

Third Meeting of the Council

Summary of Conclusions

Decision on Peaceful Settlement of Disputes

Stockholm 1992

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SUMMARY OF CONCLUSIONS OF THE STOCKHOLM COUNCIL MEETING

Shaping a New Europe - the Role of the CSCE

The CSCE Council held its Third Meeting in Stockholm on 14-15 December 1992.

The Ministers consulted on a broad range of issues, in particular the aggression in Bosnia-Herzegovina and Croatia, the crisis in parts of the former Yugoslavia, other regional crises and issues together with the strategy and structure of the CSCE.

In the light of serious threats to peace and security in the CSCE area the Ministers agreed to pursue a strategy of active diplomacy. They will provide the necessary resources.

The Ministers expressed their continuing commitment to use the CSCE to consolidate human rights, democracy, the rule of law and economic freedom as the foundation for peace, security and stability and to prevent, manage and solve conflicts in the CSCE area.

The Ministers condemned the extended use of force in Europe which has bred ever more violence and hatred. They strongly rejected continuing flagrant violations of human rights. They committed themselves to act to counter the growing manifestations of racism, anti-semitism and all forms of intolerance in the CSCE area.

The Ministers agreed to improve co-operation with relevant international organizations. They decided, in particular, to increase co-ordination with the United Nations.

Important aspects of the CSCE strategy include:

- Strengthening the CSCE's operational capabilities through structural reforms and the appointment of a Secretary General;
- Emphasizing the CSCE's ability to provide early warning through the appointment of a High Commissioner on National Minorities who will enjoy the full political support

of all participating States;

- Active use of missions and representatives as part of preventive diplomacy to promote dialogue, stability and provide for early warning;
- Enhancing opportunities for the peaceful settlement of disputes through the approval of a comprehensive set of measures to this end. The Ministers stressed their expectations that participating States will avail themselves increasingly of these mechanisms;
- Effective use of missions and representatives in crisis areas as part of a strategy of consultation, negotiation and concerted action to limit conflicts before they become violent;
- Co-operating, as appropriate, with international organizations and with individual participating States to ensure that the broad spectrum of CSCE mechanisms and procedures, including peacekeeping, can be applied;
- Increased efforts at treating the root causes of conflicts by applying all aspects of the human dimension of the CSCE and by involving non-governmental organizations and individual citizens more directly in the work of the CSCE;
- Making all governments accountable to each other for their behaviour towards their citizens and towards neighbouring States and holding individuals personally accountable for war crimes and acts in violation of international humanitarian law;
- Greater use of the Forum for Security Co-operation as a place for negotiation and dialogue which can ensure continued progress in reducing the risks of military conflict and enhancing stability in Europe;
- An active programme to help newly-admitted participating States to participate fully in the structures and work of the CSCE.

DECISIONS

1. Regional Issues

Former Yugoslavia

1. The CSCE has given early and special attention to the tragic conflict in the former Yugoslavia which has led to all-out war and immense human suffering and which poses a growing threat to peace in the region.
2. Primary responsibility for the conflict lies with the present leaders of Serbia and Montenegro and with the Serbian forces operating in Bosnia-Herzegovina. In defiance of all efforts by the entire international community, these authorities continue to pursue territorial gain through the use of force and to violate basic human standards through the odious practice of "ethnic cleansing", and other brutalities affecting many parts of the former Yugoslavia. All this must stop immediately.
3. The Ministers expressed their collective and individual determination to pursue all efforts to restore peace in former Yugoslavia. They did so on the basis of the special moral and political authority represented by the principles and commitments of the CSCE. They presented the leaders of Serbia and Montenegro with a clear choice. If there is a radical change of their policy towards their neighbours and their own people and genuine co-operation in the peace process, Serbia will be gradually readmitted to the international community; if, on the other hand, the Belgrade regime continues its present policies, the international community will take sterner action to ensure compliance with the relevant United Nations Security Council resolutions and the decisions of the International Conference on Former Yugoslavia.
4. The Ministers are using the means available to the CSCE to contribute to international efforts to end the fighting and prevent spillover of the conflict. They are working towards several immediate objectives:
 - An end to systematic aggression in Bosnia-Herzegovina and Croatia, exemplified by recent stepped-up attacks against Sarajevo and other cities and villages in other parts of Bosnia-Herzegovina by Serb forces,

and the prevention of a further expansion of the conflict to other areas of the former Yugoslavia and to countries neighbouring on Serbia and Montenegro.
 - Cessation of violations of human rights and international humanitarian law, specifically the policy of "ethnic cleansing" in particular in Bosnia-Herzegovina as well as in Kosovo, Sandjak and Vojvodina and the systematic rape of Muslim women, and steps to ensure prosecution of those personally accountable.
 - Expansion of humanitarian assistance to ease current suffering and measures to assure its rapid delivery to those most in need.
 - An end to the systematic destruction of mosques, Catholic churches, synagogues and other religious monuments as well as other sites of cultural heritage in areas under Serbian control.

- A negotiated political settlement to the current conflict that preserves the integrity of Bosnia-Herzegovina, denies any gain through the seizure of territory by force and provides for the safe return of refugees and displaced persons to their homes.
- Effective fulfilment of the UNPROFOR mandate in the UNPA zones in Croatia and full implementation of the Vance Plan.

5. The Ministers requested the Chairman-in-Office, assisted by the Troika, to report to the Steering Committee of the International Conference on Former Yugoslavia on 16 December 1992, and to work to ensure closer co-ordination between the CSCE and the ICFY.

6. They requested her, assisted by the Troika, to travel to Belgrade prior to the elections on 20 December 1992 to underline to Serbian authorities the stark fate and the increased penalties with which they will be faced. She is requested also to visit as soon as possible CSCE missions in former Yugoslavia to highlight their importance and enhanced role.

7. The war in Bosnia-Herzegovina must stop. The sovereignty and territorial integrity of that country must be respected. The war must not be allowed to spread into other parts of the former Yugoslavia. This would have even more serious implications for the region.

8. The Ministers stressed the importance of the work of the CSCE missions of long duration in Kosovo, Sandjak and Vojvodina. They expressed their satisfaction with the work of the CSCE Spillover Mission to the former Yugoslav Republic of Macedonia, established in the Republic with the full co-operation of its governmental authorities, further to the initiative of the CSCE. They are determined to give all necessary support to these efforts. The CSCE presence there should be maintained and expanded; the missions should increasingly focus on helping to resolve specific local differences. In particular, the Ministers agreed to increase substantially the size of the missions of long duration, with particular emphasis on Kosovo, and to take the necessary steps accordingly. They undertook to contribute urgently to these missions.

9. The Ministers, referring to the calls from some States for the United Nations to consider lifting the arms embargo against the Government of Bosnia-Herzegovina, recalled United Nations Security Council resolution 713 and recommended that this issue should continue to be considered as a matter of importance in the United Nations Security Council.

10. The Ministers welcomed the decision of the United Nations Security Council to place peacekeeping forces on the borders of the former Yugoslav Republic of Macedonia with Albania and Serbia and Montenegro. The present active role of the CSCE in seeking to prevent the spillover of conflict and tension will be substantially reinforced.

11. They supported the efforts of those political forces in Serbia that are striving to bring about full co-operation with the peace process. The Office for Democratic Institutions and Human Rights will assist participating States in the monitoring of the elections in Yugoslavia (Serbia and Montenegro). The participating States will draw the appropriate conclusions if the present authorities do not follow fair and just procedures.

12. All CSCE participating States committed themselves to scrupulous implementation of all United Nations Security Council resolutions on sanctions against Serbia-Montenegro. The Ministers recognized that countries of the region should not bear alone the unintended negative consequences of United Nations sanctions against Serbia-Montenegro. They urged the competent international organizations to provide appropriate financial and technical assistance to those countries in order to diminish the adverse effect. Efforts of the Government of Serbia-Montenegro to circumvent the sanctions need to be combated. They approved the deployment of Sanctions Assistance Missions to all States neighbouring Serbia and Montenegro and the expansion of their size. They welcomed the co-operation extended to the missions and called on participating States to provide technical assistance on enforcing sanctions to host countries. The mandate of the missions was extended for a further six months from 1 January 1993.

