URADNI LIST
REPUBLIKE SLOVENIJE

MEDNARODNE POGODBE

Številka 5 (Uradni list RS, št. 20) 15. aprila 1994 ISSN 1318-0932 Leto IV

33.

AKT
O NASLEDSTVU VEČSTRANSKIH MEDNARODNIH POGODB O ZRAČNEM PROMETU, KATERIH ČLANICA JE BILA NEKDANJA SFRJ

Na podlagi 3. člena Ustavnega zakona za izvedbo temeljne ustavne listine o samostojnosti in neodvisnosti Republike Slovenije v zvezi z določbami 1. člena Ustavnega zakona za izvedbo ustave Republike Slovenije, Državni zbor Republike Slovenije odreja notifikacijo nasledstva naslednjih mednarodnih pogodb s področja zračnega prometa, katerih članica je bila nekdanja SFR Jugoslavija:

1. Konvencija o unifikaciji nekaterih pravil, ki se nanašajo na mednarodni zračni prevoz;
podpisana v Varšavi 12. oktobra 1929;
objavljena v zbirki pogodb Kraljevine Jugoslavije iz leta 1931, stran 277.

2. Protokol o spremembi Konvencije o unifikaciji nekaterih pravil, ki se nanašajo na mednarodni zračni promet, podpisane 12. oktobra 1929 v Varšavi;
podpisan v Haagu 28. septembra 1955;
objavljen v Uradnem listu SFRJ – Mednarodne pogodbe, št. 6/59.

Republika Slovenija sprejema mednarodni pogodbi, navedeni v tem aktu, brez pridržkov.

Ta akt in informacija o pridobitvi statusa države pogodbenice s strani depozitarja se objavita v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 326-06/94-10
Ljubljana, dne 23. marca 1994.

Predsednik
Državnega zbora
Republike Slovenije
mag. Herman Rigelnik l. r.

34.

AKT
O NASLEDSTVU NEKATERIH MEDNARODNIH POGODB, KATERIH ČLANICA JE BILA NEKDANJA SFRJ

Na podlagi 3. člena Ustavnega zakona za izvedbo temeljne ustavne listine o samostojnosti in neodvisnosti Republike Slovenije v zvezi z določbami 1. člena Ustavnega zakona za izvedbo ustave Republike Slovenije, Državni zbor Republike Slovenije potrjuje notranjepravno nasledstvo naslednjih mednarodnopravnih pogodb, katerih članica je bila nekdanja SFR Jugoslavija:

1. Statut Mednarodnega centra za genetski inženiring in biotehnologijo;
podpisan v Madridu 13. septembra 1983;
objavljen v Uradnem listu SFRJ – Mednarodne pogodbe, št. 4/86.

2. Protokol o ponovno sklicanem sestanku pooblaščencev o ustanovitvi Mednarodnega centra za genetski inženiring in biotehnologijo;
podpisan na Dunaju 4. aprila 1984;
objavljen v Uradnem listu SFRJ – Mednarodne pogodbe, št. 4/86.

3. Sporazum o minimalnih pogojih za izdajo in za veljavnost vozniških dovoljenj (APC);
podpisan v Ženevi 1. aprila 1975;
objavljen v Uradnem listu SFRJ – Mednarodne pogodbe, št. 3/78.

4. Konvencija o ustanovitvi Mednarodne zveze za objavo carinskih tarif;
podpisana v Bruslju 5. julija 1890;
objavljena v Uradnem vestniku Prezidija Ljudske skupščine FLRJ, št. 17/52.

5. Protokol o spremembi Konvencije, podpisane v Bruslju 5. julija 1890, o ustanovitvi Mednarodne zveze za objavo carinskih tarif, pravilnik o izvajanju Konvencije o ustanovitvi Mednarodne zveze za objavo carinskih tarif in zapisnik o podpisovanju;
podpisan v Bruslju 16. decembra 1949;
objavljen v Uradnem vestniku Prezidija Ljudske skupščine FLRJ, št. 17/52.

6. Osnovni statut Mednarodnega inštituta za mednarodno zasebno pravo;
podpisan v Rimu 15. marca 1940;
objavljen v Uradnem listu FLRJ – Mednarodne pogodbe, št. 12/57.
Opomba: Amandmaji k Statutu objavljeni v Uradnem listu SFRJ, št. 7/67, 2/68, 22/71 in 10/86.

Republika Slovenija sprejema mednarodne pogodbe, navedene v tem aktu, brez pridržkov.

Ta akt in informacija o pridobitvi statusa države pogodbenice s strani depozitarja se objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 700-01/94-32
Ljubljana, dne 23. marca 1994.

Predsednik
Državnega zbora
Republike Slovenije
mag. Herman Rigelnik l. r.

35.

Na podlagi druge alinee prvega odstavka 107. člena in prvega odstavka 91. člena Ustave Republike Slovenije izdajam

UKAZ
O RAZGLASITVI ZAKONA O RATIFIKACIJI KONVENCIJE O SPRAVI IN ARBITRAŽI V OKVIRU KONFERENCE O VARNOSTI IN SODELOVANJU V EVROPI S FINANČNIM PROTOKOLOM

Razglašam Zakon o ratifikaciji Konvencije o spravi in arbitraži v okviru Konference o varnosti in sodelovanju v Evropi s finančnim protokolom, ki ga je sprejel Državni zbor Republike Slovenije na seji dne 23. marca 1994.

Št. 0100-31/94
Ljubljana, dne 31. marca 1994.

Predsednik
Republike Slovenije
Milan Kučan l. r.

ZAKON
O RATIFIKACIJI KONVENCIJE O SPRAVI IN ARBITRAŽI V OKVIRU KONFERENCE O VARNOSTI IN SODELOVANJU V EVROPI S FINANČNIM PROTOKOLOM

1. člen

Ratificira se Konvencija o spravi in arbitraži v okviru Konference o varnosti in sodelovanju v Evropi, ki je bila sprejeta v Stockholmu 15. decembra 1992, s finančnim protokolom, sestavljenim na podlagi 13. člena konvencije in sprejetim 28. aprila 1993 v Pragi.

2. člen

Konvencija in finančni protokol se v izvirniku v angleškem jeziku in slovenskem prevodu glasita:

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.

KONVENCIJA O SPRAVI IN ARBITRAŽI V OKVIRU KVSE

Države pogodbenice te konvencije, ki so države udeleženke Konference o varnosti in sodelovanju v Evropi,

se zavedajo svoje obveznosti, navedene v 3. odstavku 2. člena in v 33. členu Ustanovne listine Združenih narodov, reševati svoje spore po mirni poti;

poudarjajo, da na noben način ne nameravajo škodovati drugim institucijam ali mehanizmom, vključno z Meddržavnim sodiščem, Evropskim sodiščem za človekove pravice, Sodiščem Evropskih skupnosti in Stalnim arbitražnim razsodiščem;

ponovno potrjujejo svojo obveznost reševati medsebojne spore z mirnimi sredstvi in svojo odločitev, da razvijajo mehanizme za reševanje sporov med državami udeleženkami;

opozarjajo, da je celovito izpolnjevanje vseh načel in obveznosti KVSE bistven element preprečevanja sporov med državami udeleženkami KVSE;

se zavzemajo za nadaljnje razvijanje in krepitev navedenih obveznosti, še posebej v Poročilu o sestanku strokovnjakov o mirnem reševanju sporov, ki je bilo sprejeto v Valletti in ki ga je potrdil Svet ministrov za zunanje zadeve KVSE na sestanku v Berlinu 19. in 20. junija 1991, ter

so se sporazumele o naslednjem:

I. POGLAVJE - SPLOŠNA DOLOČILA

1. člen

Ustanovitev sodišča

Sodišče za spravo in arbitražo se ustanovi, da s spravo in, kjer je primerno, z arbitražo reši spore, ki so mu predloženi v skladu z določili te konvencije.

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«.

2. člen

Spravne komisije in arbitražna razsodišča

1. Spravo prevzame spravna komisija, ustanovljena za vsak spor. Komisijo sestavljajo člani spravne komisije, izbrani s seznama, sestavljenega v skladu z določili 3. člena.

