



# Compendium of OSCE Mechanisms and Procedures

OSCE Secretariat  
Conflict Prevention Centre  
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# Table of contents

HUMAN DIMENSION .....	3
1. Vienna Mechanism .....	3
2. Moscow Mechanism .....	5
Other Decisions Related to the Human Dimension Mechanisms .....	10
RISK REDUCTION .....	12
3. Consultation and Co-operation as Regards Unusual Military Activities.....	12
4. Co-operation as Regards Hazardous Incidents of a Military Nature .....	14
5. Voluntary Hosting of Visits to Dispel Concerns about Military Activities.....	15
6. Stabilizing Measures for Localized Crisis Situations .....	18
7. Fostering the Role of the OSCE as a Forum for Political Dialogue .....	27
EARLY WARNING AND PREVENTIVE ACTION .....	31
8. Provisions Relating to Early Warning and Preventive Action.....	31
9. Mechanism for Consultation and Co-operation with Regard to Emergency Situations (“Berlin Mechanism”).....	35
10. Measures foreseen by the OSCE Document on Small Arms and Light Weapons .....	37
PEACEFUL SETTLEMENT OF DISPUTES BASED ON CONCILIATION AND/OR ARBITRATION .....	58
11. The “Valletta Mechanism” .....	58
Other Decisions Related to the Provisions for a CSCE Procedure for Peaceful Settlement of Disputes.....	65
12. Provisions for an OSCE Conciliation Commission and for Directed Conciliation .....	66
13. The Convention on Conciliation and Arbitration within the OSCE .....	71

**Introductory note:** This compendium provides the verbatim texts of the main mechanisms and procedures available within the OSCE related to early warning, conflict prevention and crisis management.<sup>1</sup> The excerpts of the verbatim texts from the relevant CSCE/OSCE decisions found in this compendium have been prepared to serve as a reference tool for participating States.<sup>2</sup> A compilation of the original OSCE documents from which the verbatim texts found in this compendium is available in electronic format and can be accessed through DELWEB at: “OSCE Archives – Historical Documents”<sup>3</sup>.

The structure of the compendium is as follows:

- Depending on the main purpose of the mechanism or procedure they have been placed in one of the following four categories: Human Dimension, Risk Reduction, Early Warning and Preventive Action, or Peaceful Settlement of Disputes Based on Conciliation and/or Arbitration;
- The texts within the frames are the verbatim texts taken directly from the original documents;
- Whenever the original verbatim text has been changed, up-dated or amended, the new text has been added into the relevant place of the original mechanism text, shown within the frame. In such cases, the change, up-date or amendment is clearly introduced through a heading in italics and underlined;
- The texts found outside the frames are NOT verbatim texts, but rather introductory texts and/or texts giving reference to the original document from where the verbatim texts have been taken;
- Empty round brackets (...) indicate the beginning and end of extractions.

The Operations Service of the OSCE Conflict Prevention Centre would like to express its gratitude to the OSCE Prague Office who made a significant contribution to creating this compendium.

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<sup>1</sup> There are many OSCE documents covering norms and standards related to early warning, conflict prevention and crisis management. In the interests of brevity these have not been included because, whilst they have an equally important role to play, they do not sit naturally within the context of this Document.

<sup>2</sup> The Compendium is designed according to the same structure as the document “Summary of OSCE Mechanisms and Procedures”, which is being circulated simultaneously.

<sup>3</sup> <http://docin.osce.org/docin/llisapi.dll?func=ll&objId=8016568&objAction=browse&sort=name&viewType=1>

## HUMAN DIMENSION

### *1. Vienna Mechanism*

The Concluding Document of the Vienna 1986-1989 Follow-up Meeting was adopted in January 1989. It includes a Chapter on “Human Dimension of the CSCE”, which stipulates the so called “**Vienna Mechanism**”. This Mechanism was amended by the 1990 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE and by the 1991 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE.

*Concluding Document of the Vienna 1986-1989 Follow-Up Meeting, Chapter on the “Human Dimension of the CSCE”.*

The participating States,

Recalling the undertakings entered into in the Final Act and in other CSCE documents concerning respect for all human rights and fundamental freedoms, human contacts and other issues of a related humanitarian character,

Recognizing the need to improve the implementation of their CSCE commitments and their co-operation in these areas which are hereafter referred to as the human dimension of the CSCE,

Have, on the basis of the principles and provisions of the Final Act and of other relevant CSCE documents, decided:

- (1) to exchange information and respond to requests for information and to representations made to them by other participating States on questions relating to the human dimension of the CSCE. Such communications may be forwarded through diplomatic channels or be addressed to any agency designated for these purposes;

*Copenhagen Document amendment:*

to provide in as short a time as possible, but no later than four weeks, a written response to requests for information and to representations made to them in writing by other participating States under paragraph 1;<sup>4</sup>

*Moscow Document amendment:*

The participating States (...) will provide in the shortest possible time, but no later than ten days, a written response to requests for information and to representations made to them in writing by other participating States under paragraph 1 of the human dimension mechanism.<sup>5</sup>

- (2) to hold bilateral meetings with other participating States that so request, in order to examine questions relating to the human dimension of the CSCE, including situations and specific

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<sup>4</sup> Copenhagen Document 1990, Chapter V, Para 42.1.

<sup>5</sup> Moscow Document 1991, Chapter 1, Para 2.

cases, with a view to resolving them. The date and place of such meetings will be arranged by mutual agreement through diplomatic channels;

Copenhagen Document amendment:

The participating States (...) decide

that the bilateral meetings, as contained in paragraph 2, will take place as soon as possible, as a rule within three weeks of the date of the request;<sup>6</sup>

to refrain, in the course of a bilateral meeting held under paragraph 2, from raising situations and cases not connected with the subject of the meeting, unless both sides have agreed to do so.<sup>7</sup>

Moscow Document amendment:

Bilateral meetings, as referred to in paragraph 2 of the human dimension mechanism, will take place as soon as possible, and as a rule within one week of the date of the request.<sup>8</sup>

- (3) that any participating State which deems it necessary may bring situations and cases in the human dimension of the CSCE, including those which have been raised at the bilateral meetings described in paragraph 2, to the attention of other participating States through diplomatic channels;
- (4) that any participating State which deems it necessary may provide information on the exchanges of information and the responses to its requests for information and to representations (paragraph 1) and on the results of the bilateral meetings (paragraph 2), including information concerning situations and specific cases, at the meetings of the Conference on the Human Dimension as well as at the main CSCE Follow-up Meeting.

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<sup>6</sup> Copenhagen Document 1990, Chapter V, Para 42.2.

<sup>7</sup> Copenhagen Document 1990, Chapter V, Para 42.3.

<sup>8</sup> Moscow Document 1991, Chapter 1, Para 2.

## ***2. Moscow Mechanism***

The Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE adopted in Moscow, 3 October 1991 contains provisions for enhancing the effectiveness of the Human Dimension mechanism and to strengthen and expand it as outlined in the following paragraphs, which represent the so called “**Moscow Mechanism**”. The Mechanism was amended by the Decisions of the Rome Council Meeting in 1993.

*The Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, Chapter I.*

- (1) The participating States emphasize that the human dimension mechanism described in paragraphs 1 to 4 of the section on the human dimension of the CSCE in the Vienna Concluding Document constitutes an essential achievement of the CSCE process, having demonstrated its value as a method of furthering respect for human rights, fundamental freedoms, democracy and the rule of law through dialogue and co-operation and assisting in the resolution of specific relevant questions. In order to improve further the implementation of the CSCE commitments in the human dimension, they decide to enhance the effectiveness of this mechanism and to strengthen and expand it as outlined in the following paragraphs.
- (2) The participating States amend paragraphs 42.1 and 42.2 of the Document of the Copenhagen Meeting to the effect that they will provide in the shortest possible time, but no later than ten days, a written response to requests for information and to representations made to them in writing by other participating States under paragraph 1 of the human dimension mechanism. Bilateral meetings, as referred to in paragraph 2 of the human dimension mechanism, will take place as soon as possible, and as a rule within one week of the date of the request.
- (3) A resource list comprising up to three experts appointed by each participating State will be established without delay at the CSCE Institution\*. The experts will be eminent persons, including where possible experts with experience related to national minority issues, preferably experienced in the field of the human dimension, from whom an impartial performance of their functions may be expected.<sup>9</sup>

The experts will be appointed for a period of three to six years at the discretion of the appointing State, no expert serving more than two consecutive terms. Within four weeks after notification by the CSCE Institution of the appointment, any participating State may make reservations regarding no more than two experts to be appointed by another participating state. In such case, the appointing State may, within four weeks of being notified of such reservations, reconsider its decision and appoint another expert or experts; if it confirms the appointment originally intended, the expert concerned cannot take part in any procedure with respect to the State having made the reservation without the latter's express consent.

The resource list will become operational as soon as 45 experts have been appointed.

\*/ The Council will take the decision on the institution.

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<sup>9</sup> Annex A to the Rome Council Decisions 1993.

*Rome Document amendments (bold and underlined):*

A resource list comprising up to **six** experts appointed by each participating State will be established without delay at the CSCE Institution. The experts will be eminent persons, **including where possible experts with experience related to national minority issues**, preferably experienced in the field of the human dimension, from whom an impartial performance of their functions may be expected.<sup>10</sup>

- (4) A participating State may invite the assistance of a CSCE mission, consisting of up to three experts, to address or contribute to the resolution of questions in its territory relating to the human dimension of the CSCE. In such case, the State will select the person or persons concerned from the resource list. The mission of experts will not include the participating State's own nationals or residents or any of the persons it appointed to the resource list or more than one national or resident of any particular State.  
The inviting State will inform without delay the CSCE Institution when a mission of experts is established, which in turn will notify all participating States. The CSCE institutions will also, whenever necessary, provide appropriate support to such a mission.
- (5) The purpose of a mission of experts is to facilitate resolution of a particular question or problem relating to the human dimension of the CSCE. Such mission may gather the information necessary for carrying out its tasks and, as appropriate, use its good offices and mediation services to promote dialogue and co-operation among interested parties. The State concerned will agree with the mission on the precise terms of reference and may thus assign any further functions to the mission of experts, inter alia, fact-finding and advisory services, in order to suggest ways and means of facilitating the observance of CSCE commitments.
- (6) The inviting State will co-operate fully with the mission of experts and facilitate its work. It will grant the mission all the facilities necessary for the independent exercise of its functions. It will, inter alia, allow the mission, for the purpose of carrying out its tasks, to enter its territory without delay, to hold discussions and to travel freely therein, to meet freely with officials, non-governmental organizations and any group or person from whom it wishes to receive information. The mission may also receive information in confidence from any individual, group or organization on questions it is addressing. The members of such missions will respect the confidential nature of their task.

The participating States will refrain from any action against persons, organizations or institutions on account of their contact with the mission of experts or of any publicly available information transmitted to it. The inviting State will comply with any request from a mission of experts to be accompanied by officials of that State if the mission considers this to be necessary to facilitate its work or guarantee its safety.

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<sup>10</sup> Annex A to the Rome Council Decisions 1993.

- (7) The mission of experts will submit its observations to the inviting State as soon as possible, preferably within three weeks after the mission has been established. The inviting State will transmit the observations of the mission, together with a description of any action it has taken or intends to take upon it, to the other participating States via the CSCE Institution no later than two<sup>11</sup> weeks after the submission of the observations.

These observations and any comments by the inviting State may be discussed by the Committee of Senior Officials, which may consider any possible follow-up action. The observations and comments will remain confidential until brought to the attention of the Senior Officials. Before the circulation of the observations and any comments, no other mission of experts may be appointed for the same issue.

*Rome Document amendment (bold and underlined):*

The mission of experts will submit its observations to the inviting State as soon as possible, preferably within three weeks after the mission has been established. The inviting State will transmit the observations of the mission, together with a description of any action it has taken or intends to take upon it, to the other participating States via the CSCE Institution no later than **two** weeks after the submission of the observations.<sup>12</sup>

- (8) Furthermore, one or more participating States, having put into effect paragraphs 1 or 2 of the human dimension mechanism, may request that the CSCE Institution inquire of another participating State whether it would agree to invite a mission of experts to address a particular, clearly defined question on its territory relating to the human dimension of the CSCE. If the other participating State agrees to invite a mission of experts for the purpose indicated, the procedure set forth in paragraphs 4 to 7 will apply.
- (9) If a participating State (a) has directed an enquiry under paragraph 8 to another participating State and that State has not established a mission of experts within a period of ten days after the enquiry has been made, or (b) judges that the issue in question has not been resolved as a result of a mission of experts, it may, with the support of at least five other participating States, initiate the establishment of a mission of up to three CSCE rapporteurs. Such a decision will be addressed to the CSCE Institution, which will notify without delay the State concerned as well as all the other participating States.
- (10) The requesting State or States may appoint one person from the resource list to serve as a CSCE rapporteur. The requested State may, if it so chooses, appoint a further rapporteur from the resource list within six days after notification by the CSCE Institution of the appointment of the rapporteur. In such case the two designated rapporteurs, who will not be nationals or residents of, or persons appointed to the resource list by any of the States concerned, will by common agreement and without delay appoint a third rapporteur from the resource list. In case they fail to reach agreement within eight days, a third rapporteur who will not be a national or resident of, or a person appointed to the resource list by any of the States concerned, will be appointed from the resource list by the ranking official of the CSCE body designated by the Council. The provisions of the second part of paragraph 4 and the whole of paragraph 6 also apply to a mission of rapporteurs.

<sup>11</sup> Annex A to the Rome Council Decisions 1993.

<sup>12</sup> Annex A to the Rome Council Decisions 1993.



- (11) The CSCE rapporteur(s) will establish the facts, report on them and may give advice on possible solutions to the question raised. The report of the rapporteur(s), containing observations of facts, proposals or advice, will be submitted to the participating State or States concerned and, unless all the States concerned agree otherwise, to the CSCE Institution no later than three weeks after the last rapporteur has been appointed. The requested State will submit any observations on the report to the CSCE Institution, unless all the States concerned agree otherwise, no later than three weeks after the submission of the report.

The CSCE Institution will transmit the report, as well as any observations by the requested State or any other participating State, to all participating States without delay. The report may be placed on the agenda of the next regular meeting of the Committee of Senior Officials, which may decide on any possible follow-up action. The report will remain confidential until after that meeting of the Committee. Before the circulation of the report no other rapporteur may be appointed for the same issue.

*Rome Document amendments (bold and underlined):*

(...) The report of the rapporteur(s), containing observations of facts, proposals or advice, will be submitted to the participating State or States concerned and, unless all the States concerned agree otherwise, to the CSCE Institution no later than **two** weeks after the last rapporteur has been appointed. The requested State will submit any observations on the report to the CSCE Institution, unless all the States concerned agree otherwise, no later than **two** weeks after the submission of the report.

The CSCE Institution will transmit the report, as well as any observations by the requested State or any other participating State, to all participating States without delay. The report **will** be placed on the agenda of the next regular meeting of the Committee of Senior Officials **or of the Permanent Committee of the CSCE**, which may decide on any possible follow-up action. The report will remain confidential until after that meeting of the Committee. Before the circulation of the report no other rapporteur may be appointed for the same issue.<sup>13</sup>

- (12) If a participating State considers that a particularly serious threat to the fulfilment of the provisions of the CSCE human dimension has arisen in another participating State, it may, with the support of at least nine other participating States, engage the procedure set forth in paragraph 10. The provisions of paragraph 11 will apply.
- (13) Upon the request of any participating State the Committee of Senior Officials may decide to establish a mission of experts or of CSCE rapporteurs. In such case the Committee will also determine whether to apply the appropriate provisions of the preceding paragraphs.

*Rome Document amendment (bold and underlined):*

Upon the request of any participating State the Committee of Senior Officials **or the Permanent Committee of the CSCE** may decide to establish a mission of experts or of

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<sup>13</sup> Annex A to the Rome Council Decisions 1993.

CSCE rapporteurs. In such case the Committee will also determine whether to apply the appropriate provisions of the preceding paragraphs.<sup>14</sup>

- (14) The participating State or States that have requested the establishment of a mission of experts or rapporteurs will cover the expenses of that mission. In case of the appointment of experts or rapporteurs pursuant to a decision of the Committee of Senior Officials, the expenses will be covered by the participating States in accordance with the usual scale of distribution of expenses. These procedures will be reviewed by the Helsinki Follow-up Meeting of the CSCE.

*Rome Document amendment (bold and underlined):*

The participating State or States that have requested the establishment of a mission of experts or rapporteurs will cover the expenses of that mission. In case of the appointment of experts or rapporteurs pursuant to a decision of the Committee of Senior Officials **or of the Permanent Committee of the CSCE**, the expenses will be covered by the participating States in accordance with the usual scale of distribution of expenses. These procedures will be reviewed by the Helsinki Follow-up Meeting of the CSCE.<sup>15</sup>

- (15) Nothing in the foregoing will in any way affect the right of participating States to raise within the CSCE process any issue relating to the implementation of any CSCE commitment, including any commitment relating to the human dimension of the CSCE.
- (16) In considering whether to invoke the procedures in paragraphs 9 and 10 or 12 regarding the case of an individual, participating States should pay due regard to whether that individual's case is already sub judice in an international judicial procedure. (...)

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<sup>14</sup> Annex A to the Rome Council Decisions 1993.

<sup>15</sup> Annex A to the Rome Council Decisions 1993.

### *Other Decisions Related to the Human Dimension Mechanisms*

*Concluding Document of the Vienna 1986-1989 Follow-Up Meeting, Chapter on the “Human Dimension of the CSCE”.*

The participating States decide further to convene a Conference on the Human Dimension of the CSCE in order to achieve further progress concerning respect for all human rights and fundamental freedoms, human contacts and other issues of a related humanitarian character. The Conference will hold three meetings before the next CSCE Follow-up Meeting.

