

# Court of Conciliation and Arbitration

Annual Report 2024



## Table of Contents

### FOREWORD by the President

<b>1.</b>	<b>INSTITUTIONAL MATTERS</b>	<b>3</b>
1.1	Bureau of the Court	
1.2	Members and Alternate Members of the Court	
<b>2.</b>	<b>ACTIVITIES</b>	<b>4</b>
2.1	Address of President Emmanuel Decaux at the 1471st Plenary Meeting of the Permanent Council of the OSCE, 2 May 2024	
2.2	Simulation of Conciliation under the Convention on Conciliation and Arbitration, Faculty of Law, University of Ljubljana, 2 December 2024	
2.3	Visit to the Court of Interns of the German Society for International Cooperation (GIZ), 10 October 2024	
<b>3.</b>	<b>COMMUNICATION AND OUTREACH</b>	<b>6</b>
3.1	Release of the Publication “The Stockholm Convention in a Europe in Crisis”	
3.2	Online Communication: new website, newsletters	
<b>4.</b>	<b>FINANCIAL AND ADMINISTRATIVE MATTERS</b>	<b>7</b>
<b>5.</b>	<b>OUTLOOK AND CONCLUDING REMARKS</b>	<b>8</b>
	<b>APPENDICES</b>	<b>10</b>
	Appendix I: Address of President Emmanuel Decaux at the 1471st Plenary Meeting of the Permanent Council of the OSCE	
	Appendix II: Case Study: Simulation of Conciliation – Diplomatic and Consular Law Course, Faculty of Law, University of Ljubljana	

## FOREWORD by the President

Once again, on behalf of the Bureau of the Conciliation and Arbitration Court within the OSCE, I have the honour of presenting you our annual activity report, in accordance with the provisions of Article 14 of the Stockholm Convention.

This report is in line with the Court's information, communication and awareness-raising efforts in its relations with all OSCE institutions and structures.

The passing away of President Robert Badinter on 9 February 2024, was felt as a personal loss by all those who knew and admired him. He had been one of the founding fathers of the Convention, before becoming President of the Court, for many years, and had never ceased to give us his friendly support and encouragement to continue the fight for peace through law. With that rare blend of charm and determination, he bore witness to an unwavering loyalty to the common ideal that we have yet to translate into reality.

The proceedings of the seminar held in Stockholm to mark the 30<sup>th</sup> anniversary of the adoption of the Convention, published in 2024, are dedicated to the memory of Robert Badinter. The seminar was an opportunity for all of us to take stock of the treaty's future, underlining its potential at a time when crises of all kinds are multiplying in the OSCE area. This concerns the 34 States Parties, who could make practical use of conciliation, or even arbitration, in their bilateral relations. But it also concerns all participating States, as well as OSCE structures and institutions. While the mechanisms of the Convention are part of the "toolbox" of the Chairpersonship-in-Office, this awareness must be extended to the field, in order to implement preventive and de-escalation measures, whether in terms of fact-finding or confidence-building measures. The conciliation procedure, with its responsiveness, discretion, impartiality and flexibility, is available to all parties on an equal footing.

We need to look to the future to prepare for the next generation of the Court. The election of a new President and the members of the Bureau will take place in the autumn of 2025. This is an opportunity to thank the Depositary State for its cooperation in organising a transparent and efficient procedure that can only strengthen the Court's legitimacy in the years to come. It is also an opportunity to call on all States Parties to update their lists of arbitrators and conciliators, so as to give the Court its full potential. Finally, I would like to take this opportunity to thank my colleagues of the Bureau for their unfailing availability and trust. This teamwork, with the invaluable contribution of our dedicated staff, is a precious pledge for the future.



Emmanuel Decaux  
President of the Court

## 1. INSTITUTIONAL MATTERS

### 1.1. Bureau of the Court

The Bureau of the Court convened a meeting that took place on 22 January 2024 in Geneva. The main objective of the meeting was to discuss the election procedure of the next President of the Court and the other members of the Bureau, which is due to take place in the second semester of 2025. While the Convention on Conciliation and Arbitration within the OSCE and the Rules of procedure clearly outline the function of the Bureau of the Court, its mandate as well as the election of this executive body, practical questions arise in the roll-out of the procedure. The Bureau agreed to hold the elections in a written procedure, with electronic voting. It also reaffirmed the previous interpretations regarding the eligibility of the conciliators and arbitrators as full members of the Court. Alternate arbitrators, who are considered alternate members, are therefore not entitled to participate in the elections. The Bureau also agreed that there should be full transparency and the opportunity for candidates to campaign. The Registry will set up a dedicated website for this purpose where potential candidates can submit their curriculum vitae and a letter of intent.

President Decaux and members of the Bureau reiterated the importance for States parties to renew the mandates of their appointed members and to nominate their conciliators and arbitrators when appropriate so that they could actively participate in the elections as potential candidates and cast a vote. The Registry had therefore again reminded the States Parties concerned.

The meeting also offered the opportunity to discuss the agenda ahead for the year.

The Bureau of the Court is composed of Prof. Emmanuel Decaux (President), Judge Erkki Kourula (Vice-President), Justice Mats Melin, Mrs. Anne Ramberg, Prof. Vasilka Sancin, Prof. Christian Tomuschat, Prof. Verica Trstenjak, and Prof. Silja Vöneky.

The profiles of the Bureau members can be found on the Court's website ([www.osce.org/cca](http://www.osce.org/cca) – Who we are – Presidency)

### 1.2. Members and Alternate Members of the Court

In September 2024, the government of Montenegro has appointed its conciliator and arbitrator to the OSCE Court of Conciliation and Arbitration for a mandate of six years, in accordance with Articles 3 and 4 of the Convention on Conciliation and Arbitration within the OSCE.