2. Arbitražo prevzame razsodišče, ustanovljeno posebej za vsak spor. Razsodišče sestavljajo arbitri, izbrani s seznama, sestavljenega v skladu z določili 4. člena.

3. Člani spravne komisije in arbitri skupaj sestavljajo Sodišče za spravo in arbitražo v okviru KVSE, v nadaljevanju imenovano "Sodišče".

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.

3. člen

Imenovanje članov spravne komisije

1. Vsaka država pogodbena stranka te konvencije imenuje v dveh mesecih potem, ko ta začne veljati, dva člana za spravne komisije, od katerih je najmanj eden državljan te države. Drugi je lahko državljan neke druge države udeleženke KVSE. Država, ki postane pogodbena stranka te konvencije potem, ko ta začne veljati, imenuje svoja člana za spravne komisije v dveh mesecih po začetku veljavnosti te konvencije za zadevno državo.

2. Člani spravne komisije so lahko le osebe, ki imajo ali so imele višji državni ali mednarodni položaj in imajo priznane kvalifikacije v mednarodnem pravu, mednarodnih odnosih ali pri reševanju sporov.

3. Člani spravne komisije so imenovani za šest let in so lahko ponovno imenovani. Njihovih funkcij država, ki jih je imenovala, ne more končati med njihovim mandatom. Ob smrti, odstopu ali nezmožnosti za delovanje, in to ugotovi Urad, zadevna država imenuje novega člana spravne komisije; mandat novega člana spravne komisije je preostali mandat njegovega predhodnika.

4. Po prenehanju svojih mandatov člani spravne komisije še nadalje obravnavajo primere, s katerimi se že ukvarjajo.

5. Imena članov spravne komisije se sporočijo tajniku, ki jih vpiše v seznam. Seznam se sporoči Sekretariatu KVSE zaradi nadaljnjega posredovanja državam udeleženkam KVSE.

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. člen

Imenovanje arbitrov

1. Vsaka država pogodbena stranka te konvencije imenuje v dveh mesecih potem, ko ta začne veljati, enega arbitra in enega namestnika, ki sta lahko njena državljana ali državljana katere koli države, udeleženke KVSE. Država, ki postane pogodbena stranka te konvencije potem, ko ta začne veljati, imenuje svojega arbitra in njegovega namestnika v dveh mesecih po začetku veljavnosti te konvencije za to državo.

2. Arbitri in njihovi namestniki morajo imeti kvalifikacije, ki se zahtevajo v njihovih državah za imenovanje na najvišje sodniške položaje, ali morajo biti pravniki s priznanimi sposobnostmi v mednarodnem pravu.

3. Arbitri in njihovi namestniki so imenovani za šest let in so lahko še enkrat ponovno imenovani. Njihovih funkcij država, ki jih je imenovala, ne more končati med njihovim mandatom. Ob primeru smrti, odstopu ali nezmožnosti za delovanje, ki ga prizna Urad, arbitra nadomesti njegov ali njen namestnik.

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.

4. Če arbiter in njegov ali njen namestnik umreta, odstopita ali sta nezmožna za delovanje in to ugotovi Urad, se opravijo nova imenovanja v skladu s 1. odstavkom. Novi arbiter in njegov ali njen namestnik dokončata mandat svojih predhodnikov.

5. Pravilnik Sodišča lahko predvidi delno zamenjavo arbitrov in njihovih namestnikov.

6. Po preteku svojega mandata arbitri nadaljujejo z obravnavo primerov, s katerimi se že ukvarjajo.

7. Imena arbitrov se sporočijo tajniku, ki jih vpiše v seznam. Seznam se sporoči Sekretariatu KVSE zaradi nadaljnjega posredovanja državam udeleženkam KVSE.

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.

5. člen

Neodvisnost članov sodišča in tajnika

Člani spravne komisije, arbitri in tajnik opravljajo svoje funkcije popolnoma neodvisno. Pred prevzemom svojih funkcij dajo izjavo, da bodo izvajali svoja pooblastila nepristransko in vestno.

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.

6. člen

Privilegiji in imunitete

Člani spravne komisije, arbitri, tajnik in zastopniki ter svetovalec strank v sporu uživajo med opravljanjem svojih funkcij na ozemlju držav pogodbenih strank te konvencije privilegije in imunitete, podeljene osebam, ki so povezane z Meddržavnim sodiščem.

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.

7. člen

Urad sodišča

1. Urad sodišča sestavljajo predsednik, podpredsednik in trije člani.

2. Predsednika sodišča izvolijo člani sodišča izmed sebe. Predsednik predseduje Uradu.

3. Člani spravne komisije in arbitri vsak zase izberejo izmed sebe dva člana Urada in njuna namestnika.

4. Urad izbere svojega podpredsednika izmed svojih članov. Podpredsednik je član spravne komisije, če je predsednik arbiter, in arbiter, če je predsednik član spravne komisije.

5. Pravilnik sodišča določi postopke za izvolitev predsednika kakor tudi drugih članov Urada in njihovih namestnikov.

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.

8. člen

Postopek sprejemanja odločitev

1. Odločitve sodišča sprejema večina članov, ki se udeležujejo glasovanja. Tisti, ki se vzdržijo, se ne štejejo med sodelujoče v glasovanju.

2. Odločitve urada se sprejmejo z večino njegovih članov.

3. Sklepi spravnih komisij in razsodišč se sprejmejo z večino njihovih članov, ki se ne smejo vzdržati glasovanja.

4. Ob neodločenem izidu glasovanja prevlada glas predsedujočega uradnika.

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 of 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 and action which may aggravate the situation or further impede or prevent the settlement of the dispute.

9. člen

Tajnik

Sodišče določi svojega tajnika in lahko predvidi imenovanje drugih uradnikov, ki bi bili potrebni. Kadrovske pravilnike tajništva sestavi Urad in jih sprejmejo države pogodbene stranke te konvencije.

10. člen

Sedež

1. Sedež sodišča je v Ženevi.

2. Na zahtevo strank v sporu in v soglasju z Uradom se spravna komisija ali arbitražno razsodišče lahko sestane v drugem kraju.

11. člen

Pravilnik sodišča

1. Sodišče sprejme svoj pravilnik, ki ga odobrijo države pogodbene stranke te konvencije.

2. Pravilnik sodišča posebej določa poslovnik, ki ga morajo spoštovati spravne komisije in arbitražna razsodišča, ustanovljena skladno s to konvencijo. V njem je določeno, katere od teh pravil ni mogoče obiti s sporazumom med strankama v sporu.

12. člen

Delovni jezik

Pravilnik sodišča določa pravila o uporabi jezikov.

13. člen

Finančni protokol

Po določilih 17. člena vse stroške sodišča krijejo države pogodbene stranke te konvencije. Določila o izračunu stroškov, sestavi in odobritvi letnega proračuna sodišča, razdelitvi stroškov med države pogodbene stranke te konvencije, reviziji računovodstva sodišča in zadevah, povezanih z njimi, vsebuje finančni protokol, ki ga sprejme odbor- višjih uradnikov. Protokol je obvezen za vsako državo, ki postane pogodbena stranka te konvencije.

14. člen

Periodično poročilo

Urad letno predloži Svetu KVSE prek odbora višjih uradnikov poročilo o dejavnostih v tej konvenciji.

15. člen

Obvestilo o zahtevah po spravi ali arbitraži

Tajnik sodišča obvesti sekretariat KVSE o vseh zahtevah po spravi ali arbitraži za takojšnjo predajo v države udeleženke KVSE.

16. člen

Vedenje strank - začasni ukrepi

1. Med postopki se morata stranki v sporu vzdržati kakršnegakoli dejanja, ki bi otežilo položaj ali zaviralo ali preprečilo reševanje spora.

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.

2. Spravna komisija lahko opozori stranke v sporu, ki ji je predan, na ukrepe, ki jih lahko sprejmeta, da preprečita, da bi se spor poglobil ali da bi njegova rešitev postala težja.

3. Arbitražno razsodišče, ustanovljeno zaradi spora, lahko navede začasne ukrepe, ki jih stranki v sporu morata sprejeti v skladu z določili 4. odstavka 26. člena.