13. The Ministers reiterated their horror and dismay at the massive and systematic violations of human rights and international humanitarian law in the territory of the Republic of Bosnia-Herzegovina and other parts of the former Yugoslavia. They supported United Nations Security Council resolutions 780 (1992) and 787 (1992) which emphasize that those responsible for such crimes will be held personally accountable. They are determined to implement these resolutions and to see to it that those responsible are brought to justice and asked the Chairman-in-Office to consult on this issue with the United Nations, especially the International Law Commission, and with the Co-Chairmen of the ICFY.

14. The Ministers welcomed the offer of the rapporteurs on Croatia and Bosnia-Herzegovina under the Moscow Human Dimension Mechanism to refine their proposals on making the principle of personal accountability effective, including the possibility of the establishment of an ad hoc tribunal, and to do so through continuing consultations with the Commission of Experts established pursuant to Security Council resolution 780 (1992).

15. The Ministers strongly supported the ICFY process and the efforts of the Co-Chairmen; they would like to see early results. They endorsed the constitutional arrangements for Bosnia-Herzegovina proposed by the Co-Chairmen in Geneva on 27 October 1992 as a basis for agreement. They hoped that at the meeting on 16 December 1992, participants will discuss the measures necessary to intensify pressure on the Serbian side in order to end the bloodshed. They called on all parties to negotiate constructively on a Bosnian constitution, as well as on the other problems under relevant working groups of the Geneva Conference, including the future status of Kosovo. Safeguards for the rights of national minorities within Serbia, including autonomy where appropriate, must be ensured.

16. The Ministers demanded full compliance by all parties with United Nations Security Council resolutions and with all decisions of the ICFY. Observers should be placed on the border of Bosnia-Herzegovina and Serbia and Montenegro without further delay. In view of the many violations of the no-fly zone, they believed that the Security Council should urgently consider taking the relevant decisions in the light of paragraph 6 of resolution 786.

17. The human rights and fundamental freedoms of the inhabitants of Kosovo must be respected. The Ministers called upon all parties, notably the Serbian authorities, to show the necessary restraint. They believed that a United Nations presence in Kosovo would be a positive step.

18. The Ministers paid tribute to UNHCR, ICRC and UNPROFOR and agreed to do more to ease suffering. They endorsed efforts under United Nations Security Council resolution 787 to ensure the safe delivery of humanitarian assistance, including the use of military means. They called on all parties to allow convoys safe passage, noting that interference in humanitarian relief missions is an international crime for which the individuals responsible will be held personally accountable. They called for the urgent opening of the airports at Tuzla and Bihac in Bosnia-Herzegovina for the receipt of humanitarian aid. Given the importance of the work being undertaken by UNPROFOR II, they called on all CSCE participating States to support fully a broader financial burden-sharing.

19. More action is needed to provide safety and protection to the civilian population through the development of safe areas and the provision of refuge for particularly vulnerable categories of refugees. The Ministers were concerned by the increasing problem of refugees and displaced persons and called upon all participating States to do more to share economic and other burdens of States receiving refugees.

The Baltic States

The Ministers reviewed the implementation of paragraph 15 of the Helsinki Summit Declaration 1992.

Notwithstanding certain progress achieved, they expressed their concern that relevant agreements on the early, orderly and complete withdrawal of foreign troops from the territories of the Baltic States have yet to be concluded, and noted that the withdrawal of these troops should take place in full accordance with the basic principles of international law.

The CSCE will remain engaged therefore in the implementation of these provisions.

To that end, the Baltic States and the Russian Federation undertake regularly to submit information to relevant CSCE bodies about the implementation of paragraph 15 of the Helsinki Summit Declaration 1992, necessary for further review of this issue.

Moldova

The Ministers welcomed the easing of tension in the Left-Bank Dniester Areas of the Republic of Moldova, noting at the same time that a final political settlement of the conflict should be reached in order to establish durable peace in the region.

The Ministers noted with appreciation the activities of the Personal Representative of the Chairman-in-Office of the CSCE Council on the conflict in the Left-Bank Dniester Areas of the Republic of Moldova. They took note also of the interest of all parties involved in a

CSCE role in efforts to settle the conflict. They requested all parties to the conflict to co-operate closely with the Personal Representative of the Chairman-in-Office. They called for the soonest possible conclusion of the work of the Personal Representative. They expected the final report and recommendations to be available at the next session of the CSO with a view to further CSCE involvement.

In this context, the Ministers expressed support for efforts to remove, in a peaceful manner and through negotiations, the problems that remain from the past, such as the stationing of foreign armed forces on the territory of the Republic of Moldova. They called on the participating States concerned to conclude, without delay, an appropriate bilateral agreement on the status and the early, orderly and complete withdrawal of foreign troops.

Georgia

1. The Ministers reiterated their commitment to support the stabilization of the situation within Georgia and the development of democracy and a market economy, which would create favourable conditions for the peaceful resolution of the conflict. In this context they welcomed the progress of democracy with the election of a legitimate government and hoped that the election process would soon be completed in a satisfactory manner.
2. The Ministers were pleased to note that the cease-fire between Georgians and Ossetians in the area of conflict continued to hold. They were concerned however that no progress had been made towards a political settlement of this dispute. They welcomed the establishment of a visible CSCE presence in the area. They were pleased that first contacts had been established with representatives of both conflicting parties, the trilateral peacekeeping forces and local military commanders. They likewise called upon the parties to co-operate fully with the Personal Representative of the Chairman-in-Office in his efforts to establish the framework for a peaceful and lasting solution, as stipulated by the provisions of the Sochi Agreement of 24 June 1992.
3. The Ministers remained deeply concerned at the recent upsurge in fighting in Abkhazia and at reports of heavy loss of life and lack of discipline and moderation among the armed forces of the protagonists. They urged all parties to the dispute in Abkhazia to renew their efforts to find a peaceful settlement in conformity with CSCE principles and the Charter of the United Nations, based on the provisions of the Moscow agreement of 3 September 1992. They requested the parties to co-operate with the CSCE Mission, led by Ambassador Gyarmati, whose mandate included establishing a framework for political negotiations.
4. They requested the Chairman-in-Office and the Personal Representative of the Chairman-in-Office in Georgia to work out, in co-operation with the United Nations, practical modalities for co-ordination of efforts in order to ensure maximum efficiency through a rational division of labour. The participating States will be kept informed.

Conflict dealt with by the Conference on Nagorno-Karabakh

The Ministers asked the Chairman of the CSCE Conference on Nagorno-Karabakh, Hon. Mario Raffaelli, and the "Minsk Group" to continue their tireless efforts to advance the

peace process.

The Republic of Tajikistan

The Ministers expressed their deep concern about the crisis situation in the Republic of Tajikistan.

They urged all the conflicting parties to cease fighting and to start a constructive dialogue, which is the only basis for a political settlement in Tajikistan.

They encouraged participating States to contribute to humanitarian efforts in Tajikistan, especially in the light of that country's refugee crisis.

The Ministers noted the peace-making efforts of Russia, Kazakhstan, Kyrgyzstan and Uzbekistan aimed at the ending of bloodshed and the promotion of the negotiation process.

The Ministers considered that this issue should be studied by the CSO on a priority basis, bearing in mind the need for close co-operation with the efforts of the United Nations.

2. The CSCE as a Community of Values

The CSCE's comprehensive concept of security relates peace, security and prosperity directly to the observance of human rights and democratic freedoms. Many of the present problems are linked to the failure to observe CSCE commitments and principles.

The human dimension mechanisms of the CSCE are being used increasingly as a major foundation for the CSCE's efforts at early warning and conflict prevention. Their further elaboration and utilization will strengthen considerably the CSCE's ability to pursue the root causes of tensions and to refine its mechanisms for early warning on potentially dangerous situations.

The Ministers welcomed the strengthened role of the Office for Democratic Institutions and Human Rights and the appointment of the High Commissioner on National Minorities as especially useful steps towards integrating the human dimension more fully into the political consultations and concerted action of the participating States. They also decided to consider ways of using the 1993 Implementation Meeting on Human Dimension Issues to investigate possible new means of utilizing human rights mechanisms for these purposes. They expressed the hope that newly-admitted participating States would make particular use of the opportunities provided by these institutions.

Compliance with CSCE commitments is of fundamental importance. Monitoring of compliance provides governments of participating States with crucial information on which they can formulate policy. The Implementation Meeting on Human Dimension Issues to be held in 1993 offers an opportunity to improve the monitoring of compliance with Human Dimension commitments.