Ivana Šikmanović, Acting General Director for International Legal Affairs at the Ministry of Foreign Affairs of Montenegro was appointed as arbitrator. The appointed conciliator is Nikola Ražnatović, Director of the Section for Restrictive Measures and Public International Law at the Ministry of Foreign Affairs of Montenegro. The Court extends a warm welcome to its new members.

The appointed members of the Court, who offer an outstanding expertise in the field of international law and diplomacy, can be appointed by the parties to a dispute to sit in the conciliation commission or the arbitral tribunal. They are also entitled to take part in the elections for the President of the Court and membership of the Bureau (cf. also point 1.1. – Bureau of the Court).

The list of appointed members and alternate members is available online on the Court's webpage ([www.osce.org/cca](http://www.osce.org/cca) - key resources).

## 2. ACTIVITIES

### 2.1. Address of President Emmanuel Decaux at the 1471<sup>st</sup> Plenary Meeting of the Permanent Council of the OSCE, 2 May 2024

In his annual address to the OSCE Permanent Council on 2 May 2024, Professor Emmanuel Decaux, President of the OSCE Court, presented the Court's 2023 activity report and underscored its crucial role in the OSCE framework, advocating for its inclusion as a key instrument in the OSCE Chairpersonship's toolkit (cf. appendix I).

Professor Decaux's reflections came as he spoke about the 30th anniversary of the Stockholm Convention in 2022 — a pivotal treaty within the OSCE dedicated to the peaceful resolution of disputes. This milestone was marked by a comprehensive seminar in Stockholm, reflecting on the Court's journey and the evolving challenges in a Europe facing multiple crises. "More than thirty years after the creation of the OSCE Court, the time must not be one of resignation, but of determination to fully implement one of the rare treaties adopted by the Organization," President Decaux emphasized.

He reiterated the foundational goals of the Stockholm Convention, established on 15 December 1992, which set the stage for the creation of the Court. This initiative stemmed from the commitments made during the La Valetta Meeting of Experts on Peaceful Settlement of Disputes, aiming to foster conciliation and arbitration mechanisms under an independent and impartial judicial framework.

Highlighting the Court's role in conflict prevention and crisis de-escalation, President Decaux appealed to all OSCE participating States not yet party to the

Stockholm Convention to consider accession. He championed the Court's capacity for "flexible, rapid, and discreet procedures," which are essential for amicable dispute resolution and uphold the principles of international law, good faith, and neighborliness.

H.E. Ambassador Ferenc Dancs, Permanent Representative of Hungary to the OSCE, made a statement in reply, in its national capacity and on behalf of the OSCE participating States that are parties to the Convention on Conciliation and Arbitration within the OSCE: Albania, Austria, Bosnia-Herzegovina, Croatia, Cyprus, Denmark, Finland, France, Germany, Greece, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Montenegro, North Macedonia, Norway, Poland, Portugal, Romania, San Marino, Slovenia, Sweden, Switzerland, and Ukraine. (PC.DEL/542/24 OSCE+).

Ambassador Dancs welcomed President Decaux's statement on the Court's activities, recalling in particular the possibilities offered by the Court to contribute to the settlement of disputes through peaceful and diplomatic means in a sustainable and effective manner, in accordance with international law and OSCE principles and commitments. He also added that a greater number of States could further facilitate the full implementation of this instrument. "For our part, we will continue to steadily encourage any initiative to raise awareness of the Court's value among OSCE participating States and to integrate it into OSCE activities", he concluded.

#### APPENDIX I:

Address of OSCE Court's President, Professor Emmanuel Decaux,  
at the 1471<sup>st</sup> Plenary Meeting of the OSCE Permanent Council (PC.DEL/558/24)

## **2.4 Simulation of Conciliation under the Convention on Conciliation and Arbitration within the OSCE, Faculty of Law, University of Ljubljana, 2 December 2024**

On 2 December 2024, the OSCE Court of Conciliation and Arbitration was hosted for a first-ever simulation of conciliation proceedings within the Court at the Faculty of Law of the University of Ljubljana, under the aegis of Professor Vasilka Sancin, Head of the Department of International Law and member of the Bureau of the Court. A group of Prof. Sancin's domestic and exchange students, enrolled in the course on diplomatic and consular law, addressed a fictional case submitted for conciliation under the provisions of the Convention on Conciliation and Arbitration within the OSCE.

The contrived dispute pertained to two fictitious states: the Republic of Andromeda and the Kingdom of Rhea and raised a wide range of issues, including subjects relating to human rights, minorities, territorial integrity and the responsibilities of states with regard to environmental protection, including plastics pollution and

activities in outer space. Prior to the play-role session, students acting as agents as well as conciliators were required to submit their written submissions in which they set out their arguments, including proposals based on international law and OSCE commitments for the resolution of the submitted dispute. During the session, OSCE Court's President, Prof. Emmanuel Decaux, participated actively as a member of the jury.

#### APPENDIX II: CASE STUDY – SIMULATION OF CONCILIATION

Republic of Andromeda vs. Kingdom of Rhea

Diplomatic and Consular Law Course – Professor Vasilka Sancin,

Faculty of Law, University of Ljubljana

### **2.5 Visit to the Court of Interns of the German Society for International Cooperation (GIZ), 10 October 2024**

Ms. Christa Allot of the Registry of the Tribunal received a group of interns from the German Society for International Cooperation (GIZ) on their study trip to Geneva on 10 October 2024. She presented the purpose and main features of the Convention on Conciliation and Arbitration within the OSCE, the structure of the Court and the challenges it faces to these young professionals with interdisciplinary backgrounds who are interested in security policy and international relations. She also mentioned the political background at the time of its creation by its founding fathers, the late Robert Badinter and Hans-Dietrich Genscher. The ensuing question and answer session allowed for a lively discussion.