Article 17

Procedural Costs

The parties to a dispute and any intervening party shall each bear their own costs.

17. člen

Stroški postopka

Stranke v sporu in katerakoli stranka, ki intervenira, krije svoje stroške.

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.

II. POGLAVJE - PRISTOJNOST

18. člen

Pristojnost komisije in razsodišča

1. Katera koli država pogodbena stranka te konvencije lahko predloži spravni komisiji kateri koli spor z drugo državo pogodbeno stranko, ki ni bil rešen v razumnem času s pogajanji.

2. Spori se lahko predložijo arbitražnemu razsodišču pod pogoji, določenimi v 26. členu.

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.

19. člen

Varovanje obstoječih načinov rešitve

1. Spravna komisija ali arbitražno razsodišče, ustanovljena za spor, ne ukrepata:

(a) če je bil spor, preden je bil predložen komisiji ali razsodišču, predan nekemu sodišču ali razsodišču, katerega sodno pristojnost v zvezi s sporom sta stranki v sporu pravno obvezani sprejeti, ali če je takšno telo že sprejelo vsebinsko odločitev glede spora.

(b) če sta stranki v sporu naprej sprejeli izključno sodno pristojnost nekega drugega pravosodnega organa, ki ni razsodišče v skladu s to konvencijo in ima sodno pristojnost, da z obvezujočo močjo sklepa o sporu, ki mu je predložen, ali če se stranki v sporu sporazumeta, da bosta poskušali poravnati spor izključno z drugimi sredstvi.

2. Spravna komisija, ustanovljena za spor, ne ukrepa, če celo potem, ko ji je bil spor predan, ena ali vse stranke prenesejo spor na sodišče ali na razsodišče, katerega sodno pristojnost v zvezi s sporom sta stranki v sporu pravno obvezani sprejeti.

3. Spravna komisija odloži preučitev spora, če je bil ta spor predan drugemu organu, pristojnemu za oblikovanje predlogov v zvezi z njim. Če ta predhodna prizadevanja ne privedejo do rešitve spora, komisija prevzame svoje delo na zahtevo strank ali ene od strank v sporu, upoštevajoč določila 1. odstavka 26. člena.

4. Država lahko ob podpisu, ratifikaciji ali pristopu h konvenciji izrazi svoj pridržek, da zagotovi usklajenost mehanizma poravnave spora, ki ga določa ta konvencija, z drugimi sredstvi reševanja sporov, ki izhajajo iz mednarodnih obveznosti, veljavnih za to državo.

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.

5. Če stranki kadar koli dosežeta rešitev svojega spora, komisija ali razsodišče umakne spor s svojega seznama po prejemu pisne potrditve vseh strank v sporu, da so rešile spor.

6. Če se stranki v sporu ne strinjata glede tajnosti komisije ali razsodišča, odloči o tem komisija ali razsodišče.

III. POGLAVJE - SPRAVA

20. člen

Zahteva po ustanovitvi spravne komisije

1. Katera koli država pogodbena stranka te konvencije lahko vloži prijavo pri tajniku, ki zahteva ustanovitev spravne komisije za spor med njo in eno ali več drugimi državami pogodbenimi strankami. Dve ali več držav pogodbenih strank lahko tudi skupaj vložijo prijavo pri tajniku.

2. Ustanovitev spravne komisije se lahko zahteva tudi s sporazumom med dvema ali več državami pogodbenimi strankami ali med eno ali več pogodbenimi strankami in eno ali več drugimi državami udeleženkami KVSE. Sporazum se sporoči tajniku.

21. člen

Ustanovitev spravne komisije

1. Vsaka stranka v sporu imenuje s seznama članov spravne komisije, določenega v skladu s 3. členom, enega člana spravne komisije za člana komisije.

2. Kadar je več držav strank v istem sporu, se države, ki imajo isti interes, lahko dogovorijo, da imenujejo enega samega člana spravne komisije. Če se ne sporazumejo, vsaka od sprtih strani imenuje isto število članov spravne komisije do največjega števila, ki ga določi urad.

3. Vsaka država, ki je stranka v sporu, predloženem spravni komisiji, in ni pogodbena stranka te konvencije, lahko imenuje nekoga za člana komisije bodisi s seznama članov spravne komisije, določenih v skladu s 3. členom, bodisi izmed državljanov države udeleženke KVSE. V tem primeru imajo z namenom preučitve spora te osebe enake pravice in enake obveznosti kot drugi člani komisije. Svoje funkcije morajo opravljati popolnoma neodvisno in morajo dati izjavo, zahtevano po 5. členu, preden prevzamejo svoje položaje v komisiji.

4. Takoj ko je sprejeta vloga ali sporazum, s katerim stranki v sporu zahtevata ustanovitev spravne komisije, se predsednik sodišča posvetuje s strankama v sporu glede ostale sestave komisije.

5. Urad imenuje nadaljnje tri člane spravne komisije za člane komisije. To število Urad lahko poveča ali zmanjša, mora pa biti neparno. Člani Urada in njihovi namestniki, ki so na seznamu članov spravne komisije, se lahko imenujejo v komisijo.

6. Komisija izvoli svojega predsednika izmed članov, ki jih imenuje urad.

7. Pravilnik sodišča določa postopke, ki se uporabijo, če pride do ugovora zaradi nekega člana, imenovanega v komisijo, ali če je ta član nezmožen ali če odkloni sodelovanje na začetku ali med postopki.

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 concultation 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,

8. O kakršnem koli vprašanju v zvezi z uporabo tega člena odloča Urad kot o predhodni zadevi.

22. člen

Postopek za ustanovitev spravne komisije

1. Če se ustanovitev spravne komisije zahteva s prijavo, mora prijava navajati predmet spora, ime stranke ali strank, proti katerim je prijava vložena, in ime člana ali članov spravne komisije, ki jih imenuje zahtevajoča stranka ali stranke v sporu. Prijava mora tudi na kratko navesti predhodno uporabljene načine reševanja.

2. Takoj ko je prejeta prijava, tajnik obvesti drugo stranko ali stranke v sporu, omenjene v prijavi. V 15 dneh od obvestila druga stranka ali stranke v sporu imenujejo člana ali člane spravne komisije po lastni izbiri. Če v tem času ena ali več strank v sporu ne imenuje člana ali članov komisije, ki so ga upravičene imenovati, Urad imenuje ustrezno število članov spravne komisije. Imenujejo se izmed članov spravne komisije, ki jih je imenovala v skladu s 3. členom ena ali vsaka od prizadetih strank, ali če jih te stranke še niso imenovale, izmed drugih članov, ki jih ni imenovala druga ali druge stranke v sporu.

3. Če se ustanovitev spravne komisije zahteva s sporazumom, mora sporazum navajati predmet spora. Če niti v celoti niti delno ni sporazuma v zvezi s predmetom tega spora, lahko vsaka stranka v sporu izrazi svoje lastno stališče do tega predmeta.

4. Sočasno ko stranki zahtevata ustanovitev spravne komisije s sporazumom, vsaka stranka obvesti tajnika o imenu člana ali članov spravne komisije, ki jih je imenovala za člane komisije.

23. člen

Postopek sprave

1. Postopki sprave so tajni in vse stranke v sporu imajo pravico biti zaslišane. Skladno z določili 10. in 11. člena in Pravilnika sodišča spravna komisija po posvetovanju s strankami v sporu določi postopek.

2. Če se stranki v sporu o tem sporazumeta, spravna komisija lahko povabi katerokoli državo pogodbeno stranko te konvencije, ki je zainteresirana za rešitev spora, da sodeluje v postopkih.

24. člen

Cilj sprave

Spravna komisija pomaga strankam v sporu doseči rešitev spora v skladu z mednarodnim pravom in njihovimi obveznostmi, ki izhajajo iz KVSE.

25. člen

Rezultat sprave

1. Če med postopkom strani v sporu s pomočjo spravne komisije dosežeta medsebojno sprejemljivo reši-

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.

tev, zapišeta pogoje te rešitve v povzetek sklepov, ki jih podpišeta njuna predstavnika in člani komisije. Podpis dokumenta sklene postopek. Svet KVSE obvesti Komite višjih uradnikov o uspehu sprave.