The Ministers expressed their profound concern at the recent manifestations of aggressive nationalism, xenophobia, anti-semitism, racism and other violations of human rights. Violations of international humanitarian law and CSCE principles and commitments, such as "ethnic cleansing", or mass deportation, endangered the maintenance of peace,

security and democracy and will not be tolerated. They were convinced that increased attention should be paid by the CSCE, and in particular by the Committee of Senior Officials and the High Commissioner on National Minorities, to these threats to human rights and fundamental freedoms. The CSO will report on this issue to the Council of Ministers at its next Meeting, when the Council will consider developments.

The Ministers also stressed the important role the Human Dimension of the CSCE should play in longer-term conflict prevention. They underlined the need for positive action aimed at fostering understanding, tolerance and national and local preventive action. They emphasized the importance of direct contact between experts, governmental and non-governmental, through the series of Human Dimension seminars successfully begun by the CSCE Seminar on Tolerance and to be followed in 1993 by seminars on national minorities, migration and free media.

The increasing problem of refugees and displaced persons is an issue of major concern to all participating States, particularly in conflicts where the fulfilment of basic human needs is most at risk. The Ministers deplored the plight of civil populations most affected in such conflicts and called on all participating States to contribute to a concerted effort to share the common burden. All Governments are accountable to each other for their behaviour towards their citizens and towards their neighbours. Individuals are to be held personally accountable for war crimes and acts in violation of international humanitarian law.

The Ministers welcomed the rapid convening of the Human Dimension Seminar on Migration as an important contribution to pursuing better understanding of the underlying causes of uncontrolled migration. Another important step towards furthering implementation of existing human rights standards, including CSCE principles and commitments, will be the United Nations Conference on Human Rights, to be held in Vienna in June 1993. The Ministers expressed their support for the Conference and asked the Chairman-in-Office to represent them there.

The CSCE will continue to give political stimulus to the development of market economies by facilitating, through the March 1993 meeting of the Economic Forum, dialogue and co-operation among participating States and international organizations. The Ministers expressed the view that the Forum's initial meeting would continue the process of co-operation on these issues within the CSCE.

3. High Commissioner on National Minorities

The Council appointed Mr. Max van der Stoep as CSCE High Commissioner on National Minorities (HCNM) to strengthen the CSCE's capacity for early warning and preventive diplomacy. The High Commissioner will act within the mandate laid down in the Helsinki Document. The Ministers expressed their support for the High Commissioner and their readiness to co-operate with him in the execution of his complex but crucial task of identifying and containing at the earliest possible stage tensions involving national minority issues which have the potential to develop into a conflict within the CSCE area.

The Ministers encouraged the High Commissioner to analyse carefully potential areas of tension, to visit any participating State and to undertake wide-ranging discussions at all levels with parties directly involved in the issues. In this context, the High Commissioner may discuss the questions with the parties and, where appropriate, promote dialogue, confidence and co-operation between them at all levels, to enhance political solutions in line with CSCE principles and commitments.

The Ministers undertook to provide the High Commissioner with relevant information at their disposal on national minority issues, fully respecting the independence of the High Commissioner in accordance with the mandate.

4. Peaceful Settlement of Disputes

The Ministers considered the recommendations made by the CSCE Meeting on Peaceful Settlement of Disputes held in Geneva from 12 to 23 October 1992.

The Ministers reaffirmed the vital importance of the commitment of all participating States, under Principle V of the Helsinki Final Act, to settle their disputes by peaceful means. In this connection, they recalled other CSCE documents relating to the peaceful settlement of disputes, in particular the Concluding Document of the Vienna Follow-up Meeting, the Charter of Paris for a New Europe, the Report on Peaceful Settlement of Disputes adopted at Valletta and endorsed at the Berlin Meeting of 19 and 20 June 1991, and the Helsinki Document 1992.

The Ministers noted the variety of existing dispute settlement procedures, both within and outside the CSCE. They recalled the important contribution that the potential involvement of an impartial third party can make to the peaceful settlement of disputes and the fact that the Valletta Mechanism enables a participating State, under certain conditions, to seek the mandatory involvement of such a party.

The Ministers agreed that in the present circumstances, the principle of the peaceful settlement of disputes assumes particular relevance to problems facing participating States, and that the framework of the CSCE provides a unique opportunity to give impetus to this central aspect of CSCE commitments.

In order to further and strengthen their commitment to settle disputes exclusively by peaceful means, and in accordance with paragraphs (57) to (62) of Chapter III of the Helsinki Decisions of 1992 to develop a comprehensive and coherent set of measures available within the CSCE for the peaceful settlement of disputes, the Ministers have:

- (a) Adopted measures to enhance the Valletta Provisions through modification of the procedure for selecting Dispute Settlement Mechanisms;
- (b) Adopted the text of a Convention on Conciliation and Arbitration within the CSCE providing for general conciliation and for arbitration on the basis of agreements ad hoc or, in advance, on the basis of reciprocal declarations, and declared it open for signature by interested participating States;
- (c) Adopted a conciliation procedure as an option available to participating States on the basis of agreements ad hoc or, in advance, on the basis of reciprocal declarations;
- (d) Decided that the Council or the Committee of Senior Officials of the CSCE may direct any two participating States to seek conciliation to assist them in resolving a dispute that they have not been able to settle within a reasonable period of time and adopted provisions related thereto.

The Ministers recalled that nothing stated in the foregoing will in any way affect the unity of the CSCE principles, or the right of participating States to raise within the CSCE

process any issue relating to the implementation of any CSCE commitment concerning the principle of the peaceful settlement of disputes, or relating to any other CSCE commitment or provision.

Procedures for the peaceful settlement of disputes within the CSCE will be reviewed during the review conference to be held at Budapest in 1994 and periodically thereafter as appropriate.

5. The CSCE Forum for Security Co-operation and Non-Proliferation

The Ministers welcomed the constructive work begun in the CSCE Forum for Security Co-operation. They stressed the importance of the contribution to security made by dialogue and negotiations in the Forum and their expectation that further significant progress on the Programme for Immediate Action adopted by the Helsinki Summit should be achieved by the next Meeting of the Council of Ministers. They reaffirmed the importance of full implementation of existing arms control, disarmament and confidence- and security-building provisions agreed within the framework of the CSCE, by all States concerned, including those recently admitted.

Resolved to fully implement the Declaration of the CSCE Council on Non-Proliferation and Arms Transfers adopted at the Prague Council Meeting 30-31 January 1992 and fully committed to CSCE co-operation in respect of non-proliferation, the Ministers agreed as a first step that their States will become original signatories to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, which will be opened for signature in Paris on 13 January 1993. They also agreed to seek its timely ratification in order for it to enter into force at the earliest date provided for by the Convention. To this end they call upon all other States to sign and ratify the Convention as soon as possible.

They expressed their satisfaction that the Ministers of participating States not yet Parties to the Convention on Bacteriological (Biological) and Toxin Weapons declared that their States intend to become Parties to that Convention as well as to the 1925 Geneva Protocol on the prohibition of the use in war of chemical and biological weapons.

They welcomed that the Ministers of those participating States that are not Parties to the Treaty on the Non-Proliferation of Nuclear Weapons pledged that their States intend to become Parties to that Treaty as non-nuclear weapon States in the shortest time possible. Furthermore, they agreed that the Treaty should be extended indefinitely and urged all States that have not yet done so to become Parties to the Treaty.

6. Preventive diplomacy and peacekeeping

Consistent with the concept of preventive diplomacy, and while no conflict exists in Estonia, the CSCE is sending a mission to the country, to promote stability and dialogue between the Estonian- and Russian-speaking communities in Estonia.

The Ministers discussed the conflicts that have arisen within the CSCE area,

including those in the former Soviet Union, and stressed that they should be resolved by peaceful means.

They reviewed experience with the instruments for early warning, conflict prevention and crisis management, in particular in the field of preventive diplomacy. They noted that, in association with efforts to bring about political solutions, stability can be enhanced by armed contingents for peacekeeping purposes. The deployment and conduct of such operations must be in accordance with the norms of international law and CSCE principles.

The Ministers concluded that the CSCE can play an especially important role in co-operation with mutually reinforcing European and transatlantic organizations by further developing relevant CSCE instruments in the field of preventive diplomacy and peacekeeping.

They requested relevant CSCE institutions, in particular the ODIHR and the CPC, to organize seminars to help share experience and increase knowledge of issues and techniques in the fields of early warning and peacekeeping. Furthermore, they requested the CSO to examine the issues involved in enhancing the capability of all the CSCE instruments.