## **3. COMMUNICATION AND OUTREACH**

### **3.1. Release of the Publication “The Stockholm Convention in a Europe in Crisis”**

In March 2024, the Court released the publication presenting a selection of the proceedings of the seminar held on 24 November 2022 in Stockholm to mark the 30th anniversary of the adoption of the Convention on Conciliation and Arbitration within the OSCE. It contains the many contributions of eminent scholars and speakers at the Seminar on topics such as the origins of the 1992 Stockholm Convention, its merits, challenges and obstacles, while looking at different methods of peaceful settlement of disputes in today's world: arbitration, conciliation, mediation. The publication also reflects the forward-looking approach expressed at the seminar and the role of the Court within the various mechanisms provided by the OSCE, keeping in mind the spirit of Helsinki. This volume is dedicated to the memory of Robert Badinter, who was the principal initiator of the Court and its President from 1995 until 2013.

The publication is available online on the website of the OSCE Court and referenced in the collection of OSCE publications. References:

Online version: ISBN - 978-92-9271-378-2

Print version: ISBN - 978-92-9271-377-5

### 3.2. Online Communication

The Court has been working closely with the OSCE's communications team to develop a first draft of the content and navigation related to the Court for the OSCE's new website, which is under preparation. The challenge has been to find the right balance between the requirements of the website as a public information tool for a wide audience and the accuracy in terms of international law with regards to the Court's procedures, conciliation and arbitration, as laid down in the Convention and the Rules of procedures.

The Court continued its outreach efforts in 2024, sending regular newsletters to the members of the Court.

## 4. FINANCIAL AND ADMINISTRATIVE MATTERS

Overview of the financial statements – financial year 2024:

Total net expenditures:	CHF 103'232.27
Contributions provided by States parties:	CHF 95'102.89
Total reserves	CHF 127'418.69

The financial statements for the year 2024 were carried by the audit firm, Bonnefous & Cie, which has also established the audit report certifying that the accounts meet the requirements of the Financial Protocol. Following the approval by the Bureau of the Court at its meeting held in January 2024, the financial statements and the audit report were transmitted to the States parties to the Convention.

The expenditures incurred in 2024 were consistent with the budget forecast and slightly higher than the expenditures made in the previous year. Regarding the Court's operational costs, it is important to note that Mrs. Allot is the only employee, working on a part-time basis, and that the members of the Bureau perform their duties on a purely *pro bono* basis, without benefiting from any allowances.



The Bureau of the Court noted with satisfaction that 33 out of the 34 States parties had fulfilled their financial commitments in providing their regular contribution in timely manner. It can be interpreted as a sign of continued support and trust.

The Court makes every effort to keep the expenses for the running of its registry at the strict minimum required. It is worth noting that since 2019, the total amount of the request for contributions to States parties has remained steady at CHF 95'000. In line with Article 2.1 of the Financial Protocol, this amount is divided among States parties according to the scale of distribution applicable within the OSCE, taking into account the difference in number between OSCE participating States and States parties to the Convention.

The Court endeavours to maintain a certain level of reserves in order to be prepared for the rapid establishment of a conciliation commission or arbitral tribunal in the event of such a request.

## 5. OUTLOOK AND CONCLUDING REMARKS

The year 2025 will bring a significant institutional change. In accordance with the provisions of the Convention on Conciliation and Arbitration within the OSCE, the six-year mandate of the current Bureau of the Court that was elected in October 2019, will reach its expiry. The Court is prepared to organise the elections for the next President of the Court the other members of the Bureau. The election procedure will be launched in September 2025, in close collaboration and under the supervision of the Depositary State, Sweden.

In its final year of office, the current Bureau of the Court will continue its relentless efforts initiated in 2019 to promote the Court and to make conciliation and arbitration procedures more visible and understandable. To this end, a meeting with Representatives of States parties was held in March 2025, in Vienna.

Furthermore, the Court anticipates the 50th anniversary of the Helsinki Final Act, whose principles are as pertinent today as they were at the time of their inception. This is notably the case for Principle V on the peaceful settlement of disputes:

*“The participating States will settle disputes among them by peaceful means in such a manner as not to endanger international peace and security, and justice. They will endeavour in good faith and a spirit of co-operation to reach a rapid and equitable solution on the basis of international law. For this purpose they will use such means as negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice including any settlement procedure agreed to in advance of disputes to which they are parties. In the event of failure to reach a solution by any of the above peaceful means, the parties to a dispute will continue to seek a mutually agreed way to settle the dispute peacefully.*”

*Participating States, parties to a dispute among them, as well as other participating States, will refrain from any action which might aggravate the situation to such a degree as to endanger the maintenance of international peace and security and thereby make a peaceful settlement of the dispute more difficult.”*

---

The OSCE Secretariat bears no responsibility for the content of this document and circulates it without altering its content. The distribution by OSCE Conference Services of this document is without prejudice to OSCE decisions, as set out in documents agreed by OSCE participating States.

