

CONVENTION ON CONCILIATION AND ARBITRATION within the OSCE

Reservations, Declarations and Statements

Reservations Made on the Basis of Article 19(4)

Austria (14 November 1995)

« Conformément à l'article 19, paragraphe 4, de la Convention relative à la conciliation et à l'arbitrage au sein de la CSCE, la République d'Autriche déclare que, compte tenu de la compétence de la Cour internationale de Justice fondée sur l'Accord modifiant l'article 27, lettre a, de la Convention européenne pour le règlement pacifique des différends, l'article 19, paragraphe premier, lettre b, première hypothèse, de la Convention relative à la conciliation et à l'arbitrage au sein de la CSCE n'est pas applicable dans les rapports entre l'Autriche et l'Italie. »

Denmark (23 August 1994)

« In conformity with Article 19, paragraph 4, the Kingdom of Denmark reserves the right to the conciliation and jurisdictional procedures established in bilateral treaties concluded or to be concluded by the Kingdom of Denmark, provided that these procedures can be set in motion unilaterally. The Kingdom of Denmark also reserves the right to the conciliation and jurisdictional procedures agreed on or to be agreed on ad hoc for a specific dispute or a series of specific disputes. »

Germany (27 September 1994)

« In conformity with Article 19, paragraph 4, of the Convention on Conciliation and Arbitration within the CSCE, the Government of the Federal Republic of Germany reserves the right to submit disputes to dispute settlement procedures established in bilateral or multilateral treaties concluded or to be concluded by the Federal Republic of Germany, provided that these procedures can be initiated unilaterally. The Federal Republic also reserves the right to submit a specific dispute or a series of specific disputes to dispute settlement procedures agreed or to be agreed on an ad hoc basis. »

Liechtenstein (28 June 1994)

« In accordance with article 19, paragraph 4, the Principality of Liechtenstein reserves the right to the conciliation and jurisdictional procedures established in bilateral treaties concluded or to be concluded by the Principality of Liechtenstein, provided that these procedures can be set in motion unilaterally. The Principality of Liechtenstein also reserves the right to the conciliation and jurisdictional procedures agreed or to be agreed on ad hoc for a specific dispute or a series of specific disputes. »

Lithuania (24 November 1997)

« As provided in paragraph 4, Article 19 of the Convention on Conciliation and Arbitration within the OSCE, the Republic of Lithuania reserves the right to the conciliation and jurisdictional procedures established in bilateral and multilateral treaties concluded or to be concluded by the Republic of Lithuania, provided that these procedures can be initiated unilaterally. The Republic of Lithuania also reserves the right to submit a specific dispute or a series of specific disputes to dispute settlement procedures agreed or to be agreed on an ad hoc basis. »

Malta (20 March 2001)

« In conformity with Article 19, paragraph 4, Malta reserves the right to the conciliation and jurisdictional procedures established in bilateral treaties concluded or to be concluded by Malta, provided that these procedures can be set in motion unilaterally. Malta also reserves the right to the conciliation and jurisdictional procedures agreed on or to be agreed on ad hoc for a specific dispute or a series of specific disputes. »

Poland (16 December 1993)

« In conformity with Article 19, paragraph 4, the Republic of Poland reserves the right to the conciliation and jurisdictional procedures established in bilateral treaties concluded or to be concluded by the Republic of Poland, provided that these procedures can be set in motion unilaterally. The Republic of Poland also reserves the right to the conciliation and jurisdictional procedures agreed or to be agreed on ad hoc for a specific dispute or a series of specific disputes. »

Romania (22 May 1996)

« By applying the provisions of Article 19, paragraph 4, Romania reserves the right of option to use the conciliation and arbitration proceedings provided in bilateral and multilateral treaties it already concluded or it will conclude ». »

Switzerland (17 December 1993)