7. Evolution of CSCE structures and institutions

To meet new challenges, the Ministers decided to add further to the improvements in the operational capacity of the CSCE agreed in Paris and Helsinki.

In doing so, they confirmed that the CSCE should retain its flexibility and openness, avoiding the creation of a bureaucracy. Further evolution in CSCE institutions and procedures should be based on the CSCE's democratic rules. It should preserve the strength and diversity afforded by the basic political structure established by the Paris Summit, and should improve the effectiveness of the CSCE's daily work.

Ministers tasked the CSO to conduct a wide ranging review of CSCE structures and operations with a view to establishing organizational arrangements to meet these needs.

As a first step, Ministers have decided to improve further CSCE operations and institutions by establishing the post of Secretary General of the CSCE (Annex 1).

The Ministers also decided to enhance the ability of the CSO to act as their agent and, pending completion of the review mandated above, instructed representatives of the participating States to meet regularly in Vienna in periods between sessions of the CSO. Under the Chairmanship of the Chairman-in-Office, these representatives will conduct consultations on all issues pertinent to the CSCE and undertake preliminary discussion of items suggested for the agenda of the CSO by the Chairman-in-Office. They will decide on matters necessary to ensure prompt and effective implementation of the decisions of the CSO.

To increase the efficiency of the work of the CSCE, the Ministers decided to establish

for the Secretariats in Prague and Vienna a single organizational structure under the direction of the Secretary General. The Ministers decided that the CSO should agree the financial and administrative implications of this decision and should adjust staffing, budgets and procedures accordingly.

In implementation of the decision taken by the Heads of Government in Helsinki that the CSO should consider the relevance of an agreement granting an internationally recognized status to the CSCE Secretariat, the Conflict Prevention Centre and the ODIHR, the Ministers instructed the CSO to establish a group of legal and other experts to report through the Committee for decision at the Rome Council Meeting.

The Ministers tasked the Conflict Prevention Centre to take rapid steps to strengthen its ability to provide operational support for CSCE preventive diplomacy missions and peacekeeping activities. The Director of the CPC should present, for approval by the CSO, a proposal setting forth the staffing and budget implications of this decision.

The Ministers emphasized the vital importance of the efficient management of CSCE resources. To this end they instructed the CSO to draw up rules and procedures. They approved the attached Terms of Reference (Annex 2). The Ministers will note progress and take decisions, as necessary, at the Rome Council Meeting.

The Ministers noted that cost-efficiency may also be ensured through seeking new sources of financing CSCE activities. As one innovative possibility they requested the Director of the ODIHR to examine the establishment of a Foundation for Promoting Human Rights in the CSCE.

The Ministers noted that the commitments entered into in Helsinki to expand the role of NGOs have already shown their value. They asked the Chairman-in-Office to examine proposals put forward by NGOs on co-operation between NGOs and the CSCE, and, when appropriate, to submit them to the CSO for consideration.

8. Improved co-operation and contacts with international organizations, in particular the United Nations

The new challenges in the CSCE area require improved co-operation and close contacts with relevant international organizations, in accordance with the Helsinki Document. The Ministers expressed their intention to strengthen co-operation in particular with the United Nations.

The CSCE has entered a new phase in its relationship with the United Nations which should be developed further. The Ministers requested the CSO to examine the practical implications of the understanding, expressed in the Helsinki Document, that the CSCE is a regional arrangement in the sense of Chapter VIII of the Charter of the United Nations. In its

examination the CSO should also examine the proposal by the United Nations Secretary-General to the CSCE to seek observer status at the United Nations.

The Ministers emphasized that the Chairman-in-Office should keep close contacts with the United Nations in order to promote regular exchanges of information, co-operation and co-ordination and avoid duplication of effort.

They instructed the Chairman-in-Office of the CSO to establish without delay regular contact with the United Nations Secretary-General to ensure that both the United Nations and CSCE participating States are kept informed of relevant activity, especially in the fields of early warning, conflict prevention, management and resolution of conflicts as well as the promotion of democratic values and human rights.

The Ministers decided that a representative of the United Nations Secretary-General will be invited to the meetings of the Council and the Committee of Senior Officials of the CSCE. Furthermore, they decided that the Permanent Mission to the United Nations of the participating State holding the Office of Chairman will serve as a focal point of the CSCE at the United Nations.

9. Integration of new participating States

The Ministers decided to intensify their support in conjunction with other institutions, notably the Council of Europe, for the building of democratic institutions to meet the needs identified by newly admitted participating States. They entrusted the Chairman-in-Office, assisted by the CSCE Troika, to consult with newly admitted participating States on useful steps under the Programme of Co-ordinated Support agreed at Helsinki.

The Chairman-in-Office, accompanied by a team of CSCE experts, will conduct a programme of visits to the newly admitted participating States to discuss the CSCE in all its aspects and to explore means of promoting the full involvement of those States in the work and activities of the CSCE. Experts will continue discussions and make an inventory of possible points for further action including ways of promoting information on the CSCE. The Ministers expressed their support for the expansion of CSCE activities in and visits to these States.

10. Admission of new participating States

The Ministers agreed that the Czech Republic and the Slovak Republic would be

welcomed as participating States from 1 January 1993 following receipt of letters accepting CSCE commitments and responsibilities from each of them according to the draft in Annex 3.

11. Date and venue of the next Council Meeting

They agreed that the next meeting of the Council will be held in Rome in November/December 1993. They will confirm the specific days for this meeting by silence procedure following the proposal of the host country and recommendation by the CSO not later than March 1993.

The Secretary General of the CSCE

1. The Ministers decide to establish the post of Secretary General of the Conference on Security and Co-operation in Europe. The Secretary General will derive his/her authority from the collective decisions of the participating States and will act under the guidance of the Chairman-in-Office.
2. The Secretary General will be appointed by the Council by consensus upon recommendation of the CSO and Chairman-in-Office for a period of three years. This period may be extended for one further term of two years.
3. The Chairman-in-Office will be assisted by an open-ended ad hoc group in preparing his/her recommendation on the appointment to the CSO and Council.
4. The open-ended ad hoc group will assist the Chairman-in-Office in preparing recommendations to the CSO and the Council on the administrative and financial implications of the appointment of a Secretary General, including accommodation, staff requirements and budget.
5. The Ministers agreed on the following mandate for the Secretary General.

MANDATE

- (i) The Secretary General will act as the representative of the Chairman-in-Office and will support him/her in all activities aimed at fulfilling the goals of the CSCE. The Secretary General's tasks will also include the management of CSCE structures and operations; working closely with the Chairman-in-Office in the preparation and guidance of CSCE meetings; and ensuring the implementation of the decisions of the CSCE.
- (ii) The Secretary General will oversee the work of the CSCE Secretariat, the CPC Secretariat and the ODIHR. The Secretary General will answer for the effective performance of CSCE staff to the Chairman-in-Office, the Council of Ministers and the CSO.

- (iii) The Secretary General will assist the Chairman-in-Office in publicizing CSCE policy and practices internationally, including maintaining contacts with international organizations.
- (iv) As the CSCE's Chief Administrative Officer, the Secretary General will advise on the financial implications of proposals and ensure economy in the staff and support services of the institutions.
- (v) The Secretary General will prepare an annual report to the CSCE Council.
- (vi) The Secretary General will perform such other functions as are entrusted to him/her by the Council or the CSO.

Management of Resources

The Ministers instructed the CSO to draw up rules and procedures covering the following areas:

- Steps to increase the cost-effectiveness of CSCE activities;
- Effective management of funds and property, including funds allocated to particular activities;
- Procedures for timely presentation of budget proposals of CSCE institutions;
- Measures for adequate scrutiny of the financial implications of proposals including procedures for the authorization of expenditure;
- Effective CSCE auditing and ways and means of minimizing arrears in the payment of assessed contributions, bearing in mind the experience of other international organizations.

Bratislava/Prague, 1 January

1993

Your Excellency,

The Government of the Slovak/Czech Republic hereby adopts the Helsinki Final Act, the Charter of Paris for a New Europe and all other documents of the Conference on Security and Co-operation in Europe.

The Government of the Slovak/Czech Republic accepts in their entirety all commitments and responsibilities contained in these documents and declares its determination to act in accordance with their provisions. It will assume, in co-operation with the Czech/Slovak Republic as the other successor State to the Czech and Slovak Federal Republic, all CFE obligations of the Czech and Slovak Federal Republic.