The Conference will:

(...)

- consider practical proposals for new measures aimed at improving the implementation of the commitments relating to the human dimension of the CSCE and enhancing the effectiveness of the procedures described in paragraphs 1 to 4.

*Conclusions of the 1992 Prague Council Meeting, Part III Human Dimension, paragraph (14).<sup>16</sup>*

- (14) The Office for Democratic Institutions and Human Rights is designated as the CSCE institution charged with the tasks in connection with expert and rapporteur missions according to the Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE. (...)

*1992 Helsinki Decisions, Chapter VI “Human Dimension”, sub section “Enhanced role of the ODIHR”.<sup>17</sup>*

- (5) Under the general guidance of the CSO and in addition to its existing tasks as set out in the Charter of Paris for a New Europe and in the Prague Document on Further Development of CSCE Institutions and Structures, the ODIHR will, as the main institution of the Human Dimension:
- (5a) assist the monitoring of implementation of commitments in the Human Dimension by:
- serving as a venue for bilateral meetings under paragraph 2 and as a channel for information under paragraph 3 of the Human Dimension Mechanism as set out in the Vienna Concluding Document;
  - receiving any comments from States visited by CSCE missions of relevance to the Human Dimension other than those under the Human Dimension Mechanism; it will transmit the report of those missions as well as eventual comments to all participating States with a view to discussion at the next implementation meeting or review conference;

<sup>16</sup> Summary of Conclusions adopted in Prague on 13 January 1992.

<sup>17</sup> Adopted by the CSCE Summit in Helsinki on 10 July 1992.

- participating in or undertaking missions when instructed by the Council or the CSO;
- (5b) act as a clearing-house for information on:
- a state of public emergency according to paragraph 28.10 of the Document of the Moscow Meeting of the Conference on the Human Dimension;
  - resource lists, and assistance, e.g. in the field of censuses or on democracy at a local and regional level, and the holding of national seminars on such issues;

*1992 Helsinki Decisions, Chapter VI "Human Dimension", Sub-section "Human Dimension Mechanism".*

- (7) In order to align the Human Dimension Mechanism with present CSCE structures and institutions the participating States decide that:

Any participating State which deems it necessary may provide information on situations and cases which have been the subject of requests under paragraphs 1 or 2 of the chapter entitled the "Human Dimension of the CSCE" of the Vienna Concluding Document or on the results of those procedures, to the participating States through the ODIHR - which can equally serve as a venue for bilateral meetings under paragraph 2 - or diplomatic channels. Such information may be discussed at Meetings of the CSO, at implementation meetings on Human Dimension issues and review conferences.

- (8) Procedures concerning the covering of expenses of expert and rapporteur missions of the Human Dimension Mechanism may be considered by the next review conference in the light of experience gained.

*Implementation*

Implementation meetings on Human Dimension issues

- (9) Every year in which a review conference does not take place, the ODIHR will organize a three-week meeting at expert-level of all participating States at its seat to review implementation of CSCE Human Dimension commitments. The meeting will perform the following tasks

(9a) a thorough exchange of views on the implementation of Human Dimension commitments, including discussion on the information provided in accordance with paragraph 4 of the Human Dimension Mechanism and on the Human Dimension aspects of the reports of CSCE missions, as well as the consideration of ways and means of improving implementation;

(9b) an evaluation of the procedures for monitoring compliance with commitments.

## RISK REDUCTION

The following three mechanisms for Risk Reduction (Consultation and Co-operation as Regards Unusual Military Activities; Measures Regarding Hazardous Incidents of a Military Nature; and, Voluntary Hosting of Visits to Dispel Concerns about Military Activities) were developed in the course of the negotiations on Confidence- and Security-Building Measures (CSBMs) and Disarmament in Europe. The first two mechanisms were first set forth in the Vienna Document 1990 and the third mechanism in the Vienna Document 1992. The texts included in the Vienna Document 1999 (VD 99), which was adopted in Istanbul on 16 November 1999, can be considered as the latest version of the mechanisms, having evolved from VD 92 and VD 94.

### *3. Consultation and Co-operation as Regards Unusual Military Activities*

*VD 99, Chapter III “Risk Reduction” paragraphs (16) to (16.3.1.2.).*

- (16) Participating States will, in accordance with the following provisions, consult and co-operate with each other about any unusual and unscheduled activities of their military forces outside their normal peacetime locations which are militarily significant, within the zone of application for CSBMs and about which a participating State expresses its security concern.
- (16.1) The participating State which has concerns about such an activity may transmit a request for an explanation to another participating State where the activity is taking place.
- (16.1.1) The request will state the cause, or causes, of the concern and, to the extent possible, the type and location, or area, of the activity.
- (16.1.2) The reply will be transmitted within not more than 48 hours.
- (16.1.3) The reply will give answers to questions raised, as well as any other relevant information in order to explain the activity in question and dispel the concern.
- (16.1.4) The request and the reply will be transmitted to all other participating States without delay.
- (16.2) The requesting State, after considering the reply provided, may then request a meeting with the responding State to discuss the matter.
- (16.2.1) Such a meeting will be convened within not more than 48 hours.
- (16.2.1.1) The request for such a meeting will be transmitted to all participating States without delay.
- (16.2.1.2) The requesting and the responding States are entitled to ask other interested participating States, in particular those which have also expressed concern or might be involved in the activity, to participate in the meeting.

- (16.2.1.3) Such a meeting will be held at a venue to be mutually agreed upon by the requesting and the responding States. If there is no agreement, the meeting will be held at the CPC.
- (16.2.1.4) The meeting will be held under the chairmanship of the OSCE Chairman-in-Office (CiO) or of his representative.
- (16.2.1.5) The CiO or his representative, after appropriate consultations, will prepare and transmit a report of the meeting to all participating States without delay.
- (16.3) Either the requesting or the responding State or both may ask for a meeting of all participating States.
- (16.3.1) The CiO or his representative will, within 48 hours, convene such a meeting, during which the requesting and responding States will present their points of view. They will endeavour in good faith to contribute to a mutually acceptable solution.
- (16.3.1.1) The Permanent Council (PC) and the Forum for Security Co-operation (FSC) jointly will serve as the forum for such a meeting.
- (16.3.1.2) The PC and FSC will jointly assess the situation. Accordingly, appropriate measures for stabilizing the situation and halting activities that give rise to concern may then be recommended to the States involved.

#### ***4. Co-operation as Regards Hazardous Incidents of a Military Nature***

*VD 99, Chapter III “Risk Reduction” paragraphs (17) to (17.4).*

- (17) Participating States will co-operate by reporting and clarifying hazardous incidents of a military nature within the zone of application for CSBMs in order to prevent possible misunderstandings and mitigate the effects on another participating State.
- (17.1) Each participating State will designate a point to contact in case of such hazardous incidents and will so inform all other participating States. A list of such points will be kept available at the CPC.
- (17.2) In the event of such a hazardous incident the participating State whose military forces are involved in the incident should provide the information available to other participating States in an expeditious manner. Any participating State affected by such an incident may also request clarification as appropriate. Such requests will receive a prompt response.
- (17.3) Matters relating to information about such hazardous incidents may be discussed by participating States in the FSC, or at the Annual Implementation Assessment Meeting.
- (17.4) These provisions will not affect the rights and obligations of participating States under any international agreement concerning hazardous incidents, nor will they preclude additional methods of reporting and clarifying hazardous incidents.

## 5. Voluntary Hosting of Visits to Dispel Concerns about Military Activities

VD 99, Chapter III “Risk Reduction” paragraphs (18) to (18.2).

- (18) In order to help to dispel concerns about military activities in the zone of application for CSBMs, participating States are encouraged to invite other participating States to take part in visits to areas on the territory of the host State in which there may be cause for such concerns. Such invitations will be without prejudice to any action taken under paragraphs (16) to (16.3).
- (18.1) States invited to participate in such visits will include those which are understood to have concerns. At the time invitations are issued, the host State will communicate to all other participating States its intention to conduct the visit, indicating the reasons for the visit, the area to be visited, the States invited and the general arrangements to be adopted.
- (18.2) Arrangements for such visits, including the number of the representatives from other participating States to be invited, will be at the discretion of the host State, which will bear the in-country costs. However, the host State should take appropriate account of the need to ensure the effectiveness of the visit, the maximum amount of openness and transparency and the safety and security of the invited representatives. It should also take account, as far as practicable, of the wishes of visiting representatives as regards the itinerary of the visit. The host State and the States which provide visiting personnel may circulate joint or individual comments on the visit to all other participating States.

The above mentioned paragraphs (16) to (16.3) relate to the Mechanism on “Consultation and Co operation as regards Unusual Military Activities”, which can be consulted on page 12-13.

### *Notification Formats for the Vienna Document 1999*

Notification Formats (FSC.GAL/29/00Rev.5) for the VD 99 were adopted at the 294<sup>th</sup> Plenary Meeting of the FSC on 12 July 2000, as reported in FSC Journal No. 300.

#### *List of VD 99 Notification Formats.*

#	Subject	Reference
F01 to F04 inclusive are CSBM charts which are not changed and are used for reference only in compilation of VD formats		
VD FORMAT F05	Information On Increases In Personnel Strength Of Active Formations And Active Combat Units	10.3
VD FORMAT F06	Information On Temporary Activation Of Non-Active Formations And Non-Active Units	10.3
VD FORMAT F10	Explanation Of Unusual Military Activities - Request	16.1



Notification Formats for VD 99

VD FORMAT F11	Explanation Of Unusual Military Activities - Reply To Request	16.1
VD FORMAT F12	Meeting With Responding State Regarding Unusual Military Activities - Request	16.2
VD FORMAT F13	Meeting Regarding Unusual Military Activities - Reply To Request	16.2
VD FORMAT F14	Report Of Meeting Regarding Unusual Military Activities	16.2.1.5
VD FORMAT F15	Meeting Of All Participating States Regarding Unusual Military Activities - Request	16.3
VD FORMAT F16	Hazardous Incidents Information Report	17.2
VD FORMAT F19	Voluntary Hosting Of Visits - Invitation	18
VD FORMAT F20	Voluntary Hosting Of Visits - Reply To Invitation	18
VD FORMAT F21	Voluntary Hosting Of Visits - Comments On The Visit	18
VD FORMAT F22	Invitation To Event	19 30.3 30.7 47 Annex IV, Section 1
VD FORMAT F23	Invitation To Event - Reply	Annex IV, Section 2
VD FORMAT F24	Military Contacts And Co-Operation	30.1 30.9 - 30.15
VD FORMAT F25	Prior Notification Of Military Land Exercise Activities	40.1 44
VD FORMAT F26	Prior Notification Of Amphibious Landing	40.2
VD FORMAT F27	Prior Notification Of Parachute Assault	40.2
VD FORMAT F28	Prior Notification Of Heliborne Landing	40.2
VD FORMAT F29	Prior Notification Of Land Forces In A Transfer And/Or Concentration	40.3
VD FORMAT F30	Annual Calendar	61
VD FORMAT F31	Annual Calendar - Changes/Cancellation/ Reduction	64 - 65
VD FORMAT F32	Constraining Provisions	68
VD FORMAT F33	Inspection Request	85
VD FORMAT F34	Inspection Request - Reply	78.2 86
VD FORMAT F35	Inspection Report	82 105

Notification Formats for VD 99

VD FORMAT F36	Evaluation Visit Request	112
VD FORMAT F37	Evaluation Visit Request - Reply	115 118
VD FORMAT F38	Evaluation Visit Report	135
VD FORMAT F39	Request For Clarification	15.5 17 137
VD FORMAT F41	(Miscellaneous)	
VD FORMAT F42	Quarterly Summary Of Notifications	
VD FORMAT F43	Information On Data Relating To Major Weapons And Equipment Systems No Longer In Service	11.3
VD FORMAT F44	Request For Clarification - Reply	15.5 17 137
VD FORMAT F45	Information On Events	36 37
VD FORMAT F46	Exhaustion Of Inspection Quota	76.1
VD FORMAT F47	Evaluation Quota Announcement	109
VD FORMAT F48	Exhaustion Of Evaluation Quota	109.1
VD FORMAT F49	NIL Report	Annex II
VD FORMAT F50	List Of Replies To Invitation To Event	Annex IV, Para 2.2
VD REGIONAL FORMAT F101	Regional Measures - Inspection Request	144.9
VD REGIONAL FORMAT F102	Regional Measures - Inspection Request - Reply	144.9
VD REGIONAL FORMAT F103	Regional Measures - Inspection Report	144.9
VD REGIONAL FORMAT F104	Regional Measures - Evaluation Visit Request	144.9
VD REGIONAL FORMAT F105	Regional Measures - Evaluation Visit Request - Reply	144.9
VD REGIONAL FORMAT F106	Regional Measures - Evaluation Visit Report	144.9
VD REGIONAL FORMAT F107	Regional Measures - Evaluation Quota Announcement	144.9

## ***6. Stabilizing Measures for Localized Crisis Situations***

The 49th Plenary Meeting of the Special Committee of the CSCE Forum for Security Co-operation, which started in Vienna on 25 November 1993 and ended in Rome on 1 December 1993, resulted in several documents being adopted in the scope of the Programme for Immediate Action Series. One of those documents was “Stabilizing Measures for Localized Crisis Situations”.

*FSC Journal No. 49 Annex 2, Rome, (1 December) 1993.*

In view of the CSCE's developing responsibilities for conflict prevention, crisis management and peaceful settlement of disputes, specific militarily significant stabilizing measures may be required for application in localized crisis situations to supplement and enhance the capabilities outlined in Chapter III of the Helsinki Document 1992. Such measures, drawing on the experience gained by the CSCE, would support the political process of crisis resolution by supplementing other CSCE arrangements for risk reduction, conflict prevention and crisis management.

Therefore, acting on the basis of Chapter V of the Helsinki Document 1992, the participating States have adopted the following catalogue of stabilizing measures for localized crisis situations.

### **I. CONCEPT AND PRINCIPLES OF APPLICATION**

1. The catalogue of stabilizing measures for localized crisis situations is intended to facilitate decision-making in the appropriate CSCE bodies and the search for specific measures for temporary application in support of the political process.
2. The catalogue is neither comprehensive nor exhaustive and does not exclude any further specific measures which may be elaborated in particular cases.
3. The catalogue does not commit any participating State to agree to the adoption of any of the measures contained therein in a given situation. It does not imply automatic application, or any priority in the selection of possible measures. However, it does indicate the readiness of participating States to explore in good faith the applicability of these measures in a specific situation.
4. These stabilizing measures may be applied individually or in various combinations, depending on circumstances. Their implementation will require co-ordination with peacekeeping and other relevant activities. Many of these measures would benefit from the participation of observers and/or monitors for verification purposes.
5. These stabilizing measures will be applied in accordance with the specific requirements of a given situation. Modalities will have to take account of the basic defence requirements and of the capabilities of participating States and, if applicable, of other parties involved.
6. The selection of measures to be applied in each case will be based on the decision of the appropriate CSCE body seized with a given crisis, in accordance with the rule of consensus. Their application will require the prior consent and active support of the parties involved in a particular crisis situation.

7. Measures of a military nature will, as a rule, be applicable to the armed forces involved in a particular crisis situation and belonging to all the respective parties involved in such a situation. In general, their effective implementation presupposes either that an armed conflict has not yet broken out or that a cease-fire has been established.

8. While considering the application of any of the measures for temporary application in support of the political process in those parts of the territories of the participating States involved in a localized crisis, the appropriate CSCE body will also identify the parties involved and, as necessary, any third parties, as well as the geographical scope of application, the time-frame and conditions for their application, the role of CSCE institutions and structures, and other modalities of application and implementation.

9. The parties involved in a particular crisis situation will be identified in each case in accordance with the relevant norms of international law and CSCE provisions. When such parties are not States, their identification and subsequent participation in a crisis prevention, management and/or settlement process does not affect their status.

10. The implementation of some of the measures may require the good offices or the mediating function of a third party, trusted by all the parties involved in a particular crisis situation. The role of the third party may be undertaken by the CSCE, by a State or group of States, or by organization(s) not involved in the conflict, acting under the terms of a CSCE mandate in accordance with relevant provisions of Chapter III of the Helsinki Document 1992.

11. The meaning of specific notions or terms in the catalogue (e.g. "military units" or "military activities") does not necessarily correspond to the meaning embodied in the Vienna 1992 Document on Confidence- and Security-Building Measures and may be adapted by the appropriate CSCE body depending on the requirements of a particular situation.

## II. CATALOGUE

### A. Measures of Transparency

The following measures involve submission of different information exchanges and/or notifications, whenever possible in writing. Depending on the circumstances, the help of CSCE authorities and/or third parties may be needed to implement them.

The application of these measures is likely to be most effective at the prevention or settlement stages of a particular crisis situation.

All modalities of these measures, including their area of application and actual scope, will be decided by the appropriate CSCE body, taking into account, *inter alia*, requirements of a particular crisis situation and the impact the measures may have on the military situation.

#### 1. Extraordinary Information Exchange

- Provision and/or update of relevant data submitted in the context of the Vienna Document 1992 by the participating States involved in a particular crisis situation and/or provision of such data by parties involved other than States;

- as appropriate, provision of other information specific to a particular crisis situation by the parties involved.

The scope of the exchange of disaggregated information specific to a particular crisis situation might be different over different phases of a crisis and might include:

- numbers of militarily significant formations and units and their locations, relevant weapon and equipment systems and personnel strengths;
- detailed information on command structure, broken down to the lowest possible sensible level;
- appropriate consideration of irregular forces\*, if they exist.

\*The term "irregular forces" refers to forces not under the command of the regular forces' command.

