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SUMMARY RECORD OF THE 17th MEETING

Chairman: Mr. MIKULKA (Czechoslovakia)

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The meeting was called to order at 10.25 a.m.

AGENDA ITEM 144: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued) (A/45/33)

AGENDA ITEM 139: PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES (continued) (A/45/436 and Add.1, A/45/522-S/21795, A/45/527-S/21801, A/45/597, A/45/598-S/21854, A/45/600-S/21857; A/C.6/45/L.1)

1. Mr. LINTON (Sweden) said that the forty-fifth session of the General Assembly was taking place at a time when, on the one hand, political barriers among many States had been broken down. On the other hand, however, the world was facing a serious international crisis following the illegal occupation and annexation of Kuwait. The international community's response had been convincing. The mechanisms of the United Nations and the principle of collective security had been applied as originally intended.

2. The Special Committee had made considerable progress over the past year, as reflected in the consolidation of two working papers on fact-finding into a single document (A/45/33, para. 68). Paragraphs 18 and 19 of the paper in question on unilateral declarations were interesting, as was the idea of entrusting fact-finding functions to international organizations or their representatives.

3. Sweden noted that at its most recent session the Special Committee had been able to finalize a draft document on the rationalization of existing United Nations procedures.

4. The draft handbook on the peaceful settlement of disputes between States would be a very useful instrument, and Sweden would make every effort to ensure that it was widely distributed. However, Sweden endorsed Finland's view that it was doubtful whether the item on the peaceful settlement of disputes between States should be retained on the Special Committee's agenda. With regard to new items for consideration by the Special Committee, Sweden supported Finland's proposal on the consideration of practical programmes relating to action under Chapter VII of the Charter, such as the issue of "sanctions management" and the plight of third-country citizens stranded in the State against which the United Nations had decided to take measures.

5. The International Court of Justice remained the focal point of third-party dispute settlement. Sweden therefore welcomed Poland's recent acceptance of the Court's compulsory jurisdiction, under Article 36, paragraph 2, of its Statute.

6. It was true that as a result of recent international developments international law had entered an operative stage. He wondered, however, whether even more could be done currently to strengthen the rule of law in international relations. More specifically, he wished to comment on the role of the International Law Commission and that of the Sixth Committee.

(Mr. Linton, Sweden)

7. Sweden shared the view expressed by the Minister for Foreign Affairs of Poland, in his address to the General Assembly at the current session, that during the Decade of International Law more attention should be focused on the Commission's work. Sweden also shared his view that the Commission should devote less time to academic topics and discussions and instead concentrate on the great legal issues of the current time, elaborating specific law-making treaties.

8. The Sixth Committee's work had been brought into focus in recent years. Various methods had been suggested for streamlining its work, particularly the way in which it dealt with the Commission's report, and in 1988 informal discussions had been held on the subject. The legal advisers to the Ministries of Foreign Affairs of Canada, India, Mexico, Poland and Sweden, who participated in the Committee's work, had come to believe that it was important to establish a point in time when the individuals responsible for international legal matters at ministries of foreign affairs and for formulating instructions to the representatives of the corresponding countries in the Committee, or for supervising that activity, should also take part in the Committee's deliberations. They believed that it might be useful if the Committee to a greater extent than earlier provided a forum where such individuals could meet. In June 1990 the five legal advisers to whom he had just referred had written to their counterparts at other countries' ministries, inviting them to meet in a more formal setting to discuss matters of common interest. The letter of invitation stressed that the Committee had a special role to play under General Assembly resolution 684 (VII), as well as a special responsibility for monitoring international legislative work. The Committee should become the forum for decisions and initiatives in the legal field. Various options with respect to the Committee's work were set out in the letter. Sweden hoped that as many heads of legal departments as possible would be able to participate in the discussions, which would take place on Monday, 29 October.

9. Ms. RAUSCHER (Austria) said it was encouraging that the Special Committee had continued its work in a constructive manner.