The Government of the Slovak/Czech Republic invites and will fully facilitate the visit of a Rapporteur Mission to be arranged by the Chairman of the CSCE Council. This Mission will report to the CSCE participating States on the fulfilment by the Slovak/Czech Republic of CSCE commitments and provide assistance towards their fullest implementation.

The Government of the Slovak/Czech Republic expresses its readiness for signature of the Helsinki Final Act and the Charter of Paris by the Head of State or Government of the Slovak/Czech Republic at the earliest convenience.

I kindly ask Your Excellency to circulate copies of this letter to all CSCE participating States.

Please accept, Your Excellency, the assurances of my highest consideration.

Her Excellency
Margaretha af Ugglas
Chairman-in-Office of the
CSCE Council
Minister of Foreign Affairs
Kingdom of Sweden
Stockholm

Decision on Peaceful Settlement of Disputes

DECISION ON PEACEFUL SETTLEMENT OF DISPUTES

1. At its Stockholm meeting of 14 and 15 December 1992, the CSCE Council considered the recommendations made by the CSCE Meeting on Peaceful Settlement of Disputes held in Geneva from 12 to 23 October 1992.

2. The Ministers reaffirmed the vital importance of the commitment of all participating States, under Principle V of the Helsinki Final Act, to settle their disputes by peaceful means. In this connection, they recalled other CSCE documents relating to the peaceful settlement of disputes, in particular the Concluding Document of the Vienna Follow-up Meeting, the Charter of Paris for a New Europe, the Report on Peaceful Settlement of Disputes adopted at Valletta and endorsed at the Berlin Meeting of 19 and 20 June 1991, and the Helsinki Document of 1992.

3. The Ministers noted the variety of existing dispute settlement procedures, both within and outside the CSCE. They recalled the important contribution that the potential involvement of an impartial third party can make to the peaceful settlement of disputes and the fact that the Valletta Mechanism enables a participating State, under certain conditions, to seek the mandatory involvement of such a party.

4. The Ministers agreed that in the present circumstances, the principle of the peaceful settlement of disputes assumes particular relevance to problems facing participating States, and that the framework of the CSCE provides a unique opportunity to give impetus to this central aspect of CSCE commitments.

5. In order to further and strengthen their commitment to settle disputes exclusively by peaceful means, and in accordance with paragraphs 57 to 62 of Chapter III of the Helsinki Decisions of 1992 to develop a comprehensive and coherent set of measures available within the CSCE for the peaceful settlement of disputes, the Ministers have:

- (a) Adopted measures to enhance the Valletta Provisions through modification of the procedure for selecting Dispute Settlement Mechanisms. This modification is set forth in Annex 1;

- (b) Adopted the text of a Convention on Conciliation and Arbitration within the CSCE providing for general conciliation and for arbitration on the basis of agreements *ad hoc* or, in advance, on the basis of reciprocal declarations, and declared it open for signature by interested participating States. This text is contained in Annex 2;
- (c) Adopted a conciliation procedure as an option available to participating States on the basis of agreements *ad hoc* or, in advance, on the basis of reciprocal declarations. This procedure is set forth in Annex 3;
- (d) Decided that the Council or the Committee of Senior Officials of the CSCE may direct any two participating States to seek conciliation to assist them in resolving a dispute that they have not been able to settle within a reasonable period of time. The provisions relating thereto are set forth in Annex 4.

6. The Ministers recalled that nothing stated in the foregoing will in any way affect the unity of the CSCE principles, or the right of participating States to raise within the CSCE process any issue relating to the implementation of any CSCE commitment concerning the principle of the peaceful settlement of disputes, or relating to any other CSCE commitment or provision.

7. Procedures for the peaceful settlement of disputes within the CSCE will be reviewed during the review conference to be held at Budapest in 1994 and periodically thereafter as appropriate.

Annex 1

Modification to Section V of the Valletta Provisions for a CSCE Procedure for Peaceful Settlement of Disputes

Section V of the Valletta Provisions for a CSCE Procedure for Peaceful Settlement of Disputes should read as follows:

Section V

1. A CSCE Dispute Settlement Mechanism consists of one or more members, selected by common agreement of the parties to a dispute from a register of qualified candidates maintained by the nominating institution. The register comprises the names of up to four persons nominated by each participating State desiring to do so. No member of a Mechanism may be a national of, or permanently resident in the territory of any State involved in the dispute. By agreement between the parties, a Mechanism may include members whose names are not included in the register.
2. If the parties to a dispute have not reached agreement on the composition of a Mechanism within two months from the initial request of a party for the establishment of a Mechanism, the Senior Official of the nominating institution will, in consultation with the parties to the dispute, select seven names from the register. If the Senior Official of the nominating institution is a national of any of the States involved in the dispute, his functions will be performed by the next most senior official who is not such a national.
3. Each party (*) to the dispute has the right to reject up to three of the nominees. The parties will inform the nominating institution of the rejections, if any, within one month of having been informed of the nominations. This information will be confidential. After one month from the date of informing the parties of the nominations, the nominating institution will notify the parties of the composition of the Mechanism.

Note: The modification means that the time period under paragraph 2 is shortened by one month, that seven names should be selected instead of "less than six", and that paragraphs 4 and 5 will no longer apply.

(*) The problems arising when the parties are more than two will require further consideration.

Annex 2

CONVENTION 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;

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 communicated to the CSCE Secretariat for transmission to the CSCE participating States.

Article 5

Independence of the Members of the Court and of the Registrar

The conciliators, the arbitrators and the Registrar shall perform their functions in full independence. Before taking up their duties, they shall make a declaration that they will exercise their powers impartially and conscientiously.

Article 6

Privileges and Immunities

The conciliators, the arbitrators, the Registrar and the agents and counsel of the parties to a dispute shall enjoy, while performing their functions in the territory of the States parties to this Convention, the privileges and immunities accorded to persons connected with the International Court of Justice.

Article 7

Bureau of the Court

1. The Bureau of the Court shall consist of a President, a Vice-President and three other members.

2. The President of the Court shall be elected by the members of the Court from among their number. The President presides over the Bureau.

3. The conciliators and the arbitrators shall each elect from among their number two members of the Bureau and their alternates.

4. The Bureau shall elect its Vice-President from among its members. The Vice-President shall be a conciliator if the President is an arbitrator, and an arbitrator if the President is a conciliator.

5. The Rules of the Court shall establish the procedures for the election of the President as well as of the other members of the Bureau and their alternates.

Article 8

Decision-Making Procedure

1. The decisions of the Court shall be taken by a majority of the members participating in the vote. Those abstaining shall not be considered participating in the vote.
2. The decisions of the Bureau shall be taken by a majority of its members.
3. The decisions of the Conciliation Commissions and the Arbitral Tribunals shall be taken by a majority of their members, who may not abstain from voting.
4. In the event of a tied vote, the vote of the presiding officer shall prevail.

Article 9

Registrar

The Court shall appoint its Registrar and may provide for the appointment of such other officers as may be necessary. The staff regulations of the Registry shall be drawn up by the Bureau and adopted by the States parties to this Convention.

Article 10

Seat

1. The seat of the Court shall be established in Geneva.
2. At the request of the parties to the dispute and in agreement with the Bureau, a Conciliation Commission or an Arbitral Tribunal may meet at another location.

Article 11

Rules of the Court

1. The Court shall adopt its own Rules, which shall be subject to approval by States parties to this Convention.

2. The Rules of the Court shall establish, in particular, the rules of procedure to be followed by the Conciliation Commissions and Arbitral Tribunals constituted pursuant to this Convention. They shall state which of these rules may not be waived by agreement between the parties to the dispute.

Article 12

Working Languages

The Rules of the Court shall establish rules on the use of languages.

Article 13

Financial Protocol

Subject to the provisions of Article 17, all the costs of the Court shall be met by the States parties to this Convention. The provisions for the calculation of the costs; for the drawing up and approval of the annual budget of the Court; for the distribution of the costs among the States parties to this Convention; for the audit of the accounts of the Court; and for related matters, shall be contained in a Financial Protocol to be adopted by the Committee of Senior Officials. A State becomes bound by the Protocol on becoming a party to this Convention.

Article 14

Periodic Report

The Bureau shall annually present to the CSCE Council through the Committee of Senior Officials a report on the activities under this Convention.

Article 15

Notice of Requests for Conciliation or Arbitration

The Registrar of the Court shall give notice to the CSCE Secretariat of all requests for conciliation or arbitration, for immediate transmission to the CSCE participating States.

