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**STATEMENT BY MR. ROBERT BADINTER,
PRESIDENT OF THE COURT OF CONCILIATION AND
ARBITRATION, AT THE OPENING PLENARY SESSION OF THE
2010 OSCE REVIEW CONFERENCE**

Warsaw, 30 September 2010

I should like to thank you for this exceptional opportunity to speak to you about the OSCE Court of Conciliation and Arbitration, which was established by the Stockholm Convention in 1995 and counts 33 of the 56 OSCE participating States as its members.

This institution could render great service to the OSCE and its participating States instead of lying serenely on the shores of Lake Geneva like a Sleeping Beauty.

The lack of awareness of the Court's existence is possibly due to the absence of information and explanations.

What then is the nature of this institution, which is so unfamiliar to its members?

You will find detailed information in the file provided and on the Court's website. Briefly, the Court of Conciliation and Arbitration was established to enable participating States to prevent and settle disputes between themselves rapidly, discreetly and with very little outlay.

It does not handle major conflicts between States concerned with fundamental issues such as sovereignty, energy resources, border demarcation, population migration or environmental disasters, which are dealt with by the large international courts of law, notably the International Court of Justice in The Hague.

There are also disputes between States of lesser importance such as problems of pollution, flood damage, transport, border crossing or inland waterway traffic, cultural questions like teaching in minority languages or preserving the historical or religious heritage, or minor border adjustments, in other words all difficulties arising in the daily life of States, neighbours and in many cases friends.

They are not important enough to be submitted to international jurisdiction, but with nationalism and even populism as a factor, these disputes alter the relations between neighbouring States that have to live and work together in harmony.

It was for this reason that the idea arose of creating a viable and effective body within the large collection of very diverse sovereign States that is the OSCE to prevent and settle conflicts.

In fulfilling this aim the Court offers participating States certain procedures.

The first of these is an uncomplicated, informal and confidential procedure inspired by the one used in international business to enable partners to resolve their difficulties while pursuing their joint ventures. The arbitral tribunal consists of arbitrators chosen from the Court list by each of the States concerned, and three arbitrators appointed by the Bureau of the Court on the basis of their expertise and experience. This procedure, taking place at the Court's headquarters in Geneva, is uncomplicated and discreet, with due hearing of both parties. It is inexpensive because the arbitrators are paid at the same rate as ad hoc judges at the International Court of Justice.

Above all, the Court offers a conciliation procedure to prevent conflicts. The conciliation commission set up for each dispute consists of one conciliator appointed by each of the States concerned together with the members appointed by the Bureau. The procedure is confidential, uncomplicated and flexible.

If conciliation is not possible, the commission draws up a report giving its opinion on the dispute, which can be used in subsequent negotiations to assist the parties in reaching an agreement with one and another.

I should like to emphasize two important points in particular.

- The high level of qualification and international experience of the arbitrators and conciliators on the Court's list;
- The advantages of simplicity, discretion and economy that the Court offers.

Apart from its function in preventing conflicts, the Court can also provide legal assistance to its members.

The diversity and experience of the arbitrators and conciliators on the Court's list make it possible for them to advise participating States fully and to study problems of international law and the interpretation of OSCE resolutions. A State has only to notify the OSCE Secretary General in Vienna of the nature of the required consultation. The Secretary General will then transmit the request to the Court, and the Bureau of the Court will appoint a panel of the most qualified experts for the matter in question.

We firmly believe that from the moment they consult the Court, be it for prevention, conflict settlement or legal assistance, users will wonder why an instrument as valuable as this has not been used earlier.

I remain available with the Bureau to answer any questions you might have.