COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 20/09/2005 CAHDI (2005) 21

COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW (CAHDI)

30th meeting, Strasbourg, 19-20 September 2005

List of items discussed and decisions taken

1. The Committee of Legal Advisers on Public International Law (CAHDI) held its 30th meeting in Strasbourg on 19 and 20 September 2005. The meeting was opened by Ms Phani Dascalopoulou-Livada, Chair of the CAHDI. The list of participants can be found in the meeting report (document CAHDI (2005) 19 prov.) and the agenda appears in Appendix I to the present report (the references of the documents submitted at the meeting appear in Appendix II to document CAHDI (2005) 19 prov.).

2. The Director General of Legal Affairs, Mr Guy de Vel, informed the CAHDI of developments concerning the Council of Europe since the last meeting of the Committee, in particular the results of the Third Summit of Heads of State and Government of the Council of Europe (Warsaw, 16-17 May 2005) and the normative texts adopted over the past few months. The text of his statement appears as Appendix III to document CAHDI (2005) 19 prov.

3. The CAHDI was informed of the decisions of the Committee of Ministers of interest to the work of the CAHDI.

4. In the framework of its activity as a *European Observatory of Reservations to International Treaties*, the CAHDI considered:

a) a list of outstanding declarations and reservations to international treaties: several delegations informed the Committee of the follow-up they are likely to give to some of these declarations and reservations;

b) reservations to international treaties applicable to the fight against terrorism in accordance with the decision of the Committee of Ministers of 21 September 2001 (CM/Del/Dec (2001) 765 bis, Item 2.1). Notably, the CAHDI examined the follow-up given to the list of possibly problematic reservations, which was adopted at the last meeting (document CAHDI (2004) 22 rev). The new version appears in Appendix II to the present report (and in a separate document CAHDI (2005) 20). The CAHDI agreed to submit it to the Committee of Ministers for follow-up.

5. The CAHDI welcomed the forthcoming publication of the analytical report on the Council of Europe Pilot project on State practice regarding Immunities of States, which was presented to the Committee by Professor Hafner, Director of the Department of European, International and Comparative Law at the University of Vienna. The CAHDI expressed its satisfaction as to the work which had been accomplished and agreed that the information provided by delegation be published on the CAHDI website and that it be updated on regular basis.

6. The CAHDI considered developments related to the UN Convention on Jurisdictional Immunities and its implications as far as the European Convention on State Immunity is concerned,

and agreed to revert to this issue at its next meeting in the light of the outcome of an informal meeting of the Parties to the Convention (see also item 16).

7. The CAHDI examined replies from delegations to a questionnaire on the structure and functioning of the Office of Legal Adviser of the Ministry of Foreign Affairs in member and observer states and agreed on the usefulness of pursuing the collection of information. The CAHDI agreed to pursue consideration of this item at its next meeting and invited delegations who had not yet done so to submit their replies at their earliest possible convenience. Furthermore, the CAHDI agreed to publishing the replies received to date on its website.

8. The CAHDI examined replies from delegations to a questionnaire on the implementation at national level of UN sanctions and respect for human rights and agreed on the usefulness of pursuing the collection of information. The CAHDI agreed to pursue consideration of this item at its next meeting and invited delegations who had not yet done so to submit their replies at their earliest convenience. The CAHDI decided to keep the information collected restricted for the time being.

9. The CAHDI held an exchange of views with Mr Allan Rosas, Judge at the Court of Justice of the European Communities. The text of his statement appears in Appendix III to the present report.

10. The CAHDI considered the work of the International Law Commission (ILC) of the United Nations at their 57th session and held an exchange of views with Professor Martti Koskenniemi, member of the ILC.

11. The CAHDI considered issues relating to peaceful settlement of disputes, namely the compulsory jurisdiction of the International Court of Justice, its jurisdiction under other agreements including the European Convention on the Peaceful Settlement of Disputes and overlapping jurisdiction of international courts and tribunals, and agreed on the usefulness of pursuing the discussion on this item on the basis of a document to be prepared by the Secretariat.

12. The CAHDI considered current issues of international humanitarian law and held an exchange of views on the study on customary international humanitarian law, which was presented to the Committee by Mr Jean-Marie Henckaerts, representative of the International Committee of Red Cross. Furthermore, it considered developments relating to the 2nd Protocol to the 1954 Hague Convention on the Convention on the protection of cultural property in the event of armed conflict (1999).

13. The CAHDI considered recent developments concerning the functioning of the Tribunals established by UN Security Council Resolutions 827 (1993) and 955 (1994) and the International Criminal Court (ICC) and, in this connection, was informed of the organisation by the Council of Europe in the course of 2006, of the 4th Multilateral Consultation on the implications for Council of Europe member states of the ratification of the Rome Statute of the ICC, the holding of which is subject to voluntary contributions. In this connection, the delegations of Switzerland and Finland declared that they were prepared to make the necessary contributions to ensure the event be held.

14. The Secretariat informed the members of the CAHDI about the Council of Europe's activities against terrorism and referred in particular to two new Council of Europe conventions on the prevention of terrorism, and on money laundering and the financing of terrorism. The CAHDI went on to discuss developments in other fora.

15. In accordance with the statutory regulations, the CAHDI re-elected Ms Phani Dascalopoulou-Livada (Greece) and Sir Michael Wood (United Kingdom) respectively Chair and Vice-Chair of the Committee for one year.

16. The CAHDI decided to hold its next meeting in Strasbourg from 23 to 24 March 2006 and adopted the preliminary draft agenda which appears in Appendix IV to the present report. Moreover, the CAHDI was informed that the informal meeting referred to under item 6 will be held in Strasbourg

on 23 March 2006 at the close of the first day of the CAHDI meeting. The meeting is primarily addressed to the Parties to the European Convention on State Immunity although it is open to all member states.