Article 16

Conduct of Parties - Interim Measures

1. During the proceedings, the parties to the dispute shall refrain from any action which may aggravate the situation or further impede or prevent the settlement of the dispute.

2. The Conciliation Commission may draw the attention of the parties to the dispute submitted to it to the measures the parties could take in order to prevent the dispute from being aggravated or its settlement made more difficult.
3. The Arbitral Tribunal constituted for a dispute may indicate the interim measures that ought to be taken by the parties to the dispute in accordance with the provisions of Article 26, paragraph 4.

Article 17
Procedural Costs

The parties to a dispute and any intervening party shall each bear their own costs.

CHAPTER II - COMPETENCE

Article 18
Competence of the Commission and of the Tribunal

1. Any State party to this Convention may submit to a Conciliation Commission any dispute with another State party which has not been settled within a reasonable period of time through negotiation.
2. Disputes may be submitted to an Arbitral Tribunal under the conditions stipulated in Article 26.

Article 19
Safeguarding the Existing Means of Settlement

1. A Conciliation Commission or an Arbitral Tribunal constituted for a dispute shall take no further action in the case:
 - (a) If, prior to being submitted to the Commission or the Tribunal, the dispute has been submitted to a court or tribunal whose jurisdiction in respect of the dispute the parties thereto are under a legal obligation to accept, or if such a body has already given a decision on the merits of the dispute;

- (b) If the parties to the dispute have accepted in advance the exclusive jurisdiction of a jurisdictional body other than a Tribunal in accordance with this Convention which has jurisdiction to decide, with binding force, on the dispute submitted to it, or if the parties thereto have agreed to seek to settle the dispute exclusively by other means.

2. A Conciliation Commission constituted for a dispute shall take no further action if, even after the dispute has been submitted to it, one or all of the parties refer the dispute to a court or tribunal whose jurisdiction in respect of the dispute the parties thereto are under a legal obligation to accept.

3. A Conciliation Commission shall postpone examining a dispute if this dispute has been submitted to another body which has competence to formulate proposals with respect to this dispute. If those prior efforts do not lead to a settlement of the dispute, the Commission shall resume its work at the request of the parties or one of the parties to the dispute, subject to the provisions of Article 26, paragraph 1.

4. A State may, at the time of signing, ratifying or acceding to this Convention, make a reservation in order to ensure the compatibility of the mechanism of dispute settlement that this Convention establishes with other means of dispute settlement resulting from international undertakings applicable to that State.

5. If, at any time, the parties arrive at a settlement of their dispute, the Commission or Tribunal shall remove the dispute from its list, on receiving written confirmation from all the parties thereto that they have reached a settlement of the dispute.

6. In the event of disagreement between the parties to the dispute with regard to the competence of the Commission or the Tribunal, the decision in the matter shall rest with the Commission or the Tribunal.

CHAPTER III - CONCILIATION

Article 20

Request for the Constitution of a Conciliation Commission

1. Any State party to this Convention may lodge an application with the Registrar requesting the constitution of a Conciliation Commission for a dispute between it and one or more other States parties. Two or more States parties may also jointly lodge an application with the Registrar.
2. The constitution of a Conciliation Commission may also be requested by agreement between two or more States parties or between one or more States parties and one or more other CSCE participating States. The agreement shall be notified to the Registrar.

Article 21

Constitution of the Conciliation Commission

1. Each party to the dispute shall appoint, from the list of conciliators established in accordance with Article 3, one conciliator to sit on the Commission.
2. When more than two States are parties to the same dispute, the States asserting the same interest may agree to appoint one single conciliator. If they do not so agree, each of the two sides to the dispute shall appoint the same number of conciliators up to a maximum decided by the Bureau.
3. Any State which is a party to a dispute submitted to a Conciliation Commission and which is not a party to this Convention, may appoint a person to sit on the Commission, either from the list of conciliators established in accordance with Article 3, or from among other persons who are nationals of a CSCE participating State. In this event, for the purpose of examining the dispute, such persons shall have the same rights and the same obligations as the other members of the Commission. They shall perform their functions in full independence and shall make the declaration required by Article 5 before taking their seats on the Commission.
4. As soon as the application or the agreement whereby the parties to a dispute have requested the constitution of a Conciliation Commission is received, the President of the Court shall consult the parties to the dispute as to the composition of the rest of the Commission.

5. The Bureau shall appoint three further conciliators to sit on the Commission. This number can be increased or decreased by the Bureau, provided it is uneven. Members of the Bureau and their alternates, who are on the list of conciliators, shall be eligible for appointment to the Commission.
6. The Commission shall elect its Chairman from among the members appointed by the Bureau.
7. The Rules of the Court shall stipulate the procedures applicable if an objection is raised to one of the members appointed to sit on the Commission or if that member is unable to or refuses to sit at the commencement or in the course of the proceedings.
8. Any question as to the application of this article shall be decided by the Bureau as a preliminary matter.

Article 22

Procedure for the Constitution of a Conciliation Commission

1. If the constitution of a Conciliation Commission is requested by means of an application, the application shall state the subject of the dispute, the name of the party or parties against which the application is directed, and the name of the conciliator or conciliators appointed by the requesting party or parties to the dispute. The application shall also briefly indicate the means of settlement previously resorted to.
2. As soon as an application has been received, the Registrar shall notify the other party or parties to the dispute mentioned in the application. Within a period of fifteen days from the notification, the other party or parties to the dispute shall appoint the conciliator or conciliators of their choice to sit on the Commission. If, within this period, one or more parties to the dispute have not appointed the member or members of the Commission whom they are entitled to appoint, the Bureau shall appoint the appropriate number of conciliators. Such appointment shall be made from among the conciliators appointed in accordance with Article 3 by the party or each of the parties involved or, if those parties have not yet appointed conciliators, from among the other conciliators not appointed by the other party or parties to the dispute.
3. If the constitution of a Conciliation Commission is requested by means of an

agreement, the agreement shall state the subject of the dispute. If there is no agreement, in whole or in part, concerning the subject of the dispute, each party thereto may formulate its own position in respect of such subject.

4. At the same time as the parties request the constitution of a Conciliation Commission by agreement, each party shall notify the Registrar of the name of the conciliator or conciliators whom it has appointed to sit on the Commission.

Article 23

Conciliation Procedure

1. The conciliation proceedings shall be confidential and all parties to the dispute shall have the right to be heard. Subject to the provisions of Articles 10 and 11 and the Rules of the Court, the Conciliation Commission shall, after consultation with the parties to the dispute, determine the procedure.

2. If the parties to the dispute agree thereon, the Conciliation Commission may invite any State party to this Convention which has an interest in the settlement of the dispute to participate in the proceedings.

Article 24

Objective of Conciliation

The Conciliation Commission shall assist the parties to the dispute in finding a settlement in accordance with international law and their CSCE commitments.

Article 25

Result of the Conciliation

1. If, during the proceedings, the parties to the dispute, with the help of the Conciliation Commission, reach a mutually acceptable settlement, they shall record the terms of this settlement in a summary of conclusions signed by their representatives and by the members of the Commission. The signing of the document shall conclude the proceedings. The CSCE Council shall be informed through the Committee of Senior Officials of the success of the conciliation.

2. When the Conciliation Commission considers that all the aspects of the dispute and all the possibilities of finding a solution have been explored, it shall draw up a final report.

The report shall contain the proposals of the Commission for the peaceful settlement of the dispute.

3. The report of the Conciliation Commission shall be notified to the parties to the dispute, which shall have a period of thirty days in which to examine it and inform the Chairman of the Commission whether they are willing to accept the proposed settlement.
4. If a party to the dispute does not accept the proposed settlement, the other party or parties are no longer bound by their own acceptance thereof.
5. If, within the period prescribed in paragraph 3, the parties to the dispute have not accepted the proposed settlement, the report shall be forwarded to the CSCE Council through the Committee of Senior Officials.
6. A report shall also be drawn up which provides immediate notification to the CSCE Council through the Committee of Senior Officials of circumstances where a party fails to appear for conciliation or leaves a procedure after it has begun.