10. Fact-finding activities could make an important contribution to the maintenance of international peace and security. She noted, in that connection, that in his report on the work of the Organization (A/45/1) the Secretary-General indicated that the means currently at his disposal for gathering the information that was necessary for averting the outbreak of conflicts were inadequate. Austria actively endorsed the concept of promoting preventive measures by the United Nations. Responsibility in that area necessarily lay with the Security Council and the Secretary-General, within their respective competences under the Charter. Unreserved co-operation with the competent United Nations organs was required of all States, under Article 25 of the Charter. The commitment to engage in such co-operation would best be exemplified by unreserved consent by all States to admit fact-finding missions to their territories. Such a commitment should be made by means of a unilateral declaration, as envisaged in paragraph 18 of the consolidated working paper (A/45/33, para. 68). Austria hoped that the Special Committee could complete discussion of that subject at its 1991 session and that the corresponding draft could be submitted to the General Assembly at its forty-sixth session.

(Ms. Rauscher, Austria)

11. Austria welcomed the proposals concerning the rationalization of existing United Nations procedures set out in the draft document submitted to the General Assembly at the current session for adoption. However, it was disappointing that agreement had been possible only on the lowest common denominator.

12. The draft handbook on the peaceful settlement of disputes between States would be very useful. Austria believed, however, that once the handbook had been finalized and in view of the primacy of the concept of promotion of the peaceful settlement of disputes within the framework of the Decade of International Law, the topic of the peaceful settlement of disputes should no longer be kept on the Assembly's agenda as a separate item.

13. Her delegation wished to recall its initiative at the forty-fourth session of the General Assembly with regard to the need to elaborate a system for the prevention and settlement of disputes concerning the environment. A whole new body of international environmental law was being developed, which should now be completed through the provision of adequate means of dispute settlement. In the future, environmental disputes would be one of the central areas where the peaceful settlement of disputes would be called for. The subject should therefore be a central topic for discussion in the context of the Decade.

14. The compulsory jurisdiction of the International Court of Justice was a corollary of acceptance of the principles of the supremacy of law in international relations and the peaceful settlement of disputes. Austria had therefore submitted to the Court's compulsory jurisdiction by making a declaration under Article 36 of the Statute, without any reservation other than that of reciprocity. Her delegation urged other States to do likewise. Austria welcomed both the withdrawal of reservations regarding the Court's compulsory jurisdiction by a number of States and the significant shift in the attitude of States towards mandatory third-party dispute settlement. With regard to the Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice, her delegation wished to announce that Austria intended to contribute an amount of $10,000, subject to parliamentary approval.

15. The proposal put forward by the Soviet Union at the Special Committee's latest meeting merited further considered. Finland's proposal to consider practical problems relating to action under Chapter VII of the Charter was also interesting. However, Austria wondered whether the elaboration of generally applicable guidelines was actually feasible. General guidelines might lack the necessary flexibility when applied to a particular case before the Security Council. In any event, it should be made clear that the Council must remain the master of its own procedure and be free to decide in any given case how it should proceed. However, Austria was prepared to give the proposal further thought in the light of any additional explanations Finland might wish to provide.

16. Mr. AL-DOSARI (Bahrain) expressed his delegation's appreciation for the report of the Special Committee. He urged that the unified document on fact-finding by the United Nations in the field of the maintenance of international peace and

(Mr. Al-Dosari, Bahrain)

security be studied carefully, with a view to its unequivocal adoption. It was to be hoped that the draft handbook on the peaceful settlement of disputes between States being prepared by the Consultative Group would be useful in the preparation of a universal convention on the peaceful settlement of disputes within the framework of the Decade of International Law.

17. He reiterated his delegation's conviction regarding the need for peaceful settlement of disputes between States in accordance with the principles and provisions of international law, and for the avoidance of violence and threats in international relations. The Iraqi aggression against Kuwait demonstrated that the Iraqi régime still adhered to the principle of force, thereby violating all international principles, which repudiated armed conflict in order to spare mankind calamities it could well do without.

18. Mr. DLAMINI (Swaziland) said that the Special Committee was to be commended for its efforts over the past year. Swaziland urged it to be innovative in the future, within its terms of reference and within the bounds of realism.