PC.DEL/558/24  
6 May 2024

ENGLISH  
Original: FRENCH

**ADDRESS BY**  
**MR. EMMANUEL DECAUX, PRESIDENT OF THE OSCE COURT OF**  
**CONCILIATION AND ARBITRATION, AT THE 1471st MEETING OF THE**  
**OSCE PERMANENT COUNCIL**

2 May 2024

Mr. Chairperson,  
Ambassadors,

I have the honour of presenting the annual report of the Court of Conciliation and Arbitration within the OSCE in accordance with Article 14 of the Stockholm Convention. For us it is a question of a transparency obligation – or might I say an accountability obligation – but it is also about being willing to inform, to raise awareness and to attract engagement. I thank the Maltese Chairmanship for its invitation, which has provided the Court with a most helpful opportunity for renewing contacts and exchanges of views with the OSCE institutions and structures and with the Vienna-based delegations.

Ever since the signature of the Helsinki Final Act in 1975, Principle V on the peaceful settlement of disputes has been indivisible from the other commitments forming part of the Decalogue, which have been undertaken by all the participating States, building on the principles of the Charter of the United Nations. Today, as in the past, that principle should constitute an essential pillar of security and co-operation in Europe. Nevertheless, it must be acknowledged that there is a wide gap between principles and realities.

Shortly after the Charter of Paris for a New Europe was signed in 1990, the Meeting of Experts held in Valletta, Malta, from 15 January to 8 February 1991 laid down “principles for dispute settlement” following on from the Meetings of Experts held in Montreux in 1978 and Athens in 1984. The report of the Valletta Meeting emphasized, in particular, that “the existence of appropriate dispute settlement procedures is indispensable for the implementation of the principle that all disputes should be settled exclusively by peaceful means. Such procedures are an essential contribution to the strengthening of the rule of law at the international level and of international peace and security ...” The report also reiterated that “international disputes are to be settled on the basis of the sovereign equality of States and in accordance with the principle of the free choice of means in conformity with international obligations and commitments and with the principles of justice and international law.”

Less than two years later, the Stockholm Convention establishing the Court of Conciliation and Arbitration within the OSCE was adopted on 15 December 1992. It allowed these commitments of principle to be put into specific operation by organizing conciliation and arbitration mechanisms within the framework of an independent and impartial court. This was a step of great importance for going beyond the list of means for the pacific settlement of disputes given in Article 33 of the Charter of the United Nations, in that it enabled the establishment of institutions and procedures through the possibility of creating Conciliation Commissions and Arbitral Tribunals, at the request of States Parties, on the basis of the two

“constituencies” making up the Court, that is, conciliators and arbitrators. As for the Bureau of the Court, that is a standing body which acts as a guarantor of the independence and effectiveness of procedures.

The 30th anniversary of the adoption of the Stockholm Convention served as an opportunity, with the support of the Polish Chairmanship and of Sweden as the depositary State, to take serious stock of the challenges faced by the Court in a crisis-ridden Europe. The proceedings of the seminar organized by the Bureau of the Court together with the University of Stockholm have just been published and you all have access to them.

More than 30 years after the Court was established, now is not a time for resignation but one for resolve. As you know, the Stockholm Convention, which entered into force on 5 December 1994, has so far been ratified by 34 States Parties, the most recent being Montenegro in 2016.

It is worth emphasizing that the Stockholm Convention, which is one of the few treaties negotiated within the framework of the OSCE, constitutes an integral part of our Organization’s structures and institutions. Not only is it open to all the participating States – which I hereby invite to ratify it so as to symbolically strengthen the role played by peaceful settlement of disputes in the OSCE area – but its mechanisms are also available, on a case-by-case, ad hoc basis, to participating States wishing to establish, in a very swift and flexible manner, a Conciliation Commission. This inter-State mission must be complementary to other legal obligations undertaken by the States Parties, as underlined by Article 19 of the Convention.

There is another dimension that is still only virtual but that was very much highlighted during the discussions at the Stockholm Seminar, namely the closer interaction that the Court should have with the other OSCE institutions. The Court forms part of the toolbox available to the OSCE bodies, especially the Chairmanship and the Secretariat but also the other institutions and offices. In this spirit of outreach, we appreciate the reference that was made to the Court in the Vancouver Declaration adopted by the OSCE Parliamentary Assembly during its Thirtieth Annual Session in July 2023. Paragraph 202 of the Declaration “recognizes the value, particularly at a time of geopolitical instability, of reinforcing and making full use of the OSCE Court of Conciliation and Arbitration”. We hope that this emphatic call will be heeded.

The peaceful settlement of disputes is more necessary than ever to prevent crises and mitigate conflict in a world tested by chaos, anarchy and violence. Between brinkmanship as a continuation of power relationships on the one hand, and judicial settlement on the basis of States’ international obligations on the other (which is enjoying a new boom with the development of “lawfare”), there is room for flexible, swift and discreet procedures, for more modest, low-intensity means aimed at both preventing conflicts and de-escalating crises. This is very much the meaning of conciliation and arbitration as defined in the Stockholm Convention, to be conducted with respect for the principles of international law but also in a spirit of good faith, goodwill and good-neighbourliness.

The potential of the Court of Conciliation and Arbitration, as the Court was envisaged by its founding fathers, remains undiminished. In that regard, I trust you will allow me to recall the memory of Robert Badinter, who was the first President of the Court, serving from 1995 to 2013, and who constantly encouraged us in our efforts. The proceedings of the Stockholm Seminar are dedicated to his memory, with the aim being to deliver on the promise held out by the Court.

Even if the mechanisms provided for by the Convention have not – have not yet – been put into operation, the Court very much remains at the disposal of States for any conciliation and/or arbitration proceedings. The Court is in working order, in a state of permanent alert – dare I say it – ready for use.

We must be reactive but also proactive, while not neglecting any opportunity to make the Court's potentialities more widely known.