APPENDIX I

AGENDA OF THE 30TH MEETING OF THE CAHDI

A. INTRODUCTION

1. Opening of the meeting by the Chair, Ms Dascalopoulou-Livada

2. Adoption of the agenda and approval of the report of the 29th meeting (Strasbourg, 17-18 March 2005)

3. Communication by the Director General of Legal Affairs, Mr de Vel

B. ONGOING ACTIVITIES OF THE CAHDI

4. Decisions by the Committee of Ministers concerning the CAHDI and requests for CAHDI's opinion

5. Law and practice relating to reservations and interpretative declarations concerning international treaties: European Observatory of Reservations to International Treaties:
   a. List of outstanding reservations and declarations to international Treaties
   b. Consideration of reservations and declarations to international Treaties applicable to the fight against terrorism
   - Observations submitted by the Authorities of Malaysia

6. Pilot Project of the Council of Europe on State practice regarding State immunities – Presentation of the analytical report by Professor Hafner

7. Organisation and functions of the Office of the Legal Adviser of the Ministry of Foreign Affairs

8. National implementation measures of UN sanctions, and respect for Human Rights

C. GENERAL ISSUES ON PUBLIC INTERNATIONAL LAW

9. Exchange of views with Mr Rosas, President of Chamber, member of the Court of Justice of the European Communities (ECJ)

10. The work of the Sixth Committee of the General Assembly of the United Nations and 57th session of the International Law Commission (ILC): Exchange of views with Professor Koskenniemi, member of the ILC

11. Peaceful settlement of disputes:
    a. Compulsory jurisdiction of the International Court of Justice (ICJ) (Article 36 (2))
    b. Jurisdiction of the ICJ under other agreements, including the European Convention on the Peaceful Settlement of Disputes
    c. Overlapping jurisdiction of international courts and tribunals

12. UN Convention on Jurisdictional Immunities and European Convention on State Immunities

13. Consideration of current issues of international humanitarian law:

a. Presentation of the ICRC study on customary international humanitarian law by Mr Henckaerts (ICRC)

b. 2nd Protocol to the Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict

14. Developments concerning the International Criminal Court (ICC)

15. Implementation and functioning of the Tribunals established by United Nations Security Council Resolutions 827 (1993) and 955 (1994)

16. Fight against Terrorism - Information about work undertaken in the Council of Europe and other international bodies

D. OTHER

17. Election of the Chair and Vice Chair

18. Date, place and agenda of the 31st meeting of the CAHDI

19. Other business
- Digest of state practice on international law
- Note of the last developments concerning the new procedure of notification of acts related to Council of Europe Treaties

APPENDIX II

EUROPEAN OBSERVATORY OF RESERVATIONS TO INTERNATIONAL TREATIES:

LIST OF PROBLEMATIC RESERVATIONS AND DECLARATIONS TO INTERNATIONAL TREATIES APPLICABLE TO THE FIGHT AGAINST TERRORISM

(COMPILED ON THE BASIS OF CONTRIBUTIONS FROM DELEGATIONS)

20/09/05

Convention	Reservation/Declaration by		Comments by delegations
	Country/Date	Content/Notes	
Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Montreal, 23 September 1971	Venezuela 21 November 1983	Reservation upon ratification, regarding Articles 4, 7 and 8 of the Convention: “Venezuela will take into consideration clearly political motives and the circumstances under which offences described in Article 1 of this Convention are committed, in refusing to extradite or prosecute an offender, unless financial extortion or injury to the crew, passengers, or other persons has occurred". The Government of the United Kingdom of Great Britain and Northern Ireland made the following declaration in a Note dated 6 August 1985 to the Department of State of the Government of the United States: "The Government of the United Kingdom of Great Britain and Northern Ireland do not regard as valid the reservation made by the Government of the Republic of Venezuela insofar as it purports to limit the obligation under Article 7 of the Convention to	**United Kingdom (UK):** Reservation is contrary to the paragraph 3(g) of UNSCR 1373 (2001) in so far as it purports to permit the Venezuelan authorities to take the political motives of offenders into consideration deciding whether to permit extradition of an offender. **Finland:** This reservation is not as problematic as the other ones in the list since it concerns minor offences.

		submit the case against an offender to the competent authorities of the State for the purpose of prosecution". With reference to the above declaration by the Government of the United Kingdom of Great Britain and Northern Ireland, the Government of Venezuela, in a Note dated 21 November 1985, informed the Department of State of the Government of the United States of the following: "The reserve made by the Government of Venezuela to Articles 4, 7 and 8 of the Convention is based on the fact that the principle of asylum is contemplated in Article 116 of the Constitution of the Republic of Venezuela. Article 116 reads: 'The Republic grants asylum to any person subject to persecution or which finds itself in danger, for political reasons, within the conditions and requirements established by the laws and norms of international law.' It is for this reason that the Government of Venezuela considers that in order to protect this right, which would be diminished by the application without limits of the said articles, it was necessary to request the formulation of the declaration contemplated in Art. 2 of the Law approving the Convention for the Suppression of Unlawful Acts Against the Security (sic) of Civil Aviation".	
Convention on the Prevention and Punishment of Crimes against	Burundi 17 December 1980	In respect of cases where the alleged offenders belong to a national liberation movement recognized by Burundi or by an international organization of which Burundi is a member, and	**UK:** Reservation purporting to reserve to Burundi the right not to apply the aspects of the Convention to members of national liberation movements is contrary to the objects and purpose of the Convention.

Internationally Protected Persons, Including Diplomatic Agents, New York, 14 December 1973		their actions are part of their struggle for liberation, the Government of the Republic of Burundi reserves the right not to apply to them the provisions of article 2, paragraph 2, and article 6, paragraph 1.	
	Malaysia 24 September 2003	The Government of Malaysia understands Article 7 of the Convention to include the right of the competent authorities to decide not to submit any particular case for prosecution before the judicial authorities if the alleged offender is dealt with under national security and preventive detention laws.	**Greece (Gr):** Declaration by Malaysia concerning article 7 runs contrary to the substance of this article which expressly provides that the case will be submitted to the competent authorities "without exception whatsoever and without undue delay". By the same token, the declaration seems to violate rules of due process.
Convention on the Physical Protection of Nuclear Material, Vienna, 3 March 1980	Pakistan 12 September 2000	1. The Government of the Islamic Republic of Pakistan does not consider itself bound by paragraph 2 of Article 2, as it regards the question of domestic use, storage and transport of nuclear material beyond the scope of the said Convention.	**UK:** Reservation, which purports to exclude the effect of paragraph 2 of Article 2, appears to be contrary to object and purpose of the Convention.
	France 6 September 1991	The French Government declares that the jurisdiction referred to in Article 8, paragraph 4 may not be invoked against it, since the criterion of jurisdiction based on involvement in international nuclear transport as the exporting or importing State is not expressly recognized in international law and is not provided for in French national legislation (Original in French)	**Gr:** Concerning the declaration by France with regard to article 8 paragraph 4 we doubt whether a jurisdiction established by another State Party on the basis of that paragraph may be rebutted by the State against which it is invoked, unless such jurisdiction is not consistent with international law in the particular case. However, the Greek delegation doubts whether the declarations made by France are of such fundamental importance as to run contrary to the object and purpose of the Convention.
	Oman 11 June 2003	1. Reservation with respect to Article 8; paragraph 4; the text of which states that "each State Party may, consistent with international law, establish its jurisdiction over the offences set forth in Article 7 when it is involved in international nuclear transport as the exporting or importing State".	**Gr:** regards the reservation by Oman, it is clear that Oman does not accept the ground of jurisdiction which is enshrined, although in a facultative way, in paragraph 4 of article 8. However, the Greek delegation doubts whether the