19. The Charter had provided a reasonably fair framework for international peace and co-operation, but it needed periodic reviews and strengthening. The régime for peace under the Charter fell short of expectations. One obvious limitation of the régime was connected with the requirement of prior consent to United Nations intervention, as demonstrated by the meagre provision made for fact-finding by the Secretary-General. Another limitation was attributable to the clauses of the Statute of the International Court of Justice providing for reservations with respect to compulsory jurisdiction. It was ironic that the provisions of the Charter and the Statute should have a restrictive effect on United Nations peace-monitoring efforts. The central question was why world or regional peace should be jeopardized just because a State involved in a dispute had not consented to United Nations intervention. Surely, the principle underlying United Nations membership was that of absolute good faith. It was doubtful whether strict adherence to the doctrine of State sovereignty, justifying the requirement of prior consent, or entering a reservation under Article 36 of the Statute were consistent with either the principle of good faith or the primary purposes of the United Nations. The time had come for the United Nations to consider improving the way in which the principles in question operated.

20. Swaziland would support any effort in the context of the Decade of International Law to reassess the adequacy of the peace-keeping and dispute-settlement systems of the United Nations. The international community would be making a significant contribution to international peace and security if it could dispense with the principle of prior consent to United Nations intervention. A new institutional arrangement designed to ensure objectivity and confidence in the procedures preceding United Nations intervention in a situation of international conflict could be devised within the United Nations system. In fact, a new peace-keeping order should be established. United Nations intervention should be the rule, not the exception. If fact-finding missions could not be dispatched expeditiously, they were not of much value for peace-keeping purposes.

(Mr. Dlamini, Swaziland)

21. The proposed handbook on the peaceful settlement of disputes between States should adopt a new and creative approach in dealing with some of the principles of international law to which he had just referred. Consensus should be encouraged, but it should not delay progress in the peaceful settlement of disputes. In the area of human rights, for instance, the efforts of the Commission on Human Rights to send investigatory missions to Member States suspected or accused of violating human rights had been either thwarted or compromised by States refusing to accept the missions. A good deal of time was spent negotiating the terms of visits. It was imperative that the United Nations should be able to intervene at an early stage when investigating allegations of human rights violations.

22. A relaxation of the principles of prior consent and State sovereignty by Member States in their dealings with the United Nations would simply mean that consent to intervention would be given in advance by the receiving State, in much the same way as in the case of recognition of the compulsory jurisdiction of the International Court of Justice, except that prior consent would be given without a requirement of reciprocity.

23. It was heartening that some Member States were already withdrawing their reservations under Article 36 of the Statute. The international community must take advantage of the existing ideological truce and peaceful overtures to strengthen the peace-making institutions of the United Nations. The "safeguards" built into the Charter and into multilateral agreements in the aftermath of the Second World War had served their purpose and were no longer relevant. No United Nations peace efforts should be delayed or avoided by outmoded concepts of international law and relations between States that had evolved in less tolerant times.

24. Swaziland accepted that the requirement of prior consent appeared to be in accordance with the principle of the sovereign equality of States and the policy of non-interference in the domestic affairs of other States. It also accepted that obtaining prior consent to United Nations intervention or fact-finding could greatly contribute to an atmosphere of trust and openness needed in the receiving State. It was not convinced, however, that the traditional notions of prior consent or State sovereignty in matters of international peace were necessarily consistent with the primary objectives of the United Nations. The traditional notion should operate only as between States inter se.

25. The Secretary-General's competence under the Charter with respect to intervention to avert escalation of international conflicts was indeed in urgent need of amplification. It was important that an effective fact-finding régime for the Secretary-General should be supported by an equally effective war-avoidance régime. Swaziland accepted that the role of the United Nations in securing peace in trouble-spots should not be viewed as exclusive or in any way suppressive of friendly or regional or other efforts that might be available in any such situations. A little rationalization of the agreed efforts should not be difficult once the principles were determined.

(Mr. Dlamini, Swaziland)

26. But fact-finding operations must be properly controlled and held to a high degree of responsibility. A Member State refusing to allow United Nations assistance in achieving peace either at home or abroad should be put on strict terms to avoid the escalation of the problem and to secure acceptable peace at an early stage. Swaziland supported greater democratization of United Nations peace-making processes and the disestablishment of the Security Council's veto system. It should be emphasized, moreover, that the question of the peaceful settlement of disputes was not important to small States alone.

27. Lack of political will was a major problem, as was the knowledge that the offender would get away with the crime. If the world community could rise to a level where success in the unauthorized use of force could not be guaranteed without an unjustifiable price to pay, the problem of political will would have been solved or at least contained. It was regrettable that the United Nations could not have at its disposal an amount of weaponry commensurate with its agenda for peace. For the time being, maybe, the international community should pin its hopes on a spirited programme in the field of the teaching, study and wider appreciation of international law.

