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CAHDI (2000) 1

**AD HOC COMMITTEE OF LEGAL ADVISERS**  
**ON PUBLIC INTERNATIONAL LAW**  
**(CAHDI)**

**19th Meeting**  
**Berlin, 13-14 March 2000**

**SPECIFIC TERMS OF REFERENCE OF THE CAHDI AND THE DI-E-RIT**

Secretariat memorandum  
Prepared by the Directorate General of Legal Affairs

### **SPECIFIC TERMS OF REFERENCE<sup>†</sup>**

1. Name of committee: *AD HOC COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW (CAHDI)*
2. Type of committee: *Ad hoc* committee of experts
3. Source of terms of reference: Committee of Ministers
4. Terms of reference:

Under the authority of the Committee of Ministers, the Committee is instructed to examine questions of public international law, to exchange and, if appropriate, to co-ordinate the views of member States at the request of the Committee of Ministers, Steering Committees and *Ad Hoc* Committees and at its own initiative.

5. Membership of the Committee:
  - a. The Committee is composed of experts by member States, preferably chosen among the Legal Advisers to the Ministries of Foreign Affairs. Travel and subsistence expenses of one expert per member State (two for the State assuming the Chair of the Committee) are borne by the Council of Europe budget.
  - b. The European Community may send representatives, without the right to vote or to a refund of expenses, to meetings of the Committee.
  - c. The following States having observer status with the Council of Europe may send a representative without the right to vote or to a refund of expenses to meetings of the Committee: Canada, Holy See, Japan, United States of America and Mexico.
  - d. The following non-member States or organisations may send a representative, without the right to vote or to a refund of expenses (1), to meetings of the Committee:
    - \* Armenia (1)
    - \* Azerbaijan (1)
    - Australia
    - \* Bosnia and Herzegovina (2)
    - New Zealand
    - Israel (3)
    - The Hague Conference on Private International Law
    - NATO (4)
    - The Organisation for Economic Co-operation and Development
    - The United Nations and its specialised agencies (5).
6. Structures and working methods: -
7. Duration: The present terms of reference expire on 31 December 2000.

(†) Adopted at the 649<sup>th</sup> meeting of the Deputies, Strasbourg, 17 November 1998, appendix II to list of decisions, CM/Del/Dec(98)615/10.2, 631/10.1, CM(98)64, CM(98)172.

(1) Except in the case of special provisions application to States marked with \*. Adopted: see CM/Del/Concl(91)455/24, Appendix 5, Revised: (1) see CM/Del/Dec(96)557, item 2.1.

(2) Subject to their request.

(3) Admitted as observer "for the whole duration of the Committee" by the CAHDI, 17th meeting, Strasbourg 3-4 March 1998. The same is valid for subordinated committees. This decision was confirmed by the Committee of Ministers at its 670<sup>th</sup> meeting, Strasbourg, 18 May 1999. See CM/Del/Dec(99)670, item 10.2.

(4) see CM/Del/Dec/Act(93)488/29 and CM/Del/Concl(92)480/3.

(5) For specific items, at the request of the Committee.

### **SPECIFIC TERMS OF REFERENCE<sup>†</sup>**

1. Name of committee: GROUP OF EXPERTS ON RESERVATIONS TO INTERNATIONAL TREATIES (DI-E-RIT)
2. Type of committee: Committee of Experts
3. Source of terms of reference: *Ad hoc* Committee of Legal Advisers on Public International Law (CAHDI)
4. Terms of reference:

In the framework of the operation of the CAHDI as a European observatory of reservations to multilateral treaties of significant importance to the international community and of reactions by Council of Europe member States Parties to these instruments, the Group is called upon to:

- a. assist the CAHDI in carrying out the observation procedure;
  - b. examine reservations and interpretative declarations to multilateral treaties of significant importance to the international community;
  - c. bring to the attention of the members of the CAHDI those reservations and interpretative declarations which raise issues as to their admissibility from the point of view of international law and in particular from the human rights perspective;
  - d. prepare reports concerning the admissibility of the above-mentioned reservations and interpretative declarations for the attention of the members of the CAHDI; and
  - e. contribute in any other related manners to the activity of the CAHDI on reservations to international treaties.
5. Membership of the committee:
    - a. All member States may appoint an expert in the Group.
    - b. The Council of Europe bears the travel and subsistence expenses of the Chairman and 7 experts, one from each of the following countries: Croatia, Finland, The Netherlands, Romania, Russian Federation, Spain and Turkey.
    - c. The European Community may appoint a representative without reimbursement of expenses nor right to vote.
    - d. The following States having observer status with the Council of Europe may send a representative without the right to vote or to a refund of expenses to meetings of the Group: Canada, Holy See, Japan, United States of America and Mexico.
    - e. Representatives of the following organisations and countries will be invited to take part as observers in the meetings of the Group:
      - Armenia
      - Australia
      - Azerbaijan
      - Bosnia and Herzegovina
      - New Zealand

- Israel<sup>1</sup>
- The Hague Conference on Private International Law
- Organisation for Economic Co-operation and Development (OECD)
- North Atlantic Treaty Organisation (NATO)
- The United Nations and its specialised agencies<sup>2</sup>

6. Working structures and methods:

- a. The Group is co-ordinated by Ambassador Magnuson (Sweden).
- b. In carrying out its terms of reference, the Group may have recourse to specialists.

7. Duration: The present terms of reference expire on 31 December 2000.

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<sup>1</sup> Admitted following decision of the CAHDI (17<sup>th</sup> meeting, Vienna, 8-9 March 1999) confirmed by the Committee of Ministers at Deputies level (670<sup>th</sup> meeting, in Strasbourg, 18 May 1999) (CM/Dél/Déc(99)661/10.1).

<sup>2</sup> For specific items at the request of the DI-E-RIT and/or the CAHDI.