

XII

Consultation and co-operation

1. The States Parties to this Convention should undertake to consult one another and to co-operate, especially through the Consultative Committee, referred to in Element IX, in solving any problems which may arise in relation to the objectives of, or in the application of the provisions of, the Convention.
2. Any State Party to this Convention, which has reason to believe that any other State Party is acting in breach of its obligation under this Convention should have the right to request information either bilaterally or through the Consultative Committee in order to clarify the situation. Such a request should be accompanied by appropriate explanations of the reasons for concern.
3. Consultation and co-operation pursuant to this Element could also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter. These international procedures could include the services of appropriate international organizations, in addition to those of the Consultative Committee.

Comments

- Some delegations considered that the complaints mechanism which is dealt with in this element as well as in element XIII should be structured more clearly.
- A delegation felt that the words "in solving any problems" in paragraph 1 were too vague and required further elaboration.
- Another delegation considered that it was essential to make it clear to what extent the bilateral consultative process referred to in this element implied obligations to make information available to other States Parties.
- Some delegations felt that the word "appropriate" before "explanations" in paragraph 2 was not sufficiently precise and should be either further elaborated or deleted.
- Some delegations thought that the procedures, referred to in paragraph 3, should include a specific reference to the General Assembly and the Security Council. Opinions differed however on whether both or just one or the other should be referred to.