		2. In accordance with Article 17; paragraph 3 of the Convention; the Sultanate does not consider itself bound by the dispute settlement procedure provided for in Article 17; paragraph 2 of the Convention" (Original in Arabic) Upon a request by the Secretariat, the following specification of the nature of the reservation made with respect to Article 8, paragraph 4; was received from the Sultanate of Oman. "The reservation to Article 8, paragraph 4, made by the Sultanate of Oman is due to the fact that it is inconsistent with the principle of sovereignty of national jurisdiction; as well as with the principles of international law. This is because it establishes jurisdiction by importing and exporting States over offences committed outside their territories when they are involved in international nuclear transport" (Original in Arabic)	declarations / reservations made by Oman are of such fundamental importance as to run contrary to the object and purpose of the Convention.
International Convention for the Suppression of Terrorist Bombings, New York, 15 December 1997	Israel 10 February 2003	Declaration: The Government of the State of Israel understands that the term "international humanitarian law" referred to in Article 19, of the Convention has the same substantive meaning as the term "the laws of war"("jus in bello"). This body of laws does not include the provisions of the protocols additional to the Geneva Conventions of 1977 to which the State of Israel is not a Party.	**Gr:** The declaration by Israel concerning reference to article 19 is problematic insofar as it considers that the provisions of the Protocols Additional to the Geneva Conventions do not form part of international humanitarian law. As such and to the extent that such Protocols reflect customary international law, this declaration/reservation is contrary to the object and purpose of the Convention.

		The Government of the State of Israel understands that under Article 1 paragraph 4 and Article 19 the Convention does not apply to civilians who direct or organize the official activities of military forces of a state.	
	Malaysia 24 September 2003	Declaration: The Government of Malaysia understands Article 8 (1) of the Convention to include the right of the competent authorities to decide not to submit any particular case for prosecution before the judicial authorities if the alleged offender is dealt with under national security and preventive detention laws.	**Gr:** Same considerations as in the case of the Malaysian reservation to the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.
	Turkey 20 May 1999 30 May 2002	Declarations upon signature: The Republic of Turkey declares its understanding that the term international humanitarian law referred to in article 19 of the Convention for the Suppression of Terrorist Bombings shall be interpreted as comprising the relevant international rules excluding the provisions of additional Protocols to Geneva Conventions of 12 August 1949, to which Turkey is not a Party. The first part of the second paragraph of the said article should not be interpreted as giving a different status to the armed forces and groups other than the armed forces of a state as currently understood and applied in international law and thereby as creating new obligations for Turkey. Upon ratification: The Republic of Turkey declares its understanding that the term international humanitarian law referred to in Article (19) of the Convention for the	**Gr:** Same as above concerning Israel.

		Suppression of Terrorist Bombings shall be interpreted as comprising the relevant international rules excluding the provisions of Additional Protocols to Geneva Conventions of 12 August 1949, to which Turkey is not a Party. The first part of the second paragraph of the said article should not be interpreted as giving a different status to the armed forces and groups other than the armed forces of a state as currently understood and applied in international law and thereby as creating new obligations for Turkey.	
	Pakistan 13 August 2002	Declaration: The Government of the Islamic Republic of Pakistan declares that nothing in this Convention shall be applicable to struggles, including armed struggle, for the realization of right of self-determination launched against any alien or foreign occupation or domination, in accordance with the rules of international law. This interpretation is consistent with Article 53 of the Vienna Convention on the Law of Treaties 1969 which provides that an agreement or treaty concluded in conflict with existing jus cogen or peremptory norm of international law is void and, the right of self-determination is universally recognized as a jus cogen. Note of the UN Secretariat: With regard to the declaration made by the Government of Pakistan upon accession, the UN Secretary-General received the following communication from Russian Federation: "The Russian Federation has considered the	**Gr:** Pakistan's reservation is of a general nature and its application would lead to inoperativeness of the Convention. As such it runs counter to the object and purpose of the Convention. **UK:** Reservation purporting not to apply the Convention in respect of "struggles, including armed struggles, for the realization of the right of self-determination launched against any alien of foreign occupation or domination" is incompatible with the object and purpose of the Convention. **Russian Federation (RU):** 1. In the Russian Federation the procedure of making objections to reservations under the Federal Law of 1995 "On International Treaties of the Russian Federation" is set as follows. An objection to, as well as acceptance of a reservation to a treaty, can be made by a State organ that expressed consent of a State to be bound by that treaty. Such organs are the President, the Government and the Parliament. The last one decides upon the question when the treaty concerned has been ratified (or the Russian Federation has acceded to it by adopting a federal legislative act – Federal Law).

		declaration made by the Islamic Republic of Pakistan upon accession to the International Convention for the Suppression of Terrorist Bombings, of 1997. The Russian Federation takes the position that every State which has agreed to the binding nature of the provisions of the Convention must adopt such measures as may be necessary, pursuant to article 5, to ensure that criminal acts which, in accordance with article 2, are within the scope of the Convention, in particular where they are intended or calculated to provoke a state of terror in the general public or in a group of persons or particular persons, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature and are punished by penalties consistent with their grave nature. The Russian Federation notes that the realization of the right of peoples to self- determination must not conflict with other fundamental principles of international law, such as the principle of the settlement of international disputes by peaceful means, the principle of the territorial integrity of States, and the principle of respect for human rights and fundamental freedoms. The Russian Federation believes that the declaration made by the Islamic Republic of Pakistan upon accession to the International Convention for the Suppression of Terrorist Bombings is incompatible with the object and purpose of the Convention. In the view of the Russian Federation, the declaration made by the Islamic Republic of Pakistan may jeopardize the	2. Human rights treaties as well as anti-terrorist conventions under Russian legislation are subject to ratification by the Parliament of the Russian Federation. Objections to reservations to such treaties, therefore, require the same procedure as treaties themselves. As usual this process takes much time. This was the main consideration taken into account when it was decided to make not an objection to the declaration made by Pakistan to the International Convention for the Suppression of Terrorist Bombings but rather a declaration of political nature. Russian declaration of 22 September 2003 in response to the Pakistan's declaration unlike an objection does not entail any legal effects; its aim was to persuade Pakistan to reconsider its declaration.