## 2. Notification of Certain Military Activities

- Notification by the parties involved of certain military activities in the crisis area:
  - the content of such notifications could be patterned on the relevant provisions of the Vienna Document 1992, and their modalities should address timing of the actual provision of notification, thresholds and types of activity to be notified.

## 3. Notification of Plans for Acquisition and Deployment of Major Weapon and Equipment Systems

- Notification of types and numbers of major weapon and equipment systems, as well as the source of procurement and the planned period of delivery, destination and deployment of these systems, including designation of receiving unit(s).

A complementary measure might be:

- possible additional information on the supply of major weapon and equipment systems to parties involved in crisis situations.

## B. Measures of Constraint

Any application of the following measures presupposes political will on the part of all parties involved to seek a peaceful settlement.

The application of these measures is likely to be most effective at the prevention or settlement stages of a particular crisis situation.

In each case of possible application, the relationship between these measures and legitimate needs to protect State borders must be considered.

The assistance of third parties may facilitate implementation and, in particular, monitoring of the following measures.

1. Introduction and Support of a Cease-fire

- Elaboration of technical terms of the cease-fire;
- disengagement of forces;
- measures to ensure implementation of the cease-fire provisions.

2. Establishment of Demilitarized Zones

- Restraints on the presence or deployment of militarily significant forces within areas agreed upon by the parties involved;
- withdrawal of military forces from demilitarized zones;
- prohibition of the presence and deployment of any such forces within demilitarized zones.

In the above cases:

- exceptions for forces carrying out peacekeeping, humanitarian or other tasks mandated by the United Nations or the CSCE.

Complementary measures might include:

- agreement not to deploy heavy weapons within range of demilitarized zones or other areas agreed by the parties involved;
- withdrawal of certain forces and weapon and equipment systems of the parties involved to positions at agreed distances from demilitarized zones or other areas agreed by parties involved.

In the above cases the ranges of weapons involved might provide criteria for determining such distances.

Other measures to be sought might include:

- restrictions (including, where applicable, freezes) on deployments, within agreed larger distances of these areas and zones, of all forces of the parties involved;
- withdrawal of armed forces to defined areas in the rear;

- withdrawal of armed forces to normal peacetime locations, as defined in Chapter I of the Vienna Document 1992 or in an extraordinary information exchange, if applicable.

3. Cessation of Military Flights

- Cessation of flights by armed aircraft of the parties involved over specified areas or border zones;
- cessation of flights by all military aircraft of the parties involved, according to the situation on the ground.

In the above cases:

- exceptions for aircraft carrying out peacekeeping, humanitarian or other peaceful tasks mandated by the United Nations or CSCE or agreed upon by all parties involved in a conflict;
- monitoring of air traffic control by CSCE observers in order to ensure cessation of flights by all military aircraft and the safe passage of aircraft for peacekeeping, humanitarian or other peaceful purposes. As for military air traffic control, access of CSCE observers would be dependent on the consent of the relevant party or parties involved.

4. Deactivation of Certain Weapon Systems

- Withdrawal from active service in specified areas of certain weapon systems, particularly heavy weapons:
  - as a complementary measure, storage and/or corraling in specified areas under the control of the CSCE and/or third party observers.

5. Treatment of Irregular Forces

- Commitment by the participating States and/or parties involved in a particular crisis situation to undertake suitable and relevant efforts aimed at the subordination of irregular forces operating in the crisis area to the regular forces' command of parties involved, and/or disarmament and disbandment of such forces, preferably in conformity with agreed calendars.

6. Constraints on Certain Military Activities

- Restraints and/or prohibition of certain military activities by the parties involved, relevant to the crisis area:
  - types and parameters of constraints, as well as their area of application, will depend on the nature and requirements of a crisis;

- consideration should be given to parameters such as number of troops participating in a given activity, and/or number - total or by category - of weapon and equipment systems involved in such activity.

C. Measures to Reinforce Confidence

Possible involvement by the CSCE and/or third parties with the parties involved in a particular crisis situation in order to draw the latter gradually into the process of implementation of these measures as the level of confidence increases.

1. Public Statements on Matters Relevant to a Particular Crisis Situation

- Public statements by the parties involved that they will facilitate the work of, for example, officials of the International Committee of the Red Cross and the United Nations High Commissioner for Refugees, accredited diplomats, designated monitors, observers, rapporteurs, peacekeeping forces, organizations for humanitarian assistance and media representatives, and afford them all possible protection in accordance with the character of their specific duties;
- public statements by the parties involved on humanitarian matters, such as information on prisoners of war (including the numbers and exchanges of prisoners of war);
- agreement by the parties involved to avoid public statements which could escalate the conflict.

2. Observation of Certain Military Activities

- Invitation of observers by the parties involved to certain military activities in the crisis area.

3. Liaison Teams

- Exchange of standing liaison teams, having direct communication capabilities, between local operational headquarters;
- possibility for multinational liaison teams (inclusion of CSCE and/or third parties).

4. Establishment of Direct Lines of Communication

- Establishment of direct lines of communication ("hotlines") between the respective capitals and/or operational headquarters of the parties involved. The operation and use of such hotlines on a 24-hour basis should be encouraged, particularly at the local level.

5. Joint Expert Teams in Support of Crisis Management

- Establishment of joint teams tasked with the clarification of ambiguous and/or controversial situations in order to facilitate their settlement.



6. Joint Co-ordination Commissions or Teams

- Establishment of joint co-ordination commissions or teams to facilitate the resolution of technical military issues and other technical issues arising from the implementation of agreed measures.

D. Measures for Monitoring of Compliance and Evaluation

Particular attention should be given to monitoring or to the evaluation of compliance with agreed stabilizing measures, to clarify ambiguous situations, build confidence, avoid misperceptions and provide each party involved with assurances of the others' peaceful intentions.

In view of the potential for mistrust between the parties involved, the possible monitoring of compliance or evaluation by CSCE and/or third party representatives could be considered, particularly with regard to the initial stages of a crisis. Possible participation by the parties directly involved in the crisis needs early consideration in order to achieve regular contacts and to build confidence. Local or regional co-ordination bodies, on which third parties would also be represented, could be established to contribute to the effective implementation of agreed measures.

All detailed modalities of these measures, including their specific areas of application, are to be tailored to the requirements of a specific crisis situation.

1. Evaluation of Data Provided under Extraordinary Information Exchange

- Possibility of periodic evaluation visits designed to check validity of data provided under Extraordinary Information Exchange.

2. Inspections

- In order to check compliance with agreed stabilizing measures, inspections of specific activities, objects and/or installations, patterned on, but - depending on circumstances and specific agreements of parties involved - possibly more intrusive than, the verification regime of the Vienna Document 1992.

3. Observation of Compliance with Demilitarized Zones

- Stationing of permanent observers (of the CSCE and/or third parties) along borders or along and/or within the limits of demilitarized zones.

4. Verification of Heavy Weapons

- Verification of agreed stabilizing measures regarding certain weapon systems, particularly heavy weapons, including monitoring and/or inspections of their deactivation, redeployment or withdrawal from storage.

5. Challenge Inspections

- Challenge inspections, with regard to specified areas, as the most stringent and intrusive means of verification, in order to clarify, and thus to contribute to the resolution of, any question which has given rise to doubts about compliance with agreed measures;

The regime of challenge inspections is to include:

- provisions on the right of refusal and protection of sensitive installations;
- possibility of conducting challenge inspections by the CSCE and/or third parties;
- detailed modalities commensurate with the requirements of a specific crisis situation.

6. Aerial Observation Regime

- Conduct by a third party of overflights, with possible participation of representatives of the parties involved, aimed at checking compliance with agreed stabilizing measures and building confidence (augmented by CSCE-arranged flights);
- possibility of using procedures and measures agreed within the framework of Open Skies regime.

*The Interpretative statement below by the delegation of Austria was attached to FSC Journal No.49 according to paragraph (79) of the Helsinki Final Recommendations.*

(...) 7. Interpretative statements:

With regard to the Decision on Stabilizing Measures in Localized Crisis Situations, the delegation of Austria, on behalf of the delegations of Austria, Hungary and Poland, made the following interpretative Statement:

"The aforementioned delegations hold the opinion that the explicit mentioning of the principle of consensus in Section I of this measure is redundant as the CSCE rules and procedures foresee that decisions in the CSCE are taken by consensus. Exceptions to this rule are specifically mentioned (i.e. in the decisions of the Prague and Stockholm ministerial meetings).

These delegations aim at developing the CSCE at the time of the Budapest Review Conference in such a way that the implementation of decisions in the field of conflict prevention, crisis management and the peaceful settlement of disputes could also be taken without the consent of a participating State (of participating States) which have violated certain norms and commitments. A recommendation on a course of action to be taken in the field of conflict prevention, crisis management and the peaceful settlement of disputes may draw, as appropriate, also on this catalogue of stabilizing measures.

The aforementioned delegations consider that the reaffirmation of the rule of consensus in the context of this measure does not prejudice the development of the CSCE into a more effective organization in the field of conflict prevention, crisis management and the peaceful settlement of disputes and that this formulation will have to be revisited on that occasion."

## *7. Fostering the Role of the OSCE as a Forum for Political Dialogue*

At the 9<sup>th</sup> Ministerial Council of the OSCE in Bucharest on 4 December 2001, Decision No.3 on 'Fostering the Role of the OSCE as a Forum for Political Dialogue' was adopted. This contains, amongst others, a specific paragraph (paragraph 8) on improving the dialogue of the Organization through further inclusion of the FSC.

The Ministerial Council,

Recognizing the importance of furthering the role of the OSCE as a forum of political dialogue in the Euro-Atlantic space,

Conscious of the importance of the political dialogue so that important matters relating to security and co-operation in Europe can be fully discussed by participating States,

Aware of the need to give political guidance to the Head of institutions and field operations,

Bearing in mind that the comprehensive approach to security covers the politico-military, economic and environmental and human dimension and that the development of expertise in these areas can contribute to the depth and value of the Permanent Council's own debates and conclusions,

Decides the following:

1. As the principal body for ongoing political consultations and decision-making of the OSCE, the Permanent Council will:

- (a) provide a permanent framework for political dialogue of participating States;
- (b) focus its weekly regular meetings on discussing issues of interest for the participating States;
- (c) continue to examine, at regular intervals, reports of the OSCE field operations, with the participation of their respective Heads; normally, the examination will be preceded by written activity reports distributed in advance to participating States, and previous informal open-ended discussions of delegations with the Head of field operation;
- (d) with full respect of their respective mandates, continue to discuss, at regular intervals, reports by the Heads of OSCE institutions;
- (e) make use of the Preparatory Committee in its decision-making and for focused political consultations among the participating States;
- (f) as appropriate, hold discussions with representatives of other international organizations, as well as with others who can contribute to the political dialogue on security issues;
- (g) adopt, whenever appropriate, public declarations or statements on topics of interest for the governments, civil societies and public opinion.

2. Recalling paragraph 18 of the Charter for European Security, the Ministerial Council tasks the working group on legal capacity to continue its work and seek to solve this issue.
3. Co-ordination and co-operation with the OSCE Parliamentary Assembly, in particular, to promote democratic values and respect for human rights and fundamental freedoms should be strengthened. To this effect, active communication and interaction, to include joint activities, between the Parliamentary Assembly and other OSCE structures should be developed, as appropriate.
4. Participating States reaffirm their commitment to seek the peaceful resolution of disputes as set out in the Charter of the United Nations and the Helsinki Final Act.
5. As a priority objective, the OSCE will apply renewed efforts to the settlement of conflicts in the OSCE area, in accordance with the standards and principles contained in the documents of the Organization to which participating States have agreed. The OSCE will continue to support participating States in their efforts to settle such conflicts, and will seek active involvement in facilitating or conducting negotiations with the parties to such conflicts, at the request of the participating States.
6. Meetings of the Ministerial Council, as the central political consultation, decision-making and governing body of the OSCE, will be effectively prepared by the Permanent Council, *inter alia* through:
  - (a) establishment of the timetable and the organizational modalities, including international organizations and institutions to be invited at the meeting;
  - (b) preparation of documents to be submitted to the Ministerial Council in the Preparatory Committee or *ad hoc* open-ended working groups established with sufficient time in advance;
  - (c) appropriate review in the Permanent Council, the Preparatory Committee, or an appropriate working group of the stages of preparations.
7. Meetings of the Permanent Council, and those of the Preparatory Committee, other committees and working groups will be conducted with inclusiveness, equality and free exchange of views in order to address the interests of all participating States and to identify areas for co-operation and compromise.
8. In order to strengthen the politico-military dimension of the OSCE, the Forum for Security Co-operation, as the OSCE body for reviewing the implementation of OSCE commitments in the fields of arms control and confidence- and security-building, and for negotiating measures in the fields of arms control, and confidence- and security-building, will:
  - (a) address those aspects of new security challenges which fall within its mandate, and update its activities accordingly;

(b) while retaining its autonomy and decision-making capacity, be more closely connected with the overall OSCE work on current security issues and, to this end, will make available its expert advice on issues of a politico-military nature, at the request of the Permanent Council; this may include, as necessary, advice on politico-military issues of OSCE field operations, in accordance with their respective mandates. The Forum for Security Co-operation may also advise the Permanent Council or the Chairman-in-Office on its own initiative;

(c) continue to fulfil its mandate and facilitate implementation of existing politico-military commitments, and to serve as a venue to negotiate measures in the politico-military field, in order to enhance security by fostering stability, transparency and predictability.

9. In order to facilitate interaction between the Permanent Council and the Forum for Security Co-operation, the OSCE Chairmanship will be represented at the Forum's Troika meetings. The Chairmanship of the Forum will also be represented at OSCE Troika meetings on matters of FSC concern.

10. The Ministerial Council welcomes the Forum's review of the modalities of its Chairmanship and its steps to enhance its organizational efficiency.

11. Bearing in mind the need to strengthen co-operation in the economic and environmental dimension, and with a view to improving organizational structure in this field, and without prejudice to the functions of the Economic Forum, an Economic and Environmental Sub-Committee of the Permanent Council is hereby established. It will normally meet in informal format and normally report to the Permanent Council through the Preparatory Committee. It will perform the following tasks:

(a) to provide an ongoing framework for dialogue of the participating States on economic and environmental issues and to make recommendations to the Permanent Council, including on projects to be implemented;

(b) to support the preparation of the meetings of the Economic Forum and make recommendations to the Permanent Council on the future programme of work, including actions to follow-up of recommendations made by the Forum;

(c) to examine any important or topical economic or environmental issue relevant to the OSCE at the request of the Permanent Council, or at the initiative of any participating State;

(d) to provide advice to the Permanent Council, as necessary, on economic and environmental activities of OSCE field operations, in accordance with their respective mandates.

12. Where appropriate, the Sub-Committee may invite representatives of the business community, business associations and relevant governmental and non-governmental organizations, the academic community, and non-participating States, particularly Partners for Co-operation, to participate in its meetings.

13. The OSCE Co-ordinator on Economic and Environmental Activities will provide working support for the activities of the Sub-Committee, subject to his mandate.

*The Bucharest Ministerial Declaration, paragraphs (5) & (6).*

(...)5. We welcome the review of the OSCE's structures undertaken at the initiative of the Romanian Chairmanship with the goal of strengthening the OSCE's efficiency, and the adoption today of decisions to foster the role of the OSCE as a forum for political dialogue on issues of security and co-operation in Europe. This reinforces our determination to make more effective use of OSCE means and mechanisms to counter threats and challenges to security and stability in the OSCE region. In particular, we have decided to strengthen our co-operation in the economic and environmental dimension and to enhance the OSCE's role in police-related activities; the Permanent Council has taken decisions on the necessary measures so that the OSCE can promote and support them. The Ministerial Council tasks the Permanent Council, through a working group on OSCE reform, to continue consideration of issues related to OSCE reform and report to the next meeting of the Ministerial Council.

6. We reiterate our full adherence to the Charter of the United Nations, and to the Helsinki Final Act, the Charter of Paris, the Charter for European Security and all other OSCE documents to which we have agreed. We reaffirm our determination to fulfil in a timely fashion without exception, all of our OSCE commitments. (...)

## EARLY WARNING AND PREVENTIVE ACTION

### *8. Provisions Relating to Early Warning and Preventive Action*

The Helsinki Decisions, adopted at the Helsinki Summit on 10 July 1992, included Chapter III, “Early warning, conflict prevention and crisis management (including fact finding and rapporteur missions and CSCE peacekeeping), peaceful settlement of disputes”. The first 16 paragraphs of the Chapter have particular relevance for early warning and preventive action. The next 40 paragraphs of Chapter III cover the modalities of CSCE peacekeeping (under the headings of CSCE peacekeeping, Chain of Command, Head of Mission, Financial arrangements and Co-operation with regional and transatlantic organisations). The final 6 paragraphs of Chapter III cover peaceful settlement of disputes. Further reference to the latter subject can be found in the respective section in this Compendium on “Peaceful Settlement of Disputes Based on Conciliation and/or Arbitration”.

*The following excerpt represents the first 16 paragraphs of Chapter III.*

(1) The participating States have decided to strengthen the structure of their political consultations and increase their frequency, and to provide for more flexible and active dialogue and better early warning and dispute settlement, resulting in a more effective role in conflict prevention and resolution, complemented, when necessary, by peacekeeping operations.

(2) The participating States have decided to enhance their capability to identify the root causes of tensions through a more rigorous review of implementation to be conducted both through the ODIHR and the CPC. They have also decided to improve their capability to gather information and to monitor developments, as well as their ability to implement decisions about further steps. They have recommitted themselves to co operating constructively in using the full range of possibilities within the CSCE to prevent and resolve conflicts.