CHAPTER IV - ARBITRATION

Article 26

Request for the Constitution of an Arbitral Tribunal

1. A request for arbitration may be made at any time by agreement between two or more States parties to this Convention or between one or more States parties to this Convention and one or more other CSCE participating States.
2. The States parties to this Convention may at any time by a notice addressed to the Depositary declare that they recognize as compulsory, *ipso facto* and without special agreement, the jurisdiction of an Arbitral Tribunal, subject to reciprocity. Such a declaration may be made for an unlimited period or for a specified time. It may cover all disputes or exclude disputes concerning a State's territorial integrity, national defence, title to sovereignty over land territory, or competing claims with regard to jurisdiction over other areas.
3. A request for arbitration against a State party to this Convention which has made the declaration specified in paragraph 2 may be made by means of an application to the Registrar

only after a period of thirty days after the report of the Conciliation Commission which has dealt with the dispute has been transmitted to the CSCE Council in accordance with the provisions of Article 25, paragraph 5.

4. When a dispute is submitted to an Arbitral Tribunal in accordance with this article, the Tribunal may, on its own authority or at the request of one or all of the parties to the dispute, indicate interim measures that ought to be taken by the parties to the dispute to avoid an aggravation of the dispute, greater difficulty in reaching a solution, or the possibility of a future award of the Tribunal becoming unenforceable owing to the conduct of one or more of the parties to the dispute.

Article 27

Cases Brought before an Arbitral Tribunal

1. If a request for arbitration is made by means of an agreement, it shall indicate the subject of the dispute. If there is no agreement, in whole or in part, concerning the subject of the dispute, each party thereto may formulate its own position in respect of such subject.

2. If a request for arbitration is made by means of an application, it shall indicate the subject of the dispute, the States party or parties to this Convention against which it is directed, and the main elements of fact and law on which it is grounded. As soon as the application is received, the Registrar shall notify the other States party or parties mentioned in the application.

Article 28

Constitution of the Arbitral Tribunal

1. When a request for arbitration is submitted, an Arbitral Tribunal shall be constituted.

2. The arbitrators appointed by the parties to the dispute in accordance with Article 4 are *ex officio* members of the Tribunal. When more than two States are parties to the same dispute, the States asserting the same interest may agree to appoint one single arbitrator.

3. The Bureau shall appoint, from among the arbitrators, a number of members to sit on the Tribunal so that the members appointed by the Bureau total at least one more than the *ex officio* members. Members of the Bureau and their alternates, who are on the list of arbitrators, shall be eligible for appointment to the Tribunal.

4. If an *ex officio* member is unable to attend or has previously taken part in any capacity in the hearings of the case arising from the dispute submitted to the Tribunal, that member shall be replaced by his or her alternate. If the alternate is in the same situation, the State involved shall appoint a member to examine the dispute pursuant to the terms and conditions specified in paragraph 5. In the event of a question arising as to the capacity of a member or of his or her alternate to sit on the Tribunal, the matter shall be decided by the Bureau.

5. Any State, which is a party to a dispute submitted to an Arbitral Tribunal and which is not party to this Convention, may appoint a person of its choice to sit on the Tribunal, either from the list of arbitrators established in accordance with Article 4 or from among other persons who are nationals of a CSCE participating State. Any person thus appointed must meet the conditions specified in Article 4, paragraph 2, and for the purpose of examining the dispute, shall have the same rights and obligations as the other members of the Tribunal. The person shall perform his or her functions in full independence and shall make the declaration required by Article 5 before sitting on the Tribunal.

6. The Tribunal shall appoint its Chairman from among the members appointed by the Bureau.

7. In the event that one of the members of the Tribunal appointed by the Bureau is unable to attend the proceedings, that member shall not be replaced unless the number of members appointed by the Bureau falls below the number of *ex officio* members, or members appointed by the parties to the dispute in accordance with paragraph 5. In this event, one or more new members shall be appointed by the Bureau pursuant to paragraphs 3 and 4 of this article. A new Chairman will not be elected if one or more new members are appointed, unless the member unable to attend is the Chairman of the Tribunal.

Article 29

Arbitration Procedure

1. All the parties to the dispute shall have the right to be heard during the arbitration proceedings, which shall conform to the principles of a fair trial. The proceedings shall consist of a written part and an oral part.

2. The Arbitral Tribunal shall have, in relation to the parties to the dispute, the necessary fact-finding and investigative powers to carry out its tasks.

3. Any CSCE participating State which considers that it has a particular interest of a

legal nature likely to be affected by the ruling of the Tribunal may, within fifteen days of the transmission of the notification by the CSCE Secretariat as specified in Article 15, address to the Registrar a request to intervene. This request shall be immediately transmitted to the parties to the dispute and to the Tribunal constituted for the dispute.

4. If the intervening State establishes that it has such an interest, it shall be authorized to participate in the proceedings in so far as may be required for the protection of this interest. The relevant part of the ruling of the Tribunal is binding upon the intervening State.

5. The parties to the dispute have a period of thirty days in which to address their observations regarding the request for intervention to the Tribunal. The Tribunal shall render its decision on the admissibility of the request.

6. The hearings in the Tribunal shall be held *in camera*, unless the Tribunal decides otherwise at the request of the parties to the dispute.

7. In the event that one or more parties to the dispute fail to appear, the other party or parties thereto may request the Tribunal to decide in favour of its or their claims. Before doing so, the Tribunal must satisfy itself that it is competent and that the claims of the party or parties taking part in the proceedings are well-founded.

Article 30

Function of the Arbitral Tribunal

The function of the Arbitral Tribunal shall be to decide, in accordance with international law, such disputes as are submitted to it. This provision shall not prejudice the power of the Tribunal to decide a case *ex aequo et bono*, if the parties to the dispute so agree.

Article 31

Arbitral Award

1. The award of the Arbitral Tribunal shall state the reasons on which it is based. If it does not represent in whole or in part the unanimous opinion of the members of the Arbitral Tribunal, any member shall be entitled to deliver a separate or dissenting opinion.

2. Subject to Article 29, paragraph 4, the award of the Tribunal shall have binding force

only between the parties to the dispute and in respect of the case to which it relates.

3. The award shall be final and not subject to appeal. However, the parties to the dispute or one of them may request that the Tribunal interpret its award as to the meaning or scope. Unless the parties to the dispute agree otherwise, such request shall be made at the latest within six months after the communication of the award. After receiving the observations of the parties to the dispute, the Tribunal shall render its interpretation as soon as possible.

4. An application for revision of the award may be made only when it is based upon the discovery of some fact which is of such a nature as to be a decisive factor and which, when the award was rendered, was unknown to the Tribunal and to the party or parties to the dispute claiming revision. The application for revision must be made at the latest within six months of the discovery of the new fact. No application for revision may be made after the lapse of ten years from the date of the award.

5. As far as possible, the examination of a request for interpretation or an application for revision should be carried out by the Tribunal which made the award in question. If the Bureau should find this to be impossible, another Tribunal shall be constituted in accordance with the provisions of Article 28.

Article 32

Publication of the Arbitral Award

The award shall be published by the Registrar. A certified copy shall be communicated to the parties to the dispute and to the CSCE Council through the Committee of Senior Officials.

CHAPTER V - FINAL PROVISIONS

Article 33

Signature and Entry into Force

1. This Convention shall be open for signature with the Government of Sweden by the CSCE participating States until 31 March 1993. It shall be subject to ratification.

2. The CSCE participating States which have not signed this Convention may subsequently accede thereto.

3. This Convention shall enter into force two months after the date of deposit of the twelfth instrument of ratification or accession.
4. For every State which ratifies or accedes to this Convention after the deposit of the twelfth instrument of ratification or accession, the Convention shall enter into force two months after its instrument of ratification or accession has been deposited.
5. The Government of Sweden shall serve as depositary of this Convention.

Article 34
Reservations

This Convention may not be the subject of any reservation that it does not expressly authorize.

Article 35
Amendments

1. Amendments to this Convention must be adopted in accordance with the following paragraphs.
2. Amendments to this Convention may be proposed by any State party thereto, and shall be communicated by the Depositary to the CSCE Secretariat for transmission to the CSCE participating States.
3. If the CSCE Council adopts the proposed text of the amendment, the text shall be forwarded by the Depositary to States parties to this Convention for acceptance in accordance with their respective constitutional requirements.
4. Any such amendment shall come into force on the thirtieth day after all States parties to this Convention have informed the Depositary of their acceptance thereof.

Article 36
Denunciation

1. Any State party to this Convention may, at any time, denounce this Convention by means of a notification addressed to the Depositary.

2. Such denunciation shall become effective one year after the date of receipt of the notification by the Depositary.
3. This Convention shall, however, continue to apply for the denouncing party with respect to proceedings which are under way at the time the denunciation enters into force. Such proceedings shall be pursued to their conclusion.