		fulfilment of the provisions of the Convention in relations between the Islamic Republic of Pakistan and other States Parties and thereby impede cooperation in combating acts of terrorist bombing. It is in the common interest of States to develop and strengthen cooperation in formulating and adopting effective practical measures to prevent terrorist acts and punish the perpetrators. The Russian Federation, once again declaring its unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustified, regardless of their motives and in all their forms and manifestations, wherever and by whomever they are perpetrated, calls upon the Islamic Republic of Pakistan to reconsider its position and withdraw the declaration."	
	Egypt 9 August 2005	Reservations: 1. The Government of the Arab Republic of Egypt declares that it shall be bound by article 6, paragraph 5, of the Convention to the extent that the national legislation of States Parties is not incompatible with the relevant norms and principles of international law. 2. The Government of the Arab Republic of Egypt declares that if shall be bound by article 19, paragraph 2, of the Convention to the extent that the armed forces of a State, in the exercise of their duties, do not violate the norms and principles of international law. The Convention will enter into force for Egypt on 8 September 2005 in accordance with its article 22 (2).	Included in the list at the 30th meeting of the **CAHDI**: concern about the reservation relating to article 19 paragraph 2 and in particular about the possibility of expanding the scope of the Convention by means of a reservation.

International Convention for the Suppression of Financing of Terrorism, New York, 9 December 1999	Democratic People's Republic of Korea 12 November 2001	Reservation upon signature: 1. The Democratic People's Republic of Korea does not consider itself bound by the provisions of article 2, paragraph 1, sub-paragraph (a) of the Convention. 2. The Democratic People's Republic of Korea does not consider itself bound by the provisions of article 14 of the Convention. 3. The Democratic People's Republic of Korea does not consider itself bound by the provisions of article 24, paragraph 1 of the Convention.	**UK:** Reservations purporting to exclude Articles 2(1) (a) and 14 of the Convention are contrary to the object and purpose of the Convention and to UNSCR 1371(2001). **Gr:** Article 14 of the Convention is a fundamental provision of the Convention and the reservation of Democratic People's Republic of Korea to it runs counter to the object and purpose of the Convention.
	Jordan 28 August 2003	Declarations: 1. The Government of the Hashemite Kingdom of Jordan does not consider acts of national armed struggle and fighting foreign occupation in the exercise of people's right to self-determination as terrorist acts within the context of paragraph 1(b) of article 2 of the Convention. 2. Jordan is not a party to the following treaties: A. Convention on the Physical Protection of Nuclear Material, adopted in Vienna on 3 March 1980. B. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988. C. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988.	**UK:** Reservation, which does not consider "acts of national armed struggle and fighting foreign occupation in the exercise of people's right to self-determination" as terrorist acts, is contrary to the object and purpose of the Convention. **Gr:** Same commentary as regards to the Pakistani reservation to the International Convention for the Suppression of Terrorist Bombings. **RU:** Keeping with the Secretary General's request and the Committee of Ministers decision, on 1 March 2005 Russia had written to Jordan about its declaration to this International Convention for the Suppression of the Financing of Terrorism, asking it to review its position. This was not an objection by Russia that would require the adoption of a federal law, however.

		D. International Convention for the Suppression of Terrorist Bombings, adopted in New York on 15 December 1997. Accordingly Jordan is not bound to include, in the application of the International Convention for the Suppression of the Financing of Terrorism, the offences within the scope and as defined in such Treaties.	
	Egypt 1 March 2005	Reservation: 1. Under article 2, paragraph 2 (a), of the Convention, the Government of the Arab Republic of Egypt considers that, in the application of the Convention, conventions to which it is not a party are deemed not included in the annex. 2. Under article 24, paragraph 2, of the Convention, the Government of the Arab Republic of Egypt does not consider itself bound by the provisions of paragraph 1 of that article. Explanatory declaration: Without prejudice to the principles and norms of general international law and the relevant United Nations resolutions, the Arab Republic of Egypt does not consider acts of national resistance in all its, forms, including armed resistance against foreign occupation and aggression with a view to liberation and self-determination, as terrorist acts within the meaning of article 2, [paragraph 1] subparagraph (b), of the Convention. The Convention entered into force for Egypt on 31 March 2005 in accordance with its article 26 (2).	Included in the list at the 30th meeting of the **CAHDI**.
	Syrian Arab	Reservations and declarations:	Included in the list at the 30th meeting of the **CAHDI**.

	Republic 24 April 2005	A reservation concerning the provisions of its article 2, paragraph 1 (b), inasmuch as the Syrian Arab Republic considers that acts of resistance to foreign occupation are not included under acts of terrorism; Pursuant to article 2, paragraph 2 (a) of the Convention, the accession of the Syrian Arab Republic to the Convention shall not apply to the following treaties listed in the annex to the Convention until they have been adopted by the Syrian Arab Republic: 1. The International Convention against the Taking of Hostages, adopted by the General Assembly on 17 December 1979; 2. The Convention on the Physical Protection of Nuclear Materials, adopted at Vienna on 3 March 1980; 3. The International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly on 15 December 1997. Pursuant to article 24, paragraph 2, of the Convention, the Syrian Arab Republic declares that it does not consider itself bound by paragraph 1 of the said article; The accession of the Syrian Arab Republic to this Convention shall in no way imply its recognition of Israel or entail its entry into any dealings with Israel in the matters governed by the provisions thereof. The Convention will enter into force for the Syrian Arab Republic on 24 May 2005 in accordance with its article 26 (2).	
Convention for the Suppression of Unlawful Acts	Egypt 8 January	The instrument of ratification was accompanied by the following reservations:	**Gr:** The reservation of Egypt insofar as it refers to seagoing vessels in internal waters which are scheduled to navigate beyond territorial waters,

