

Strasbourg, 13/08/99

DI-E-RIT (99) 8

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

GROUP OF EXPERTS ON RESERVATIONS TO INTERNATIONAL TREATIES
(DI-E-RIT)

2nd meeting
Strasbourg, 6 September 1999

PRELIMINARY DRAFT SPECIFIC TERMS OF REFERENCE FOR THE YEAR 2000

Secretariat memorandum
Prepared by the Directorate of Legal Affairs

Foreword

The current specific terms of reference of the DI-E-RIT approved by the Committee of Ministers at Deputies level (649th meeting) in Strasbourg, 17 November 1998, (see CM/Del/Dec(98)615/10.2, 631/10.1, CM(98)64, CM(98)172) expire 31 December 1999. Therefore, new terms of reference are required or an extension of the existing ones.

The document hereafter contains preliminary draft specific terms of reference for the year 2000 based on the current terms of reference.

It should be noted that following the CAHDI's decision, Ambassador Cede (Austria) has been Chairing the meetings of the DI-S-RIT and DI-E-RIT respectively in 1998 and 1999. In addition, in 1999 the Council of Europe has borne the travel and subsistence expenses for delegates from Croatia, Finland, Netherlands, Romania, Russia, Spain and Turkey.

Action required

Members of the Group are called upon to consider and approve the attached preliminary draft specific terms of reference for the year 2000 and to transmit them to the CAHDI for approval and transmission to the Committee of Ministers for final adoption. They may consider proposing a Chairman for the DI-E-RIT that the CAHDI may subsequently proposed to the Committee of Ministers for approval.

PRELIMINARY DRAFT SPECIFIC TERMS OF REFERENCE

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 declaration 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 as an European observatory of 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 7 experts, one from each of the following countries: ...[7 Member States].
 - 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 and United States of America.
 - e. Representatives of the following organisations and countries will be invited to take part as observers in the meetings of the Group:
 - The Hague Conference on Private International Law
 - Organisation for Economic Co-operation and Development (OECD)
 - North Atlantic Treaty Organisation (NATO)
 - Armenia
 - Australia
 - Azerbaijan
 - Bosnia and Herzegovina

- New Zealand
- United States of Mexico^{*}
- The United Nations and its specialised agencies[†]
- Israel[‡]

6. Working structures and methods:

[a. The Group is co-ordinated by]

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.

^{*} Admitted following decision of the CAHDI (15th meeting, Strasbourg, 3-4 March 1998).

[†] For specific items at the request of the DI-E-RIT and/or the CAHDI.

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