2. Kadar spravna komisija meni, da so bili raziskani vsi vidiki spora in vse možnosti, da se najde rešitev, sestavi končno poročilo. Poročilo vsebuje predloge komisije za mirno rešitev spora.

3. Poročilo spravne komisije se sporoči strankam v sporu, ki imajo na razpolago 30 dni, da ga proučijo in obvestijo predsednika komisije, ali so pripravljene sprejeti predlagano rešitev spora.

4. Če stranka v sporu ne sprejme predlagane rešitve, druga stranka ali stranke niso več vezane zaradi svojega sprejetja rešitve spora.

5. Če v času, predpisanem v 3. odstavku, stranki v sporu ne sprejmeta predlagane rešitve, se poročilo pošlje Svetu KVSE preko Odbora višjih uradnikov.

6. Sestavi se tudi poročilo, s katerim se preko Odbora višjih uradnikov Svet KVSE takoj obvesti o tem, da se stranka ni udeležila sprave ali da je zapustila postopek potem, ko se je začel.

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.

IV. POGLAVJE - ARBITRAŽA

26. člen

Zahteva po ustanovitvi arbitražnega razsodišča

1. Zahteva po arbitraži je lahko izražena kadarkoli s sporazumom med dvema ali več državami pogodbenimi strankami te konvencije ali med eno ali več državami pogodbenimi strankami te konvencije in eno ali več drugimi državami udeleženkami KVSE.

2. Države pogodbene stranke te konvencije lahko kadar koli z obvestilom, naslovljenim na depozitarja, izjavijo, da priznavajo kot obvezno, ipso facto in brez posebnega sporazuma, sodno pristojnost arbitražnega razsodišča, ki temelji na vzajemnosti. Takšno izjavo je možno dati za neomejen ali za določen čas. Ta lahko velja za vse spore ali izključuje spore, ki zadevajo ozemeljsko nedotakljivost neke države, državno obrambo, pravni naslov do suverenosti na kopenskem ozemlju ali konkurenčne zahteve v zvezi z državno pristojnostjo na drugih območjih.

3. Zahteva po arbitraži proti neki državi pogodbeni stranki te konvencije, ki je dala izjavo, navedeno v 2. odstavku, se lahko sporoči s prijavo tajniku šele v 30 dneh potem, ko je poročilo spravne komisije, ki je obravnavala spor, predano Svetu KVSE v skladu z določili 5. odstavka 25. člena.

4. Kadar je spor predložen arbitražnemu razsodišču v skladu s tem členom, razsodišče lahko v svoji lastni presoji ali na zahtevo ene ali vseh strank v sporu izda začasne ukrepe, ki jih morajo sprejeti stranke v sporu, da se izognejo zaostritvi spora, večji težavi pri doseganju rešitve ali možnosti, da bi bodoči sklep sodišča postal neizvedljiv zaradi ravnanja ene ali več strank v sporu.

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.

27. člen

Spori, predloženi arbitražnemu razsodišču

1. Če se zahteva razsodba s sporazumom, mora biti naveden predmet spora. Če niti v celoti niti delno ni sporazuma v zvezi s predmetom tega spora, lahko vsaka stranka v sporu izrazi svoje lastno stališče do predmeta spora.

2. Če se zahteva arbitraža s prijavo, mora biti naveden predmet spora, država pogodbena stranka ali pogodbene stranke te konvencije, proti katerim je naslovljena, in glavni elementi dejstev in prava, na katerih sloni. Takoj ko je prijava sprejeta, tajnik obvesti drugo državo pogodbeno stranko ali pogodbene stranke, omenjene v prijavi.

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 fromthe 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 or 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 Chariman of the Tribunal.

28. člen

Ustanovitev arbitražnega razsodišča

1. Kadar se zahteva arbitraža, se ustanovi arbitražno razsodišče.

2. Arbitri, ki jih imenujejo stranke v sporu v skladu s 4. členom, so po položaju člani razsodišča. Kadar je več držav strank v istem sporu, se države z enakim interesom lahko sporazumejo, da imenujejo enega samega arbitra.

3. Urad imenuje izmed arbitrov določeno število članov, ki sodelujejo v razsodišču, tako da je članov, ki jih imenuje Urad, skupaj najmanj eden več, kot je članov po položaju. Člani Urada in njihovi namestniki, ki so na seznamu arbitrov, so lahko imenovani v razsodišče.

4. Če je član po položaju nezmožen za sodelovanje ali se je predhodno v kakršnemkoli svojstvu udeležil zaslišanj v zadevi, ki izhaja iz spora, predanega razsodišču, tega člana zamenja njegov ali njen namestnik. Če je namestnik v enakem položaju, prizadeta država imenuje člana, ki prouči spor skladno z določili in pogoji, navedenimi v 5. odstavku. Ob vprašanju, nastalem zaradi zmožnosti člana ali njegovega ali njenega namestnika, da sodeluje v razsodišču, o zadevi odloči Urad.

5. Vsaka država, ki je stranka v sporu, predanem arbitražnemu razsodišču, in pogodbena stranka te konvencije, lahko po lastni izbiri imenuje neko osebo za člana razsodišča bodisi s seznama arbitrov, sestavljenega v skladu s 4. členom, bodisi izmed drugih oseb, državljanov neke države, udeleženke KVSE. Vsaka tako imenovana oseba mora izpolnjevati pogoje, določene v 2. odstavku 4. člena, in mora imeti zaradi proučitve spora enake pravice in obveznosti kot drugi člani razsodišča. Ta oseba opravlja svoje funkcije popolnoma neodvisno in mora dati izjavo, zahtevano po 5. členu, preden postane član razsodišča.

6. Razsodišče imenuje svojega predsednika izmed članov, ki jih imenuje Urad.

7. Če je eden od članov razsodišča, ki jih imenuje Urad, nezmožen sodelovati pri postopkih, se ta član ne nadomesti, razen če število članov, ki jih imenuje Urad, pade pod število članov po položaju, ali članov, ki jih imenujejo stranke v sporu v skladu s 5. odstavkom. V tem primeru imenuje Urad enega ali več novih članov skladno s 3. in 4. odstavkom tega člena. Nov predsednik ne bo izvoljen, če je imenovan eden ali več novih članov, razen če je član, nezmožen za sodelovanje, predsednik razsodišča.

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.

29. člen

Arbitražni postopek

1. Vse stranke v sporu imajo pravico biti zaslišane med arbitražnim postopkom, skladno z načeli poštenega procesa. Postopki sestojijo iz pisnega in ustnega dela.

2. V zvezi s strankami v sporu ima arbitražno razsodišče potrebna pooblastila za ugotavljanje dejstev in preiskave, da opravlja svoje naloge.

3. Vsaka država, udeleženka KVSE, ki meni, da ima poseben pravni interes, za katerega je verjetno, da bi bil prizadet zaradi odločitve razsodišča, lahko v 15 dneh od predaje obvestila Sekretariata KVSE, kot je navedeno v 15. členu, naslovi na tajnika zahtevo po intervenciji. Ta zahteva se nemudoma prenese strankam v sporu in razsodišču, ustanovljenemu zaradi spora.

4. Če država, ki intervenira, ugotovi, da ima takšen interes, se ji dovoli, da se udeleži postopkov, v obsegu, ki je potreben za varovanje tega interesa. Zadevni del odločitve razsodišča zavezuje državo, ki intervenira.

5. Stranke v sporu lahko v 30 dneh naslovijo svoje pripombe v zvezi z zahtevo po intervenciji na razsodišče. Razsodišče odloči o sprejemljivosti zahteve.

6. Zaslišanja na razsodišču so zaprta za javnost, razen če razsodišče sklene drugače na zahtevo strank v sporu.

7. Če se ena ali več strank v sporu ne pojavi, druga stranka ali stranke v sporu lahko zahtevajo, da razsodišče odloči v korist njenih ali njihovih zahtev. Preden to stori, se mora razsodišče prepričati, ali je pristojno in ali so zahteve stranke ali strank, ki sodelujejo v postopkih, dobro utemeljene.

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.