28. Swaziland welcomed the establishment of the Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice. The Special Committee should perhaps consider whether it might be beneficial to have regional centres or divisions of the Court so as to reduce the cost of proceedings by poorer litigants. Or better still, the Court could be encouraged to move around the world, to the places where its services were required.

29. Swaziland pledged its support for the Decade of International Law. It had much ground to cover in the areas of international law and human-rights law, but with appropriate advisory services it could make acceptable progress during the Decade.

30. Mr. SCHAETTI (Observer for Switzerland) said his country wished to reaffirm the importance that it attached to the principle of the non-use of threat or force in international relations; it welcomed the key role played by the International Court of Justice in the peaceful settlement of disputes. On becoming a party to the Statute of the Court on 28 July 1948, his country had declared, under Article 36 of the Statute, that it recognized the jurisdiction of the Court without any reservations, apart from the usual condition of reciprocity. He wished to appeal once again to those States which had not yet done so to make a similar declaration.

31. He paid tribute to the Secretary-General for his tireless efforts in the area of the peaceful settlement of disputes and, in particular, for his creation of the Trust Fund to Assist States in the Settlement of Disputes, which was designed to help States lacking sufficient resources to settle their disputes through the International Court of Justice. His Government would be providing an amount equivalent to $40,000 to the fund.

32. Mr. KARONKANO (Burundi) said that his delegation had read with interest the Special Committee's report (A/45/33) and applauded the work of its Chairman and members.

33. While the idea of sending a fact-finding mission to a particular State was a sound one, any mission of that nature should be subject to the prior consent of the State concerned, which was a logical corollary to the principle of sovereignty. The final text should therefore give unequivocal emphasis to the need for prior consent. Furthermore, before initiating a fact-finding mission, it was necessary to ascertain whether other bilateral or regional procedures has been implemented.

34. The principle of the peaceful settlement of disputes was particularly important for the smaller States, since it protected them against the aggressive tendencies of larger States and helped them to avoid becoming victims of the use of force. His delegation hoped that the various declarations adopted by the General Assembly with regard to the peaceful settlement of disputes would be applied in practice, for that would promote the use of existing legal mechanisms and enhance the ability of the United Nations to effect the peaceful settlement of the disputes brought before it.

35. The peaceful settlement of disputes encompassed both political and economic disputes. Several negative economic factors, including the downward trend in commodity prices and the crushing debt burden, were potential threats to political stability. That point had been stressed by his country's Minister for Foreign Affairs and Co-operation in his address to the forty-fifth session of the General Assembly.

36. His delegation appreciated the progress made in the work on the draft handbook on the peaceful settlement of disputes between States, which would certainly be a useful reference source on that topic. It could in addition serve as the basis for the elaboration of a universal convention on that subject within the framework of the United Nations Decade of International Law.

37. Mr. MARTINEZ-GONDRA (Argentina), speaking in exercise of the right of reply, said that one delegation had made a statement at the previous meeting which called in question elementary principles of democracy, such as the concept of one person, one vote. It had been said that to give voting rights to Liechtenstein and China might present logical difficulties in connection with Article 2, paragraph 1, of the Charter of the United Nations. The Organization was based on the principle of the sovereign equality of all its Members, including Liechtenstein and China. The principles embodied in the Charter had existed for centuries and were independently valid. Liechtenstein and China had different cultures and social systems, but they were equal in terms of international law, and each was entitled to a vote.

38. Mr. SANDOVAL (Ecuador), speaking in exercise of the right of reply, said that at the previous meeting, one delegation had cast doubt on the fundamental principles of the Organization and had drawn unflattering comparisons between some Member States. In the first place, the provisions of the Charter constituted an organic whole and must be applied by all States so long as they had not been

(Mr. Sandoval, Ecuador)

amended. There was no basis, therefore, for objecting to the principle that each Member State was entitled to one vote. Secondly, the concept of the legal and sovereign equality of States did not derive from a biased interpretation of the Charter, but was rather the basis of peaceful coexistence among all States within a democratic organization. Accordingly, it was unacceptable to draw a comparison between two Member States, one very large and the other very small, in order to call in question the appropriateness of their having equal voting rights. The experience of the previous meeting showed that it was essential to remain vigilant in defending the principles of the Charter. Even in an era of dialogue and universal co-operation, dangers persisted. His country would adamantly oppose any attempt to undermine the principle of the legal equality of States as reflected in the concept of one State, one vote.