« En application de l'article 19, paragraphe 4, le Conseil fédéral suisse réserve les procédures de conciliation et juridictionnelles prévues dans les traités bilatéraux conclus et à conclure par la Suisse, pour autant que ces procédures puissent être unilatéralement déclenchées. Il réserve également les procédures de conciliation et juridictionnelles convenues ou à convenir ad hoc pour un différend particulier ou une série de différends particuliers. »

Declarations Made on the Basis of Article 26(2)

Greece (21 August 1995)

« La République hellénique reconnaît, conformément à l'Article 26, paragraphe 2, comme obligatoire de plein droit et sans accord spécial la compétence d'un tribunal arbitral sous réserve de réciprocité. Cette déclaration est faite pour une durée de cinq ans pour les différends, à l'exclusion de ceux concernant la défense nationale. »

Denmark (23 August 1994)

« Pursuant to Article 26, paragraph 2, of the Convention on Conciliation and Arbitration within the CSCE, done at Stockholm on 15 December 1992, the Kingdom of Denmark will recognise as compulsory, ipso facto and without special agreement, the jurisdiction of an Arbitral Tribunal established under the said Convention, subject to reciprocity. This declaration is valid for a period of ten years, from the day of deposit of the Instrument of Ratification. »

Finland (10 February 1995)

« Pursuant to Article 26, paragraph 2, of the Convention, Finland declares that it recognises as compulsory, ipso facto and without special agreement, on condition of reciprocity, the jurisdiction of an Arbitral Tribunal established under the Convention. This declaration is valid for a time-period of ten years from the day of deposit of the Instrument of Ratification. »

Former Yugoslav Republic of Macedonia (31 March 1998)

“Referring to the Article 26.2 of the Convention on Conciliation and Arbitration within the CSCE, the Republic of Macedonia hereby declares that it will recognize as compulsory, ipso facto, and without special agreement, subject to reciprocity, the jurisdiction of an Arbitral Tribunal established under the Convention on Conciliation and Arbitration within the CSCE.

This Declaration is valid for a period of five years, from the date of its deposit to the Depository of the above mentioned Convention – the Government of the Kingdom of Sweden – and shall not apply to the disputes concerning territorial integrity and national defence of the country.”

Malta (20 March 2001)

« Pursuant to Article 26, paragraph 2, of the Convention on Conciliation and Arbitration within the OSCE, done at Stockholm on 17th December 1992, Malta will recognise as compulsory, ipso facto, and without special agreement the jurisdiction of an Arbitral Tribunal established under the said Convention, subject to reciprocity.

This Declaration is valid for a time period of ten years from the day of deposit of the Instrument of Ratification. »

Sweden (25 November 1993)

« Referring to Article 26, paragraph 2, of the Convention on Conciliation and Arbitration within the CSCE, Sweden hereby declares that it will recognise as compulsory ipso facto and without special agreement the jurisdiction of an Arbitral Tribunal established under the Convention on Conciliation and Arbitration within the CSCE, subject to reciprocity. This declaration is valid for a time-period of ten years from the date of its deposit. »

Interpretative Statement made by Bulgaria on 15 December 1992, upon the Signature of the Convention

« 1. In the understanding of the Republic of Bulgaria, the provisions of Article 22, paragraph 3, do not provide for the constitution of a conciliatory commission under Article 20, paragraph 2, of the Convention on Conciliation and Arbitration, opened for signature on 15 December 1992 in Stockholm, in the absence of an effective agreement between the parties to a dispute in the sense of paragraph 2 of Article 20, duly notified to the Registrar.

2. In the understanding of the Republic of Bulgaria, the provisions of Article 27, paragraph 1, do not provide for the constitution of an Arbitral Tribunal under Article 26, paragraph 1, of the Convention, in the absence of an effective agreement between the parties to a dispute in the sense of paragraph 1 of Article 26.

3. In the understanding of the Republic of Bulgaria, the provisions of Article 26, paragraph 2, do not preclude States from limiting the application in time of the unilateral declarations under that paragraph by setting a condition of non-retroactivity of such declarations. »