

## OVERVIEW OF THE COURT OF CONCILIATION AND ARBITRATION WITHIN THE OSCE

The Court of Conciliation and Arbitration within the OSCE (“the Court”), which has its seat in Geneva, was established in 1995 by the Convention on Conciliation and Arbitration within the OSCE (Stockholm Convention) in order to settle, by means of conciliation and, where appropriate, arbitration, disputes which may arise between States Parties to the Convention. To date, 33 States have accepted the jurisdiction of this Court. In addition to its role in dispute settlement, the Court’s function is to provide States Parties with high-level legal studies and advice in the area of international law and interpretation of the commitments undertaken within the framework of the OSCE.

### One Court, two procedures

#### Conciliation mechanism

Any State Party may submit any dispute between it and another State Party to an ad hoc conciliation commission. States Parties may also jointly request the Court to implement the conciliation mechanism. Each party to the dispute appoints, from the list of conciliators of the Court, one conciliator to sit on the commission. After consulting the parties, the Bureau of the Court appoints the other members of the commission. The conciliation proceedings, which are confidential and in which all parties to the dispute have the right to be heard, are conducted by the chairman of the commission in accordance with the statute and rules of procedure of the Court. At the conclusion of the conciliation proceedings, the commission draws up a final report containing proposals for the peaceful settlement of the dispute. The parties to the dispute have a period of 30 days in which to examine it and inform the commission whether they are willing to accept the proposed settlement. The proposed settlement becomes binding only after it has been accepted by all parties to the dispute.

#### Arbitral tribunal

The Court may also, upon a request made by agreement between two or more States Parties, constitute an arbitral tribunal in accordance with the statute and Rules of the Court. The national arbitrators appointed by the States parties to the dispute as members of the Court are *ex officio* members of the arbitral tribunal. The Bureau of the Court appoints the other members of the tribunal from among the arbitrators of the Court. All parties to the dispute have the right to be heard during the arbitration proceedings, which conform to the principles of a fair trial. The proceedings consist of a written phase and hearings. The hearings are held *in camera*, unless the tribunal decides otherwise at the request of the parties. The function of the tribunal is to decide, in accordance with international law, such disputes as are submitted to it. At the conclusion of the arbitration proceedings, the tribunal renders an arbitral award stating the reasons on which it is based. The award is final and not subject to appeal. It is published by the Registrar.

## **High-level experts dedicated to the peaceful settlement of disputes within the OSCE**

Appointed by each State Party to the Convention for a renewable period of six years, the conciliators and arbitrators who constitute the Court hold or have held senior national or international positions and possess recognized qualifications in international law, international relations, or the settlement of disputes. Former government members, parliamentarians, seasoned diplomats, high-ranking officials, judges and professors, they form an outstanding pool of talent that is at the disposal of States Parties in order to examine, *inter alia*, disputes relating to territorial integrity, maritime delimitation, minority rights, the safeguarding of cultural and linguistic interests, and environmental and economic issues.

The members of the Court may be consulted by States Parties on any important legal issue in the area of public international law and interpretation of the commitments undertaken within the framework of the OSCE. To this end, States Parties may approach the Secretary General of the OSCE, who will transmit their request to the Bureau of the Court in Geneva with a view to the appointment, as consultants, of those members of the Court who are most qualified in the subject area.

### **President of the Court**

Robert Badinter (France)  
Former Minister of Justice  
Former President of the Constitutional Council

### **Vice-President of the Court**

Luzius Wildhaber (Switzerland)  
Professor  
Former President of the European Court of Human Rights (ECHR)

### **Members of the Bureau elected from the list of conciliators**

Lucius Caflish (Switzerland)  
Member of the United Nations International Law Commission  
Former judge of the ECHR

Luigi Ferrari Bravo (Italy)  
Former judge of the ECHR

Hans-Dietrich Genscher (Germany)  
Former Minister for Foreign Affairs

Anna Wyrozumska (Poland)  
Professor at the University of Lodz

**Members of the Bureau elected from the list of arbitrators**

Benedetto Conforti (Italy)

Professor of international law, University of Naples

Hans Ragnemalm (Sweden)

Former President of the Supreme Administrative Court of Sweden

Luzius Wildhaber (Switzerland)

Professor

Former President of the ECHR

Günter Winkler (Austria)

Professor emeritus, University of Vienna

(The full list of members of the Court as of 20 July 2009 appears in the annex.)

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