With the help of, *inter alia*, our very effective executive secretariat and in close co-operation with the OSCE's public information services, we have developed a communication policy that is bearing fruit; it includes our very own visual identity. On its website the Court has gradually posted online – accessible to everyone and in four OSCE official languages – reference documents, starting with a compilation of “key documents” and a bibliography on the Stockholm Convention, supplemented today by the publication in English of the proceedings of the recent seminar on “The Stockholm Convention in a Europe in Crisis”. The updated lists of conciliators and arbitrators can be readily accessed on the website as well. We also intend to develop practical information sheets describing a kind of *modus operandi* of the Convention with a view to responding more effectively to questions or any doubts that potential users may have.

A second line of action that has been pursued for some years now, at the initiative of our colleague in the Bureau, Professor Vasilka Sancin, is an arbitration-related “Moot Court” organized at the Faculty of Law of the University of Ljubljana, which is enjoying growing success and attracting the interest of students from various countries. The Faculty's website similarly attests to the dynamism of the young teams involved.

However, what we are obviously striving for is to strengthen the positioning of the Convention in the European system for the settlement of disputes between States, as I emphasized when speaking before the Council of Europe Committee of Legal Advisers on Public International Law. Allow me to reiterate here with equal conviction that the Court cannot do anything without you, without the States Parties or the participating States. That involves taking some simple steps.

In closing, I should therefore like to underline three specific actions that would contribute to a fresh start.

- On behalf of the Court, I must issue an appeal to the States that have not yet ratified the Convention to consider constructively the possibility of doing so in order to reaffirm that the peaceful settlement of disputes retains all its validity in the Europe that we long to see. Thirty years later, it seems to me that the misgivings that characterized the birth of the Court no longer have any justification – the Court exists, it is up and running. The Court must not remain on the back burner but must, rather, be on standby mode, with the support of all States committed to co-operation based on the rule of law.
- Moreover, each of the States Parties should remain mindful of the need to keep the lists of arbitrators and conciliators up to date; these, in case you need reminding, are appointed for terms of office of six years that can eventually be renewed. This is essential to refresh our pool of diplomatic and legal expertise, and to diversify skills and experiences in the event that cases are submitted to the Court. But it is also highly valuable for the sake of independence and impartiality, with a view to having an “electorate” that is as representative as possible when the time comes to renew the Bureau of the Court at the end of 2025.
- Finally, I should like to recall the uniqueness of conciliation, which, unlike arbitration, does not obligate States to do anything other than to consider confidential recommendations presented by a Conciliation Commission that was established at their request. The procedure itself is in a certain sense co-created together with the parties to the dispute; the proceedings can be rapid when it is a question of overcoming an impasse or they can be gradual, involving various stages, so as to let matters take their course, but in all cases they are confidential and are left to the discretion of the parties. Where conciliation fails, the States that are party to a dispute can leave it at that or they may choose, by mutual agreement, to embark on compulsory arbitration based on international law.

6 May 2024

As you will have gathered, it is our heart's desire to see the Court being called upon to examine a request for conciliation falling within its purview, so that it is able to prove its worth.

Mr. Chairperson,  
Ambassadors,

Thank you for your attention.

Diplomatic and Consular Law Course

SIMULATION OF CONCILIATION

**Court of Conciliation and Arbitration within the Organisation for  
Security and Co-operation in Europe**

**REPUBLIC OF ANDROMEDA v. KINGDOM OF RHEA**

**CASE STUDY**

Faculty of Law, University of Ljubljana

October 2024



**PF**

UNIVERSITY OF LJUBLJANA  
Faculty of Law



# MAP OF THE LEONIS PENINSULA





## I. BACKGROUND INFORMATION

1. The **Leonis peninsula**, stretching far into the **Great Blue Sea**, is a land of extraordinary natural beauty, both its flora and its fauna. The peninsula was first inhabited over 20.000 years ago and is thus home to several great civilisations. In the middle ages, two kingdoms were formed on the entire peninsula: the Kingdom of Rhea (hereinafter: **Rhea**) and the Great Duchy of Polaris (hereinafter: **Polaris**), who ever since fostered amical relations between each other. The borders between both kingdoms are some of the oldest still unchanged borders globally, dating back to the “Great Delimitation Charta” of 1268, signed by both King Mercury of Rhea and the Grant Duke Ferdinand of Polaris.
2. The Republic of Andromeda (hereinafter: **Andromeda**) is a highly developed economy, stretching across 250.000 km<sup>2</sup> with a population of approximately 40 million people, of which 5.000.000 live in the capital Carina. In the 1950s, the ethnically distinct population of Andromeda, then still a province of the Kingdom, commenced to pursue further self-determination, dissatisfied with the central government in Betelgeuse, the capital of the Kingdom of Rhea. Andromeda achieved its statehood after the notorious 7-year war for independence, often referred to by Andromedans as the “Patriotic War”, fought between the central forces of the Kingdom of Rhea and Andromedan separatists between 1959 and 1966. Nevertheless, during the Patriot War, the Andromedan separatists failed to unify all areas of Rhea with a predominant Andromedan population. For this reason, the region of **Nebula** remained with Rhea alongside with 2 million Andromedans, who kept their Rhean citizenship after the war concluded with a peace treaty concluded between the Rhean and the newly founded Andromedan governments in 1966. While Andromeda and Rhea tried to establish friendlier relations after the war, their cooperation was always driven by necessity and never reached the state of true amicability. Andromeda later-on invested heavily in space technology and rocket engineering, which led to the creation of the Taurus Space Laboratory – the most prestigious State institute for space sciences in the world. Currently, Mr. George Temper acts as the President of Andromeda.
3. The Kingdom of **Rhea** is nowadays fully devoted towards the global struggle against climate change and environmental protection and in the 1980s started promoting the protection of flora and fauna. In the **Cassiopeia Mountains** alongside the border with

Polaris, several areas of outstanding natural beauty are duly preserved and protected as UNESCO world natural heritage sites. The Rhean population of 35 million is thus environmentally conscious and deems the further conservation of Rhean territory, encompassing roughly 120.000 km<sup>2</sup>, as a national priority. For this reason, Rhea enacted strict limitations on car emissions in its capital, Betelgeuse, and declared zero single use plastic waste policy on its territory.

