

INFORMATION MEETING OF THE BUREAU OF THE COURT  
WITH STATES PARTIES  
(Vienna, 10 March 2025)

Opening Address by Emmanuel DECAUX  
President of the OSCE Court of Conciliation and Arbitration

Your Excellencies, Ladies and Gentlemen,

I would like to thank Ambassador Anna OLSSON VRANG for her words of welcome, and to express my gratitude to Sweden for the excellent cooperation between the Court and the depositary State. This support was further demonstrated on the occasion of the 30<sup>th</sup> anniversary of the Stockholm Convention on Conciliation and Arbitration within the OSCE, which gave rise to a seminar organised in Stockholm in November 2022, followed by a publication issued just over a year ago, in March 2024, under the title "*The Stockholm Convention in a Europe in crisis*", which is at your disposal. Unfortunately, it doesn't take long to decide whether to use the word "crisis" in the singular or in the plural, given that the crisis has become systemic.

As President of the Court, I would also like to welcome you to this meeting in an original format, conducive to informal discussions between all the members of the Bureau and the States Parties to the Stockholm Convention. The number of ratifications now stands at 34 States, whose legal and diplomatic commitment forms a solid core, an active group of "friends of the Convention", something to which we are particularly sensitive.

As you know, Article 14 of the Convention requires the Bureau of the Court to present its annual report to all OSCE participating States, and this is what I have had the honour of doing for the past five years before the Permanent Council, at the invitation of successive Chairpersonships-in-Office, and most often in the presence of the Vice-President of the Court, my eminent colleague Judge Erkki KOURULA. These official hearings in Vienna were also the occasion for informal meetings with OSCE missions or institutions, but we felt that the time had come for a more structured meeting, with a real agenda, enabling fruitful exchanges. This seemed to us all even more useful given that the term of office of the Bureau, which was elected for six years, expires at the end of this year, as Mme ALLOT, with her vast experience, will soon explain.

### ***The Dual Nature of the Stockholm Convention***

Let me remind you of a few key facts. As its name suggests, the Court of Conciliation and Arbitration is "within the OSCE". Some States, and not the least, did their utmost during the negotiation of the treaty to create a certain distance between the Court and the OSCE, as evidenced by Article 38 on "non-parties", which refers rather superfluously to "international law". This has two important consequences.

On the one hand, the preamble to the Convention refers to OSCE commitments and principles. This is particularly true of Article 24 on the aims of conciliation. Its procedures are also open to other participating States on a voluntary basis. We have endeavoured to raise the Court's profile within the OSCE, making it part of the Chairmanship-in-Office's "toolbox". Similarly, our contacts with various officials of the OSCE Parliamentary Assembly have resulted in the Court being mentioned in the General Resolution of the Vancouver Assembly in 2023. We must therefore insist on the complementarity of institutions and mechanisms "within the OSCE". But these contacts are not exclusive: like my predecessors, I introduced the Court to the members of the Council of Europe's CAHDI (CAHIL), which includes jurisconsults from many of your countries.

The Stockholm Convention is in fact a multilateral treaty with a life of its own, with a depositary State, Sweden, as well as a host State, Switzerland, and a circle of States Parties who appoint the members of the Court in its two rosters, arbitrators and conciliators, giving it its collective independence. This legal rootedness in *hard law*, which may have been perceived as an originality in the flexible OSCE system that Luigi CONDORELLI described as a "*soft organization*", is today a factor of strength and continuity.

### ***Peaceful Settlement of Disputes***

It is thus part of the age-old movement towards the peaceful settlement of disputes, reaffirmed in Principle V of the Helsinki Decalogue - now fifty years old - and enshrined as early as 1945 in Article 33 of the United Nations Charter, following on from the advances made at the Hague Peace Conferences of 1899 and 1907 and the efforts of the League of Nations. At regional level, it complements the 1957 European Convention on the Peaceful Settlement of Disputes, giving it a practical scope.

The entire post-war international system is based on three simple principles, any challenge to which would be a terrible step backwards in history:

- respect for the sovereign equality, independence and territorial integrity of states;
- the guarantee of collective security against "*any act of aggression or other breach of the peace*";
- the principle of peaceful settlement of disputes.

The Stockholm Convention establishes a general framework for the peaceful settlement of disputes, through the creation of arbitration tribunals and conciliation commissions, which my colleagues will present in greater detail.

It's a paradox that the Court, whose usefulness seemed obvious to the founding fathers, has not yet been used. It still has a potential role to play in crisis prevention, setting up good offices and confidence-building measures, as well as in de-escalation, with "small steps" on the margins of direct negotiations. But it also implies indispensable preconditions: there can be no peaceful settlement without goodwill and mutual trust, without respect for one's word, good faith and the rule of law. The United Nations Charter itself speaks of a "*spirit of good neighborliness*". Above all, States in dispute must opt for conciliation or arbitration as a way out of a low-intensity crisis, in order to return to friendly relations. This is the spirit of the Stockholm Convention, which calls for modesty, flexibility and imagination.

One final word: over the past five years, we have endeavoured to raise awareness of the Court's potential, following Christian TOMUSCHAT's landmark publications on conciliation. We have put practical tools for users on the Court's website, starting with a compendium of reference documents and a systematic bibliography, in all the official languages of the OSCE. The time has come to pass on the baton and extend these efforts, with the support of the States that are friends of the Convention.