#### Early warning and preventive action

(3) In order to have early warning of situations within the CSCE area which have the potential to develop into crises, including armed conflicts, the participating States will make intensive use of regular, in-depth political consultations, within the structures and institutions of the CSCE, including implementation review meetings.

(4) The CSO, acting as the Council's agent, will have primary responsibility in this regard.

(5) Without prejudice to the right of any State to raise any issue, the attention of the CSO may be drawn to such situations through the Chairman-in-Office, *inter alia*, by:

- any State directly involved in a dispute;
- a group of 11 States not directly involved in the dispute;



- the High Commissioner on National Minorities in situations he/she deems escalating into a conflict or exceeding the scope of his/her action;
- the Consultative Committee of the CPC in accordance with paragraph 33 of the Prague Document;
- the Consultative Committee of the CPC following the use of the mechanism for consultations and co-operation as regards unusual military activities;
- the use of the Human Dimension Mechanism or the Valletta Principles for Dispute Settlement and Provisions for a CSCE Procedure for Peaceful Settlement of Disputes.

Political management of crisis

- (6) The CSO will promote steps by the State or States concerned to avoid any action which could aggravate the situation and, if appropriate, recommend other procedures and mechanisms to resolve the dispute peacefully.
- (7) In order to facilitate its consideration of the situation, it may seek independent advice and counsel from relevant experts, institutions and international organizations.
- (8) If the CSO concludes that concerted CSCE action is required, it will determine the procedure to be employed in the light of the nature of the situation. It will have, acting on behalf of the Council, overall CSCE responsibility for managing the crisis with a view to its resolution. It may, inter alia, decide to set up a framework for a negotiated settlement, or to dispatch a rapporteur or fact-finding mission. The CSO may also initiate or promote the exercise of good offices, mediation or conciliation.
- (9) In this context the CSO may delegate tasks to:
- the Chairman in Office, who may designate a personal representative to carry out certain tasks, as defined in paragraph (22) of Chapter I of this document;
  - the Chairman in Office, assisted by the preceding and succeeding Chairmen in Office operating together as a Troika, as defined in paragraph (15) of Chapter I of this document;
  - an ad hoc steering group of participating States, as defined in paragraphs (16) to (21) of Chapter I of this document;
  - the Consultative Committee of the CPC, or other CSCE institutions.

- (10) Once the CSO has determined the procedure to be applied, it will establish a precise mandate for action, including provisions for reporting back within an agreed period. Within the limits of that mandate, those to whom the CSO has delegated tasks under the preceding paragraph will retain the freedom to determine how to proceed, with whom to consult, and the nature of any recommendations to be made.
- (11) All participating States concerned in the situation will fully co-operate with the CSO and the agents it has designated.
- Instruments of conflict prevention and crisis management
- Fact-finding and rapporteur missions
- (12) Fact-finding and rapporteur missions can be used as an instrument of conflict prevention and crisis management.
- (13) Without prejudice to the provisions of paragraph 13 of the Moscow Document in respect of Human Dimension issues, and paragraph 29 of the Prague Document in respect of Unusual Military Activities, the CSO or the Consultative Committee of the CPC may decide, by consensus, to establish such missions. Such decisions will in every case contain a clear mandate.
- (14) The participating State(s) will co operate fully with the mission on its territory in pursuance of the mandate and facilitate its work.
- (15) Reports of fact finding and rapporteur missions will be submitted for discussion to the CSO or the Consultative Committee of the CPC as applicable. Such reports and any observations submitted by the State(s) visited will remain confidential until they are discussed. The reports will normally be made public. If, however, the mission or the participating State(s) visited request that they should be kept confidential, they will not be made public, unless otherwise decided by the participating States.
- (16) Except where provided on a voluntary basis, the expenses of fact finding and rapporteur missions will be borne by all participating States in accordance with the scale of distribution.

The Ministerial Declaration “CSCE and the New Europe - Our Security is Indivisible”, adopted at the Fourth CSCE Council of Ministers that convened in Rome on 1 December 1993, stressed the role of the Organisation in early warning and preventive diplomacy.

*Provisions relating to early warning and preventive action as foreseen in the Rome Document 1993.*

(...)  
The Ministers agreed to strengthen the CSCE role as a pan-European and transatlantic forum for co-operative security as well as for political consultation on the basis of equality. The CSCE can be especially valuable as the first line of joint action on the underlying causes of conflict. At the heart of the CSCE efforts is the struggle to protect human rights and fundamental freedoms in the CSCE area.

The Ministers stressed the need to make wider use of CSCE capabilities in early warnings and preventive diplomacy and to further integrate the human dimension in this endeavour. They commended the contribution of the High Commissioner on National Minorities to the development of these capabilities. (...)

The Rome Decisions, adopted on 1 December 1993, included Chapter II, paragraphs (1) to (3) on “Further Development of the Capabilities of the CSCE in Conflict Prevention and Crisis Management”.

(...)

1. The Ministers stressed the importance of actively pursuing the deliberations which have been initiated by the CSO on the further development of the capabilities of the CSCE in conflict prevention and crisis management.
2. The Ministers agreed that the CSCE could consider, on a case-by-case basis and under specific conditions, the setting up of CSCE co-operative arrangements in order inter alia to ensure that the role and functions of a third party military force in a conflict area are consistent with CSCE principles and objectives.
3. The Ministers mandated the CSO and the Permanent Committee to further elaborate conditions and necessary provisions for possible CSCE arrangements of this nature. In carrying out this task they will bear in mind the proposals examined by the CSO and be guided inter alia by the following principles and considerations essential to the CSCE arrangements as well as to the activities of a third party military force: respect for sovereignty and territorial integrity; consent of the parties; impartiality; multinational character; clear mandate; transparency; integral link to a political process for conflict resolution; plan for orderly withdrawal. (...)

## ***9. Mechanism for Consultation and Co-operation with Regard to Emergency Situations (“Berlin Mechanism”)***

*Annex 2 to the Summary of Conclusions of the First CSCE Council of Ministers, Berlin (20 June) 1991.*

The participating States will in accordance with the following provisions, consult and co-operate with each other concerning a serious emergency situation which may arise from a violation of one of the Principles of the Final Act or as the result of major disruptions endangering peace, security or stability. In applying the mechanism for consultation and co-operation with regard to emergency situations all the Principles of the Final Act, including the Principle of non-intervention in internal affairs, and those of the Charter of Paris, are of primary significance and accordingly will be equally and unreservedly applied each of them being interpreted taking into account the others.

1. If any participating State concludes that an emergency situation, as described above, is developing, it may seek clarification from the State of States involved. The request will state the cause, or causes, of the concern.

1.1 The requested State or States will provide within 48 hours all relevant information in order to clarify the situation giving rise to the request.

1.2 The request and the reply will be transmitted to all other participating States without delay.

2 Should the situation remain unresolved, any of the States involved in the procedure described under point 1 above may address to the Chairman-in-Office of the Committee of Senior Officials a request that an emergency meeting of the Committee be held.

2.1 Any request addressed by the same State on an identical subject between two regular meetings of the Committee of Senior Officials will be inadmissible.

2.2 Any request should state the reasons why the matter is urgent and why the emergency mechanism is the most appropriate.

2.3 Any request should be accompanied by the texts of the request for clarification and of the reply provided for under point 1 above.

2.4 On receipt of the request, the Chairman-in-Office of the Committee of Senior Officials will immediately inform all participating States and the CSCE Secretariat and submit the relevant documentation.

2.5 The Chairman will also enter into contact with the States involved within a period of 24 hours following receipt of the request.

2.6 As soon as 12 or more participating States have seconded the request within a maximum period of 48 hours by addressing their support to the Chairman, he will immediately notify all participating States of the date and time of the meeting, which will be held at the earliest 48 hours and at the latest three days after this notification. The notification will also include the reason for, and the agenda of, the meeting.

2.7 Subject to the conditions set out in paragraphs 2.1 and 2.6 above, no judgement as to the facts nor any possible dispute as to the validity of the reasons offered for requesting the emergency convening of a meeting may be invoked for postponing or preventing the holding of an emergency meeting.

2.8 The meeting will be held at the seat of the Secretariat and last no more than two days, unless otherwise agreed.

2.9 The agenda of the emergency meeting will consist of a single item. Its formulation will be identical to that contained in the notification provided for in paragraph 2.6 above. It will not be open to amendment. The Chairman of the meeting will ensure that discussions do not depart from the subject on the agenda.

2.10 The meeting will be chaired by the representative of the State holding the chairmanship of the Committee of Senior Officials.

2.11 If the Chairman of the Committee of Senior Officials is a national of one of the States involved, as defined under point 1 above, the meeting will be chaired by the representative of the next State, in French alphabetical order, which is not involved in the situation.

2.12 The proceedings will be introduced by a short statement by the Chairman recalling the facts and stages of development of the situation. He will then indicate the number of speakers who have asked for the floor and will open the debate.

2.13 In the light of its assessment of the situation, the meeting may agree on recommendations or conclusions to arrive at a solution. It may also decide to convene a meeting at ministerial level.

2.14 The procedures for convening meetings under this mechanism do not affect the rule of consensus in other circumstances.

3. The procedures defined above will not be used in place of the mechanism concerning unusual military activities.

4. The communications between participating States provided for above will be transmitted preferably through the CSBM communications network.

The above procedures will be reviewed and, if necessary, revised at the Helsinki Follow-up Meeting.

## ***10. Measures foreseen by the OSCE Document on Small Arms and Light Weapons***

The OSCE Document on Small Arms and Light Weapons was adopted at the 308th Plenary meeting of the Forum for Security and Co-operation, on 24 November 2000. Two formal statements, supporting the Document, were made and attached to the journal of the day. The document was further published as a stand alone document.

*OSCE Document on Small Arms and Light Weapons (FSC.DOC/1/00) adopted by the FSC, as reported in FSC Journal No. 314.*

### **PREAMBLE**

1. The participating States of the Organization for Security and Co-operation in Europe (OSCE):

2. Recalling the Lisbon Document 1996, Decision No. 8/96, “A Framework for Arms Control”, and Decision No. 6/99 of the OSCE’s Forum for Security Co-operation, endorsed by our Heads of State and Government at the OSCE Summit at Istanbul in November 1999,

3. Recognizing the need to strengthen confidence and security among the participating States through appropriate measures on small arms and light weapons\* manufactured or designed for military use (hereinafter referred to as “small arms”),

\*There is not yet an internationally agreed definition of small arms and light weapons. This document will apply to the following categories of weapons while not prejudging any future internationally agreed definition of small arms and light weapons. These categories may be subject to further clarification and will be reviewed in the light of any such future internationally agreed definition.

For the purposes of this document, small arms and light weapons are man portable weapons made or modified to military specifications for use as lethal instruments of war. Small arms are broadly categorized as those weapons intended for use by individual members of armed or security forces. They include revolvers and self-loading pistols; rifles and carbines; sub-machine guns; assault rifles; and light machine guns. Light weapons are broadly categorized as those weapons intended for use by several members of armed or security forces serving as a crew. They include heavy machine guns; hand-held under-barrel and mounted grenade launchers; portable anti-aircraft guns; portable anti-tank guns; recoilless rifles; portable launchers of anti-tank missile and rocket systems; portable launchers of anti-aircraft missile systems; and mortars of calibres less than 100 mm.

4. Recalling progress made in dealing with the problems associated with small arms in other international fora and resolved to make an OSCE contribution to such progress.

5. Mindful also of the opportunity for the OSCE, as a regional arrangement under Chapter VIII of the Charter of the United Nations, to provide a substantial contribution to the process underway in the United Nations on the illicit trade in small arms and light weapons in all its aspects,

6. Have decided to adopt and implement the norms, principles and measures set out in the following sections.

### **SECTION I: GENERAL AIMS AND OBJECTIVES**

1. The participating States recognize that the excessive and destabilizing accumulation and uncontrolled spread of small arms are problems that have contributed to the intensity and duration of the majority of recent armed conflicts. They are of concern to the international community because they pose a threat and a challenge to peace, and undermine efforts to ensure an indivisible and comprehensive security.

2. The participating States agree to co-operate to address these problems and to do so in a comprehensive way. Reflecting the OSCE's concept of co-operative security and working in concert with other international fora, they agree to develop norms, principles and measures covering all aspects of the issue. These include manufacture, the proper marking of small arms, accurate sustained record keeping, export control criteria, transparency about transfers (i.e. commercial and non-commercial imports and exports) of small arms through effective national export and import documentation and procedures. All of these are essential elements of any response to the problems, as are the proper national management and security of stockpiles coupled with effective action to reduce the global surplus of small arms. They also agree that the problem of small arms should be an integral part of the OSCE's wider efforts in the fields of early warning, conflict prevention, crisis management and post conflict rehabilitation.

3. In particular, the participating States commit themselves to:

- (i) Combat illicit trafficking in all its aspects through the adoption and implementation of national controls on small arms, including manufacture, proper marking and accurate sustained record keeping (both of which contribute to improving the traceability of small arms), effective export control, border and customs mechanisms, and through enhanced co-operation and information exchange among law enforcement and customs agencies at international, regional and national levels;
- (ii) Contribute to the reduction, and prevention of, the excessive and destabilizing accumulation and uncontrolled spread of small arms, taking into account legitimate requirements for national and collective defence, internal security and participation in peacekeeping operations under the Charter of the United Nations or in the framework of the OSCE;
- (iii) Exercise due restraint to ensure that small arms are produced, transferred and held only in accordance with legitimate defence and security needs as outlined in 3(ii) above, and in accordance with appropriate international and regional export criteria, in particular as provided for in the OSCE document on Principles Governing Conventional Arms Transfers adopted by the Forum for Security Co-operation on 25 November 1993;
- (iv) Build confidence, security and transparency through appropriate measures on small arms;
- (v) Ensure that, in line with its comprehensive concept of security, the OSCE addresses, in its appropriate fora, concerns related to the issue of small arms as part of an overall assessment of the security situation of a particular country, and takes practical measures which will assist in this respect;
- (vi) Develop appropriate measures on small arms at the end of armed conflicts including their collection, safe storage and destruction linked to the disarmament, demobilization and reintegration (DD and R) of combatants.

## **SECTION II: COMBATING ILLICIT TRAFFICKING IN ALL ASPECTS: MANUFACTURING, MARKING AND RECORD KEEPING**

### **Introduction**

1. Combating illicit trafficking in all its aspects constitutes a major element of any action needed to deal with the problem of the destabilizing accumulation and uncontrolled spread of small arms. National control of manufacture is essential to the combating of illicit trafficking. In addition, the proper marking of small arms, coupled with accurate, sustained record-keeping and exchanges of information outlined within this document, will help relevant investigative authorities to trace illicit small arms and, if a legal transfer has been diverted into the illegal market, to identify the point at which the diversion took place.

2. This section therefore sets out the norms, principles and measures covering manufacture, marking and record-keeping of small arms.

### **(A) National control over manufacture of small arms**

1. The participating States agree to ensure effective national control over the manufacture of small arms through the issue, regular review and renewal of licences and authorizations for manufacture. Licences and authorizations should be revoked if the conditions under which they were granted are no longer met. The participating States will ensure that those engaged in illegal production can, and will, be prosecuted under appropriate penal codes.

### **(B) Marking small arms**

1. While it is for each participating State to determine the exact nature of the marking system for small arms manufactured or in use on its territory, the participating States agree to ensure that all small arms manufactured on their territory after 30 June 2001 are marked in such a way as to enable individual small arms to be traced. The marking should contain information which would allow the investigating authorities to determine, at a minimum, the year and country of manufacture, the manufacturer and the weapon's serial number. This information provides an identifying mark which is unique to each small arm. All such marks should be permanent and placed on the small arm at the point of manufacture. Participating States will also ensure as far as possible and within their competence that all small arms manufactured under their authority outside their territory are marked to the same standard.

2. In addition, participating States agree that, should any unmarked small arms be discovered in the course of the routine management of their current stockpiles, they will destroy them, or if those small arms are brought into service or exported, that they will mark them beforehand with an identifying mark unique to each small arm.

### **(C) Record keeping**

1. The participating States will ensure that comprehensive and accurate records of their own holdings of small arms, as well as those held by manufacturers, exporters and importers of small arms within their territory, are maintained and held as long as possible with a view to improving the traceability of small arms.



**(D) Transparency measures**

1. As a confidence-building measure and to assist the relevant authorities in tracing illicit small arms, the participating States agree to conduct an information exchange by 30 June 2001 on their national marking systems used in the manufacture and/or import of small arms. They will also exchange with each other available information on national procedures for the control of the manufacture of small arms. Participating States will ensure that such information is up-dated, as and when necessary, to reflect any changes in their national marking systems and in their procedures for the control of manufacture.

**SECTION III: COMBATING ILLICIT TRAFFICKING IN ALL ITS ASPECTS:  
COMMON EXPORT CRITERIA AND EXPORT CONTROLS**

**Introduction**

1. The establishment and implementation of effective criteria governing the export of small arms will help meet the shared objective of preventing the destabilizing accumulation and uncontrolled spread of small arms, as will national controls covering export documentation and procedures, and the activities of international brokers. Co-operation on law enforcement is also essential to the combating of illicit trafficking. This section sets out the norms, principles and measures aimed at fostering responsible behaviour with regard to the transfer of small arms and, thereby, reducing opportunities to engage in illicit trafficking.

**(A) Common export criteria**

1. The participating States agree to the following criteria to govern exports of small arms and technology related to their design, production, testing and upgrading, which are based on the OSCE document on “Principles Governing Conventional Arms Transfers”.