4. Outside of the environmental domain, the Rhean government has been heavily criticised for decades for the treatment of its citizens of Andromedan ethnicity, mostly in the Nebula region. After the war of Andromedan secession, which is still looked upon with sorrow, Rhea adopted several laws to cement its authority over the remaining Andromedan population in Nebula to prevent another potential secession from its territory. The laws were received rather negatively in the international community and amongst human rights organisations, who deeply deplored the norms as discriminatory. Ms. Elisabeth Rye acts as the country's Prime Minister.
5. The Grand Duchy of **Polaris** was not affected by the conflict in its neighbourhood. Polaris always deemed it a national priority to maintain friendly relations with its neighbours. For this reason, the population of 10 million people lived relatively peacefully on the country's 75.000 km<sup>2</sup>, engaging in banking, commerce and information technology. Scientists from Polaris cooperate closely with the Taurus Space centre in Andromeda. This fruitful collaboration led to several satellites being launched into space from space-rocket launching sites in Andromeda. While both Polaris and Andromeda always reiterated that the satellites are of commercial nature and for meteorological purposes, Rhea feared that in reality those devices could be used to spy on the movements of Rhean armed forces, especially in the Nebula region. The current Grand Duchess Francisca II is well renowned globally for her strong support towards Polarian space programmes.

## II. BACKGROUND OF THE DISPUTE

1. On 1 October 2023, mass protests were organised in Nebula by several separatist parties, whose main objective was for Nebula, which is mainly inhabited by Rhean citizens of Andromedan ethnicity, to secede from Rhea and become a part of Andromeda. The protests were peaceful at first, yet after a while the protesters began to destroy shops and offices owned by the Rhean ethnic minority. After days of violent protests and clashes with the police, which already led to several dozen fatalities amongst the protesters and the police force, the central government in the capital of Rhea, Betelgeuse, responded by sending its military into the region.
2. The armed forces of Rhea arrived to the region on 10 October 2023. This was the first time since the signing of the peace treaty with Andromeda in 1966 that Rhean military personnel was present in Nebula as Article 2 of the peace treaty provided for the demilitarisation of the region to prevent further conflict. The President of Andromeda, Mr. George Temper, called the Prime Minister of Rhea, Ms. Elisabeth Rye, on 11 October 2023 and emphasised that Rhea's actions amount to a clear violation of the peace treaty and applicable international law. Ms. Rye responded by declaring a state of necessity to act as otherwise the safety and security of the civilian population in Nebula would be jeopardized if the violent clashes between the protesters and the police continued.
3. The military presence failed to suppress the ongoing violence – on the contrary, the clashes between the military and the protesters intensified daily. The central Rhean government decided, wishing to bring the situation to an end, to adopt stricter legislation for the region. The Law 23/100 was adopted by Rhean Parliament on 1 November 2023, and entered into force after receiving royal assent on 2 November 2023. The new legislation stated:

“Article 1 – Andromedan identity

*The inhabitants of Nebula region are hereby prohibited from showcasing any affiliation to Andromeda, either in private or public spaces. The display of*

*Andromedan identity shall be punishable with imprisonment for up to 50 years by discretion of the judge.*

## Article 2 – Re-education

*Every Rhean national of Andromedan ethnicity shall undergo a series of lectures on Rhean cultural identity. For this purpose, re-education facilities will be established to foster the expansion of Rhean culture. Failure to attend the lectures, if called upon, results in imprisonment for up to 25 years.”*

4. The legislation was not received favourably in Nebula. The protesters, who managed to capture several arms depots of the Rhean armed forces, teamed up with the separatists in armed resistance. By the end of November 2023, the conflict in Nebula reached 10.000 fatalities, mostly civilian casualties. To frighten the separatists into submission, Rhean generals ordered their troops to fire at will, whereas many villages in Nebula were razed to the ground based on mere suspicion that they provided haven for separatists. Schools were demolished and hospitals attacked with incendiary bombs as they allegedly sheltered rebel fighters in their basements. The same incendiary bombs, alongside with cluster bombs, were used in highly populated areas.
5. On 15 December 2023, Mr. Temper announced on the national television that Andromeda will have to intervene in Nebula with its military to stop the suffering of the civilian population, and to unite all the people of Andromedan ethnicity in one homeland. Many experts in Rhea opined that the intent of Mr. Temper was to ensure the integration of Nebula into Andromeda.
6. The next day, Andromedan armed forces crossed the border into Nebula and linked with the rebels and separatists against Rhea. Fierce fighting erupted between the joint forces of Andromeda and the separatists on one side against the forces of Rhea on the other. Andromeda relied heavily on drone warfare and loitering munition, often catching Rhean forces by surprise. Since the armed forces of Andromeda outnumbered those of Rhea by a landslide, Andromeda soon exercised control over the majority of Nebula. The fighting then turned into a stalemate and trench warfare, with either side only obtaining small gains in exchange for plenty of casualties.