30. člen

Funkcija arbitražnega razsodišča

Funkcija arbitražnega razsodišča je, da odloča v skladu z mednarodnim pravom o tistih sporih, ki so mu predani. To določilo ne odvzema pristojnosti razsodišču, da sklepa o zadevi po načelih pravičnosti, če se stranki v sporu tako sporazumeta.

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 teh 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.

31. člen

Arbitražna razsodba

1. Arbitražna razsodba navaja razloge, na katerih temelji. Če v celoti ali delno ne predstavlja enoglasnega mnenja članov arbitražnega razsodišča, ima kateri koli član pravico, da izrazi ločeno ali nasprotno mnenje.

2. Skladno s 4. odstavkom 29. člena ima razsodba razsodišča obvezujočo moč samo med strankami v sporu in v zvezi s sporom, na katerega se nanaša.

3. Razsodba je dokončna in ni možna pritožba. Vendar pa stranke v sporu ali ena od njih lahko zahtevajo od razsodišča tolmačenje njegove razsodbe glede pomena ali obsega. Razen če se stranke v sporu dogovorijo drugače, je treba vložiti takšno zahtevo najkasneje v šestih mesecih po razsodbi. Po prejemu pripomb od strank v sporu razsodišče poda svoje tolmačenje takoj, ko je možno.

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 of 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.

4. Prošnjo za revizijo razsodbe je možno vložiti samo, kadar temelji na odkritju novega dejstva, ki je odločilnega pomena in je bilo takrat, ko je bila razsodba podana, neznano razsodišču in stranki ali strankam v sporu, ki zahtevajo revizijo. Prošnjo za revizijo je treba vložiti najkasneje v šestih mesecih po odkritju novega dejstva. Nobene prošnje po reviziji ni možno vložiti po preteku desetih let od datuma razsodbe.

5. Če je možno, mora zahtevo po tolmačenju ali prošnjo za revizijo proučiti razsodišče, ki je sprejelo zadevno razsodbo. Če Urad ugotovi, da je to nemogoče, se ustanovi drugo razsodišče v skladu z določili 28. člena.

32. člen

Objava arbitražne razsodbe

Razsodbo objavi tajnik. Potrjena kopija se pošlje strankam v sporu in Svetu KVSE preko Odbora višjih uradnikov.

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.

V. POGLAVJE - KONČNA DOLOČILA

33. člen

Podpis in začetek veljavnosti

1. Ta konvencija je odprta za podpis pri švedski vladi za države udeleženke KVSE do 31. marca 1993 in jo je treba ratificirati.

2. Države udeleženke KVSE, ki niso podpisale te konvencije, lahko kasneje pristopijo k njej.

3. Ta konvencija začne veljati dva meseca po datumu, ko je bil deponiran dvanajsti dokument o ratifikaciji ali pristopu.

4. Za vsako državo, ki ratificira to konvencijo ali pristopi k njej po deponiranju dvanajstega dokumenta o ratifikaciji ali pristopu, začne konvencija veljati dva meseca potem, ko je bil dokument o ratifikaciji ali pristopu deponiran.

5. Švedska vlada je depozitar te konvencije.

34. člen

Pridržki

K tej konvenciji niso možni nobeni pridržki, ki niso izrecno dovoljeni.

35. člen

Dopolnila

1. Dopolnila k tej konvenciji morajo biti sprejeta v skladu z naslednjimi odstavki.

2. Dopolnila k tej konvenciji lahko predlaga katerakoli država pogodbena stranka in jih depozitar sporoči Sekretariatu KVSE za nadaljnjo predajo državam udeleženkam KVSE.

3. Če Svet KVSE sprejme predlagano dopolnilo, depozitar pošlje besedilo državam pogodbenim strankam te konvencije v sprejem v skladu z njihovimi posameznimi ustavnimi zahtevami.

4. Katero koli takšno dopolnilo začne veljati trideseti dan potem, ko so vse države pogodbene stranke te konvencije obvestile depozitarja, da ga sprejemajo.

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.

Done at Stockholm, in the English, French, German, Italian, Russian and Spanish languages, all six language versions being equally authentic, on 15th December 1992.

36. člen

Odpoved

1. Vsaka država pogodbena stranka te konvencije se lahko kadar koli odpove tej konvenciji z obvestilom, naslovljenim na depozitarja.

2. Takšna odpoved začne veljati eno leto po datumu, ko depozitar prejme obvestilo o njej.

3. Ta konvencija pa še nadalje velja za stranko, ki se ji odpoveduje, za postopke, ki tečejo v času, ko odpoved začne veljati. Te postopke je treba nadaljevati, dokler niso končani.

37. člen

Obvestila in sporočila

Obvestila in sporočila depozitarja se prenesejo tajniku in Sekretariatu KVSE v nadaljnjo predajo državam udeleženkam KVSE.

38. člen

Nepogodbenice

V skladu z mednarodnim pravom se potrjuje, da se nič v tej konvenciji ne sme tolmačiti tako, da postavlja kakršnekoli dolžnosti ali obveznosti za države udeleženke KVSE, ki niso pogodbene stranke te konvencije, če to ni izrecno navedeno in če te države pisno tega ne sprejmejo.

39. člen

Prehodna določila

1. V štirih mesecih po začetku veljavnosti te konvencije sodišče izvoli Urad, sprejme svoj pravilnik in imenuje tajnika v skladu z določili 7., 9. in 11. člena. Vlada gostiteljica sodišča v sodelovanju z depozitarjem sprejme potrebne ukrepe.

2. Dokler ni imenovan tajnik, dolžnosti tajnika po 5. odstavku 3. člena in 7. odstavku 4. člena opravlja depozitar.

Sestavljeno v Stockholmu v angleščini, francoščini, nemščini, italijanščini, ruščini in španščini, pri čemer je vseh šest besedil enako verodostojnih, dne 15. decembra 1992.

FINANCIAL PROTOCOL ESTABLISHED IN ACCORDANCE WITH ARTICLE 13 OF THE CONVENTION ON CONCILIATION AND ARBITRATION WITHIN THE CSCE

Article 1

Costs of the Court

1. All the costs of the Court established by the Convention on Conciliation and Arbitration within the CSCE (hereinafter referred to as "the Convention") shall be met by the States parties to the Convention. Costs of conciliators and arbitrators shall be costs of the Court.

FINANČNI PROTOKOL, SESTAVLJEN V SKLADU S 13. ČLENOM KONVENCIJE O SPRAVI IN ARBITRAŽI V OKVIRU KVSE

1. člen

Stroški sodišča

1. Vse stroške sodišča, ki se ustanovi v skladu s Konvencijo o spravi in arbitraži v okviru KVSE (v nadaljevanju »Konvencija«), krijejo države pogodbenice Konvencije. Stroški članov spravne komisije in arbitrov so stroški sodišča.

2. The obligations of the host State with respect to expenditures in connection with the premises and furniture for use by the Court, their maintenance, insurance and security, as well as utilities, shall be set out in an exchange of letters between the Court acting with the consent of and on behalf of the States parties to the Convention, and the host State.

2. Obveznosti države gostiteljice v zvezi z izdatki za prostore in opremo, ki jih uporablja sodišče, njihovo vzdrževanje, zavarovanje in varnost, kot tudi stroške za komunalne storitve, se določi z izmenjavo pisem med sodiščem, ki deluje v soglasju z državami pogodbenicami Konvencije in v njihovem imenu, in državo gostiteljico.

Article 2

Contributions to the Budget of the Court

1. Contributions to the budget of the Court shall be divided among the States parties to the Convention according to the scale of distribution applicable within the CSCE, adjusted to take into account the difference in number between the CSCE participating States and the States parties to the Convention.

2. If a State ratifies or accedes to the Convention after its entry into force, its contribution shall be equal, for the current financial year, to one-twelfth of its portion of the adjusted scale, as established according to paragraph 1 of this Article, for each full month of that financial year which remains after the date on which the Convention enters into force in respect of it.

3. If a State which is not a party to the Convention submits a dispute to the Court pursuant to the provisions of Article 20, paragraph 2, or Article 26, paragraph 1 of the Convention, it shall contribute to the financing of the budget of the Court, for the duration of the proceedings, as if it were a party to the Convention.

