



Strasbourg, 08/09/09

CAHDI (2009) 13  
*Anglais seulement*

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

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

**Item 10 a.: PEACEFUL SETTLEMENT OF DISPUTES :  
COMPULSORY JURISDICTION OF THE ICJ (Article 36 (2))**

**REQUEST BY GEORGIA CONCERNING THE DOCUMENT CAHDI (2009)10**



საქართველოს პუბლიკი წარმომადგენლობა ევროპის საბჭოსთან  
PERMANENT REPRESENTATION OF GEORGIA TO THE COUNCIL OF EUROPE

07/108-02 (MJ/LP)

Strasbourg, 7 September 2009

Dear Mr Guessel

I am referring to the document CAHDI(2009)10 (International Court of Justice's Jurisdiction under selected international treaties and agreements, situation concerning the member states of the Council of Europe) of 7 August 2009, which was distributed ahead of the forthcoming 38<sup>th</sup> meeting of the Committee of Legal Advisers on Public International Law (CAHDI).

On page 2 of the document information is given on the ICJ's compulsory jurisdiction in relation to the International Convention on the Elimination of all forms of Racial Discrimination. The document further mentions that "Article 22 provides for the compulsory jurisdiction of the ICJ for the settlement of disputes about the interpretation or application of the Convention, **once the negotiation process has failed.**"

I believe that the abovementioned formulation of procedural conditions under Article 22 of the CERD does not correspond to the existing wording of the Article. Therefore, I would highly appreciate if the paragraph in question could be corrected in line with the wording of Article 22 of the CERD. Namely, I would suggest amending the paragraph ahead of the CAHDI plenary as follows: "Article 22 provides for the compulsory jurisdiction of the ICJ for the settlement of any disputes about the interpretation or application of the Convention, which is not settled by negotiation or by the procedures expressly provided for in the Convention".

I remain at your disposal should you require any additional information or argumentation concerning the said request.

Yours sincerely

Mamuka JGENTI

Chargé d'Affaires a.i./Deputy Permanent Representative

**Mr Alexandre GUESSEL**  
**Head of Public International Law and**  
**Anti-Terrorism Division**  
**Secretary to the CAHDI**  
**Council of Europe**

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