Panel for Inquiry and Conciliation should be reconstructed, or perhaps greater use should be made of rapporteurs and conciliators in cases before the Security Council and the General Assembly." l/

i/ A/6686/Add.1.

j/ A/6686.

k/ Ibid.

l/ A/C.6/SR.990.

(12) Appeal to Member States to accede to the General Act for the Pacific Settlement of International Disputes and to Participate in the Panel for Inquiry and Conciliation (Secretary-General)

18. In the conclusion of the report of the Secretary-General on methods of fact-finding, the Secretary-General gave an account of the evolution of the institutions of international inquiry.^{m/} After dealing with the previous efforts made, in particular those of the League of Nations, the Secretary-General drew attention to the ways in which the United Nations had tried to maintain these endeavours. Besides the inclusion of Article 33 in the Charter, in resolution 268 (III) of 28 April 1949, the General Assembly had sought to renew previous efforts and to give them a fixed status. In resolution 268 A (III) the General Assembly restored to its original efficacy the General Act for the Pacific Settlement of International Disputes (which had been adopted by the Assembly of the League of Nations in 1928), by introducing into its text a number of amendments which took into account the fact that the organs of the League of Nations and the Permanent Court of International Justice had ceased to function.^{n/} In resolution 268 D (III), after expressing the view that it was desirable to facilitate in every practicable way the compliance of Member States with the obligation contained in Article 33 of the Charter, the General Assembly decided to establish a panel of persons, with a view to the constitution of commissions of inquiry or conciliation, as a means of promoting the use and effectiveness of procedures of inquiry and conciliation. The Assembly accordingly invited each Member State to designate from one to five persons well fitted to serve as members of such commissions, and adopted a set of articles relating to the composition and use of the panel of persons thus designated.^{o/} The panel, which so far consists of persons designated by only fifteen Member States,^{p/} has never been used either

m/ Official records of the General Assembly, twentieth session, annexes, agenda items 90 and 94, A/5694, para. 374-386.

n/ For a description of the measures adopted by the Assembly, see ibid, paras. 109-118.

o/ Ibid., paras. 156-157.

p/ Austria, Brazil, Ceylon, Denmark, Dominican Republic, Ecuador, El Salvador, Greece, Haiti, Israel, Netherlands, Pakistan, Sweden, United Arab Republic, United Kingdom of Great Britain and Northern Ireland.

by States or by the United Nations organs for which it was intended. In addition, only six States have so far acceded to the General Act for the Pacific Settlement of International Disputes, as revised by the General Assembly in 1949.^{q/} The Secretary-General then continued:

"This being so, and in view of the large number of States which have become Members of the United Nations since the adoption of the above-mentioned resolution by the General Assembly, it would perhaps be desirable for the Assembly to appeal to Member States which have not yet done so to accede to the Revised General Act and participate in the establishment of the panel, with a view to the constitution of commissions of inquiry or conciliation. At the same time, the appeal could urge them to make use of the panel in selecting members of commissions entrusted with inquiry or conciliation functions, constituted either by United Nations organs or by parties to a dispute. Obviously this suggestion is entirely without prejudice to the solution of the general question of the feasibility and desirability of establishing a special international body for fact-finding, or of entrusting fact-finding responsibilities to an existing organization - the subject of the last preambular paragraph in General Assembly resolution 1967 (XVIII)." ^{r/}

19. This suggestion was endorsed by a number of Governments to Member States, including in particular the Government of Sweden.^{s/}

^{q/} Belgium, Denmark, Luxembourg, Norway, Sweden, Upper Volta (as of 1 November 1967).

^{r/} Official records of the General Assembly, twentieth session, annexes, agenda items 90 and 94, A/5694, para. 386.

^{s/} See the reply of the Government of Sweden, *ibid.*, A/5725/Add.2.