against the Safety of Maritime Navigation, Rome 10 March 1988 / Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, Rome 10 March 1988	1993	1. A reservation is made to article 16 on the peaceful settlement of disputes because it provides for the binding jurisdiction of the International Court of Justice, and also with regard to the application of the Convention to seagoing ships in internal waters which are scheduled to navigate beyond territorial waters. 2. A reservation is made to article 6, paragraph 2, of the Convention and article 3, paragraph 2, of the Protocol because those articles permit the optional jurisdiction of blackmailed States (which are asked by the perpetrator of an act of terrorism to do or abstain from doing any act). This is in compliance with the provision of paragraph 4 of each of the two articles.	seems to restrict the scope of application of the Convention as defined in article 4 although such article is not explicitly referred to in the text of the reservation. The reservation of Egypt to article 6 paragraph 2 of the Convention and article 3 paragraph 2 of the Protocol could be problematic in accordance with what was said concerning the reservation of Oman although the Egyptian reservation is less explicit.
International Convention against the taking of Hostages, New York, 17 December 1979	Lebanon 4 December 1997	Declaration: 1. The accession of the Lebanese Republic to the Convention shall not constitute recognition of Israel, just as the application of the Convention shall not give rise to relations or cooperation of any kind with it. 2. The provisions of the Convention, and in particular those of its article 13, shall not affect the Lebanese Republic's stance of supporting the right of States and peoples to oppose and resist foreign occupation of their territories.	**Gr:** The declaration made by Lebanon although seemingly of political nature may nonetheless in our view indicate an understanding by Lebanon that the Convention may not apply even when there is an international element to the offence.

Appendix III

REPORT BY MR. ROSAS, JUDGE AT THE COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES

The European Court of Justice: sources of law and methods of interpretation, with special emphasis on questions of relevance for public international law

The EU Judicial System

As is well known, the European Union (EU) is a very special phenomenon in the international legal system.[1] It is not surprising, then, that the EU judicial system is of a *sui generis* character and does not easily fit into traditional international law or national law classifications.

It consists of several instances, beginning as seen from the top with the Court of Justice (ECJ), established already in 1952. The ECJ was in 1988 supplemented by the Court of First Instance (CFI), which today has jurisdiction, inter alia, over cases brought by private parties against decisions by EU institutions as well as cases brought by Member States against decisions of the European Commission. On points of law, the decisions of the Court of First Instance are subject to a right of appeal to the Court of Justice.

The Treaty of Nice (2001) introduced the possibility of a further extension of this institutional structure to specialized judicial panels, the first of which was established in November 2004 to deal with EU civil service litigation.[2] Decisions of a judicial panel are subject to a right of appeal before the Court of First Instance.[3]

Moreover, one should not forget that the EU judicial system draws heavily upon the national courts of the 25 Member States, which apply EU law on a daily basis and are under Article 234 of the EC Treaty empowered, and in the case of courts of last instance, obliged to request so-called preliminary rulings from the ECJ on questions of interpretation.

Linked to the EU judicial system is the EFTA Court, with jurisdiction over matters belonging to the law of the European Economic Area (EEA), an integration regime of less supranational character associating Iceland, Liechtenstein and Norway to the EU.[4]

The main tasks of the ECJ is to give legally binding preliminary rulings requested by national courts, to judge so-called infringement cases brought by the European Commission against individual Member States for alleged non-compliance with EU law and to settle legal disputes between the EU political institutions (notably the European Parliament, the Council and the Commission) and between them and the Member States. These functions, and the possibility of private party-initiated litigation before the CFI,[5] and on appeal before the ECJ, underline the considerable differences which exist between the EU courts and more intergovernmental dispute settlement bodies such as the International Court of Justice or WTO panels and the

---

[1] In the words of the European Court of Justice, the Community is based on a new legal order and it possesses 'real powers stemming from the limitation of sovereignty or a transfer of powers from the States to the Community'Case C/64, *Costa v. ENEL* [1964] ECR 585. See also Case 26/62, *Van Gend en Loos v. Nederlandse Administratie der Belastingen* [1963] ECR 1.

[2] Council Decision 2004/752/EC, Euratom, of 2 November 2004 establishing the European Union Civil Service Tribunal, OJ L 333, 9.11.2004, p. 7. The new Tribunal will start to function in October 2005.

[3] In this case, the decisions of the Court of First Instance are not subject to a right of appeal before the Court of Justice, but they may exceptionally be subject to review by the Court of Justice 'where there is a serious risk of the unity or consistency of Community law being affected', Article 225, paragraph 2, of the EC Treaty and Article 62 of the Statute of the Court of Justice.

[4] Carl Baudenbacher, Per Tresselt and Thorgeir Örlygsson (eds), *The EFTA Court: Ten Years On* (Hart Publishing, Oxford, 2005).

[5] Soon to be supplemented by private-party litigation in personnel matters before the Civil Service Tribunal.

Appellate Body.

Sources of Law

The *basic Treaties* of the EU[6] are international treaties concluded by and between States. But because of their special status and content (supremacy, direct effect, legislative powers of the EU political institutions, and so on), the ECJ has characterized them as a 'constitutional charter based on the rule of law'.[7] And the great bulk of EU *secondary legislation,* that is, regulations and international agreements, become by their adoption, which in most cases can take place by qualified majority, directly applicable in the Member States, without national measures of implementation. While directives are addressed to the Member States, failure to implement them may under certain conditions give an individual a right to invoke their provisions before courts and public authorities (direct effect).

In addition to the written primary and secondary law, the ECJ has recognized as an important source of law the *general principles of Community law*. In the search for these principles, inspiration is sought from the national laws and legal traditions of the EU Member States and, especially in the field of fundamental rights, also from international human rights conventions binding upon the Member States, especially the European Convention on Human Rights.[8] The general principles of Community law are an important component of a constitutional edifice and thus differ from the 'general principles of law recognized by civilized nations' mentioned in the Statute of the International Court of Justice.[9]

The primary law of the EU would, of course, be modified if the new Treaty establishing a Constitution for Europe, signed in Rome on 29 October 2004, were to enter into force.[10] This constitutional treaty assembles together the basic Treaties (with the exception of the Euratom Treaty) and other texts of primary law and develops somewhat the system of secondary legislation. The Treaty also contains a Bill of Rights termed the Charter of Fundamental Rights of the Union, based on the Charter proclaimed by the three main EU political institutions in December 2000,[11] and provides for the accession of the EU to the European Convention on Human Rights.[12] It does not contain any radical changes to the EU judicial system as outlined above. The fate of the new constitutional treaty is, of course, an open question, in view of the on-going ratification process and the negative results in the two referendums held so far.