7. In the areas under its control, Andromeda organised a referendum on 1 January 2024 for the local population, in which the people were asked whether they wish to unite with Andromeda. The referendum was exercised without the presence of international observers. The governor of Nebula announced the results of the referendum on 5 January 2024, indicating that 98.50% of voters chose integration. On 6 January, the Parliament in Carina, the capital of Andromeda, passed the Great Unification Bill, Article 1 of which expressed that from this day forth, Nebula constitutes an integral part of Andromedan territory.
8. The referendum and the proclamation of the Great Unification Bill was condemned widely in the international community, with the United Nations General Assembly passing Resolution 1234/2024 condemning the actions of Andromeda. The United Nations Security Council discussed the situation as well; however, no resolution was passed due to the exercise of its veto power by a permanent Member State. On the ground in Nebula, the trench warfare continued, reaching 75.000 military casualties and several hundred thousand civilians displaced.
9. On the territory in Nebula under its control, Andromeda started the construction of a brand-new, state-of-the-art space-rocket launching site. Scientists at the Taurus Space Centre awaited the construction of a new launching site for decades since the existing sites in Andromeda were built in the vicinity of mountainous terrain during the 1990s. In fact, those sites were only envisioned as a temporary solution, yet in the end they were relied on heavily throughout the decades to come. Andromedan scientist published a study already in 2002 that the ideal geographical conditions for the construction of a space-launching site are in Nebula given its vast steppe in the Southern part of the region. For Andromeda to maintain its status as a leading space-faring nation, a new launching site was of national importance.
10. Once the launching site became operational in August 2024, the interest for rocket launches was enormous, not only from the Taurus Space Centre, but also from other public and private entities in the region. One of those entities was SpaceCom, a private enterprise incorporated in Polaris, specialising in military surveillance technologies. The representatives of SpaceCom met with Mr. Temper in Carina on 10 August 2024 to discuss the possibility of launching their newly developed Hawk 10 rocket, a two-stage rocket

designed to transport satellites into the Earth's orbit. In exchange for a sum of 50.000.000 USD, Andromeda authorised the lease of its newly constructed launching site to SpaceCom for a period of 2 years by the Space Bill passed in Parliament on 15 August 2024.

11. SpaceCom wasted no time after obtaining the lease and by the beginning of September 2024, three Hawk 10 rockets were ready to be launched into space. On 10 September 2024 at 8.00 AM, only two hours before the first launch of the day was scheduled, Andromedan officials at the Ministry for Space and Infrastructure in Carina received an anonymous letter. In the letter, the author claimed that the Hawk 10 rockets were not tested extensively for their reliability and manoeuvrability during flight, which might result in heavy malfunctioning of the spacecraft once launched. The author also urged Andromedan officials to suspend the launches until SpaceCom provides additional assurances of the safety of Hawk 10 rockets.
12. The officials at the Ministry for Space and Infrastructure informed Mr. Temper of the letter as only the President enjoys the prerogatives to override any act adopted by the Andromedan Parliament – including the Space Bill granting the lease of the Nebula launching site to SpaceCom. At 10.00 AM, Mr. Temper contacted by telephone the Grand Duchess of Polaris to inquire about SpaceCom's credibility and potential safety risks. The Grand Duchess, a close friend to the CEO of SpaceCom, dismissed any potential concerns as immaterial and assured Mr. Temper that SpaceCom complies with the highest safety standards for spacecraft in Polaris.
13. In light of the exchange with the Grand Duchess, Mr. Temper dismissed the letter as unfounded. At 12.00 PM on 10 September 2024, the first Hawk 10 rocket was launched carrying two meteorological satellites, which was followed by another launch at 2.00 PM of three military surveillance satellites and by the final launch at 5.00 PM of a telecommunications satellite.
14. While already in the Earth's orbit, the first Hawk 10 rocket encountered some unexpected difficulties. The central command station in Nebula suddenly lost the ability to control the trajectory of the rocket. Despite the efforts of SpaceCom and Andromedan scientists, the connection could not be renewed. This caused the rocket to divert from its planned path and thus to collide with another Andromedan military satellite in space. The impact completely

destroyed the rocket and the satellite, with the debris falling down towards the Earth. The majority of the debris fell on heavily populated areas in Andromeda in the morning of 11 September, causing the deaths of 248 people and injuring many more. According to the Andromedan Ministry for Space and Infrastructure, as well as the Taurus Space Centre, the total amount of damage reached 84.500.000 USD.

15. The Andromedan intelligence agency discovered that Rhean spies and local saboteurs managed to infiltrate the Nebula rocket launching site, infesting it with a virus which caused the link between the central command station and the Hawk 10 rocket to be lost. Upon hearing the news, Mr. Temper's disbelief quickly turned into anger. He ordered the existing Andromedan military satellites already present in space to deploy laser beams against 6 Rhean satellites in space, driving them out of orbit. The plan worked and all 6 Rhean meteorological satellites departed from their planned trajectory and, to the great surprise of Andromeda, were headed back towards the Earth.
16. The Andromedan scientists at the Taurus Space Centre calculated the new trajectories of the falling Rhean satellites and concluded that they will most likely touchdown in the Cassiopeia Mountains on 12 September 2024, possibly endangering the UNESCO natural world heritage sites there. Mr. Temper was duly informed about the predictions yet decided not to reach out to Ms. Rye in Betelgeuse as the memory of Rhean spies infiltrating the Nebula central command station was still fresh.
17. The prognosis of Andromedan scientists proved correct. The 6 satellites crashed into the Cassiopeia Mountains, which ignited several intense forest fires. Despite being areas of outstanding natural beauty, the Mountains are heavily accessible, rendering any operations in the region utterly difficult. Rhean firefighters, accompanied by dozens of Polarian Canadair CL-215 planes, tackled the wildfires for almost two weeks. Thanks to the Canadair CL-215 planes the fires were extinguished, however the destruction left behind was truly devastating.
18. The Rhean Ministry for the Environment ordered a study into the total damage caused to the flora and fauna of the Cassiopeia Mountains. The Ministry for the Environment of Polaris aided the study as well. On 10 October 2024, the joint *Rhean-Polarian Study on the Impact of the September 2024 Wildfires in the Cassiopeia Mountains* was published. It was

estimated that the fires caused a total of 750.000.000 USD in environmental damage, with several protected and endangered species having been completely lost.