39. Mr. MONTES de OCA (Mexico), speaking in exercise of the right of reply, said that he associated himself with the views expressed by the representatives of Argentina and Ecuador.

AGENDA ITEM 147: CONCILIATION RULES OF THE UNITED NATIONS (A/45/143 and Corr.1; A/C.6/45/L.2)

40. Mr. SAENZ de TEJADA (Guatemala), introduced draft resolution A/C.6/45/L.2, annex I to which contained the revised version of the conciliation rules proposed by his delegation in document A/45/143 and Corr.1.

41. His country was aware that conciliation had not been spectacularly successful as a means of resolving international conflicts, but he believed that there was a potential for improvement. Many bilateral, multilateral and regional treaties already provided for recourse to conciliation as a means of settling disputes with regard to their application or interpretation. Accordingly, States wishing to conclude ad hoc conciliation agreements could use the existing treaties as a guideline.

42. However, those models were not entirely satisfactory. Few of them made use of the work accomplished with regard to conciliation by the Institute of International Law in 1961. His Government had therefore proposed, for adoption by the General Assembly, a model set of norms contained in annex I to the draft resolution, entitled "United Nations rules for the conciliation of disputes between States".

43. A conciliation procedure could be applied to any type of dispute, with the exception of disputes of a purely legal nature. The rules provided for three conciliation modalities, namely, a sole conciliator, a three-member commission and a five-member commission. The procedure involving a sole conciliator, which was governed by chapters VI and VIII of the rules, differed substantially from that involving a commission. For instance, a sole conciliator could operate with greater flexibility and informality than a commission. However, a sole conciliator did not have investigative powers; accordingly, such a proceeding was not advisable in cases of disputes involving issues of fact only. The sole conciliator procedure was nearly identical to mediation except that it was carried out exclusively by individuals and was more formal than traditional mediation procedures.

(Mr. Saenz de Tejada, Guatemala)

44. He drew attention to article 13, which provided for the secrecy of proceedings involving a sole conciliator, to article 12, paragraph 4, and to article 37, which sought to create a barrier between what took place in a sole conciliator proceeding and any subsequent arbitral or legal proceeding relating to the same dispute. He also noted that article 12, paragraph 2, would permit the sole conciliator to hear the parties to the dispute jointly or separately.

45. Turning to the rules governing the commission procedure, he said that five-member commissions were more common than those with three members, probably for the reasons set forth in paragraph 9 of annex II to the draft resolution. Nevertheless, a three-member commission was less costly and could conclude its work more rapidly. He noted that articles 23 and 24 of the rules conferred broad investigative powers on the commissions, which could act as fact-finding commissions in cases in which the dispute related exclusively to facts.

46. He drew attention to articles 32 to 36, concerning the secrecy of the conciliation proceedings; those provisions were based on the recommendations of the Institute of International Law, as were article 12, paragraph 4, and article 28, paragraph 2, which provided that neither the sole conciliator nor the commission could rule formally on issues of law or issue final conclusions with regard to facts.

47. Article 13, paragraph 3, and article 35, which were likewise derived from the work of the Institute, sought to ensure that evidence used in a conciliation proceeding could also be used in any subsequent judicial or arbitral proceedings. Among the provisions which his delegation regarded as innovative were article 25, which provided for expert assistance in disputes of a technical nature, and article 23, paragraph 2, which enabled the commission to ask a party to reconsider its request for a local investigation.

48. Article 38 was another innovative provision; it provided that any of the parties to conciliation proceedings could provide the sole conciliator or the Commission with comments on situations or facts relating to the dispute, on the understanding that under no circumstances would the origin of the comments be revealed to the other party. Without such a guarantee of confidentiality, comments by one party which were relevant to the case but liable to offend the other party might jeopardize the outcome of the conciliation proceedings. Under certain conditions, the sole conciliator or commission was permitted to convey the information to the other party concerned, but had to present it as coming from the sole conciliator or the commission itself. In that manner, the relevant information could be transmitted while avoiding any resentment on the part of the other party.