---

[6] Treaty establishing the European Community, Treaty establishing the European Atomic Energy Community and Treaty on European Union. There are also other sources of primary EU law, such as a number of Protocols and Accession Treaties.

[7] Case 294/83, *Les Verts v. European Parliament* [1986] ECR 1365, para. 23; Opinion 1/91, *Draft Treaty on the establishment of a European Economic Area* [1991] ECR I-6102, para. 21.

[8] The concept of general principles of Community law is to be found in Article 6, paragraph 2, of the Treaty on European Union (in the context of fundamental rights), while Article 288, paragraph 2, of the Treaty establishing the European Community refers to the 'general principles common to the laws of the Member States' (in the context of the non-contractual liability of the European Community).

[9] Article 38, paragraph 1, of the Statute.

[10] OJ C 310, 16.12.2004, p. 1.

[11] This Charter was first prepared by a separate Convention and proclaimed as a legally non-binding instrument by the European Parliament, the Council and the Commission on 7 December 2000, OJ C 364, 18.12.2000, p. 1. The Convention preparing the Constitution proposed its integration into the Constitution as its Part II and this solution, with some minor modifications of the text, was followed by the Intergovernmental Conference adopting the definitive text.

[12] Article I-9, paragraph 2, of the Treaty establishing a Constitution for Europe. See also Article 17 of Protocol No. 14 to the European Convention on Human Rights, amending Article 59 of the Convention.

Public International Law

That the EU, as a subject of international law, is bound by not only the agreements it has concluded[13] but also general (customary) international law has been recognized by the EU courts.

As far as *treaties* (agreements) are concerned, the EU approach is basically a monistic one: the treaties concluded by the Council become, *ipso facto*, part of EU law, without any need for further implementing measures. The decision by the Council to conclude the agreement thus makes it directly applicable. Among the roughly 1000 international agreements to which the Community is a party are to be found some conventions concluded under the auspices of the Council of Europe.[14] These and a number of other treaties have been concluded as so-called mixed agreements, meaning that not only the Community but also the EU Member States are Contracting Parties.[15]

Provisions of international agreements which are sufficiently precise and unconditional may also have direct effect, in establishing rights that individuals may invoke before courts and authorities. This is often the case with respect to bilateral agreements concluded with countries with which the EU maintains close relations[16] With respect to one Council of Europe Convention, European Convention No. 87 for the Protection of Animals Kept for Farming Purposes, the ECJ has held that it lacks direct effect.[17]

The ECJ has held that the WTO agreements, *in toto*, lack such direct effect as these agreements themselves, notably the Dispute Settlement Understanding, provide for several alternative forms of implementation, including not only direct implementation but also, for instance, negotiated settlement, compensation and toleration of trade sanctions.[18] The WTO agreements are directly applicable, though, meaning, *inter alia*, that EU law should be interpreted in the light of their provisions.[19]

The ECJ has referred to the 'primacy of international agreements concluded by the Community over provisions of secondary Community legislation'. While the Court has added that this primacy 'means that such provisions must, so far as is possible, be interpreted in a manner that is consistent with those agreements',[20] this formulation first appeared in a case concerning an

---

[13] Most international agreements are still concluded in the name of one or both of the Communities but some agreements are made in the name of the EU under Article 24 of the Treaty on European Union.

[14] More than 40 of the around 200 Council of Europe Conventions are open to the European Community. According to the web site of the Council of Europe, on 14 September 2005 the Community had become a party to nine conventions, Conventions no. 26, 33, 39, 50, 84, 87, 104, 123 and 180.

[15] On the competence of the European Court of Justice with respect to mixed agreements see, e.g., Case C- 239/03, *Commission of the European Communities v. French Republic*, judgment of 7 October 2004.

[16] There is an extensive case-law on the direct effect of international agreements. For a recent example, see Case C-265/03, *Igor Simutenko v. Ministerio de Educación y Cultura, Real Federación Española de Fútbol*, judgment of 12 April 2005, n.y.r., which concerns the 1994 Partnership Agreement concluded with the Russian Federation. In Case C-192/89, *Sevince* [1990] ECR I-3461, para. 24, the ECJ implicitly admitted the possibility of the direct effect of obligations contained in international agreements.

[17] See Case C-1/96, *The Queen v. Minister of Agriculture, Fisheries and Food, ex parte Compassion in World Farming Ltd* [1998] ECR I-1251, paras 30-37. See also Case C-189/01, *H. Jippes, Afdeling Groningen van de Nederlandse Vereniging tot Bescherming van Dieren and Afdeling Assen en omstreken van de Nederlandse Vereniging tot Bescherming van Dieren v. Minister van Landbouw, Natuurbeheer en Visserij* [2001] ECR I-5689, para. 74.

[18] The most recent judgment to this effect is Case C-377/02, *Léon Van Parys v. Belgisch Interventie- en Restitutiebureau (BIRB)*, judgment of 1 March 2005, n.y.r.

[19] For a recent example, see Case C-245/02, *Anheuser-Busch v. Budějovický Budvar*, judgment of 16 November 2004, nyr., which concerns the interpretation of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

[20] Case C-61/94, *Commission v. Germany* [1996] ECR I-3989, paragraph 52; Case C-286/02, *Bellio F.lli and Prefettura di Treviso, judgment of 1 April 2004, nyr,* paragraph 33. See also Case 142/88, *Hoesch AG and Germany v. Bergroth BmbH* [1989] ECR 3413, paragraph 30, and Case C-179/98, *Spain v. Commission* [1999] ECR I-1251, paragraph 11 (argument of the Spanish Government).

agreement lacking direct effect[21] and thus does not exclude the possibility of questioning the legality of EU secondary legislation if found in contravention of an international agreement having direct effect. In fact, the Court has examined the question of the validity of a Directive in view of the above-mentioned European Convention No. 87 for the Protection of Animals Kept for Farming Purposes and a Recommendation accompanying it (although it concluded that the validity of the directive was not affected, as the Convention was not found to be precise enough and the Recommendation was considered as not containing legally binding obligations).[22]

The following EU hierarchy of norms would thus emerge: 1) the basic Treaties and other primary law; 2) international agreements and 3) secondary legislation.[23]