Article 37

Notifications and Communications

The notifications and communications to be made by the Depositary shall be transmitted to the Registrar and to the CSCE Secretariat for further transmission to the CSCE participating States.

Article 38

Non-Parties

In conformity with international law, it is confirmed that nothing in this Convention shall be interpreted to establish any obligations or commitments for CSCE participating States that are not parties to this Convention if not expressly provided for and expressly accepted by such States in writing.

Article 39

Transitional Provisions

1. The Court shall proceed, within four months of the entry into force of this Convention, to elect the Bureau, to adopt its rules and to appoint the Registrar in accordance with the provisions of Articles 7, 9 and 11. The host Government of the Court shall, in cooperation with the Depositary, make the arrangements required.
2. Until a Registrar is appointed, the duties of the Registrar under Article 3, paragraph 5, and Article 4, paragraph 7 shall be performed by the Depositary.

Done at
in the English, French, German,
Italian, Russian and Spanish languages,
all six language versions being
equally authentic, on

Annex 3

Provisions for a CSCE Conciliation Commission

The participating States in the Conference on Security and Co-operation in Europe (CSCE) hereby establish a procedure to complement the Valletta Procedure for the Peaceful Settlement of Disputes endorsed by the Berlin Meeting, by the establishment of a Conciliation Commission ("the Commission") in accordance with the following provisions.

Section I

A dispute between two CSCE participating States may be brought before the Commission if the parties to it so agree.

Section II

A participating State may at any time declare that it will accept, on condition of reciprocity, conciliation by the Commission for disputes between it and other participating States. The declaration may not include conditions which would affect the procedures described in Sections III to XVII below. The declaration will be deposited with the Secretary of the Commission ("the Secretary") who will transmit copies to all the participating States.

Section III

1. Where the parties to a dispute have agreed to bring it before the Commission, the procedure will be invoked by a joint written request by the parties to the Secretary.
2. Where both parties to a dispute have made declarations under Section II which apply to that dispute, the procedure may be invoked by a written request by either party to the other and to the Secretary.

Section IV

1. As soon as the Secretary has received a request made in accordance with Section III, the Commission will be constituted in accordance with Section V.
2. Any question as to the application of Section II with respect to the dispute, and in particular as to reciprocity of the declarations made thereunder, will be decided by the Commission as a preliminary question. For this purpose the parties will proceed directly to the appointment of the conciliators.

Section V

1. The parties to the dispute will, within 20 days of the receipt by the Secretary of a written request under Section III, appoint one conciliator from the Register maintained for the purposes of the Valletta Procedure for the Peaceful Settlement of Disputes ("the Valletta Register"). A party which invokes the procedure in accordance with Section III, paragraph 2, should name its conciliator in its written request.
2. The conciliators will, within 20 days of the date of the second of their own appointments, appoint a third conciliator chosen from the Valletta Register, who will act as Chairman of the Commission. He will not be a national of either of the parties or have been nominated by either of them to the Register.
3. If the appointment of the Chairman, or of any of the other conciliators, has not been made within the prescribed period, it will be made within 20 days of the expiry of the relevant period by the Secretary-General of the Permanent Court of Arbitration, after consultations with the parties.

4. Any vacancies will be filled in the manner prescribed for the initial appointment.

Section VI

1. The Commission will consult the parties on the procedure to be followed in the exercise of its responsibilities as described herein. The Commission will give effect to any agreement between the parties on procedure. In the absence of agreement on any point, the Commission may decide the matter.
2. Decisions and recommendations of the Commission will be made by a majority vote of the members.

Section VII

The Commission may, with the consent of the parties, invite any participating State to submit its views orally or in writing.

Section VIII

The parties will refrain throughout the course of the procedure from any action which may aggravate the situation and make more difficult or impede the peaceful settlement of the dispute. In this connection, the Commission may draw the attention of the parties to any measures which it considers might facilitate an amicable settlement.

Section IX

The Commission will seek to clarify the points in dispute between the parties and endeavour to bring about a resolution of the dispute on mutually agreeable terms.

Section X

If the Commission considers that to do so will facilitate an amicable settlement of the dispute, it may suggest possible terms of settlement and set a time limit within which the parties should inform the Commission whether they accept such recommendations.

Section XI

Each party will, within the time limit set under Section X, inform the Secretary and the other party whether or not it accepts the proposed terms of settlement. If both parties have not notified such acceptance within such time limit the Secretary will forward a report from the Commission to the Committee of Senior Officials of the CSCE. The report will not include the matters referred to in Section XII.

Section XII

Any measures recommended under Section VIII, and any information and comments provided to the Commission by the parties in confidence, will remain confidential unless the parties agree otherwise.

Section XIII

Each party to the dispute will bear its own costs and the costs of the conciliator appointed by it. The rest of the costs of the Commission will be shared equally by the parties.

Section XIV

A participating State may at any time, whether before or after a dispute has been referred to the Commission, declare, either generally or in relation to a particular dispute, that it will accept as binding, on condition of reciprocity, any terms of settlement proposed by the Commission. Such declaration will be deposited with the Secretary who will transmit copies to all the participating States.

Section XV

A declaration made under Section II or Section XIV may be withdrawn or modified by written notification to the Secretary who will transmit copies to all the participating States. A declaration made under Section II or Section XIV may not be withdrawn or modified in relation to a dispute to which it applies once a written request for conciliation of the dispute has been made under Section III, and the other party to the dispute has already made such a declaration.

Section XVI

The parties may agree to modify the procedure set out in the preceding sections with respect to their particular dispute.

Section XVII

The Director of the Conflict Prevention Centre will act as Secretary of the Commission. In carrying out his functions the Director may consult the Committee of Senior Officials as and when he deems necessary. If the Director is a national of one of the parties to a dispute, his functions in respect of that dispute will be performed by the next most senior official of the Conflict Prevention Centre who is not such a national.

Annex 4

Provisions for Directed Conciliation

1. The Council of Ministers or the Committee of Senior Officials (CSO) may direct any two participating States to seek conciliation to assist them in resolving a dispute that they have not been able to settle within a reasonable period of time.
2. In using this authority, the Council or the CSO may direct that the parties to the dispute use the provisions for conciliation described in Annex 3, on the same basis as if the parties had made a joint written request to bring the dispute before the Conciliation Commission established by that Annex. However, in such situations:
 - (a) the Council or the CSO may decide, in view of the nature of the particular dispute or other relevant factors, either to increase or to decrease any of the twenty-day periods for appointment by the parties of the two members of the Conciliation Commission or for selection of the Chairman; and
 - (b) the work of the Commission will not be conducted in public, unless the parties agree otherwise.
3. Moreover, in cases involving disputes between two parties to the Convention on Conciliation and Arbitration within the CSCE, the Council or the CSO may direct that the parties use the provisions for conciliation established under that Convention, once that Convention enters into force.
4. The parties to the dispute may exercise any rights they otherwise have to participate in all discussions within the Council or CSO regarding the dispute, but they will not take part in the decision by the Council or the CSO directing the parties to conciliation, or in decisions described in paragraph 2(a).
5. The Council or the CSO will not direct parties to a dispute to seek conciliation under this Annex:
 - (a) if the dispute is being addressed under some other procedure for the peaceful settlement of disputes;

- (b) if the dispute is covered by any process outside the CSCE which the parties to the dispute have accepted, including under an agreement in which the parties have undertaken to address certain disputes only through negotiations; or
- (c) if either party to the dispute considers that, because the dispute raises issues concerning its territorial integrity, or national defence, title to sovereignty over land territory, or competing claims with regard to the jurisdiction over other areas, the provisions of this Annex should not be applied.

6. The parties to the dispute will bear their own expenses. Except for disputes covered in paragraph 3, any other expenses incurred under the procedure will be shared by all participating States in accordance with the CSCE scale of distribution, subject to any procedures that the CSO may adopt to ensure that expenses are limited to those reasonable. With respect to disputes covered by paragraph 3, responsibility for such other expenses will be borne in accordance with the provisions of the Convention on Conciliation and Arbitration within the CSCE.

7. In addition to any reports otherwise provided for under the conciliation provisions described in paragraphs 2 and 3, the Council or the CSO may request the Commission to report on the results of the conciliation. The report will not reflect matters that are considered confidential under the applicable provisions, unless the parties agree otherwise.