19. Hearing about the results of the study, Ms. Rye decided that the conflict with Andromeda must come to an end. Via its Ambassador in Carina, Rhea officially proposed a ceasefire in the ongoing warfare between both States on 13 October 2024. In the morning of 16 October 2024, Mr. Temper just returned from the front lines in Nebula where he was faced with harsh criticism from the Andromedan armed forces as to the protracted and fruitless nature of the armed conflict with Rhea. It was visible that the general staff in Carina favoured a ceasefire as well.
20. Thus, Mr. Temper agreed that time was ripe to settle the mutual disputes and differences. A ceasefire was negotiated on 18 October 2024 and the representatives of the two governments engaged heavily in thorough negotiation procedures on their future relations. However, they remained unsuccessful - in part, according to Andromeda, due to the Rhean persistent unpreparedness to admit its sovereignty in Nebula following the conducted referendum.
21. On 19 October 2024, an international non-governmental organisation reported that 30 trucks registered in the Kingdom of Rhea were spotted when disposing of enormous amounts of single-use plastics into a river, a few kilometres across the border in Andromeda.
22. Both Andromeda and Rhea are States parties to all relevant international treaties and other agreements, including the 1992 Convention on Conciliation and Arbitration within the CSCE (now OSCE) also known as the Stockholm Convention, the International Covenant on Civil and Political Rights, the Convention on International Liability for Damage Caused by Space Objects, and the Vienna Convention on the Law of Treaties. Rhea has also signed and ratified the Framework Convention for the Protection of National Minorities. Both States are also members of all relevant international organizations, including the UN and its specialized agencies, as well as Participating States to OSCE.
23. During the last meeting between Rhean and Andromedan officials, the decision was made to submit their disputes to the Court of Conciliation and Arbitration within the Organization



for Security and Co-operation in Europe (hereinafter: OSCE) for conciliation, in an attempt of finding a settlement in accordance with international law and their OSCE commitments.

24. In the conciliation process **the Republic of Andromeda** pursues the following objectives before the Conciliation Commission:

- I. A recognition that by virtue of the freely expressed will of the people of Nebula, the region forms a part of Andromedan territory.
- II. A recognition that Andromeda is not internationally responsible for any use of force against Rhea nor any interference into Rhean internal affairs.
- III. A recognition that Rhea is internationally responsible for the mass violations of human rights of the Andromedan population of Nebula and should provide effective remedies to affected individuals. This requires it to make full reparation to individuals whose human rights have been violated. Accordingly, it is obligated, inter alia, to provide adequate compensation to the individuals for the harm that they have suffered; engage in meaningful consultations with the representatives of the Andromedan population of Nebula in order to conduct needs assessments; continue its implementation of measures necessary to secure the communities' continued safe existence on their respective islands; and monitor and review the effectiveness of the measures implemented and resolve any deficiencies as soon as practicable. Andromeda is also under an obligation to take steps to prevent similar violations from occurring in the future.
- IV. A recognition that Andromeda bears no international responsibility for the environmental damage in the Cassiopeia Mountains, while Rhea is responsible for plastic pollution of the river in Andromeda and all ensuing consequences.
- V. A recognition that Rhea is internationally responsible for the material damage caused in Andromeda by sabotaging the launch of the Hawk 10 rocket and

should be required to compensate Andromeda for the established 84.500.000 USD worth of material damage.

In the conciliation process **the Kingdom of Rhea** pursues the following objectives before the Conciliation Commission:

- I. A recognition that the Nebula region continues to form a part of Rhean national territory.
- II. A recognition that Andromeda is internationally responsible for the use of force against Rhea and its interference into Rhean internal affairs and should provide appropriate reparation.
- III. A recognition that Rhea is not internationally responsible for any violations of human rights of the Andromedan population of Nebula.
- IV. A recognition that Andromeda bears full international responsibility for the environmental damage in the Cassiopeia Mountains and should compensate Rhea in the amount of 750.000.000 USD and that Rea bears no responsibility for the alleged plastic pollution.
- V. A recognition that Rhea is not responsible for any material damage in Andromeda, and even if found internationally responsible, Rhea would still not be required to compensate Andromeda for any material damage thus incurred.

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 Conciliation Commission for the peaceful settlement of the dispute.

THE FINAL of this simulation exercise will take place on Monday, 2 December 2024 between 11:00 and 13:30 in the Senate room (ground floor) with assessors from the Court of Conciliation and Arbitration within OSCE.

Annual Report to the States parties to the Convention on  
Conciliation and Arbitration within the OSCE

Published by:

Court of Conciliation and Arbitration within OSCE  
Avenue de France 23  
CH - 1202 Geneva  
Switzerland

<https://www.osce.org/cca>

© Court of Conciliation and Arbitration within the OSCE – April 2025

All rights reserved. The contents of this publication may be freely used and copied for educational and other non-commercial purposes, provided that any such reproduction be accompanied by an acknowledgement of the source.