International agreements may also be used as 'soft law' by the EU courts. This can arise in cases where either the Community is not a Contracting Party[24] or an instrument accompanying a convention to which the Community is a party is not considered as legally binding.[25]

As far as *general (customary) international law* is concerned, the ECJ has recognized its binding force as a source of EU law. This has been done in the context of treaty law and the law of the sea, in particular. Thus, for instance, the ECJ has stated that the Community 'must respect international law in the exercise of its powers' and that account must be taken in this context of the 1958 Geneva law of the sea conventions, 'in so far as they codify general rules recognized by international custom', and their successor of 1982, as 'many of its provisions are considered to express the current state of customary international maritime law'.[26] The Court has also admitted the right of an individual to challenge the validity of Community legislation suspending a Community agreement having direct effect on the basis that such suspension arguably violates customary international law (as codified in Article 62 (1) of the Vienna Convention on the Law of Treaties of 1969) relating to the suspension of agreements.[27]

While the EU Courts do not seem to have made explicit pronouncements to this effect, it would seem that their case-law is based on the idea that customary international law, too, is directly applicable in the EU legal order (which is not to say that it would have direct effect), in accordance with a monistic approach. No specific hierarchy seems to have been established by the court between treaty law and customary law.

Methods of Interpretation

It is commonplace to hold that the ECJ follows a 'teleological' method of interpretation, advancing the general objective of European integration and the more specific objectives of EU

---

[21] Case C-61/94 concerned a dairy agreement concluded in 1980 within the framework of the Tokyo Round of negociations of GATT, the predecessor to the WTO.

[22] Case C-1/96, note 17 *supra*.

[23] In the third category, one can distinguish between legislation adopted by the Parliament and/or the Council, and implementing rules adopted by the Commission on the basis of Article 202 EC.

[24] Concerning Council of Europe Conventions to which the Community is not a party see, e.g., Joined Cases C-320/94 et al., *Reti Televisive Italiane SpA* et al. [1996] ECR I-6471, para. 33; Case C-11/95, *Commission of the European Communities v. Kingdom of Belgium* [1996] ECR I-4115, para. 24; Case C-245/01, *RTL Television GmbH v. Niedersächsische Landesmedienanstalt für privaten Rundfunk* [2003] ECR I-12489, paras 63 and 72; Case C-89/04, *Mediakabel BV v. Commissariaat voor de Media*, judgment of 2 June 2005, n.y.r., para. 41, in which reference is made to European Convention No. 132 on Transfrontier Television of 1989. Compare Case C-222/94, *Commission of the European Communities v. United Kingdom of Great Britain and Northern Ireland* [1996] ECR I-4025, paras 43-50, where the Court concluded that, on a certain question, the Community legislature had chosen to regulate television services 'in a way which differs from the path followed by the Convention'.

[25] See, e.g., Case C-162/97, *Criminal Proceedings against Gunnar Nilsson, Per Olov Hagelgren and Solweig Arrborn* [1998] ECR I-7477, para. 49, where the Court noted that the Recommendation concerning Cattle adopted by the Standing Committee of European Convention No. 87 for the Protection of Animals kept for Farming Purposes, while it does not contain legally binding obligations for the Community, 'is an act adopted on the basis of a convention approved by the Community, and as such may be of use in interpreting the provisions of the convention'.

[26] Case C-286/90, *Anklagemyndigheden v. Poulsen and Diva Navigation Corp*. [1992] ECR I-6048, paragraphs 9-11.

[27] Case C-162/96, *A. Racke GmdH & Co. v. Hauptzollamt Mainz* [1998] ECR I-3655, paragraphs 45-61.

primary and secondary law, not so much in the sense of the subjective intentions of the authors of the Treaties and the legislator but rather as the 'objective' goals of integration and measures for its development and implementation.

It may be true that the EU courts have not given preponderance to a purely textual interpretation. With respect to the basic Treaties, that would have been difficult already because of the absence or scarcity of travaux préparatoires, the general nature of many of the provisions of the basic Treaties as well as the fact that they leave some questions unanswered.

Especially with the development of secondary legislation, the method of interpretation of the EU courts seems to have become more textual. They often refer to a combination of textual (literal), contextual (systemic) and teleological interpretations. The text of a legal provision provides the starting point. If the text is not clear, for instance if the language versions (there are now more than 20 official languages) differ, it is necessary to place the provision 'in its context' and to interpret it in relation to its 'spirit and purpose'.[28] The preambular (often quite extensive) parts of regulations and directives help to establish the objectives and context of a particular piece of legislation.

As a supplementary means of interpretation, the EU courts may also resort to the *travaux préparatoires*. Recent studies seem to indicate that there is an increasing use of preparatory works to shed further light on the text of a provision of secondary legislation and its context.[29]

The EU courts pay considerable attention to their earlier case-law. The objective of the uniform application of EU law and the principle of legal certainty are thought to require a great deal of consistency over time. With the quantitative development of the case-law (the total number of cases completed, in most cases by a judgment, by the two EU courts in 2004 was around 1000[30]), its relative weight has increased. This does not mean that the ECJ cannot, in carefully considered situations, revise its earlier case-law.[31] The CFI will normally uphold the ECJ case-law but may exceptionally attempt to develop it on some point.[32]

The ECJ relies on its own case-law and will not normally refer explicitly to CFI case-law, although such references are not completely unknown.[33] There is an increasing number of cases in which the ECJ has referred to judgments of the EFTA Court.[34]

---

[28] The quotations are from Case C-257/00, *Nani Givane and Others v. Secretary of State for the Home Department* [2003] ECR I-345, paragraph 38.

[29] Sfren Schønberg and Karin Frick, ' Finishing, Refining, Polishing: On the Use of Travaux Préparatoires as an Aid in the Interpretation of Community Legislation', (2003) 28 *European Law Review* 149-171.

[30] Court of Justice of the European Communities, *Annual Report 2004* (Luxembourg 2005), pp. 168, 191.

[31] Perhaps the most well-known case is Cases C-267 and C-268/91, *Criminal Proceedings against Keck and Mithouard* [1993] ECR I-6097, in which the Court held that, 'contrary to what has previously been decided', national provisions restricting or prohibiting certain selling arrangements do not necessarily affect trade between the Member States to such an extent that they are caught by Article 28 EC on free movement of goods (paragraph 16 of the judgment).

