



Strasbourg, 10/09/09

CAHDI (2009) OJ 2 annotated

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

**38th meeting
Strasbourg, 10-11 September 2009**

Palais de l'Europe, room 9 – 9h30

ANNOTATED AGENDA

A. INTRODUCTION

1. Opening of the meeting by the Chair, Mr Rolf Einar Fife
2. Adoption of the agenda **CAHDI (2009) OJ 2 + annotated**
3. Approval of the report of the 37th meeting **CAHDI (2009) 8 prov**
4. Statement by the Director of Legal Advice and Public International Law,
Mr Manuel Lezertua **CAHDI (2009) Inf 10**

The Secretariat will provide information on developments within the Council of Europe since the CAHDI's 37th meeting, in particular the latest developments concerning the Council of Europe Treaty Series.

B. ONGOING ACTIVITIES OF THE CAHDI

5. Committee of Ministers' decisions of relevance to the CAHDI's activities including requests of the CAHDI's opinion **CAHDI (2009) 9**

The Secretariat is invited to take note of relevant decisions and to consider requests for its opinion.

The Recommendation 1870 (2009) of the Parliamentary Assembly of the Council of Europe (PACE) – "Protecting financial aid granted by Council of Europe member states to poor countries against financial funds known as "vulture funds" – has been communicated to the CAHDI for information.

The Recommendation 1871 (2009) of the PACE – "Ban on cluster munitions" – has been communicated to the CAHDI for information and possible comments.

6. Immunities of States and international organisations:

- a. State practice and case-law **CAHDI (2009) Inf 11**

Since the 37th meeting, the Secretariat has received one new updated contribution from the Japanese delegation to the database on State practice regarding State immunities. Delegations are invited to present developments concerning State practice regarding State immunities orally and to update their contributions to the aforesaid database on a regular basis. Those delegations which have not yet done so are invited to submit their contributions at their earliest convenience.

b. UN Convention on Jurisdictional Immunities of States and Their Property

CAHDI (2009) Inf 12

Each member and observer State is invited to report on its position regarding the UN Convention on Jurisdictional Immunities of States and Their Property. Since the last CAHDI meeting, no new signatures or ratifications have been deposited.

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

- a. Questions dealt with by offices of the Legal Advisers which one of wider interest and relate to drafting of implementing legislation, foreign litigation, peaceful settlement of disputes, other questions of relevance to the Legal Adviser

b. Updates of the website entries

CAHDI (2009) Inf 13

The delegations are invited to present national developments orally and to update their contributions to this database on a regular basis. Those delegations which have not yet done so are invited to submit their contributions at their earliest convenience. Since the last CAHDI meeting, no new contributions have been submitted.

8. National implementation measures of UN sanctions and respect for human rights

CAHDI (2009) Inf 15

Since the 37th meeting, the delegation of the European Commission has submitted an updated version of its contribution. Other delegations are invited to present national developments orally and to update their contributions to this database on a regular basis. Those delegations which have yet done so are invited to submit their contributions at their earliest convenience.

9. Cases before the ECHR involving issues of public international law

All delegations are encouraged to report on any judgements or decisions, pending cases or relevant ongoing events.

10. Peaceful settlement of disputes

a. Compulsory jurisdiction of the ICJ (Article 36(2))

CAHDI (2009) 10, 13 & 14

Delegations are invited to consider the document CAHDI(2009)10 updated by the Secretariat and containing information on the ICJ's jurisdiction under selected international treaties and agreements. Delegations are invited to consider the request by Georgia for modification of the document CAHDI (2009)10.

b. Follow-up to Recommendation CM/Rec(2008)9 of the Committee of Ministers to member States on the nomination of international arbitrators and conciliators

11. Law and practice relating to reservations and interpretative declarations concerning international treaties: European Observatory of Reservations to International Treaties:

- List of outstanding reservations and declarations to international Treaties

CAHDI (2009) 11 & Add

Delegations are invited to consider outstanding reservations and declarations to international treaties concluded outside the Council of Europe and to Council of Europe treaties. Information concerning these treaties can be consulted at <http://treaties.un.org> and <http://conventions.coe.int>.

C. GENERAL ISSUES ON PUBLIC INTERNATIONAL LAW

12. Exchange of views with the European Commission for Democracy through Law (Venice Commission) represented by its President, Professor Jan Erik Helgesen

13. The work of the International Law Commission (ILC) and of the Sixth Committee : exchange of views with Mr. Georg Nolte, member of the ILC **CAHDI (2009) Inf 14**
The Report of the ILC on the work of its 61st session was kindly provided by the ILC Secretariat. This document is available on the CAHDI's restricted website.
14. Consideration of current issues of international humanitarian law
15. Developments concerning the International Criminal Court (ICC)
16. Implementation and functioning of other international criminal tribunals (ICTY, ICTR, Sierra Leone, Lebanon, Cambodia)
17. Follow-up to the outcome document of the 2005 UN World Summit – Advancing the international rule of law
18. Fight against terrorism - Information about work undertaken in the Council of Europe and other international bodies
19. Topical issues of international law

D. OTHER

20. Election of the Chair and Vice-Chair **CAHDI (2009) 12**
The first term of office of Mr Rolf Einar Fife (Norway) and Mrs Edwige Belliard (France), respectively Chair and Vice-chair of the CAHDI, expire end of 2009. This term can be renewed once.
21. Date, place and agenda of the 39th meeting of the CAHDI
22. Other business **CAHDI (2009) Inf 16**
The delegations are invited to take note of the invitation to the "Round Table on ways of Protection of the Right to a Trial within reasonable Time – Countries' Experiences and on short-term Reform of the European Court of Human Rights", organised on 21-22 September in Bled (Slovenia) in the frame of Slovenian Chairmanship of the Committee of Ministers of the Council of Europe.

TENTATIVE ORDER OF BUSINESS

	10 September 2009
09h30	Items 1 – 9
13h00	<i>Lunch break</i>
14h30	Items 10, 11, 12
17h30	End of session
	11 September 2009
09h30	Items 14, 19, 15 – 18, 13, 20 – 22
13h00	End of meeting