For the application of this paragraph, the conciliation shall be presumed to commence on the day the Registrar receives notice of the agreement of the parties to set up a Commission and to end on the day the Commission notifies its report to the parties. If a party withdraws from the proceedings, these proceedings shall be considered as ended on the day of notice of the report specified in Article 25, paragraph 6 of the Convention. The arbitration proceedings shall be presumed to start on the day the Registrar receives notice of the agreement of the parties to establish a Tribunal and to end on the day the Tribunal renders its award.

2. člen

Prispevki v proračun sodišča

1. Prispevke v proračun sodišča se razdeli med države pogodbenice Konvencije po razdelitveni lestvici, veljavni znotraj KVSE, ki pa je prilagojena tako, da upošteva razliko v številu med državami članicami KVSE in državami pogodbenicami Konvencije.

2. Če država ratificira konvencijo ali k njej pristopi po začetku veljavnosti konvencije, je njen prispevek za vsak preostali polni mesec obračunskega leta, šteto od datuma pričetka veljavnosti konvencije, za tekoče obračunsko leto enak eni dvanajstini njenega dela po prilagojeni lestvici v skladu s 1. odstavkom tega člena.

3. Če država, ki ni pogodbenica te konvencije, predloži spor sodišču v skladu z določbami 2. odstavka 20. člena ali prvega odstavka 26. člena konvencije, prispeva v proračun sodišča za čas trajanja postopka, kot če bi bila pogodbenica konvencije.

Za uporabo tega odstavka se šteje, da se sprava začne na dan, ko tajnik prejme obvestilo o dogovoru strank, da sestavijo komisijo, in konča na dan, ko komisija obvesti stranke o svojem poročilu. Če se stranka umakne iz postopka, se šteje, da se je postopek končal na dan obvestila o poročilu, določenem v 6. odstavku 25. člena konvencije. Za arbitražni postopek se šteje, da se začne na dan, ko tajnik prejme obvestilo o dogovoru strank, da ustanovijo sodišče, in konča na dan, ko sodišče razsodi.

Article 3

Financial Year and Budget

1. The financial year shall be from 1 January to 31 December.

2. The Registrar, acting with the concurrence of the Bureau of the Court, shall establish each year a budget proposal for the Court. The budget proposal for the ensuing financial year shall be submitted to the States parties to the Convention before 15 September.

3. The budget shall be approved by the representatives of the States parties to the Convention. Consideration and approval of the budget shall take place in Vienna unless the States parties to the Convention otherwise agree. On approval of the budget for the financial year the Registrar shall request the States parties to the Convention to remit their contributions.

If the budget is not approved by 31 December the Court will operate on the basis of the preceding budget and, without prejudice to later adjustments, the Registrar shall request the States parties to the Convention to remit their contributions in accordance with this budget.

The Registrar shall request States parties to the Convention to make fifty per cent of their contributions available on 1 January and the remaining fifty per cent on 1 April.

3. člen

Obračunsko leto in proračun

1. Obračunsko leto traja od 1. januarja do 31. decembra.

2. Tajnik, ki deluje v soglasju z Uradom sodišča, vsako leto sestavi predlog proračuna za sodišče. Predlog proračuna za naslednje obračunsko leto se predloži državam pogodbenicam konvencije pred 15. septembrom.

3. Proračun potrdijo predstavniki držav pogodbenic konvencije. Proračun obravnavajo in potrdijo na Dunaju, razen če se države pogodbenice konvencije ne dogovorijo drugače. Ob potrditvi proračuna za obračunsko leto tajnik zaprosi države pogodbenice konvencije, da nakažejo svoje prispevke.

Če proračun ni potrjen do 31. decembra, sodišče deluje na osnovi prejšnjega proračuna in tajnik – brez škode za kasnejše poravnave – zaprosi države pogodbenice konvencije, da nakažejo prispevke v skladu s tem proračunom.

Tajnik zaprosi države pogodbenice konvencije, da 50% svojih prispevkov dajo na razpolago 1. januarja, ostalih 50% pa 1. aprila.

4. Barring a decision to the contrary by the representatives of the States parties to the Convention, the budget shall be established in Swiss francs and the contributions of the States shall be paid in this currency.

5. A State which ratifies or accedes to the Convention after its entry into force shall pay its first contribution to the budget within two months after the request by the Registrar.

6. States which, without being parties to the Convention, have submitted a dispute to the Court, shall pay their contribution within two months after the request by the Registrar.

7. The year the Convention enters into force, the States parties to the Convention shall pay their contribution to the budget within two months following the date of deposit of the twelfth instrument of ratification of the Convention. This budget is preliminarily fixed at 250,000 Swiss francs.

4. Razen če predstavniki držav pogodbenic konvencije drugače ne sklenejo, je proračun sestavljen v švicarskih frankih in prispevki držav se plačajo v tej valuti.

5. Država, ki ratificira to konvencijo ali k njej pristopi po začetku njene veljavnosti, plača svoj prvi prispevek v proračun v dveh mesecih od dneva, ko tajnik to zahteva.

6. Države, ki niso pogodbenice te konvencije in ki so predale spor sodišču, plačajo svoj prispevek v dveh mesecih od dneva, ko tajnik to zahteva.

7. V tistem letu, ko konvencija začne veljati, plačajo države pogodbenice konvencije svoj prispevek v proračun v dveh mesecih po deponiranju 12. listine o ratifikaciji konvencije. Ta proračun se predhodno določi na 250.000 švicarskih frankov.

Article 4

Obligations, Payments and Revised Budget

1. The approved budget shall constitute authorization to the Registrar, acting under the responsibility of the Bureau of the Court, to incur obligations and make payments up to the amounts and for the purposes approved.

2. The Registrar, acting under the responsibility of the Bureau of the Court, is authorized to make transfers between items and sub-items of up to 15 per cent of items/sub-items. All such transfers must be reported by the Registrar in connection with the financial statement mentioned in Article 9 of this Protocol.

3. Obligations remaining undischarged at the end of the financial year shall be carried over to the next financial year.

4. If so obliged by circumstances and following careful examination of available resources with a view to identifying savings, the Registrar is authorized to submit a revised budget, which may entail requests for supplementary appropriations, for the approval of the representatives of the States parties to the Convention.

5. Any surplus for a given financial year shall be deducted from the assessed contributions for the financial year following the one in which the accounts have been approved by the representatives of the States parties to the Convention. Any deficit shall be charged to the ensuing financial year unless the representatives of the States parties to the Convention decide on supplementary contributions.

4. člen

Obveznosti plačila in revidiran proračun

1. Potrjen proračun predstavlja dovoljenje, da tajnik, ki deluje v okviru pristojnosti Urada sodišča, prevzema obveznosti in izvršuje plačila do zneskov in za namene, ki so bili odobreni.

2. Tajnik, ki deluje v okviru pristojnosti Urada sodišča, je poblaščen za prenose med postavkami in podpostavkami v višini do 15 % zneska posameznih postavk oziroma podpostavk. O vseh takih prenosih mora tajnik poročati v zvezi z letnim finančnim poročilom, omenjenim v 9. členu tega protokola.

3. Neplačane obveznosti ob koncu obračunskega leta se prenesejo v naslednje obračunsko leto.

4. Če mu okoliščine tako narekujejo in po skrbnem preverjanju razpoložljivih sredstev z namenom, da se poiščejo možni prihranki, lahko tajnik predstavnikom držav pogodbenic konvencije predloži v potrditev revidiran proračun, kar ima lahko za posledico zahteve za dodatno dodelitev sredstev.

5. Presežke za določeno obračunsko leto se odbije od ocenjenih prispevkov za tisto obračunsko leto, ki sledi obračunskemu letu, v katerem so predstavniki držav pogodbenic konvencije potrdili račune. Kakršen koli primanjkljaj se prenese v breme naslednjega obračunskega leta, razen če se predstavniki držav pogodbenic konvencije ne odločijo za dodatne prispevke.

Article 5

Working Capital Found

A working capital fund may be established in case the States parties to the Convention deem it necessary. It will be funded by the States parties to the Convention.