2.(a) Each participating State will, in considering proposed exports of small arms, take into account:

(i) The respect for human rights and fundamental freedoms in the recipient country;

(ii) The internal and regional situation in and around the recipient country, in the light of existing tensions or armed conflicts;

(iii) The record of compliance of the recipient country with regard to international obligations and commitments, in particular on the non use of force, and in the field of non proliferation, or in other areas of arms control and disarmament, and the record of respect for international law governing the conduct of armed conflict;

(iv) The nature and cost of the arms to be transferred in relation to the circumstances of the recipient country, including its legitimate security and defence needs and to the objective of the least diversion of human and economic resources to armaments;

(v) The requirements of the recipient country to enable it to exercise its right to individual or collective self defence in accordance with Article 51 of the Charter of the United Nations;

(vi) The question of whether the transfers would contribute to an appropriate and proportionate response by the recipient country to the military and security threats confronting it;

(vii) The legitimate domestic security needs of the recipient country;

(viii) The requirements of the recipient country to enable it to participate in peacekeeping or other measures in accordance with decisions of the United Nations or the OSCE.

(b) Each participating State will avoid issuing licences for exports where it deems that there is a clear risk that the small arms in question might:

(i) Be used for the violation or suppression of human rights and fundamental freedoms;

(ii) Threaten the national security of other States;

(iii) Be diverted to territories whose external relations are the internationally acknowledged responsibility of another State;

(iv) Contravene its international commitments, in particular in relation to sanctions adopted by the Security Council of the United Nations, decisions taken by the OSCE, agreements on non-proliferation, small arms, or other arms control and disarmament agreements;

(v) Prolong or aggravate an existing armed conflict, taking into account the legitimate requirement for self-defence, or threaten compliance with international law governing the conduct of armed conflict;

(vi) Endanger peace, create an excessive and destabilizing accumulation of small arms, or otherwise contribute to regional instability;

(vii) Be either re-sold (or otherwise diverted) within the recipient country or re-exported for purposes contrary to the aims of this document;

(viii) Be used for the purpose of repression;

(ix) Support or encourage terrorism;

(x) Facilitate organized crime;

(xi) Be used other than for the legitimate defence and security needs of the recipient country.

(c) In addition to these criteria, participating States will take into account the stockpile management and security procedures of a potential recipient country.

3. Participating States will make every effort within their competence to ensure that licensing agreements for small arms production concluded with manufacturers located outside their territory will contain, where appropriate, a clause applying the above criteria to any exports of small arms manufactured under licence in that agreement.

4. Further, each participating State will:

(i) Ensure that these principles are reflected, as necessary, in its national legislation and/or in its national policy documents governing the export of conventional arms and related technology;

(ii) Consider assisting other participating States in the establishment of effective national mechanisms for controlling the export of small arms.

**(B) Import, export and transit procedures**

1. The participating States agree to follow the procedures described below on the import, export and international transit of small arms.

2. The participating States agree to ensure that all shipments of small arms imported into, or exported from, their territory are subject to effective national licensing or authorization procedures which allow the participating State concerned to retain adequate control over such transfers and to prevent the diversion of the small arms to any party other than the declared recipient. Each participating State will decide whether to apply appropriate national procedures to small arms in transit through its territory en route to a final destination outside its territory, in order to maintain effective control over that transit.

3. Before a participating State permits a shipment of small arms to another State, that participating State will ensure that it has received from the importing State the appropriate import licence or some other form of official authorization. When a participating State is asked to act as a transit point for shipments of small arms between the exporting and importing States, the exporter, or the authorities in the exporting state, will ensure that where the State of transit requires a shipment to be authorized, the appropriate authorization has been issued.

4. At the request of either of the two participating States engaged in a transaction to export and import a shipment of small arms, the States will inform each other when the consignment has been dispatched from the exporting State and when it has been received by the importing State.

5. Without prejudice to the right of participating States to re-export small arms that they had previously imported, participating States will make every effort within their competence to encourage the insertion of a clause within contracts for the sale or transfer of small arms requiring that the original exporting State be advised before the re-transfer of those small arms.

6. In order to prevent the illegal diversion of small arms, the participating States are encouraged to establish appropriate procedures that would permit the exporting State to assure itself of the secure delivery of transferred small arms. These procedures could, where appropriate, include a physical check of the shipment of small arms at the point of delivery.

7. The participating States will not allow any transfer of unmarked small arms. In addition they will only transfer or re-transfer small arms which bear an identifying mark unique to each small arm.

8. The participating States agree to ensure that the appropriate national mechanisms are in place to enhance the co-ordination of policy and co-operation between their agencies involved in the import, export and transit procedures for small arms.

**(C) Import, export and transit documentation**

1. The participating States agree to observe the following key standards underpinning export documentation: that no export licence is issued without an authenticated end-user certificate, or some other form of official authorization (for example, an International Import Certificate) issued by the receiving State; that the number of government officials entitled to sign or otherwise authorize export documentation is kept to a minimum consistent with the current practice of each participating State; and that import, export and transit documentation contains a common minimum standard of information which will be explored by participating States with a view to developing recommendations based on the “best practice” among participating States.

2. The participating States agree to ensure that comprehensive and accurate records of small arms transactions effected under a particular license or authorization are maintained and held for as long as possible with a view to improving the traceability of small arms. They also agree that the relevant information contained in these records, together with any other information required to trace and identify illegal small arms, is made available in accordance with the procedures in paragraphs (E) 3 and 4 below.

**(D) Control over international arms brokering**

1. The regulation of the activities of international brokers in small arms is a critical element in a comprehensive approach to combating illicit trafficking in all its aspects. Participating States will consider the establishment of national systems for regulating the activities of those who engage in such brokering. Such a system could include measures such as:

(i) Requiring registration of brokers operating within their territory;

(ii) Requiring licensing or authorization of brokering; or

(iii) Requiring disclosure of import and export licenses or authorizations, or accompanying documents, and of the names and locations of brokers involved in the transaction.

**(E) Improving co operation in law enforcement**

1. In order to enforce its international commitments on small arms, each participating State should ensure that it has an effective capability to enforce those commitments through its relevant national authorities and judicial system.

2. Each participating State will treat any transfer of small arms that is in violation of a United Nations Security Council arms embargo as a crime, and will, if it has not yet done so, reflect this in its domestic law.

3. The participating States agree to enhance their mutual legal assistance and other mutual forms of co-operation in order to assist investigations and prosecutions conducted and pursued by other participating States in relation to the illicit trafficking of small arms. For this purpose, they will endeavour to conclude relevant agreements with each other.

4. The participating States agree to co-operate with each other on the basis of customary diplomatic procedures or relevant agreements and with intergovernmental organizations such as Interpol, in tracing illegal small arms. Such co-operation will include making available, upon request, relevant information to the investigating authorities of other participating States. They will also encourage and facilitate regional, subregional and national training programmes and joint training exercises for law enforcement, customs and other appropriate officials in the small arms field.

5. The participating States agree to consider appropriate technical, financial and consultative assistance to other participating States to increase the capacity of enforcement agencies.

6. The participating States agree to share, in conformity with their national laws, and on a confidential basis through appropriate and established channels (for example Interpol, police forces or customs agencies) information in the following areas:

(i) Duly authorized manufacturers and international arms brokers;

(ii) Seizures of illicitly trafficked small arms, including the quantity and type of weapons seized, their markings and details of their subsequent disposal;

(iii) Information on individuals or corporations convicted for violations of national export control regulations;

(iv) Information on their enforcement experiences and the measures that they have found effective in combating illicit trafficking in small arms. This might include, but need not be limited to, scientific and technological information; information on means of concealment and the methods used to detect them; routes used for illicit trafficking and information on embargo violations.

**(F) Exchanges of information and other transparency measures**

1. The participating States will, as a first step, conduct an information exchange among themselves and on an annual basis, not later than 30 June, beginning in 2002, about their small arms exports to, and imports from, other participating States during the previous calendar year. The information exchanged will also be provided to the Conflict Prevention Centre (CPC). The format for this exchange is set out in the Annex to this document. Participating States also agree to study ways to further improve the information exchange on transfers of small arms.

2. The participating States will exchange with each other, by 30 June 2001, available information on relevant national legislation and current practice on export policy, procedures, documentation and on control over international brokering in small arms in order to use such an exchange to spread awareness of “best practice” in these areas. They will also submit updated information when necessary.

#### **SECTION IV: MANAGEMENT OF STOCKPILES, REDUCTION OF SURPLUSES AND DESTRUCTION**

##### **Introduction**

1. Effective action to reduce the global surplus of small arms, coupled with proper management and security of national stockpiles, is central to the reduction of destabilizing accumulations and uncontrolled spread of small arms and the prevention of illicit trafficking. This section sets out the norms, principles and measures through which participating States will effect reductions where applicable and promote “best practice” in managing national inventories and securing stockpiles of small arms.

##### **(A) Indicators of a surplus**

1. It is for each participating State to assess in accordance with its legitimate security needs whether its holdings of small arms include a surplus.

2. When assessing whether it has a surplus of small arms, each participating State could take into account the following indicators:

- (i) The size, structure and operational concept of the military and security forces;
- (ii) The geopolitical and geostrategic context including the size of the State’s territory and population;
- (iii) The internal or external security situation;
- (iv) International commitments including international peacekeeping operations;
- (v) Small arms no longer used for military purposes in accordance with national regulations and practices.

3. The participating States should carry out regular reviews and in particular in connection with:

- (i) Changes of national defence policies;
- (ii) The reduction or re-structuring of military and security forces;
- (iii) The modernization of small arms stocks or the acquisition of additional small arms.

**(B) Improving national stockpile management and security**

1. The participating States recognize that proper national control over their stockpiles of small arms (including any stockpiles of decommissioned or deactivated weapons) is essential in order to prevent loss through theft, corruption and neglect. To that end, they agree to ensure that their own stockpiles are subject to proper national inventory accounting and control procedures and measures. These procedures and measures, the selection of which is at the discretion of each participating State, could include:

- (i) The appropriate characteristics for stockpile locations;
- (ii) Access control measures;
- (iii) The measures needed to provide adequate protection in emergency situations;
- (iv) Lock-and-key and other physical security measures;
- (v) Inventory management and accounting control procedures;
- (vi) The sanctions to be applied in the event of loss or theft;
- (vii) The procedures for the immediate reporting of any loss;
- (viii) The procedures to maximize the security of small arms transport;
- (ix) The security training of stockpile staff.

**(C) Destruction and deactivation**

1. The participating States agree that the preferred method for the disposal of small arms is destruction. Destruction should render the weapon both permanently disabled and physically damaged. Any small arms identified as surplus to a national requirement should, by preference, be destroyed. However, if their disposal is to be effected by export from the territory of a participating State, such an export will only take place in accordance with the export criteria set out in Section IIIA, paragraphs 1 and 2 of this document.

2. Destruction will generally be used to dispose of illicitly trafficked weapons seized by national authorities, once the legal due process is complete.

3. The participating States agree that the deactivation of small arms will be carried out only in such a way as to render all essential parts of the weapon permanently inoperable and therefore incapable of being removed, replaced or modified in a way that might permit the weapon to be reactivated.

**(D) Financial and technical assistance**

1. The participating States agree to consider, on a voluntary basis and in co-operation with other international organizations and institutions, technical, financial and consultative assistance with the control or the elimination of surplus small arms to other participating States that request it.

2. The participating States agree to support, in co-operation with other international efforts and in response to a request from a participating State, stockpile management and security programmes, training and on-site confidential assessments.

**(E) Transparency measures**

1. The participating States agree to share available information on an annual basis not later than 30 June, beginning in 2002 on the category, sub-category and quantity of small arms that have been identified as surplus and/or seized and destroyed on their territory during the previous calendar year.

2. The participating States will, by 30 June 2002, exchange information of a general nature about their national stockpile management and security procedures. They will also submit updated information when necessary. The Forum for Security Co-operation will consider developing a “best practice” guide, designed to promote effective stockpile management and security and to guarantee a multi-level safety system for the storage of small arms taking into account the work of other international organisations and institutions.

3. The participating States also agree to exchange information by 30 June 2001 on their techniques and procedures for the destruction of small arms. They will also submit updated information when necessary. The Forum for Security Co-operation will consider developing a “best practice” guide, of techniques and procedures for the destruction of small arms taking into account the work of other international organizations and institutions.

4. As a confidence-building measure participating States agree to consider on a voluntary basis invitations to each other, particularly in a regional or subregional context, to observe the destruction of small arms on their territory.

**SECTION V: EARLY WARNING, CONFLICT PREVENTION, CRISIS  
MANAGEMENT AND POST-CONFLICT REHABILITATION**

**Introduction**

1. The problem of small arms should be an integral part of the OSCE’s wider efforts in early warning, conflict prevention, crisis management and post-conflict rehabilitation. The destabilizing accumulation and uncontrolled spread of small arms are elements which can impede conflict prevention, exacerbate conflicts and, where peaceful settlements have been attained, impede both peace-building and social and economic development. In some cases, it may contribute to a breakdown in order, fuel terrorism and criminal violence or lead to a resumption of conflict. This section sets out the norms, principles and measures which the participating States agree to follow.

**(A) Early warning and conflict prevention**

1. The identification of a destabilizing accumulation or the uncontrolled spread of small arms that might contribute to a deteriorating security situation could be a major element in early warning and, therefore, conflict prevention. It is for each participating State to identify potentially destabilizing accumulations or uncontrolled spreads of small arms linked to its security situation. Each participating State may raise within the OSCE at the Forum for Security Co-operation or the Permanent Council its concerns about such accumulations or spreads.



**(B) Post-conflict rehabilitation**

1. The participating States recognize that an accumulation, and the uncontrolled spread, of small arms can contribute to the destabilization of the security environment in a post-conflict situation. It is therefore necessary to consider the value of small arms collection and control programmes in these circumstances.
2. The participating States recognize that a stable security situation, including public confidence in the security sector, is essential for any successful small arms collection and control programme (combined with, as appropriate, amnesties) and other important post-conflict programmes related to DD and R, such as those on the disposal of small arms.

**(C) Procedures for assessments and recommendations**

1. The participating States agree that an assessment by the Forum for Security Co-operation or the Permanent Council in conflict prevention or a post-conflict situation should include the role (if any) played in that situation by small arms taking into account, as necessary, the indicators found in Section IV(A) paragraph 2, and the need to address that issue.
2. As necessary, at the request of the host participating State, the participating States could be invited to make available, including, if appropriate and in accordance with a decision of the Permanent Council, through the Rapid Expert Assistance and Co-operation Teams (REACT) programme, individuals with relevant expertise in small arms issues. These experts should work with national governments and relevant organizations to ensure a comprehensive assessment of the security situation before providing recommendations for action by the OSCE.

**(D) Measures**

1. In response to recommendations from experts, the Permanent Council should consider a range of measures including:
  - (i) Responses to requests for assistance on the security and management of stockpiles of small arms;
  - (ii) Assistance with, and possible monitoring of, the reduction and disposal of small arms in the State in question;
  - (iii) The encouragement of and, as necessary, the provision of advice or mutual assistance to implement and reinforce border controls to reduce illicit trafficking in small arms;
  - (iv) Assistance with small arms collection and control programmes;
  - (v) As appropriate, the expansion of the mandate of an OSCE field mission or presence to cover small arms issues;
  - (vi) Consultation and co-ordination, in accordance with the OSCE Platform for Co-operative Security, with other international organizations and institutions.

2. In addition the participating States agree that the mandates of future OSCE missions adopted by the Permanent Council and any peacekeeping operations conducted by the OSCE should, as appropriate, include the capacity to advise, contribute to, implement and monitor small arms collection and destruction programmes and small arms related DD and R measures. Such OSCE missions could include a suitably qualified person tasked with developing, in conjunction with peacekeeping operations, national authorities and other international organizations and institutions, a series of measures related to small arms.

3. The participating States will promote stable security situations and ensure, within their competence that small arms collection programmes and small arms related DD and R measures are included in any peace agreements and, as appropriate, in the mandates of any peacekeeping operations. Participating States will promote the destruction of all small arms thus collected as the preferred method of disposal.

4. As a supporting measure, the participating States could also promote subregional co-operation, in particular in areas such as border control in order to prevent the re-supply of small arms through illicit trade.

5. The participating States will consider sponsoring, on a national level, public education and awareness programmes highlighting the negative aspects of small arms. They will also consider providing within available financial and technical resources appropriate incentives to encourage the voluntary surrender of illegally held small arms. Participating States will consider providing support for all appropriate post-conflict programmes related to DD and R, such as those on the disposal and destruction of surrendered or seized small arms and ammunition.

#### **(E) Stockpile management and reduction in post conflict rehabilitation**

1. Because of the specific vulnerability of small arms storage and management in post conflict situations, the participating State(s) concerned and/or the participating States involved in a peace process will give priority to ensuring that:

(i) Safe storage and stockpile management issues are dealt with in peace processes and are included, as appropriate, in peace agreements;

(ii) To enhance security, stockpile sites are concentrated in as few locations as possible;

(iii) Where they are to be destroyed, collected and confiscated small arms are stored for as short a time as necessary compatible with legal due process;

(iv) Administrative management procedures give priority to and do not delay the small arms reduction and destruction processes.

#### **(F) Further Work**

1. The Forum for Security Co-operation will consider developing a “best practice” handbook on small arms DD and R measures taking into account the work of other international organizations and institutions.

2. The requests for small arms destruction monitoring and technical assistance will be co-ordinated through the CPC, taking into account the work of other international organizations and institutions.

#### **SECTION VI: FINAL PROVISIONS**

1. The participating States agree to the establishment of a list of small arms contact points in delegations to the OSCE and in capitals, to be held and maintained by the CPC. The CPC will be the main point of contact on small arms issues between the OSCE and other international organizations and institutions.

2. The participating States agree that the Forum for Security Co-operation will review regularly including, as appropriate, through annual review meetings, the implementation of the norms, principles and measures in this document and will consider specific small arms issues raised by participating States. In addition, and as necessary, they may convene meetings of national experts on small arms.

