



Strasbourg, 23/08/07

CAHDI (2007) 16 Add

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

**34th meeting
Strasbourg, 10-11 September 2007**

**DECISIONS OF THE COMMITTEE OF MINISTERS CONCERNING THE CAHDI AND
REQUESTS FOR THE CAHDI'S OPINION**

Document prepared by
the Secretariat of the CAHDI

1. CAHDI

1.a CM/Del/Dec(2007)993/3.2bE 16 April 2007

Parliamentary Assembly – Standing Committee (Paris, 16 March 2007)

Texts adopted

(2007 Session (Provisional compendium of texts adopted))

Decisions

The Deputies

1. concerning Recommendation 1788 (2007) – The United States of America and international law
 - a. decided to bring it to the attention of their governments;
 - b. agreed to communicate it to the Committee of Legal Advisers on Public International Law (CAHDI) for information and possible comments by 15 June 2007;
 - c. in the light of possible comments, invited their Rapporteur Group on Legal Co-operation (GR-J) to prepare a draft reply for adoption at one of their forthcoming meetings;

[...]

Strasbourg, 11/06/07

**COMMENTS OF THE COMMITTEE OF LEGAL ADVISERS
ON PUBLIC INTERNATIONAL LAW (CAHDI)
REGARDING
COUNCIL OF EUROPE PARLIAMENTARY ASSEMBLY
RECOMMENDATION 1788 (2007) - *THE UNITED STATES OF AMERICA AND
INTERNATIONAL LAW***

1. On 12 April 2007, the Ministers' Deputies communicated Assembly Recommendation 1788 (2007) to the Committee of Legal Advisers on Public International Law (CAHDI), for information and possible comments by 15 June 2007¹.
2. The following comments have been adopted by the CAHDI through correspondence. (The CAHDI did not have a scheduled meeting between the date of the Committee of Ministers' request and 15 June 2007.)
3. In Recommendation 1788 (2007), the Assembly recommended that the Committee of Ministers transmit Assembly Resolution 1539 (2007) (*The United States of America and International Law*) to the Government of the United States of America, reminding it of its obligations as a Council of Europe observer State, and requesting the United States authorities to respond to this and earlier Assembly Resolutions.
4. Resolution 1539 (2007) is addressed both to the United States authorities and to United States parliamentarians at the Federal and State level. While the Resolution commends the United States for its traditional role as an upholder of the rule of law, at the same time it includes powerful criticisms of certain recent developments. The Resolution is based on a Report by the Assembly's Committee on Legal Affairs and Human Rights (Doc. 11181), which includes an Explanatory Memorandum based on a working paper by Philippe Sands. The Memorandum is an historical and policy analysis of US attitudes to international law raising difficult legal and policy issues,
5. Council of Europe member States are already in dialogue with the United States authorities on matters of concern in these and other fields; John B Bellinger III, Department of State Legal Adviser, and his colleagues from the Office of the Legal Adviser in the Department of State, participate regularly and actively in the meetings of the CAHDI, as the United States observer delegation.
6. The United States, which has a Permanent Observer Mission to the Council of Europe, is entitled to attend meetings of the Committee of Ministers and the Ministers' Deputies.

¹ CM/Del/Dec(2007)993 16 April 2007.