

"REPORT OF THE CO-ORDINATOR OF THE CONTACT GROUP ON ELEMENTS XII AND XIII
(CONSULTATION AND CO-OPERATION : CONSULTATIVE COMMITTEE)

"ELEMENT XII: Consultation and co-operation

"I. It was generally agreed that the Convention should include a provision regarding normal consultations and co-operation according to the following lines:

- (a) Commitment by States parties to consult and co-operate.
- (b) Consultations and co-operation may be undertaken:
directly between two or more parties;
through appropriate international procedures including the services of appropriate international organizations and of the Consultative Committee. (It was generally agreed to include a specific reference to the Consultative Committee underscoring its special role).
- (c) Substance of consultations and co-operation: any matter in relation to the objectives of, or in the application of, the provisions of the Convention.

For further consideration:

- Specific reference to the United Nations General Assembly and/or Security Council.

"II. Fact-finding procedures concerning alleged ambiguities in or violations of the compliance with the Convention

- (a) General formulation encouraging States parties to hold bilateral contacts.
- (b) Right for every State party (challenging or challenged) to request the Consultative Committee to carry out a fact-finding procedure, including its right to request a specific activity to be carried out by the Consultative Committee (e.g. on-site inspections).
- (c) Such request must be substantiated.
- (d) Obligation to co-operate in the fact-finding procedure.
- (e) Appropriate explanations must be provided in case of a refusal to an on-site inspection.
- (f) Obligation of the Consultative Committee to inform States parties about the results of its procedures.
- (g) General reference to the right of every State to resort to the mechanisms provided by the Charter of the United Nations.