[32] Compare Case T-177/01, *Jégo-Quéré et Cie SA v. Commission* [2002] ECR II-2365 with Case C-50/00, *Unión de Pequeños Agricultores* [2002] ECR I-6677.

[33] A recent example of a reference to CFI case-law is to be found in the judgment of 15 March 2005, nyr., in Case C-160/03, *Spain v. Eurojust*, paragraph 35.

[34] See, e.g., the judgment of 11 March 1997, Case C-13/95, *Ayse Süzen v. Zehnacker Gebäudereinigung GmbH Krankenhausservice*, 1997 ECR I-1259, paragraph 10 (citing the advisory opinion of 19 December 1996 in Case E-2/96 Ulstein and Røiseng); judgment of the Court of Justice of 15 June 1999, Case C-140/97, *Walter Rechberger, Renate Greindl, Hermann Hofmeister and Others v. Republik Österreich*, 1999 ECR I-3499, paragraph 39 (citing the judgment of 10 December 1998 in Case E-9/94 Sveinbjörnsdottir); ; judgment of the Court of Justice of 9 September 2003, Case C-236/01, *Monsanto Agricoltura Italia SpA and Others v. Presidenza del Consiglio dei Ministri and Others*, 2003 ECR I-8105, paragraph 106 (citing the judgment of 5 April 2001 in Case E-3/00,EFTA Surveillance Authority v. Norway); judgment of 23 September 2003, Case C-192/01, *Commission of the European Communities v. Kingdom of Denmark*, 2003 ECR I-9693, paragraphs 47-53 (citing the same judgment); judgment of 1 April 2004, *Bellio F.lli Srl v. Prefettura di Treviso*, Case C-286/02, n.y.r., paragraph 34 (citing the judgment of 12 December 2003 in Case E-1/03, EFTA Surveillance Authority v. Iceland).

Since the mid-1990s, the ECJ, despite the fact that the Community is not a Contracting Party, has referred fairly frequently to the case-law of the European Court of Human Rights, to back up a certain interpretation of the European Convention. Its provisions are then used as a source of inspiration for the determination of fundamental rights as general principles of Community law. The Court has observed that, in situations where it has interpreted the European Convention in a certain manner, while subsequently the Strasbourg Court has arrived at a different interpretation, 'regard must be had to the case-law of the European Court of Human Rights subsequent to' the earlier case-law of the ECJ.[35]

The ECJ has also referred to judgments from the International Court of Justice on points of customary international law.[36] Recently, the ECJ for the first time referred to decisions of the WTO Appellate Body on the interpretation of provisions of a WTO agreement (in this case, the TRIPS).[37]

The ECJ is, of course, not directly bound by such 'external' case-law in the strict meaning of the term. However, the ECJ seems to give special relevance to the case-law of international courts and tribunals, if the court or tribunal in question constitutes a generally accepted adjudicatory body set up to interpret rules of international law that have a special significance for the EU legal order (such as customary international law, the European Convention on Human Rights or the WTO Agreements).

[35] Case C-94/00, *Roquette Frères* [2002] ECR I-9011, para. 29.

[36] See, e.g. Cases C-286/90, *Anklagemyndigheden v. Poulsen and Diva Navigation Corp*. [1992] ECR I-6048, paragraph 10; C-432/92, *The Queen v. Minister of Agriculture, Fisheries and Food, ex parte S.P. Anastasiou (Pissouri) Ltd and others* [1994] ECR I-3086, paragraph 35; T-115/94, *Opel Austria GmbH v. Council* [1997] ECR II-39, paragraph 90; C-162/96, *A. Racke GmbH & Co. v. Hauptzollamt Mainz* [1998] ECR I-3655, paragraph 50; C-37/00, *Herbert Weber v. Universal Ogden Services Ltd* [2002] ECR I-2013, paragraph 34.

[37] Case C-245/02, *Anheuser-Busch v. Budějovický Budvar*, judgment of 16 November 2004, nyr., paragraphs 49 (reference to the Report of the Appellate Body of 18 September 2000 in Canada – Term of Patent Protection (AB-2000-7), WT/DS170/AB/R) and 67 (reference to the Report of the Appellate Body of 2 January 2002 in United States – Section 211 of the Omnibus Appropriations Act (AB-2001-7), WT/DS176/AB/R).

APPENDIX IV

DRAFT AGENDA OF THE 31st MEETING OF THE CAHDI

A. INTRODUCTION

1. Opening of the meeting by the Chair, Ms Dascalopoulou-Livada

2. Adoption of the agenda and approval of the report of the 30th meeting (Strasbourg, 19-20 September 2005)

3. Communication by the Director General of Legal Affairs, Mr de Vel

B. ONGOING ACTIVITIES OF THE CAHDI

4. Decisions by the Committee of Ministers concerning the CAHDI and requests for CAHDI's opinion

5. Law and practice relating to reservations and interpretative declarations concerning international treaties: European Observatory of Reservations to International Treaties:
   a. List of outstanding reservations and declarations to international Treaties
   b. Consideration of reservations and declarations to international Treaties applicable to the fight against terrorism

6. State practice regarding State immunities

7. Organisation and functions of the Office of the Legal Adviser of the Ministry of Foreign Affairs

8. National implementation measures of UN sanctions, and respect for Human Rights

9. Digest of State practice on international law, proposal for a new activity

C. GENERAL ISSUES ON PUBLIC INTERNATIONAL LAW

10. Peaceful settlement of disputes:
    a. Compulsory jurisdiction of the International Court of Justice (ICJ) (Article 36 (2))
    b. Jurisdiction of the ICJ under other agreements, including the European Convention on the Peaceful Settlement of Disputes
    c. Overlapping jurisdiction of international courts and tribunals

11. UN Convention on Jurisdictional Immunities and European Convention on State Immunity

12. Consideration of current issues of international humanitarian law:
    - 2nd Protocol to the Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict

13. Relationship between human rights law and international law, including international humanitarian law

14. Developments concerning the International Criminal Court (ICC)

15. Implementation and functioning of the Tribunals established by United Nations Security Council Resolutions 827 (1993) and 955 (1994)

16. UN Secretary-General report “In larger freedom: towards development, security and human rights for all” and UN High-level Panel report

17. Fight against Terrorism - Information about work undertaken in the Council of Europe and other international bodies

D. OTHER

18. Date, place and agenda of the 32nd meeting of the CAHDI

19. Other business