49. Another innovation concerned the investigative powers of the conciliation commission. Under existing agreements relating to conciliation, and under article 24 of the draft rules under consideration, the commission could conduct inquiries with regard to facts on which the parties to the dispute disagreed. However, article 24 added that the commission could also, following consultation

(Mr. Saenz de Tejada, Guatemala)

with the parties, clarify facts which the parties did not seem to have taken into account. Yet another new provision (art. 48) dealt with the case in which only one party accepted the terms of settlement proposed; the other party had then to inform the first party in writing of its reasons for rejecting the terms. New negotiations might then be initiated, based on a narrower framework than that which had served as the basis for the unsuccessful conciliation proceedings.

50. The draft rules provided for United Nations participation in conciliation proceedings in various ways. Among them were the right of the State initiating the conciliation to request the assistance and advice of the Secretary-General (art. 2, para. 2); the right of the sole conciliator or commission to request assistance from the Secretary-General with regard to administrative and procedural aspects of their work (arts. 16 and 27, para. 2); and the provisions stating that the secretary of a commission could be a United Nations official (art. 22, para. 1) and that the commissions should meet at United Nations Headquarters (art. 27, para. 1).

51. Annex II contained an explanatory commentary on the application of the rules. Paragraphs 2 to 5 discussed how the draft rules could be combined with conciliation provisions contained in agreements into which the parties to the dispute had entered previously. In that connection, it was relevant to note that the United Nations Convention on the Law of the Sea left parties to a dispute entirely free to replace the rules applying to conciliation with any others they might choose.

52. Since the text of the draft rules was lengthy and complicated, he was aware that it would be unrealistic to expect the Committee to adopt the text, even if no amendments were proposed. Consequently, his delegation would not insist on putting the draft resolution to a vote. It would, however, suggest that the Committee should recommend to the General Assembly that it should include the item on the agenda of its next regular session; request the Secretary-General to distribute the draft text, along with any amendments which might be submitted during the current session, to all Member States, the relevant agencies of the United Nations system, regional intergovernmental organizations, and international legal institutions, soliciting their comments on those documents; and request the Secretary-General to submit to the General Assembly, at its next regular session, a report on the replies received.

53. Mr. KORNBLUTH (Israel) expressed his appreciation to the delegation of Guatemala for its proposal regarding conciliation rules, which had obviously been carefully researched and prepared.

54. Israel and Egypt had recently utilized conciliation in connection with the Taba boundary dispute, of which a peaceful settlement had been reached in 1988 and implemented in early 1989. The process of settling the dispute had taken place in three stages. The first had been that of negotiations. Subsequently, the methods of conciliation and arbitration had been employed simultaneously. Following the failure of the conciliation process, the dispute had finally been settled by arbitration.

(Mr. Kornbluth, Israel)

55. Conciliation differed from arbitration and judicial settlement in a variety of ways, including the fact that the recommendations of the conciliation panel were not binding and that the conciliation process was a flexible one. It was the latter aspect that was of primary importance and led States to use conciliation in the settlement of their disputes. Unless otherwise constrained by prior agreements, the parties to a dispute were free to create their own procedural methods of implementing the conciliation process, adapting them to the specific case at issue.

56. Flexibility was therefore one of the most positive elements of the conciliation process. To the extent that it was weakened, the likelihood of the conciliation method being chosen was greatly diminished. In that connection, his delegation wondered how flexibility would be affected if a model set of conciliation rules, such as those proposed by Guatemala, were to be adopted. To be effective, model rules should incorporate the idea of flexibility, thereby providing a set of norms which States could use in whole or in part and to which they could add other provisions.

57. It was clear that, in elaborating its draft proposals, Guatemala had been aware of the need to safeguard the element of flexibility. At the same time, the current text could be made even more forceful in that regard. To that end, his delegation suggested that the last sentence of annex II, paragraph 1, which defined the model set of norms as comprehensive, should be deleted. States must remain free to incorporate the model norms as they wished and to depart from or add to them, depending on the circumstances. Similarly, article 1, paragraph 2, of annex I was not sufficient as it stood since it did not specifically allow for the incorporation of additional procedural provisions. As a result, that article limited flexibility. Accordingly, his delegation suggested that the words "or add to them" should be inserted at the end of the first sentence of article 1, paragraph 2.

The meeting rose at 12.10 p.m.