5. člen

Sklad obratnih sredstev

Če se državam pogodbenicam konvencije zdi potrebno, lahko ustanovijo sklad obratnih sredstev. Financirajo ga države pogodbenice konvencije.

Article 6

Allowances and Nominal Retainers

1. Members of the Bureau of the Court, of the Conciliation Commissions and of the Arbitral Tribunals shall receive, for each day on which they exercise their functions, a daily allowance.

2. Members of the Bureau of the Court shall additionally receive a nominal annual retainer.

3. The daily allowance and the nominal annual retainer shall be determined by the representatives of the States parties to the Convention.

6. člen

Dnevnice in nominalni honorarji

1. Člani Urada sodišča, spravne komisije in arbitražnih razsodišč prejmejo dnevnico za vsak dan, ko opravljajo svojo funkcijo.

2. Člani Urada sodišča poleg tega prejemajo nominalni letni honorar.

3. Dnevnice in nominalni letni honorar določijo predstavniki držav pogodbenic konvencije.

Article 7

Salaries, Social Security and Pensions

1. The Registrar and any other registry staff appointed in accordance with Article 9 of the Convention shall receive a salary to be determined by the representatives of the States parties to the Convention.

2. The registry staff shall be limited to the strict minimum needed to ensure the operation of the Court.

3. The representatives of the States parties to the Convention shall ensure that the Registrar and the registry staff are afforded an adequate social security scheme and retirement pension.

7. člen

Plače, socialno varstvo in pokojnine

1. Tajnik in vsi drugi uradniki tajništva, imenovani v skladu z 9. členom konvencije, prejemajo plačo, ki jo določijo predstavniki držav pogodbenic te konvencije.

2. Število uradnikov tajništva naj bo omejeno na najmanjše število, ki je nujno potrebno za delovanje sodišča.

3. Predstávniki držav pogodbenic konvencije poskrbijo, da se tajniku in uradnikom tajništva zagotovi ustrezno socialno varstvo in pokojninsko zavarovanje.

Article 8

Travel Expenses

1. Travel expenses which are absolutely necessary for exercising their functions shall be paid to the members of the Bureau of the Court, of the Conciliation Commissions and of the arbitral Tribunals and to the Registrar and the registry staff.

2. Travel expenses shall comprise actual transportation costs, including expenses normally incidental to transportation, and a daily subsistence allowance to cover all charges of meals, lodging, fees and gratuities and other personal expenses. The daily subsistence allowance shall be determined by the representatives of the States parties to the Convention.

8. člen

Potni stroški

1. Članom Urada sodišča, spravne komisije in arbitražnih razsodišč ter tajniku in uradnikom tajništva se plačajo potni stroški, ki so nujno potrebni za opravljanje njihovih funkcij.

2. Potni stroški vključujejo dejanske stroške prevoza, vključno s stroški, ki običajno spadajo k prevozu, ter dnevnico, ki krije vse stroške za hrano, stanovanje, prispevke, napitnine in druge osebne stroške. Dnevnico določijo predstavniki držav pogodbenic konvencije.

Article 9

Records and Accounts

1. The Registrar, acting under the authority of the Bureau of the Court, shall ensure that appropriate records and accounts are kept of the transactions and that all payments are properly authorized.

2. The Registrar, acting under the authority of the Bureau of the Court, shall submit to the States parties to the Convention, not later than 1 March, an annual financial statement showing, for the preceding financial year:

(a) the income and expenditures relating to all accounts;

(b) the situation with regard to budget provisions;

(c) the financial assets and liabilities at the end of the financial year.

9. člen

Evidence in računi

1. Tajnik, ki deluje po pooblastilu Urada sodišča, poskrbi, da se vodi ustrezna evidenca in računovodstvo za vse posle in da so vsa plačila pravilno odobrena.

2. Tajnik, ki deluje po pooblastilu Urada sodišča, najkasneje 1. marca predloži državam pogodbenicam konvencije letno finančno poročilo (zaključni račun), ki za prejšnje obračunsko leto izkazuje:

a) dohodke in izdatke po vseh knjigovodskih računih;

b) stanje glede na proračunska določila;

c) sredstva in obveznosti ob koncu obračunskega leta.

Article 10

Audit

1. The accounts of the Court shall be audited by two auditors, of different nationalities, appointed for renewable periods of three years by the representatives of the States parties to the Convention.

Persons appearing or having appeared on the lists of conciliators of arbitrators or having received payment by the Court pursuant to Article 7 of this Protocol may not be auditors.

2. Auditors shall annually conduct audits. They shall, in particular, check the accuracy of the books, the statement of assets and liabilities, and the accounts. The accounts shall be available for the annual auditing and inspection not later than 1 March.

3. Auditors shall perform such audits as they deem necessary to certify:

(a) that the annual financial statement submitted to them is correct and in accordance with the books and records of the Court,

10. člen

Revizija

1. Račune sodišče pregledata dva revizorja različnih narodnosti, ki ju predstavniki držav pogodbenic konvencije imenujejo za triletno obdobje, ki se lahko podaljšuje za nadaljnja triletna obdobja.

Osebe, ki so ali so bile na seznamu spravnih komisij ali arbitrov, ali osebe, ki so prejele plačilo sodišč v skladu s 7. členom tega protokola, ne smejo biti revizorji.

2. Revizorji pregledujejo račune letno. Še zlasti preverjajo točnost knjig, stanje sredstev in obveznosti ter posamezne knjigovodske račune. Računi morajo biti na razpolago za letni pregled in nadzor najkasneje 1. marca.

3. Revizorji morajo opraviti vse po njihovi oceni potrebne revizije, da lahko potrdijo:

a) da je zaključni račun, ki jim je predložen, pravilen in v skladu s knjigami in evidencami sodišča,

(b) that the financial transactions recorded in this statement have been effected in accordance with the relevant rules, the budgetary provisions and other directives which may be applicable, and

(c) that the funds on deposit and on hand have been verified by certificates received directly from the depositories or by actual count.

4. The Registrar shall give auditors such assistance and facilities as may be needed for the proper discharge of their duties. Auditors shall, in particular, have free access to the books of account, records and document which, in their opinion, are necessary for the audit.

5. Auditors shall annually draw up a report certifying the accounts and setting forth the comments warranted by the audit. They may, in this context, also make such observations as they deem necessary regarding the efficiency of financial procedures, the accounting system and the internal financial control.

6. The report shall be submitted to the representatives of the States parties to the Convention not later than four months after the end of the financial year to which the accounts refer. The report shall be transmitted to the Registrar beforehand, so that he will have at least 15 days in which to furnish such explanations and justifications as he may consider necessary.

7. In addition to the annual auditing, auditors will at any time have free access to check the books, the statement of assets and liabilities, and accounts.

8. On the basis of the audit report, the representatives of the States parties to the Convention shall signify their acceptance of the annual financial statement or take such other action as may be considered appropriate.

b) da so bili v zaključnem računu izkazani finančni posli opravljeni v skladu z ustreznimi pravili, določili proračuna in drugimi primernimi direktivami in

c) da so deponirana sredstva in denar v blagajni pokriti s potrdili, prejetimi neposredno od depozitarjev, ali pa ustrezajo dejanskemu preštetemu stanju.

4. Tajnik nudi revizorjem vso pomoč in vse, kar potrebujejo, za ustrezno izpolnjevanje svojih dolžnosti. Revizorji morajo imeti še zlasti prost dostop do knjigovodskih računov, evidenc in dokumentov, ki so po njihovem mnenju potrebni za revizijo.

5. Revizorji sestavijo letno poročilo, ki potrjuje stanje knjigovodskih računov in vsebuje komentar, za katerega jamči revizija. V tem smislu lahko dajo tudi pripombe, ki se jim zdijo potrebne glede učinkovitosti finančnih postopkov, sistema računovodstva in interne finančne kontrole.

6. Poročilo se predloži predstavnikom držav pogodbenic Konvencije najkasneje štiri mesece od konca obračunskega leta, na katerega se računi nanašajo. Poročilo se tajniku pošlje vnaprej, tako da bo imel vsaj 15 dni, v katerih bo lahko posredoval vsa pojasnila in zagovore, ki se mu zdijo potrebni.

