



Strasbourg, 19/03/09

CAHDI (2009) OJ 1 annotated

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

**37<sup>th</sup> meeting  
Strasbourg, 19-20 March 2009**

**Palais de l'Europe, room 1 – 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 1 + annotated**
3. Approval of the report of the 36<sup>th</sup> meeting **CAHDI (2008) 25 prov**
4. Statement by the Director of Legal Advice and Public International Law,  
Mr Manuel Lezertua **CAHDI (2009) Inf 1**

*The Secretariat will provide information on developments within the Council of Europe since the CAHDI's 36th meeting, in particular the latest developments concerning the Council of Europe Treaty Series.*

**B. ONGOING ACTIVITIES OF THE CAHDI**

5. Decisions by the Committee of Ministers concerning the CAHDI and requests for the  
CAHDI's opinion **CAHDI (2009) 1**

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

Preliminary opinion of the CAHDI on the public international law aspects of the advisability and modalities of inviting the European Court of Human Rights to put into practice certain procedures which are already envisaged to increase the Court's case-processing capacity, in particular the new single-judge and committee procedures **CAHDI (2009) 1, 2 prov & 5, CAHDI (2009) Inf 2 & 8**

**CDDH (2008) 014 Addendum I, AS/JUR (2008) 45**

*Following the decision adopted by the Committee of Ministers' Deputies at their 1041st meeting on 19 November 2008, and in the light of the preliminary draft opinion adopted by the Steering Committee for Human Rights (CDDH) on 1st December 2008, the Secretariat has prepared the CAHDI's preliminary draft opinion, the final version of which must be transmitted to the Committee of Ministers by 21 March 2009. The Secretariat circulated the preliminary draft opinion to CAHDI members and observers on 18 February 2009.*

6. Immunities of States and international organisations:
  - a. State practice and case-law **CAHDI (2009) Inf 3**

*Since the 36th meeting, the Secretariat has received one new contribution from the Israeli delegation to the database on State practice regarding State immunities, and one updating from the Russian delegation.*

*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 4**

*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, two UN member States have ratified the Convention, namely Lebanon and Islamic Republic of Iran. No new signatures or ratifications of CoE member States have been deposited (CAHDI (2009) Inf 4).*

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 are of wider interest and relate to drafting of implementing legislation, foreign litigation, peaceful settlement of disputes, other questions of relevance to the Legal Adviser

**CAHDI (2006) 27, CAHDI (2007) 13 & 22**

b. Updates of the website entries

**CAHDI (2009) Inf 5 rev**

*Since the 36th meeting, the Swedish delegation has submitted an updated version of its contribution and the Moldavian delegation has submitted a new contribution to the database (CAHDI (2009) Inf 5 rev). Other delegations are invited to present national developments orally and to update their contributions to the database on a regular basis. Those delegations which have not yet done so are invited to submit their contributions at their earliest convenience.*

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

**CAHDI (2009) Inf 6**

*Since the 36th meeting, the Danish delegation has submitted a new contribution to the database on National Implementation measures of UN sanctions and respect for human rights (CAHDI (2009) Inf 6) and the delegation of the United Kingdom updated 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 not 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. To this end, short papers or oral presentations by delegations would be appreciated.*

10. Peaceful settlement of disputes

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

**CAHDI (2009) 3**

*Delegations are invited to consider the updated document CAHDI (2009) 3 containing information on the ICJ's jurisdiction under selected international treaties and agreements.*

- 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:

- a. List of outstanding reservations and declarations to international Treaties

**CAHDI (2009) 4 & 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 (CAHDI (2009) 4 & Add). Information concerning these treaties can be consulted at <http://treaties.un.org> and <http://conventions.coe.int>.*

- b. Consideration of reservations and declarations to international Treaties applicable to the fight against terrorism **CAHDI (2008) 10**

*At the request of the Committee of Ministers, the CAHDI adopted a list of potentially problematic reservations to anti-terrorist treaties at its 28th meeting (CAHDI (2004) 22). The CAHDI subsequently revised the list at its 29th, 30th and 35th meetings.*

## **C. GENERAL ISSUES ON PUBLIC INTERNATIONAL LAW**

12. Consideration of current issues of international humanitarian law
13. Developments concerning the International Criminal Court (ICC)
14. Implementation and functioning of other international criminal tribunals (ICTY, ICTR, Sierra Leone, Lebanon, Cambodia)
15. Follow-up of the International Conference "International Courts and Tribunals – The Challenges Ahead" (London, 6-7 October 2008) **CAHDI (2009) 1 Appendix II**
16. Follow-up to the outcome document of the 2005 UN World Summit – Advancing the international rule of law **CAHDI (2006) 11, CAHDI (2009) 1, Inf 7 & Inf 9**

*On 2 December 2008 the Deputies of the Committee of Ministers recommended that the document, 'The Council of Europe and the rule of law – an overview', be forwarded to the CAHDI for information and possible comments by 31 March 2009. The delegations are also invited to present relevant information on national or international events aimed at advancing the international rule of law.*

17. Fight against terrorism - Information about work undertaken in the Council of Europe and other international bodies
18. Topical issues of international law

## **D. OTHER**

19. Election of the Vice-Chair **CAHDI (2009) 6**
20. Date, place and agenda of the 38th meeting of the CAHDI
21. Other business

## **TENTATIVE ORDER OF BUSINESS**

	<b>19 March 2009</b>
09h30	Items 1 – 5
12h30	<i>Lunch Break</i>
14h00	(Item 5, if necessary) Items 6 – 11
17h00	End of the session

	<b>20 March 2009</b>
09h30	(Item 5, if necessary) Items 12-20
12h30	End of the meeting