3. The participating States also agree to keep the scope and content of this document under regular review. In particular they agree to work on the further development of the document in the light of its implementation and of the work of the United Nations and of other international organizations and institutions.

4. The text of this document will be published in the six official languages of the Organization and disseminated by each participating State.

5. The Secretary General of the OSCE is requested to transmit the present document to the Governments of the Partners for Co-operation Japan, the Republic of Korea, and Thailand and of the Mediterranean Partners for Co-operation (Algeria, Egypt, Israel, Jordan, Morocco and Tunisia).

6. The norms, principles and measures in this document are politically binding. Unless otherwise specified they will take effect on the adoption of the document.

INFORMATION EXCHANGE ON SMALL ARMS AND LIGHT WEAPONS

**(Restricted information when completed)**

Reporting Country:

Report for Calendar year:

Original language:

Date of submission:

EXPORTS

Category and sub-category of small arm or light weapon	Final importer State	Number of items	State of origin (if not exporter)	Intermediate location (if any)	Comment on the transfer

IMPORTS

Category and sub-category of small arm or light weapon	Exporter State	Number of items	State of origin	Intermediate location (if any)	End user certificate numbers or reference	Comment on the transfer

At the 374th Plenary Meeting of the FSC, a Decision was reached on providing “Expert advice on the Implementation of Section V of the OSCE Document on Small Arms and Light Weapons”. This Decision provided further amplification to the aforementioned OSCE Document on SALW.

*The following Decision No. 15/02, dated 20 November 2002, was included in FSC Journal No. 380.*

The Forum for Security Co-operation (FSC),

Noting the request of the Permanent Council to provide its expert advice on the implementation of Section V “Early warning, conflict prevention, crisis management and post-conflict rehabilitation” of the OSCE Document on Small Arms and Light Weapons in advance of the Tenth Meeting of the Ministerial Council (PC.DEC/489),

Reaffirming the commitments agreed to by the participating States contained in the OSCE Document on Small Arms and Light Weapons (FSC.DOC/1/00),

Mindful of the potential of enhancing the implementation of Section V of the SALW document in the context of the Bucharest Ministerial Council Plan of Action for Combating Terrorism (Annex to MC(9).DEC/1) as reflected in the FSC Road Map adopted in March 2002 for the implementation of the relevant tasks under the Bucharest Plan (FSC.DEC/5/02) and as underlined in the Workshop on Implementation of the OSCE Document on Small Arms and Light Weapons (4 and 5 February 2002) and in the Expert Meeting on Combating Terrorism within the Politico-Military Dimension of the OSCE (14 and 15 May 2002),

Recalling the Bucharest Ministerial Council Decision No. 3 on Fostering the Role of the OSCE as a Forum for Political Dialogue (MC(9).DEC/3),

Decides:

To provide the Permanent Council with the attached expert advice on the implementation of Section V of the OSCE Document on Small Arms and Light Weapons;

To recommend that the Permanent Council address this expert advice in its preparations for the Ministerial Council in Porto, so that the Ministerial Council will take note of the work undertaken concerning enhanced implementation of Section V of the OSCE Document on Small Arms and Light Weapons, based on the following outlined plan, once provided to the PC for approval and implementation.

## **EXPERT ADVICE ON IMPLEMENTATION OF SECTION V OF THE SALW DOCUMENT**

### **A. Introduction**

1. The security risks posed by the destabilizing accumulation and uncontrolled spread of small arms and light weapons (SALW) are of continuing concern to participating States. The implementation of Section V of the OSCE Document on SALW, which deals with small arms measures as part of early warning, conflict prevention, crisis management and post-conflict rehabilitation, could help overcome these risks through co-ordinated action by the PC and the FSC. It could also contribute to OSCE efforts to counter terrorism by enabling the organization to address one of the sources of supply to terrorist networks.

### **B. Plan for making Section V operational**

1. Section V of the OSCE document on SALW creates a framework for integrating small arms measures into other OSCE activities. Such measures, according to the Document, could include:

- Assistance on the security and management of stockpiles of small arms;
- Assistance with, and possible monitoring of the reduction and disposal of small arms;
- Advice or mutual assistance to implement and reinforce border controls to reduce illicit trafficking in small arms;
- Assistance with small arms collection and control programmes.

2. It is for each participating State to identify and raise within the Forum for Security Co-operation or the Permanent Council concerns about destabilizing accumulations and uncontrolled spreads of SALW linked to its security situation. The OSCE can only take action in response to a specific request for assistance from one or more participating States to resolve SALW problems on their respective territories. Such actions would naturally be carried out only with the consent of and in close co-operation with the requesting government. In such cases, SALW expert teams, and OSCE field missions, if present, may have a role to play, both in assessing the situation and by participating in any subsequent actions. Any involvement of OSCE field missions in SALW issues should be in accordance with their mandates. These mandates might be expanded if needed, as outlined in the OSCE document on SALW. Consultation and co-ordination with other international organizations and actors should also be taken into account. OSCE action should be in accordance with the steps described below and summarized in the attached diagram.

- (i) **Step One.** On receipt of a request for assistance from a participating State the CiO, after consultation with PC and FSC, should arrange the conduct of an initial expert assessment of the situation. This assessment would be carried out by SALW expert teams in close co-operation with the requesting government and, if present, the OSCE field mission, and should be based on the procedures set out in the SALW Document, Section V paragraph (C) 1. The report of the initial assessment, which will be conveyed to PC and FSC, will include recommendations for action to be taken.

- (ii) **Step Two.** After this assessment the CiO, with the support of the CPC, should start preparations for a PC decision on specific SALW projects. If SALW actions could be undertaken in accordance with the existing mandate of an OSCE field mission, a PC decision is not needed. FSC expertise could be requested when necessary.
- (iii) **Step Three.** On the basis of a PC decision or the assessment, a detailed analysis of the SALW problems to be tackled should be prepared. This analysis could be carried out through the deployment of a SALW expert team and/or by an existing OSCE field mission. The purpose would be to produce, in consultation with the requesting government, a detailed project plan. The project plan would form the basis either for a supplementary budget request or a request for voluntary contributions.
- (iv) **Step Four.** A project team should be established to implement the project plan. Such a team would report to the CiO/CPC and the OSCE field mission, if involved. In all cases the requesting government should be kept closely informed. If necessary, local experts will be trained. Briefings should be provided on a regular basis to the PC/FSC, voluntary fund donors and government on whose territory the project team is operating.
- (v) **Step Five.** On completion of project, a report of the results will be provided to the PC, the FSC and the government on whose territory the project team is operating, with a view to determining lessons learnt and follow-up action.

### **C. Elements for further consideration**

1. The FSC advises the PC to consider mechanisms to facilitate the implementation of the Section V plan through additional financial and personnel resources as well as through training. Such mechanisms could include:
  - The creation of a voluntary fund;
  - The use of mobile teams of SALW experts and of REACT.
2. The FSC proposes to the CiO to write a letter to all participating States introducing the outlined plan and encouraging them to make use of the mechanism.
3. The CPC is requested to stand ready to provide and co-ordinate expert assistance on SALW issues to the participating States directly and/or through the missions when requested. The CPC is tasked to establish and maintain a roster of available SALW experts. The CPC is further urged to raise awareness of the OSCE Document on SALW within OSCE structures, including through the facilitation of training.
4. Once approved, the FSC recommends that other relevant international actors are informed about the Section V plan in order to enhance international co-ordination and co-operation in the SALW field.

**A PLAN FOR MAKING SECTION V OF THE  
SALW DOCUMENT OPERATIONAL**

**1. Initial assessment of the SALW situation in the participating State that has requested assistance**

- Requesting participating State (request for action on its territory) / CiO/SALW expert team/Mission
- PC/FSC will be consulted

**2. Agreement of the need to use SALW measures provided in Section V of the document**

- Start preparations for a PC Decision on specific SALW projects, if required
- CiO/CPC/SALW expert teams/Mission/requesting participating State
- FSC expertise when necessary

**3. Production of the Project Plans**

- Based on the assessment of the SALW problem
- Need for SALW collection programme
- Need for reduction programme
- Need for awareness programme
- Need to increase stockpile security
- Need to improve border control
- Need for assistance (development of legislation, arms registers, training of key personnel)
- Financing
- Personnel

**4. Implementation of the Project plan**

- The PC, FSC and the requesting government will be informed
- CiO/CPC/Mission supervision
- Work of the project teams
- Training of the local experts

**5. Final Assessment and possible further measures**

- PC/FSC considerations of possible follow-up actions



### **FSC Decision No. 5/03 - Best Practice Guides on Small Arms and Light Weapons 2003**

An important document on Small Arms and Light Weapons is the ‘Handbook of Best Practices on Small Arms and Light Weapons’, which was adopted at the 393<sup>rd</sup> Plenary meeting of the Forum for Security and Co-operation.

*The following Decision No. 5/03, dated 18 June 2003, was included in FSC Journal No. 399.*

The Forum for Security Co-operation (FSC),

Reaffirming its commitment to the full implementation of the OSCE Document on Small Arms and Light Weapons (SALW), (FSC.DOC/1/00), in which participating States agreed to consider the development of best practice guides on certain aspects related to the control of small arms and light weapons,

Recalling FSC Decision No. 11/02 of 10 July 2002, in which it was decided that in order to assist participating States in implementing the OSCE Document on Small Arms and Light Weapons the FSC would develop best practice guides on the following aspects: national marking systems; national procedures for the control of manufacture; national export and import policy; national control of brokering activities; national procedures for stockpile-management and security; definitions for indicators of a surplus; techniques and procedures for destruction; and small arms measures as part of disarmament, demobilization and reintegration,

Noting the possibility that a Handbook gathering these Best Practice Guides may serve as a guide for national policy-making by participating States and encourage higher common standards of practice among all participating States,

Recalling preambular paragraph five of the OSCE Document on SALW, in which participating States noted the opportunity for the OSCE, as a regional arrangement under Chapter VIII of the Charter of the United Nations, to provide a substantial contribution to the process in the United Nations on combating the illicit trade in SALW in all its aspects,

Acknowledging that such a Handbook gathering these Best Practice Guides could also be useful to other United Nations Member States in their efforts to implement the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects, as well as other international commitments on SALW,

Recognizing the work done by participating States to complete this task,

Decides to:

- Welcome the development of the Best Practice Guides and endorse the compilation of those that are currently available into a Handbook in all six OSCE languages;
- Ensure that the remaining Guides are included in the Handbook when finalized and reviewed;

- Encourage participating States to make this Handbook available to all relevant national authorities for its implementation as appropriate;
- Task the Conflict Prevention Centre to ensure the widest possible distribution of this Handbook after its completion;
- Request that this Handbook be presented at the First OSCE Annual Security Review Conference, to be held in Vienna on 25 and 26 June 2003, and at the First Biennial Meeting of States on the Implementation of the United Nations Programme of Action, to be held in New York from 7 to 11 July 2003;
- Take account of this Handbook, including the possibility of its further development during the regular review of the OSCE Document on SALW, in accordance with Section VI of the Document;
- Request that this decision be appended to the Handbook and distributed with it.

As the “Handbook of Best Practices on Small Arms and Light Weapons” is 88 pages, it is not included in this Compendium. Instead, the Handbook itself should be referred to as necessary.

## PEACEFUL SETTLEMENT OF DISPUTES BASED ON CONCILIATION AND/OR ARBITRATION

### 11. The “Valletta Mechanism”

The text is extracted from the *Report of the CSCE Meeting of Experts on Peaceful Settlement of Disputes, Valletta 1991*. The Report includes two parts: “Principles for Dispute Settlement” and “Provisions for a CSCE Procedure for Peaceful Settlement of Disputes.”

The “Valletta” Report was endorsed in the *Summary of Conclusions of the First CSCE Berlin Council of Ministers, Peaceful Settlement of Disputes, June 1991*, where it was also agreed to designate the Conflict Prevention Centre as the nominating institution for the CSCE Dispute Settlement Mechanism (reflected in Annex 3 of the 1991 *Summary of Conclusions*). The “Decision on Peaceful Settlement of Conflicts” Annex 1, contained in the *Summary of Conclusions of the Stockholm Third CSCE Council of Ministers, December 1992*, modifies Section V of the “Provisions for a CSCE Procedure for Peaceful Settlement of Disputes” of the “Valletta” Report.

#### PRINCIPLES FOR DISPUTE SETTLEMENT

##### General

1. The participating States reaffirm their commitment to abide by international law and their determination to respect and fully implement all CSCE principles and provisions.
2. In conformity with international law, including the Charter of the United Nations, and in accordance with the relevant CSCE principles and provisions, the participating States will refrain from resorting to the threat or use of force to settle their disputes, and will seek a peaceful settlement thereof.
3. The participating States recognize that recourse to, or acceptance of, a settlement procedure freely agreed to by States with regard to existing or future disputes to which they are parties is not incompatible with the sovereign equality of States. A request to have recourse to a settlement procedure does not constitute an unfriendly act.

##### Dispute prevention

4. The participating States will seek to prevent disputes and to develop, utilize, and improve mechanisms designed to prevent disputes from occurring, including, as appropriate, arrangements and procedures for prior notification and consultation regarding actions by one State likely to affect significantly the interests of another State.

##### Dispute management

5. Should disputes nevertheless occur, the participating States will take particular care not to let any dispute among them develop in such a way that it will endanger international peace and security, and justice. They will take appropriate steps to manage their disputes pending their settlement. To that end, the participating States will:

- (a) address disputes at an early stage;
- (b) refrain throughout the course of a dispute from any action which may aggravate the situation and make more difficult or impede the peaceful settlement of the dispute;
- (c) seek by all appropriate means to make arrangements enabling the maintenance of good relations between them, including, where appropriate, the adoption of interim measures which are without prejudice to their legal positions in the dispute.

Dispute solution

6. As laid down in the Helsinki Final Act and subsequent relevant documents, the participating States will endeavour in good faith and in a spirit of co-operation to reach a rapid and equitable solution of their disputes on the basis of international law, and will for this purpose use such means as negotiation, enquiry, good offices, 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. To that end, the participating States concerned will in particular:

- (a) consult with each other at as early a stage as possible;
- (b) in case they cannot settle the dispute among themselves, endeavour to agree upon a settlement procedure suited to the nature and characteristics of the particular dispute;
- (c) where a dispute is subject to a dispute settlement procedure agreed upon between the parties, settle the dispute through such procedure, unless they agree otherwise;
- (d) accept, in the context of the CSCE Procedure for Peaceful Settlement of Disputes and its scope of applicability, the mandatory involvement of a third party when a dispute cannot be settled by other peaceful means.

Information from participating States

7. The participating States will, upon request from a participating State involved in a dispute, make best efforts to provide information regarding appropriate methods for the settlement of such dispute.

Continued efforts

8. In the event of failure to reach a solution within a reasonable time through the method agreed upon, the participating States parties to the dispute will continue to seek a way to settle the dispute peacefully.

Strengthening of commitments

9. The participating States will strengthen their commitments relating to the peaceful settlement of disputes. To that end, they will in particular:

- (a) endeavour to include, in their future treaties, clauses providing for the settlement of disputes arising from the interpretation or application of those treaties, and to consider whether or not there is an appropriate role for a third party, be it mandatory or non-mandatory;
- (b) refrain to the extent possible from making reservations to dispute settlement procedures;

(c) consider withdrawing reservations they may have made regarding dispute settlement procedures embodied in multilateral treaties;

(d) consider accepting the compulsory jurisdiction of the International Court of Justice, either by treaty or by unilateral declaration under Article 36, paragraph 2, of the Statute of the Court, and minimizing, where possible, any reservations attached to such a declaration;

(e) if they have made such a declaration accompanied by one or more reservations or if they do so in the future, consider withdrawing such reservations;

(f) consider submitting by special agreement to the International Court of Justice or to arbitration, using the Permanent Court of Arbitration, as appropriate, those disputes which lend themselves to such procedures;

(g) to the extent feasible, become party to other appropriate treaties, and other international agreements on dispute settlement;

(h) make wider use of international dispute settlement institutions;

(i) consider accepting the jurisdiction of international bodies for the peaceful settlement of disputes or control mechanisms, established by multilateral treaties pertaining, inter alia, to the protection of human rights, or, as the case may be, withdrawing existing reservations in respect of such mechanisms;

(j) examine means of establishing and strengthening mechanisms for securing compliance with binding decisions taken in the framework of the peaceful settlement of disputes;

(k) work actively within the international community for the advancement of methods for the peaceful settlement of disputes.

Information to natural or legal persons

10. In relation to disputes between them that are of special relevance to particular natural or legal persons, the participating States will, as they deem appropriate, provide information to those persons and hear their views.

## **PROVISIONS FOR A CSCE PROCEDURE FOR PEACEFUL SETTLEMENT OF DISPUTES**

### Section I

If a dispute arises between participating States, they will, without undue delay and in good faith, seek to settle the dispute through a process of direct consultation and negotiation, or seek to agree upon an appropriate alternative procedure of settling the dispute.

### Section II

Without prejudice to the right of any participating State to raise an issue within the CSCE process, a dispute of importance to peace, security, or stability among the participating States may be brought before the Committee of Senior Officials by any party to the dispute.

### Section III

The procedure described below will not apply if the dispute has previously been dealt with, or is being addressed, under some other procedure for the settlement of disputes, as referred to in Section VIII, or is covered by any other process which parties to the dispute have accepted.

### Section IV

If the parties are unable, within a reasonable period of time, in the light of all circumstances of the dispute, to settle the dispute in direct consultation or negotiation, or to agree upon an appropriate procedure for settling the dispute, any party to the dispute may request the establishment of a CSCE Dispute Settlement Mechanism by notifying the other party or parties to the dispute.