7. Poleg letnega pregleda računov bodo imeli revizorji kadarkoli prost dostop, da bodo lahko pregledali knjige, stanje sredstev in obveznosti ter knjigovodske račune.

8. Na osnovi revizijskega poročila predstavniki držav pogodbenic konvencije javijo, da sprejemajo zaključni račun ali kako drugače ustrezno ukrepajo.

Article 11

Special Disbursement Account

1. A special disbursement account may be established by the States parties to the Convention aimed at lowering the procedural costs for the States parties to disputes submitted to the Court which have difficulties paying these costs. It will be funded by voluntary contributions from States parties to the Convention.

2. A State party to a dispute submitted to the Court that wishes to receive funds from the special disbursement account shall file a request to the Registrar, with a detailed statement estimating procedural costs.

The Bureau of the Court shall examine the request and forward its recommendation to the representatives of the States parties to the Convention which shall decide whether to grant this request and to what extent.

After the case has been heard, the State having received funds from the special disbursement account shall address to the Registrar, for study by the Bureau, a detailed statement of procedural costs actually expended and shall proceed, if need be, with reimbursing the sums in excess of the actual costs.

11. člen

Poseben račun za izplačila

1. Države pogodbenice konvencije lahko odprejo poseben račun za izplačila z namenom znižanja stroškov postopka za države stranke v sporih, predloženih sodišču, ki imajo težave s plačilom teh stroškov. Financira se iz prostovoljnih prispevkov držav pogodbenic konvencije.

2. Država stranka v sporu, predloženem sodišču, ki želi prejeti sredstva s posebnega računa za izplačila, vloži prošnjo pri tajniku s podrobno navedbo ocenjenih stroškov postopka.

Urad sodišča bo pregledal prošnjo in predložil priporočilo predstavnikom držav članic konvencije, ki bodo odločile, ali naj prošnji ugodijo in v kolikšni meri.

Ko je primer zaključen, mora država, ki je prejela sredstva s posebnega računa za izplačila, poslati tajniku podrobno poročilo dejansko porabljenih sredstev postopka, da ga Urad prouči, in mora, če je treba, vrniti vsoto, ki presega dejansko nastale stroške.

Article 12

Decision Making

All decisions by the States parties to the Convention or their representatives under this Protocol shall be taken by consensus.

12. člen

Odločanje

Vse odločitve držav pogodbenic konvencije ali njihovih predstavnikov po tem protokolu se sprejemajo soglasno.

Article 13

Amendments

Amendments to this Protocol shall be adopted in accordance with the provisions of Article 35 of the

13. člen

Dopolnila

Dopolnila k temu protokolu se sprejemajo v skladu z določbami 35. člena Konvencije. Urad sodišča lahko

Convention. The Bureau of the Court may address its opinion on the proposed amendments to the CSCE Secretariat for transmission to the CSCE participating States.

This Protocol, established in the English, French, German, Italian, Russian and Spanish languages, all six language versions being equally authentic, having been adopted by the Committee of Senior Officials at Prague, on 28 April 1993 in accordance with Article 13 of the Convention on Conciliation and Arbitration within the CSCE is deposited with the Government of Sweden.

naslovi svoje mnenje o predlaganih dopolnilih na Sekretariat KVSE, ki ga nato posreduje državam članicam KVSE.

Ta protokol je sestavljen v angleščini, francoščini, nemščini, italijanščini, ruščini in španščini, pri čemer so vse verzije enako verodostojne, sprejel ga je Odbor višjih funkcionarjev 28. aprila 1993 v Pragi v skladu s 13. členom Konvencije o spravi in arbitraži v okviru KVSE in je deponiran pri Vladi Švedske.

3. člen

Za izvajanje konvencije in finančnega protokola skrbi ministrstvo, pristojno za zunanje zadeve.

4. člen

Ta zakon začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 700-01/94-3
Ljubljana, dne 23. marca 1994.

Predsednik
Državnega zbora
Republike Slovenije
mag. Herman Rigelnik l. r.

36.

Na podlagi tretjega odstavka 63. člena Zakona o zunanjih zadevah (Uradni list RS, št. 1/91-I) izdaja Vlada Republike Slovenije

UREDBO
O RATIFIKACIJI SPORAZUMA MED REPUBLIKO SLOVENIJO IN KIRGIŠKO REPUBLIKO GLEDE VZPOSTAVITVE DIPLOMATSKIH ODNOSOV

1. člen

Ratificira se Sporazum med Republiko Slovenijo in Kirgiško republiko glede vzpostavitve diplomatskih odnosov, podpisan v Biškeku dne 19. januarja 1993.

2. člen

Sporazum se v angleškem izvirniku in slovenskem prevodu glasi:

AGREEMENT
BETWEEN THE REPUBLIC OF SLOVENIA AND THE KYRGHYZ REPUBLIC REGARDING THE ESTABLISHMENT OF DIPLOMATIC RELATIONS

The Republic of Slovenia and the Kyrghyz Republic,

guided by a desire to strengthen and develop relations between the two countries in accordance with the purposes and principles of the Charter of the United Nations and Final Act of the Conference on Security and Cooperation in Europe, have agreed as follows:

Article 1

The Republic of Slovenia and the Kyrghyz Republic will establish diplomatic relations with each other at the ambassadorial level.

SPORAZUM
MED REPUBLIKO SLOVENIJO IN KIRGIŠKO REPUBLIKO GLEDE VZPOSTAVITVE DIPLOMATSKIH ODNOSOV

Republika Slovenija in Kirgiška republika

sta v želji, da bi okrepili in razvili odnose med obema državama v skladu s cilji in načeli Ustanovne listine Združenih narodov in Sklepne listine Konference o varnosti in sodelovanju v Evropi, sklenili sledeče:

1. člen

Republika Slovenija in Kirgiška republika bosta vzpostavili medsebojne diplomatske odnose na ravni veleposlanikov.

Article 2

The Parties to this Agreement agree that the provisions of Vienna Convention on Diplomatic Relations of 18 April 1961 shall apply to diplomatic relations between them.

Article 3.

The Parties to this Agreement agree that the provisions of Vienna Convention on Consular Relations of 24 April 1963 shall apply to consular relations between them.

Article 4

This Agreement enters into force upon signature.

Done in duplicate in the English language at Bishkek on 19 January 1994.

For the Republic of Slovenia
Lojze Peterle, (s)

For the Kyrghyz Republic
Askar Ajtmatov, (s)

2. člen

Podpisnici tega sporazuma se strinjata, da bodo določila Dunajske konvencije o diplomatskih odnosih z dne 18. aprila 1961 veljala tudi za diplomatske odnose med njima.

3. člen

Podpisnici tega sporazuma se strinjata, da bodo določila Dunajske konvencije o konzularnih odnosih z dne 24. aprila 1963 veljala tudi za konzularne odnose med njima.

4. člen

Ta sporazum prične veljati ob podpisu.

Sestavljeno v dveh izvodih v angleškem jeziku v Biškeku dne 19. januarja 1994.

Za Republiko Slovenijo
Lojze Peterle l. r.

Za Kirgiško republiko
Askar Ajtmatov l. r.

3. člen

Ta uredba začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 900-04/94-40/1-8
Ljubljana, dne 11. marca 1994.

Vlada Republike Slovenije

dr. Janez Drnovšek l. r.
Predsednik

VSEBINA

Stran

33. Akt o nasledstvu večstranskih mednarodnih pogodb o zračnem prometu, katerih članica je bila nekdanja SFRJ 179

34. Akt o nasledstvu nekaterih mednarodnih pogodb, katerih članica je bila nekdanja SFRJ 179

35. Zakon o ratifikaciji Konvencije o spravi in arbitraži v okrivu Konference o varnosti in sodelovanju v Evropi s finančnim protokolom 180

36. Uredba o ratifikaciji Sporazuma med Republiko Slovenijo in Kirgiško republiko glede vzpostavitve diplomatskih odnosov 196

Izdaja Časopisni zavod Uradni list RS – Direktor in odgovorni urednik Marko Polutnik – Tiska tiskarna Tone Tomšič v Ljubljani