

Strasbourg, 18/03/10

CAHDI (2010) OJ1

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

**39th meeting
Strasbourg, 18-19 March 2010**

Palais de l'Europe, room 3 – 9h30

ANNOTATED AGENDA

A. INTRODUCTION

1. Opening of the meeting by the Chair, Mr. Rolf Einar Fife
2. Adoption of the agenda **CAHDI (2010) OJ 1 + annotated**
3. Approval of the report of the 38th meeting **CAHDI (2009) 16 prov**
4. Statement by the Director of Legal Advice and Public International Law, Mr Manuel Lezertua **CAHDI (2010) Inf 1 & 8**

The Secretariat will provide information on developments within the Council of Europe since the CAHDI's 38th meeting, in particular the latest developments concerning the Council of Europe Treaty Series.

The report of the PACE Committee on Legal Affairs and Human Rights is presented for information only.

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 (2010) 1 + Add
CDL-AD (2009) 038**

The CAHDI is invited to take note of relevant decisions and to consider requests for its opinion. In particular, the attention of the Committee is drawn to the consideration by the Ministers' Deputies Rapporteur Group on Legal Co-operation (GR-J) of the issue of giving the CAHDI the draft ad hoc terms of reference in the context of the examination of a draft reply to Parliamentary Assembly Recommendation 1858 (2009). The draft decisions are presented in the Addendum for information, however, they are still subject to formal adoption by the Ministers' Deputies in April.

- Request for possible comments of the CAHDI on Recommendation 1865 (2009) – "The protection of Human Rights in emergency situations"

CAHDI (2010) 2

The Recommendation 1865 (2009) of the Parliamentary Assembly of the Council of Europe on "The protection of human rights in emergency situations" was transmitted by the Ministers' Deputies to the CAHDI for information and possible comments. This request reached the CAHDI's Secretariat only after the 38th meeting of the Committee and the answer should have been formulated before 15 December 2009. The Chair of the CAHDI, in consultation with the Vice-Chair, decided to transmit to the Ministers' Deputies the communication found in CAHDI (2010) 2.

Request for possible comments of the CAHDI on Recommendation 1888 (2009) – “Towards a new ocean governance” **CAHDI (2010) 3**

Delegations are asked to consider the draft reply proposed by the Secretariat and agreed by the Chair and Vice-Chair of the Committee.

6. Immunities of States and international organisations:

a. State practice and case-law

- recent national developments and updates of the website entries

CAHDI (2010) Inf 2 + CAHDI (2010) 12

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. Since the last CAHDI meeting, European Union presented its practice regarding lawsuits in third countries.

- exchange of national practices on possibilities for the Ministry of Foreign Affairs to raise public international law issues in procedures pending before national tribunals and related to States' or international organisations' immunities **CAHDI (2010) 6 + Addenda**

The Secretariat has circulated a questionnaire on this matter and kindly asks delegations to provide their responses to the Secretariat at their earliest convenience. Thus far, the Secretariat has received responses from Albania, Austria, Belgium, Cyprus, Denmark, Estonia, Finland, France, Ireland, Italy, Latvia, Luxembourg, Montenegro, Norway, Portugal, Romania, the Russian Federation, Slovenia, the Slovak Republic, Canada, Japan and the United States.

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

CAHDI (2010) Inf 3

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, Sweden has ratified the Convention.

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 Adviser which are of wider interest and related to the drafting of implementing legislation, foreign litigation, peaceful settlements of disputes, and other questions of relevance to the Legal Adviser.

The delegations are invited to follow the presentation by the Office of Legal Affairs of Interpol.

b. Updates of the website entries

CAHDI (2010) Inf 4 rev

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, the contribution of Interpol has been submitted and published in the database.

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

CAHDI (2010) Inf 5, CAHDI (2010) 7 & 9, 11

Since the 38th meeting, the updates of the United Kingdom and the European Union had been submitted to the database on National Implementation Measures of UN Sanctions and Respect for Human Rights. 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.

CAHDI is also invited to consider information submitted by delegations on cases that have been eventually submitted to national tribunals by persons or entities removed from the lists established by the UN Security Council Sanctions Committee. The delegations of Belgium, Denmark, France, the United Kingdom, Canada and the United States have presented information for the discussion under this item (document CAHDI (2010) 7).

The delegation of Interpol has also presented a document on Interpol's cooperation with UN Security Council Sanction Committees (document CAHDI (2010) 9).

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

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

10. Peaceful settlement of disputes

CAHDI (2010) 4

Delegations are invited to consider the updated document CAHDI (2010) 4 containing information on the ICJ's jurisdiction under selected international treaties and agreements.

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 (2010) 5 + Add

Delegations are invited to consider outstanding reservations and declarations to international treaties concluded outside the Council of Europe (CAHDI (2010) 5). For the 39th meeting of the CAHDI, no outstanding reservations or declarations to treaties concluded within the Council of Europe had been deposited with the Secretary General of the Council of Europe. Delegations are invited, in particular, to present their intentions in view of updating the table prepared by the Secretariat (CAHDI (2010) 5 Add). Information concerning these treaties can be consulted at <http://treaties.un.org>.

C. GENERAL ISSUES ON PUBLIC INTERNATIONAL LAW

12. Accession of the European Union to the European Convention of Human Rights: exchange of views with Mr Jean-Paul Costa, President of the European Court of Human Rights (ECHR)

CAHDI (2010) Inf 6

Delegations are invited to take note of the Interlaken Declaration adopted at the High Level Conference on the Future of the European Court of Human Rights on 19 February 2010.

13. Exchange of views with Mr Sean Hagan, General Counsel, Director of the Legal Department of the International Monetary Fund (IMF)

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)

CAHDI (2010) 10

The CAHDI is invited to take note of the contribution of Interpol under this item.

17. Follow-up of 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

CAHDI (2010) 8 & Inf 7

At the request of the International Law Commission (ILC), the UN Office of the Deputy Secretary General for Legal Affairs has provided the Jurisconsult of the Council of Europe with the text of the Draft Articles on "Responsibility of International Organisations," adopted by the Commission on first reading. The Secretariat would like to suggest that CAHDI members hold an exchange of views on how to proceed with a view to elaborating possible Council of Europe comments and/or observations on the ILC Draft Articles.

D. OTHER20. Date, place and agenda of the 40th meeting of the CAHDI

21. Other business

TENTATIVE ORDER OF BUSINESS

	18 March 2010
9:30	Items: 1-6, 8 (if possible)
11:00-11:20	Coffee Break
11:20	Items: 7, 9-11
13:00	Lunch Break
14:30	Items: 14-19
17:30	End of Session
	19 March 2010
9:30	Items: 12, 20, 21
11:00-11:20	Coffee Break
11:20	Item: 13
12:00	Lunch Break
Afternoon	<i>Reserved</i>