### 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 three 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 from the register a number of names less than six. 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.

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

4. If the result of the above process is that all the nominees have been rejected, the nominating institution will select from the register an additional five names which have not been included in the initial nominations.

5. Each party to the dispute has now the right to reject one nominee. The parties will inform the nominating institution of the rejections, if any, within fourteen days of having been informed of the nominations. This information will be confidential. After the expiry of fourteen days from the date of informing the parties of the nominations, the nominating institution will notify the parties of the composition of the Mechanism.

*1992 Stockholm Ministerial Decisions amendment (Decision on Peaceful Settlement of Disputes, “Modification of Section V of the Valletta Provisions for a CSCE Procedure for Peaceful Settlement of Disputes,” Annex I) (Amendment Bold and Underlined)*

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

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<sup>18</sup>: 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.

#### Section VI

1. When the Mechanism has been established, it will seek appropriate contact with the parties to the dispute, separately or jointly. The Mechanism will adopt its methods of work, proceeding in such informal and flexible manner as it may deem practical.

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<sup>18</sup> This note was also included in the amendment (Annex 1 to CSCE/3-C/Dec.1 dated 15 December 1992).

2. Unless the parties agree otherwise, the proceedings of the Mechanism and any comment or advice offered by it will be confidential, although the fact that the Mechanism has been established may be acknowledged publicly.

3. The Mechanism may, if the parties so agree, use the premises and facilities of the International Bureau of the Permanent Court of Arbitration.

#### Section VII

The Mechanism will seek such information and comments from the parties as will enable it to assist the parties in identifying suitable procedures for the settlement of the dispute. The Mechanism may offer general or specific comment or advice.

#### Section VIII

The comment or advice of the Mechanism may relate to the inception or resumption of a process of negotiation among the parties, or to the adoption of any other dispute settlement procedure, such as fact-finding, conciliation, mediation, good offices, arbitration or adjudication or any adaptation of any such procedure or combination thereof, or any other procedure which it may indicate in relation to the circumstances of the dispute, or to any aspect of any such procedure.

#### Section IX

The parties will consider in good faith and in a spirit of co-operation any comment or advice of the Mechanism. If, on the basis of the proceedings of the Mechanism and of any comment or advice offered, the parties are nevertheless unable, within a reasonable time, to settle the dispute or to agree upon a procedure for its settlement, any party to the dispute may so notify the Mechanism and the other party to the dispute. Any party may thereupon, consistently with the provisions of Section VI, paragraph 2, bring that circumstance to the attention of the Committee of Senior Officials.

#### Section X

The failure of a party to act upon any comment or advice of the Mechanism with regard to a procedure for the settlement of a dispute does not relieve any of the parties of the duty to pursue its efforts to settle the dispute by peaceful means.

#### Section XI

In the event referred to in the second sentence of Section IX, any party to the dispute may, within a period of three months from any notification, request the Mechanism to provide general or specific comment or advice on the substance of the dispute, in order to assist the parties in finding a settlement in accordance with international law and their CSCE commitments. The parties will consider in good faith and in a spirit of co-operation any such comment or advice of the Mechanism.

#### Section XII

1. Notwithstanding a request by a party under either Section IV or Section XI, the Mechanism will not be established or continued, as the case may be, if another 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 Mechanism should not be established or continued.

2. In that event, any other party to the dispute may bring that circumstance to the attention of the Committee of Senior Officials.



### Section XIII

The parties to a dispute may at any time by mutual agreement modify or adapt the present procedure as they may consider appropriate to facilitate the settlement of their dispute, inter alia, by agreeing:

(a) to authorize the Mechanism either to conduct a process of fact-finding or to entrust one or more persons, one or more participating States, or any competent CSCE institution, or any other body, with a fact-finding mission;

(b) to request the Mechanism to undertake or organize any expert function in regard to the subject-matter of the dispute;

(c) to request the Mechanism to report in any other form than provided in the foregoing;

(d) to accept any comment or advice of the Mechanism as binding, in part or in full, with regard to the settlement of the dispute.

### Section XIV

Any expenses incurred in utilizing the CSCE Dispute Settlement Mechanism, other than those incurred by the parties to the dispute for the conduct of the proceedings, will be shared equally between the parties to the dispute unless they agree otherwise.

### Section XV

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.

### Section XVI

All parties to a dispute will implement meaningfully and in good faith the CSCE Dispute Settlement Procedure.

\* \* \*

***Other Decisions Related to the Provisions for a CSCE Procedure for Peaceful Settlement of Disputes***

*Summary of Conclusions of the First CSCE Berlin Council of Ministers, Peaceful Settlement of Disputes, Annex 3, June 1991.*

Annex 3

**PEACEFUL SETTLEMENT OF DISPUTES**

Taking into account the Report of the Valletta 1991 Meeting on Peaceful Settlement of Disputes, containing the Principles for Dispute Settlement and the Provisions for a CSCE Procedure for Peaceful Settlement of Disputes, the Council establishes the following arrangements in accordance with the Charter of Paris.

**The Council**

1. designates the Conflict Prevention Centre (CPC) to act as the nominating institution in accordance with Section V of the said Provisions, and requests the Director of the Secretariat of the CPC to assume his functions accordingly under the overall responsibility of the Council;
2. invites each participating State desiring to do so to communicate as soon as possible and preferably by 30 August 1991 the names of up to four persons to be entered into the register of qualified candidates to be maintained by the nominating institution in accordance with section V of said Provisions;
3. decides that the mechanism will come into force as soon as forty nominations have been received by the Director;
4. instructs the Director of the Secretariat of the CPC to notify the full list of nominations as soon as the fortieth nomination is received and subsequently to notify any additions or revisions which may be made;
5. recalls the experience of the Permanent Court of Arbitration and its Secretary-General which should be drawn upon, if so agreed, when the CSCE Procedure for Peaceful Settlement of Disputes is implemented;
6. notes that appropriate use can be made of the premises and facilities of the International Bureau of the Permanent Court of Arbitration.

## ***12. Provisions for an OSCE Conciliation Commission and for Directed Conciliation***

The Provisions for an OSCE Conciliation Commission and for Directed Conciliation were adopted at the Stockholm Third CSCE Council of Ministers, Annex 3 and Annex 4, 14 December 1992.

*Summary of Conclusions of the Stockholm Third CSCE Council of Ministers, December 1992.*

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.

### ***13. The Convention on Conciliation and Arbitration within the OSCE***

The Convention on Conciliation and Arbitration within the OSCE was adopted at the Stockholm Third CSCE Council of Ministers, 14 December 1992.

*Summary of Conclusions of the Stockholm Third CSCE Council of Ministers, Annex 2, December 1992.*

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 co-operation 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.

**Rules of the Court of Conciliation and Arbitration within the OSCE**

**of 1 February 1997**

**CHAPTER I: GENERAL AND INSTITUTIONAL PROVISIONS**

**1. General Provision**

***Article 1: Rules of the Court***

1. The present Rules, adopted by the Court of Conciliation and Arbitration (hereinafter: the Court) and approved by the States Parties to the Stockholm Convention of 15 December 1992 on Conciliation and Arbitration within the OSCE (hereinafter: the Convention), shall govern, in accordance with Article 11, paragraph 1, of the Convention, the activities of the Court and of the organs established within the Court.

2. In the event of a conflict between provisions of the Convention and of the Rules, the former shall prevail.

**2. The Court**

***Article 2: Solemn Declaration***

Upon taking up their duties, conciliators, arbitrators and their alternates shall make the following solemn declaration: "I solemnly declare that I shall fulfil impartially and conscientiously, to the best of my ability, my duties as member of the Court of Conciliation and Arbitration established by the Convention on Conciliation and Arbitration within the OSCE."

***Article 3: Working Languages***

1. The languages of the Court and of the organs established within the Court shall be the official languages of the OSCE (English, French, German, Italian, Russian and Spanish).

2. From among those languages, in each case, the conciliation commission or the arbitral tribunal concerned, after hearing the parties, shall determine, in its rules of procedure, the language or languages to be used.

3. Any party to a dispute may however request to express itself in another language. In that event, it shall bear the additional expenses arising from the use of that language.

***Article 4: Notice of Requests and List of Cases***

1. In accordance with Article 15 of the Convention, all requests for conciliation or arbitration addressed to the Court shall be communicated by the Registrar to the Secretariat of the OSCE, which shall transmit them forthwith to the States participating in the OSCE.
2. The Court shall establish a list of the cases brought before it. The List shall be kept by the Registrar.

***Article 5: Decision-Making***

1. The decision-making procedure of the Court, the Bureau and the organs established within the Court shall be governed by Article 8 of the Convention.
2. The Court, the Bureau and the organs established within the Court may decide to take decisions by correspondence or facsimile.

***Article 6: Procedural Costs***

1. In accordance with Article 17 of the Convention, the parties to a dispute and any intervening party shall each bear their own costs.
2. This rule shall apply to the circumstances contemplated in Article 23, paragraph 2, of the Convention.

***Article 7: Publications of the Court***

1. In accordance with Article 32 of the Convention, the Court shall publish the awards rendered by arbitral tribunals established within it.
2. The Court may also publish the Annual Report on its activities submitted by the Bureau to the OSCE Council pursuant to Article 14 of the Convention.
3. The Court shall not publish the final reports of conciliation commissions established within it, unless the parties so agree.

**3. The Bureau of the Court**

***Article 8: Composition***

1. The Bureau of the Court shall consist of the President of the Court, the Vice-President of the Bureau and three other members of the Court.
2. The alternates of the four members of the Bureau other than the President shall participate in the work of the Bureau without vote.



**Article 9: Election of the President of the Court, the Other Members of the Bureau and the Vice-President of the Bureau**

1. Nominations for President of the Court and for membership of the Bureau may be submitted by any member of the Court. They shall be announced to the Depositary State twenty days at least before the date set for the election.
2. In accordance with Article 7, paragraph 2, of the Convention, the President of the Court shall be elected for a six-year term by all the members of the Court. The candidate obtaining the highest number of votes shall be elected. In the event of a tie, a second ballot shall be held. In the event of a further tie, the election shall be decided by lot. The election of the President shall take place under the chairmanship of a representative of the Depositary State.
3. In accordance with Article 7, paragraph 3, of the Convention, the conciliators and the arbitrators shall then each elect, from among their number, two members of the Bureau for six-year terms. The two candidates obtaining the highest number of votes shall be elected. In the event of a tie, a second ballot shall be held. In the event of a further tie, the election shall be decided by lot. Elections under this paragraph shall take place under the chairmanship of the President of the Court.
4. Two alternates each shall be elected by the conciliators and by the arbitrators from among their number, following the procedure laid down in the preceding paragraph. The Bureau shall subsequently indicate which alternate would be called upon to take the place of which member of the Bureau.
5. The Vice-President shall be elected by the Bureau from among its members, in accordance with Article 7, paragraph 4, of the Convention.
6. The President, the other members of the Bureau and the alternates may be re-elected.
7. In the event of the death, resignation or prolonged inability of the President to fulfil his or her duties, a new President shall be elected, following the procedure laid down in paragraphs 1 and 2 of this Article, to serve out the term of the former President.
8. In the event of the death, resignation or prolonged inability of a member of the Bureau other than the President to fulfil his or her duties, the alternate appointed under paragraph 4 of this Article shall serve out the term of the member concerned. In the event of the death, resignation or prolonged inability of an alternate to fulfil his or her duties, a new alternate shall be elected, following the procedure laid down in paragraph 4 of this Article, to serve out the former alternate's term.

**Article 10: Functions of the Bureau**

1. The Bureau is the permanent executive body of the Court. It shall meet regularly to ensure the satisfactory operation of the Court and carry out the duties entrusted to it under the Convention, the Financial Protocol and the present Rules.
2. The Bureau shall appoint the conciliators and arbitrators as provided by Articles 21 and 28 of the Convention.

3. An exchange of letters shall take place between the Bureau and the host State concerning the obligations assumed by that State in accordance with Article 1 of the Financial Protocol. A further exchange of letters between the Bureau and that State shall specify the legal status, on the territory of the host State, of the members, the Registrar and the officials of the Court, as well as of the agents, counsel and experts of the States parties to a dispute brought before the Court. Such exchanges of letters shall be approved by the States Parties.

#### **4. The Registrar**

##### ***Article 11: Appointment of the Registrar and of Registry Officials***

1. The Registrar shall be appointed by the Court for a maximum term of six years on the proposal of the Bureau of the Court.
2. The Court may appoint such other officials as it requires and its financial resources permit. It may delegate that function to the Bureau.

##### ***Article 12: Functions of the Registrar***

1. The Registrar shall supervise the Court's officials under the authority and control of the Bureau of the Court.
2. The Registrar and, under his or her authority, the officials of the Court shall perform all the duties laid upon them by the Convention, the Financial Protocol and the present Rules.
3. The Registrar shall serve as secretary of the Court, of its Bureau, and of the conciliation commissions and arbitral tribunals established within the Court. The Registrar shall draw up the minutes of the meetings of such organs.
4. The Registrar shall be responsible for the Archives of the Court.
5. The Registrar shall fulfill such other duties as may be entrusted to him or her by the Court, its Bureau or the conciliation commissions and arbitral tribunals established within the Court.
6. The Registrar may, as necessary, delegate duties to other officials of the Court.

##### ***Article 13: Solemn Declaration***

Upon taking up their duties, the Registrar and the other officials of the Court shall make the following solemn declaration: "I solemnly declare that I shall fulfill impartially and conscientiously, to the best of my ability, my duties at the Court of Conciliation and Arbitration established by the Convention on Conciliation and Arbitration within the OSCE."

## **CHAPTER II: CONCILIATION**

### ***Article 14: Purpose***

1. The purpose of conciliation is to assist the parties to a dispute in finding a settlement in accordance with international law and their OSCE commitments. The conciliation commission may submit to the parties proposals with a view to bringing about a settlement of the dispute.
2. The parties may request the conciliation commission to clarify questions of fact. Its findings shall not be binding upon the parties, unless they otherwise agree.
3. Conciliation proceedings may be initiated only after a fact-finding procedure set in motion under paragraph 2 of this Article has been concluded.

### ***Article 15: Request for Conciliation***

1. Any dispute between States Parties to the Convention may be submitted to conciliation by unilateral or joint application, as laid down in Articles 18, paragraph 1, and 20, paragraph 1, of the Convention. The application shall specify the facts, the subject of the dispute, the parties thereto, the name or names of the conciliator or conciliators appointed by the applicant or applicants, and the means of settlement previously used.
2. Disputes between two or more States Parties to the Convention, or between one or more States Parties to the Convention and one or more other OSCE participating States, may be submitted to conciliation by an agreement notified to the Registrar, in accordance with Article 20, paragraph 2, of the Convention. That agreement shall specify the subject of the dispute; in the event of total or partial disagreement concerning the subject of the dispute, each party shall state its own position. When notifying the agreement, the parties shall inform the Registrar of the name or names of the conciliator or conciliators appointed by them.

### ***Article 16: Composition and Constitution of Conciliation Commissions***

1. The conciliation commission shall be composed and constituted in accordance with Articles 21 and 22 of the Convention.
2. If more than two States are parties to a dispute, and the parties in the same interest are unable to agree on the appointment of a single conciliator, as contemplated by Article 21, paragraph 2, of the Convention, each of the two sides shall appoint the same number of conciliators, up to a maximum decided by the Bureau of the Court.
3. If more than two States are parties to a dispute, and there are no parties in the same interest, each State may appoint one conciliator.
4. In accordance with Article 21, paragraph 5, of the Convention, the Bureau shall appoint three conciliators. It may increase or decrease this number after consulting the parties. If more than two States are parties to the dispute, the number of members appointed to the conciliation commission by the Bureau shall total one more than the members appointed by the parties.

5. When all its members have been appointed, the conciliation commission shall hold its constitutive meeting. At that meeting, it shall elect its chairman in accordance with Article 21, paragraph 6, of the Convention.

***Article 17: Objection and Refusal or Inability to Sit***

1. If a party to the dispute objects to a conciliator, the Bureau of the Court shall rule on the objection. Any objection shall be made within thirty days of the notification of the conciliator's appointment. If the objection is upheld, the conciliator concerned shall be replaced according to the provisions laid down for his or her own appointment.

2. If a conciliator, having previously taken part in the case or for any other reason, refuses to sit, he or she shall be replaced according to the provisions laid down for his or her own appointment.

3. In the event of death or of a prolonged inability or refusal to sit during the proceedings, the conciliator concerned shall be replaced according to the provisions laid down for his or her own appointment if this is considered necessary by the Bureau.

***Article 18: Safeguarding Existing Means of Settlement***

1. In the situations referred to by Article 19, paragraphs 1 and 2, of the Convention, the conciliation commission shall take no further action and have the case removed from the List.

2. In the situation referred to by Article 19, paragraph 3, of the Convention, the commission shall suspend the conciliation proceedings. The proceedings shall be resumed, at the request of the parties or one of them, if the procedure resulting in the suspension failed to produce a settlement of the dispute.

3. In the situation referred to by Article 19, paragraph 4, of the Convention, the commission shall take no further action and have the case removed from the List upon the request of one of the parties if it is satisfied that the dispute is covered by the reservation.

***Article 19: Rules of Procedure***

In accordance with Article 23, paragraph 1, of the Convention, the conciliation commission shall determine its own rules of procedure after consulting the parties to the dispute. The rules of procedure laid down by the commission, which are subject to approval by the Bureau of the Court, may not derogate from the following rules:

(a) Each party shall appoint a representative to the commission no later than at the time of its constitution.

(b) The parties shall participate in all the proceedings and co-operate with the commission, in particular by providing the documents and information it may require.

