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QUESTION OF METHODS OF FACT-FINDING

Note by the Secretary-General

Addendum

REPLIES RECEIVED FROM MEMBER STATES^{1/}

FINLAND

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The United Nations General Assembly has in its Resolution 2182 (XXI) expressed "its belief 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". The Government of Finland shares this conviction and considers a thorough examination of the question of methods of fact-finding carried out by appropriate United Nations bodies to be of great importance. The two reports^{2/} submitted by the Secretary-General provide a sufficient amount of material for a comprehensive examination of the question.

^{1/} For the replies from the Governments of Brazil, Italy, Mexico, Turkey and the United Kingdom of Great Britain and Northern Ireland see A/6686 and Corr.1, for those from the Governments of Ecuador, Japan, Singapore and the Union of Soviet Socialist Republics see A/6686/Add.1, and for those of the Governments of Bulgaria and Nigeria see A/6686/Add.2.

^{2/} Official Records of the General Assembly, Twentieth Session, Annexes, agenda items 90 and 94, document A/5694; ibid., Twenty-first Session, Annexes, agenda item 87, document A/6228.

The Government of the Netherlands, to which we are indebted, put forward at the twenty-first session of the General Assembly certain proposals^{3/} concerning practical procedures for fact-finding. According to these proposals a special body for fact-finding would be set up with a view to promoting the above-mentioned activity. The necessity of establishing such a new special body was already dealt with in some statements in the Sixth Committee of the General Assembly, but on the whole final standpoints have not yet been expressed. The Government of Finland wishes to reaffirm what was stated by the Finnish delegation at the twenty-first session of the General Assembly.^{4/} It has certain doubts concerning the need and advisability of a new permanent body for fact-finding. In our opinion the importance of fact-finding as a means of settling international disputes depends primarily upon the fact-finders' special expert knowledge and technical experience of the matter which is the subject of the dispute. Nearly all the special bodies used for fact-finding by the different organizations mentioned in the report of the Secretary-General are composed of experts or have only certain kinds of problems to deal with. This implies the presumption that the new fact-finding machinery would prove most useful if it could give States needing its services a possibility of using all the special experts available. Such a solution could be reached more successfully by organizing the use of all existing international bodies for fact-finding than by setting up beside the International Court of Justice a new authoritative body of a general nature but without the competence to conciliate or arbitrate. According to its opinion 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 impartial body.

^{3/} Ibid., Twenty-first session, Annexes, agenda item 87, documents A/6373 and Add.1; ibid., Sixth Committee, 931st meeting, paras. 8-11, 939th meeting, para. 19.

^{4/} Ibid., Sixth Committee, 934th meeting, para. 31.