

No. 31413

MULTILATERAL

Convention on conciliation and arbitration within the Conference on Security and Co-operation in Europe (with financial protocol of 28 April 1993). Concluded at Stockholm on 15 December 1992

*Authentic texts: German, English, Spanish, French, Italian and Russian.
Registered by Sweden on 5 December 1994.*

MULTILATÉRAL

Convention relative à la conciliation et à l'arbitrage au sein de la Conférence sur la sécurité et la coopération en Europe (avec protocole financier du 28 avril 1993). Conclue à Stockholm le 15 décembre 1992

*Textes authentiques : allemand, anglais, espagnol, français, italien et russe.
Enregistrée par la Suède le 5 décembre 1994.*

CONVENTION¹ ON CONCILIATION AND ARBITRATION WITHIN THE CSCE

The States parties to this Convention, being States participating in the Conference on Security and Co-operation in Europe,

Conscious of their obligation, as provided for in Article 2, paragraph 3, and Article 33 of the Charter of the United Nations, to settle their disputes peacefully;

Emphasizing that they do not in any way intend to impair other existing institutions or mechanisms, including the International Court of Justice, the European Court of Human Rights, the Court of Justice of the European Communities and the Permanent Court of Arbitration;

Reaffirming their solemn commitment to settle their disputes through peaceful means and their decision to develop mechanisms to settle disputes between participating States;

Recalling that full implementation of all CSCE principles and commitments constitutes in itself an essential element in preventing disputes between the CSCE participating States;

¹ Came into force on 5 December 1994, i.e., two months after the date of deposit with the Government of Sweden of the twelfth instrument of ratification or accession, in accordance with article 33 (3):

<i>Participant</i>	<i>Date of deposit of the instrument of ratification</i>
Croatia.....	4 November 1993
Cyprus.....	16 February 1994
Denmark*.....	23 August 1994
France.....	13 August 1993
Germany*.....	29 September 1994
Italy.....	5 October 1994
Liechtenstein*.....	15 July 1994
Monaco.....	14 October 1993
Poland*.....	9 December 1993
Slovenia.....	11 May 1994
Sweden*.....	25 November 1993
Switzerland*.....	23 December 1993

* For reservations and declarations made upon ratification, see p. 307 of this volume.

Concerned to further and strengthen the commitments stated, in particular, in the Report of the Meeting of Experts on Peaceful Settlement of Disputes adopted at Valletta and endorsed by the CSCE Council of Ministers of Foreign Affairs at its meeting in Berlin on 19 and 20 June 1991,

Have agreed as follows:

CHAPTER I - GENERAL PROVISIONS

Article 1

Establishment of the Court

A Court of Conciliation and Arbitration shall be established to settle, by means of conciliation and, where appropriate, arbitration, disputes which are submitted to it in accordance with the provisions of this Convention.

Article 2

Conciliation Commissions and Arbitral Tribunals

1. Conciliation shall be undertaken by a Conciliation Commission constituted for each dispute. The Commission shall be made up of conciliators drawn from a list established in accordance with the provisions of Article 3.
2. Arbitration shall be undertaken by an Arbitral Tribunal constituted for each dispute. The Tribunal shall be made up of arbitrators drawn from a list established in accordance with the provisions of Article 4.
3. Together, the conciliators and arbitrators shall constitute the Court of Conciliation and Arbitration within the CSCE, hereinafter referred to as "the Court".

Article 3

Appointment of Conciliators

1. Each State party to this Convention shall appoint, within two months following its entry into force, two conciliators of whom at least one is a national of that State. The other may be a national of another CSCE participating State. A State which becomes party to this Convention after its entry into force shall appoint its conciliators within two months following the entry into force of this Convention for the State concerned.

2. The conciliators must be persons holding or having held senior national or international positions and possessing recognized qualifications in international law, international relations, or the settlement of disputes.

3. Conciliators shall be appointed for a renewable period of six years. Their functions may not be terminated by the appointing State during their term of office. In the event of death, resignation or inability to attend recognized by the Bureau, the State concerned shall appoint a new conciliator; the term of office of the new conciliator shall be the remainder of the term of office of the predecessor.

4. Upon termination of their period of office, conciliators shall continue to hear any cases that they are already dealing with.

5. The names of the conciliators shall be notified to the Registrar, who shall enter them into a list, which shall be communicated to the CSCE Secretariat for transmission to the CSCE participating States.

Article 4
Appointment of Arbitrators

1. Each State party to this Convention shall appoint, within two months following its entry into force, one arbitrator and one alternate, who may be its nationals or nationals of any other CSCE participating State. A State which becomes Party to this Convention after its entry into force shall appoint its arbitrator and the alternate within two months of the entry into force of this Convention for that State.

2. Arbitrators and their alternates must possess the qualifications required in their respective countries for appointment to the highest judicial offices or must be jurisconsults of recognized competence in international law.

3. Arbitrators and their alternates are appointed for a period of six years, which may be renewed once. Their functions may not be terminated by the appointing State party during their term of office. In the event of death, resignation or inability to attend, recognized by the Bureau, the arbitrator shall be replaced by his or her alternate.

4. If an arbitrator and his or her alternate die, resign or are both unable to attend, the fact being recognized by the Bureau, new appointments will be made in accordance with paragraph 1. The new arbitrator and his or her alternate shall complete the term of office of their predecessors.

5. The Rules of the Court may provide for a partial renewal of the arbitrators and their alternates.

6. Upon expiry of their term of office, arbitrators shall continue to hear any cases that they are already dealing with.

7. The names of the arbitrators shall be notified to the Registrar, who shall enter them into a list, which shall be