***Article 20: Interlocutory Matters***

1. The conciliation commission may, *proprio motu* or at the request of the parties to the dispute or one of them, call the parties' attention to the measures they could take in order to prevent the dispute from being aggravated or its settlement made more difficult.
2. In accordance with Article 23, paragraph 2, of the Convention, the commission may, with the parties' consent, invite to participate in the proceedings any other State Party to the Convention which has an interest in the settlement of the dispute.

***Article 21: Result of Conciliation***

1. The conciliation proceedings shall be concluded by the signature, by the representatives of the parties, of the summary of conclusions referred to in Article 25, paragraph 1, of the Convention. The summary of conclusions shall be tantamount to an agreement settling the dispute.
2. Failing such an agreement, the conciliation commission shall draw up a final report when it considers that all possibilities of reaching an amicable settlement have been exhausted. The report, which shall be communicated to the parties, shall include a statement of the facts and claims of the parties, a record of the proceedings and proposals made by the commission for the peaceful settlement of the dispute.
3. The parties may agree in advance to accept the proposals of the commission. Failing such an agreement, they shall, within thirty days of the notification of the report under Article 25, paragraph 3, of the Convention, inform the chairman of the commission whether they accept the proposals for a settlement contained in the final report.
4. The acceptance of such proposals by the parties shall be tantamount to an agreement settling the dispute. If one of the parties rejects the proposals, the other party or parties shall no longer be bound by their own acceptance, in accordance with Article 25, paragraph 4, of the Convention.
5. In the event of a party failing to appear, the commission shall draw up a report for the OSCE Council in accordance with Article 25, paragraph 6, of the Convention.

**CHAPTER III: ARBITRATION**

***Article 22: Purpose***

The role of an arbitral tribunal is to settle, in accordance with international law, such disputes as are submitted to it. If the parties to the dispute agree, the tribunal may decide *ex aequo et bono*.

***Article 23: Institution of Proceedings***

1. Any dispute between two or more States Parties to the Convention, or between one or more States Parties to the Convention and one or more States participating in the OSCE, may be submitted to arbitration, as provided by Article 26 of the Convention.

2. When a request for arbitration is made by means of an agreement, in accordance with Article 26, paragraph 1, of the Convention, such agreement, notified to the Registrar by the parties to the dispute or by one of them, shall indicate the subject of the dispute. In the event of total or partial disagreement concerning the subject of the dispute, each party may state its own position in that respect.

3. When a request for arbitration is made by means of an application addressed to the Registrar, in accordance with Article 26, paragraphs 2 and 3, of the Convention, the application shall indicate the facts giving rise to the dispute, the subject of the dispute, the parties, the means of settlement previously used and the main legal arguments invoked.

#### ***Article 24: Composition and Constitution of Arbitral Tribunals***

1. The arbitral tribunal shall be composed and constituted in accordance with Article 28 of the Convention.

2. If more than two States are parties to a dispute and the parties in the same interest are unable to agree on the appointment of a single arbitrator, as contemplated by Article 28, paragraph 2, of the Convention, the arbitrators designated by each party under Article 28, paragraphs 2, 4 or 5, of the Convention shall be *ex officio* members of the tribunal.

3. In accordance with Article 28, paragraph 3, of the Convention, the Bureau of the Court shall appoint a number of members to sit on the tribunal totalling at least one more than the *ex officio* members under paragraph 2 of this Article. The Bureau may consult the parties in this matter.

4. When all its members have been appointed, the tribunal shall hold its constitutive meeting. At that meeting, it shall elect its chairman in accordance with Article 28, paragraph 6, of the Convention.

#### ***Article 25: Objection and Refusal or Inability to Sit***

1. If a party to the dispute objects to an arbitrator, the Bureau of the Court shall rule on the objection. Any objection shall be made within thirty days of the notification of the arbitrator's appointment. If the objection is upheld, the arbitrator concerned shall be replaced according to the provisions laid down for his or her own appointment, except for *ex officio* members of the tribunal who shall be replaced by their alternates. If the alternate is in the same situation, the State concerned shall appoint a member according to the procedure laid down in Article 28, paragraph 5, of the Convention.

2. If an arbitrator, having previously taken part in the case or for any other reason, refuses to sit, he or she shall be replaced according to the procedure laid down for his or her own appointment, except for *ex officio* members of the tribunal who shall be replaced by their alternates. If the alternate is in the same situation, the State concerned shall appoint a member according to the procedure laid down in Article 28, paragraph 5, of the Convention.

3. In the event of death, or of a prolonged inability or refusal to sit during the proceedings, an *ex*

*officio* member of the tribunal shall be replaced by his or her alternate. If the alternate is in the same situation, the State concerned shall appoint a member according to the procedure laid down in Article 28, paragraph 5, of the Convention. A member appointed by the Bureau shall only be replaced, in accordance with Article 28, paragraph 7, of the Convention, if 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 under paragraph 5 of the same Article. If the member concerned was the chairman of the tribunal, a new chairman shall then be elected.

***Article 26: Safeguarding Existing Means of Settlement***

1. In the situations referred to by Article 19, paragraph 1, of the Convention, the arbitral tribunal shall take no further action and have the case removed from the List.
2. In the situation referred to by Article 19, paragraph 4, of the Convention, the tribunal shall take no further action and have the case removed from the List upon the request of one of the parties or if it is satisfied that the dispute is covered by the reservation. To be admissible, the request must be formulated within the time-limit set under Article 29, paragraph 1, of the present Rules.

***Article 27: Rules of Procedure***

1. The arbitral tribunal shall lay down its own rules of procedure after consulting the parties to the dispute. The rules of procedure laid down by the tribunal, which are subject to approval by the Bureau of the Court, may not derogate from the rules that follow.
2. All the parties to the dispute shall have the right to be heard in the course of the proceedings, which shall conform to the principles of a fair trial.
3. Each party shall appoint an agent to represent it before the tribunal no later than at the time of its constitution.
4. The parties shall participate in all the proceedings and co-operate with the tribunal, in particular by providing the documents and information it may require.
5. A certified copy of every document produced by one party shall immediately be communicated to the other party or parties.
6. The proceedings shall consist of a written phase and hearings. The hearings shall be held *in camera*, unless the tribunal decides otherwise at the request of the parties.
7. The tribunal shall have all the necessary fact-finding and investigative powers to carry out its task. It may, in particular:
  - (a) make any orders necessary for the good conduct of the proceedings;
  - (b) determine the number and order of, and the time-limits for, the written phase;
  - (c) order the production of evidence and make all other arrangements for the taking of evidence;
  - (d) refuse to admit, after the closure of the written phase, any new documents a party may

- wish to submit without the consent of the other party or parties;
- (e) visit the site;
- (f) appoint experts;
- (g) examine witnesses and request clarifications from the agents, counsel or experts of the parties.

8. As soon as the hearings have been completed, the tribunal shall declare the proceedings closed and begin its deliberations. It may however, during its deliberations, request the parties to provide any additional information or clarification it considers necessary.

#### ***Article 28: Interim Measures***

1. Before indicating any interim measures under Article 26, paragraph 4, of the Convention, the arbitral tribunal shall hear the parties to the dispute.
2. The tribunal may at any time request the parties to provide information on the implementation of the measures indicated by it.
3. The tribunal may at any time examine, *proprio motu* or at the request of the parties or one of them, whether the situation requires the maintenance, modification or cancellation of the measures indicated. Before taking any decision, it shall hear the parties.
4. The measures indicated by the tribunal shall cease to apply upon the rendering of the arbitral award.

#### ***Article 29: Objections Concerning Jurisdiction and Admissibility***

1. Any objection concerning jurisdiction or admissibility shall be made in writing to the Registrar within thirty days of the transmission of the notice of the request for arbitration referred to in Article 15 of the Convention. The preliminary objection shall set out the facts and the law on which the objection is based, the submissions of the objecting party and any evidence it may wish to produce. The other party shall have a period of thirty days to communicate its written observations on the objection.
2. The tribunal shall decide, in an order, whether it upholds or rejects the objection, or declare that the objection is not, in the circumstances of the case, exclusively preliminary in character. If it upholds the objection, the tribunal shall have the case removed from the List. If it rejects the objection or considers that it is not exclusively preliminary in character, the tribunal shall fix time limits for the further proceedings.

#### ***Article 30: Counter-claims***

1. The tribunal may examine counter-claims directly connected with the subject-matter of the main claim if they are within its jurisdiction.
2. Counter-claims shall be submitted within the time-limit set for the filing of the Counter-Memorial.



3. After hearing the parties, the tribunal shall decide on the admissibility of the counter-claim in the form of an order.

***Article 31: Intervention***

1. In accordance with Article 29, paragraph 3, of the Convention, any OSCE participating State which considers that it has a particular interest of a legal nature likely to be affected by the award of the tribunal may, within fifteen days of the transmission of the notice of the request for arbitration, as referred to in Article 15 of the Convention, address to the Registrar of the Court a request to intervene indicating the legal interest concerned and the precise object of its intervention. Such request, which shall be immediately transmitted to the tribunal and the parties to the dispute, shall also include, as appropriate, a list of the documents submitted in support of the request and which shall be attached to the request.

2. The parties shall have thirty days to comment in writing on the request for intervention.

3. The tribunal shall decide on the request for intervention in the form of an order. If the request is granted, the intervening State shall participate in the proceedings to the extent required to protect its interest. The relevant part of the award shall be binding upon the intervening State in accordance with Article 29, paragraph 4, of the Convention.

***Article 32: Failure to Appear***

In the event that one or more parties to the dispute fail to appear, the tribunal shall apply Article 29, paragraph 7, of the Convention.

***Article 33: Discontinuance of Proceedings***

1. If, at any time prior to the rendering of the arbitral award, all the parties to the dispute, jointly or separately, notify the arbitral tribunal in writing that they have agreed to discontinue the proceedings, the tribunal shall make an order noting the discontinuance and have the case removed from the List.

2. If, in the course of proceedings initiated by an application, the applicant informs the tribunal that it wishes to discontinue the proceedings, the tribunal shall set a time-limit for the respondent to state its position. If the respondent does not object to the discontinuance, the tribunal shall make an order noting the discontinuance and have the case removed from the List.

***Article 34: The Arbitral Award***

1. When the tribunal has concluded its deliberations, which shall be secret, and adopted the arbitral award, it shall render the award by communicating to the agent of each party to the dispute an authentic copy bearing the seal of the Court and the signatures of the chairman of the tribunal and the Registrar of the Court. A further authentic copy shall be placed in the Archives of the Court.

2. The award, which shall mention the names of all the arbitrators, shall state the reasons on which it is based. Any member of the tribunal may, if he or she so desires, attach a dissenting or separate opinion. The same shall apply to the orders of the tribunal.

3. The award shall have binding force only between the parties to the dispute and in respect of the case to which it relates, subject to Article 29, paragraph 4, of the Convention and Article 30, paragraph 3, of the present Rules. The same shall apply to the orders of the tribunal.

4. The award shall be final and not subject to appeal. The same shall apply to orders made by the tribunal under Articles 2, 30, paragraph 3, 31, paragraph 3, and 37, paragraph 3, as well as to the awards rendered under Articles 35 and 36 of the present Rules.

#### ***Article 35: Interpretation of the Arbitral Award***

1. Any request for interpretation of the arbitral award the meaning or scope of which is in dispute shall be in the form of a written application made under the conditions laid down by Article 31, paragraph 3, of the Convention. The application shall indicate the precise point or points in dispute.

2. Requests for interpretation shall be examined by the arbitral tribunal which rendered the award. If the Bureau of the Court should find this to be impossible, a new arbitral tribunal shall be constituted in accordance with Article 28 of the Convention and Article 24 of the present Rules.

3. Before interpreting the award by means of an additional award, the tribunal shall set a time-limit for the parties to communicate their written observations.

4. It is up to the tribunal to decide whether and to what extent the implementation of the award is to be suspended pending the communication of the additional award.

#### ***Article 36: Revision***

1. Any request for revision of the arbitral award shall be in the form of a written application made under the conditions laid down by Article 31, paragraph 4, of the Convention. The application shall indicate the precise grounds for revision according to the party claiming revision.

2. A request for revision shall be examined by the arbitral tribunal which rendered the award. If the Bureau of the Court should find this to be impossible, a new arbitral tribunal shall be constituted in accordance with Article 28 of the Convention and Article 24 of the present Rules.

3. The other party or parties may, within a time-limit set by the tribunal, make written observations on the admissibility of the request for revision.

4. If the tribunal, by an order, declares the application admissible, it shall set time-limits for the subsequent proceedings on the merits.

5. At the request of the party claiming revision, and if the circumstances so justify, the tribunal may suspend the implementation of the award pending its revision.

6. The tribunal shall decide on the merits in the form of a new arbitral award.

#### **CHAPTER IV: FINAL PROVISIONS**

##### ***Article 37: Amendments***

1. The Court, any member of the Court and any State Party to the Convention may propose amendments to the present Rules.
2. Proposals for amendment shall be communicated to the Court for comment and approved by consensus of the States Parties to the Convention.
3. Amendments shall come into force upon their approval by the States Parties to the Convention but shall not apply to cases pending at the time of their entry into force.

##### ***Article 38: Entry into Force of the Present Rules***

The present Rules shall enter into force on 1 February 1997, date of their approval by consensus of the States Parties to the Convention

**List of signatures and ratifications or accessions with respect to the Convention on  
Conciliation and Arbitration within the OSCE**

**Stockholm 2003**

**List showing signatures and ratifications or accessions with respect to the Convention on Conciliation  
and Arbitration within the OSCE  
(Reference: SEC.DEL/119/03 released in Stockholm, 24 June 2003)**

26 June 2003

Number of signatures: 33

Number of ratifications / accessions: 33

Conditions for entry into force: 12 ratifications / accessions

Entered into force: 5 December 1994

<b>State</b>	<b>Signature</b>	<b>Ratification/Accession</b>	<b>Entry into Force</b>
<b>Albania</b>	15 December 1992	10 June 1996	10 August 1996
<b>Armenia</b>	15 December 1992	8 October 2001	8 December 2001
<b>Austria</b>	15 December 1992	14 November 1995 Rest. Art. 19.4	14 January 1996
<b>Belarus</b>		7 February 2000	7 April 2000
<b>Belgium</b>	15 December 1992		
<b>Bosnia and Herzegovina</b>	15 December 1992	14 November 2000	14 January 2001
<b>Bulgaria</b> (decl. made upon signature)	15 December 1992		
<b>Canada</b>	31 March 1993		
<b>Croatia</b>	15 December 1992	4 November 1993	5 December 1994
<b>Cyprus</b>	15 December 1992	16 February 1994	5 December 1994
<b>Denmark</b>	25 March 1993	23 August 1994 Res. Art. 19.4, Decl. Art. 26.2	5 December 1994
<b>Finland</b>	15 December 1992	20 February 1995 Decl. Art. 26.2	20 April 1995
<b>France</b>	15 December 1992	13 August 1993	5 December 1994

**List of signatures and ratifications or accessions with respect to the Convention on  
Conciliation and Arbitration within the OSCE**

**Stockholm 2003**

<b>State</b>	<b>Signature</b>	<b>Ratification/Accession</b>	<b>Entry into Force</b>
<b>Germany</b>	15 December 1992	29 September 1994	5 December 1994
		Res. Art. 19.4	
<b>Greece</b>	15 December 1992	22 August 1995	22 October 1995
		Decl. Art. 26.2	
<b>Hungary</b>	15 December 1992	2 June 1995	2 August 1995
<b>Italy</b>	15 December 1992	5 October 1994	5 December 1994
<b>Latvia</b>	15 December 1992	25 July 1997	25 September 1997
<b>Liechtenstein</b>	15 December 1992	15 July 1994	5 December 1994
		Res. Art. 19.4	
<b>Lithuania</b>		19 December 1997	19 February 1998
		Res. Art. 19.4	
<b>Luxembourg</b>	15 December 1992	18 June 2003	18 August 2003
<b>Former Yugoslav Republic of Macedonia</b>		21 April 1998	21 June 1998
		Decl. Art. 26.2	
<b>Malta</b>	15 December 1992	6 April 2001	6 June 2001
		Res. Art. 19.4,	
		Decl. Art. 26.2	
<b>Moldova</b>	15 December 1992	1 February 1999	1 April 1999
<b>Monaco</b>	15 December 1992	14 October 1993	5 December 1994
<b>Norway</b>	15 December 1992	8 September 1998	8 November 1998
<b>Poland</b>	15 December 1992	9 December 1993	5 December 1994
		Res. Art. 19.4	
<b>Portugal</b>	15 December 1992	9 August 2000	9 October 2000
<b>Romania</b>	15 December 1992	22 May 1996	22 July 1996
		Res. Art. 19.4	
<b>Russian Federation</b>	15 December 1992		

**List of signatures and ratifications or accessions with respect to the Convention on  
Conciliation and Arbitration within the OSCE**

**Stockholm 2003**

<b>State</b>	<b>Signature</b>	<b>Ratification/Accession</b>	<b>Entry into Force</b>
<b>San Marino</b>	15 December 1992	18 November 1994	18 January 1995
<b>Slovak Republic</b>	31 March 1993		
<b>Slovenia</b>	29 March 1993	11 May 1994	5 December 1994
<b>Sweden</b>	15 December 1992	25 November 1993	5 December 1994
		Decl. Art. 26.2	
<b>Switzerland</b>	15 December 1992	23 December 1993	5 December 1994
		Res. Art. 19.4	
<b>Tajikistan</b>		24 March 1995	24 May 1995
<b>Ukraine</b>	15 December 1992	12 December 1995	12 February 1996
<b>Uzbekistan</b>		24 January 1996	24 March 1996