

Appendix II. Fact-finding panel

The Convention should contain an annex with provisions along the lines outlined below.

Within 30 days after entry into force of the Convention the Depositary should establish a fact-finding panel. The panel should undertake to conduct a prompt fact-finding inquiry, including any necessary ad hoc on-site inspections, to make appropriate findings of fact, and to provide expert views, on any problem referred to it by the Depositary upon request by a party.

The fact-finding panel should be composed of not more than 15 members representing parties:

- (a) ten members should be appointed by the Depositary after consultation with parties. In selecting these members due regard should be given to ensuring an appropriate geographic balance. Members should be named for a two-year period, with five members being replaced each year;
- (b) in addition, those permanent members of the Security Council who are parties to the Convention should also be represented on the fact-finding panel;
- (c) each member could be assisted at meetings by one or more technical or other advisers.

The Depositary or his representative should serve as Chairman of the panel, unless the panel decides otherwise. The work of the fact-finding panel should be organized in such a way as to permit it to perform its functions. At the first meeting of the panel, to be held not later than 60 days after entry into force of the Convention, the Depositary should submit recommendations, based on consultations with parties and signatories, as to the organization of the work of the panel, including any necessary technical resources. The panel should decide procedural questions relative to the organization of its work, where possible by consensus but otherwise by a majority of those present and voting. There should be no voting on matters of substance.

Each member should have the right, through the chairman, to request from parties and from international organizations such information and assistance as the member considers desirable for the accomplishment of the work of the panel.