

Strasbourg, 13/03/12

CAHDI (2012) 6

COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW (CAHDI)

**Request for observer status with the CAHDI by the International
Institute of Humanitarian Law**

43rd meeting
Strasbourg, 29-30 March 2012

Public International Law Division,
Directorate of Legal Advice and Public International Law, DLAPIL

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INTRODUCTION

By letter dated 12 December 2011 and addressed to the Secretary General of the Council of Europe, the Secretary-General of the International Institute of Humanitarian Law, Dr Stefania BALDINI, requested, on behalf of the Institute, the status of observer to the Committee of Legal Advisers on Public International Law (CAHDI).

The said letter¹ was accompanied by a set of documents, namely: the Statutes of the Institute², the list of the Council Members of the Institute³, the Programme of Activities 2012⁴ as well as a booklet on the Report of Activities for the year 2010⁵.

Delegations of the CAHDI are reminded that during the 42nd meeting of the Committee (Strasbourg, 22-23 September 2011), Mr Maurizio MORENO, President of the Institute⁶, held an exchange of views with the members of the CAHDI.

* * *

PROCEDURE

The admission procedure of an observer with a committee of the Council of Europe is governed by *Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods*.

Under point III.C.8, the Resolution states:

C. Observers

8. Observers from states or organisations other than those referred to in paragraph 7.b⁷ above. They shall be admitted to steering committees, ad hoc committees and any subordinate body answerable to them in the following manner:

a. as a general rule, upon their request to the Secretary General, observers are admitted, to steering and ad hoc committees or any subordinate body answerable to them, on the basis of a unanimous decision by that steering or ad hoc committee; in the event where unanimity is not reached, the matter may be referred to the Committee of Ministers at the request of two-thirds of the members of the committee concerned. The Committee of Ministers shall decide on the matter by a two-thirds majority of all the representatives entitled to sit on it;

b. concerning special cases, such as the admission of non-member states without observer status to the Council of Europe, and any other case which may necessitate a political decision, the Secretary General shall refer the matter to the Committee of Ministers. This decision shall be taken by a two-thirds majority of all the representatives entitled to sit on it.

¹ The letter appears as **Appendix I** to the present document.

² The Statutes of the Institute appear as **Appendix II** to the present document.

³ The list of the Council Members of the Institute appear as **Appendix III** to the present document.

⁴ The Programme of Activities 2012 appears as **Appendix IV** to the present document.

⁵ The Report of Activities for the year 2010 appears in document CAHDI (2012) 6 Add.

⁶ The mandate of Mr Maurizio MORENO as President of the Institute has ended, and he has been elected Honorary President and confirmed Member of the Council on 28 January 2012.

⁷ States and organisations referred to in paragraph 7.b are: "states which have observer status with the Council of Europe, the European Union, intergovernmental organisations and any other entity, including social partners, authorised to participate in the meetings of steering and ad hoc committees by virtue of a resolution or decision of the Committee of Ministers."

For the purpose of deciding upon the International Institute of Humanitarian Law's request to be admitted as an observer with the CAHDI, the members of the CAHDI may wish to draw inspiration from the criteria set out in the messages to Steering Committees and Ad Hoc Committees of Experts concerning the admission of observers, addressed by the Committee of Ministers, at its 347th and 420th meetings held in Strasbourg in May 1982 and October 1988 respectively⁸.

Although these messages are based on Resolution (76)3 which has been repealed, they may be useful for information purposes.

* * *

ACTION REQUIRED

Members of the CAHDI are invited to consider and decide on the request for observer status submitted by the International Institute of Humanitarian Law.

⁸ The messages addressed by the Committee of Ministers appear as **Appendix V** and **Appendix VI** to the present document.

APPENDICES

APPENDIX I



International Institute of Humanitarian Law
 Institut International de Droit Humanitaire
 Istituto Internazionale di Diritto Umanitario

President
 Maurizio MORENO
Vice-Presidents
 Fausto POCAR
 Baldwin DE VIDTS
 Marie-JACOBSSON
 Michel VEUTHEY

Members of the Council
 Christine BEERLI
 Benoît D'ABOVILLE
 Erwin DAHINDEN
 Claudio DELFABRO DEMARCHI
 Yoram DINSTEIN
 Edoardo GREPPI
 W. HEINTSCHEL VON HEINEGG
 Dennis MANDSAGER
 Hikashi OWADA
 Soudi SHALABY
 Laura THOMPSON

COMUNE DI SANREMO
 CROCE ROSSA ITALIANA

...
Secretary-General
 Stefania BALDINI

Sanremo, 12 December 2011

Dear Mr. Legrand

The President of the International Institute of Humanitarian Law, Ambassador Maurizio Moreno, had the privilege of representing the Institute at the 42nd Meeting of the Committee of Legal Advisers on International Law (CAHDI) held in Strasbourg on 22nd and 23rd September 2011. On that occasion, he received positive remarks and signs of great appreciation for the activities which the Institute is carrying out in the field of dissemination, training and research in International Humanitarian Law and Human Rights.

As you know the International Institute of Humanitarian Law is an independent, humanitarian non-profit organization, founded in Sanremo (Italy) in 1970, with the main objective of promoting the dissemination, development, respect and teaching of International Humanitarian Law, Human Rights, Refugee and Migration Law. In more than forty years of activity the Sanremo Institute has earned an international reputation as a centre of excellence in the field of training and research becoming an important training institution, recognized worldwide, which gathers together military personnel, experts, officials from governments, international organizations and non-governmental organizations from all over the world.

The Institute has had close relations with the Council of Europe for a long time. It has participatory status and took part in several sessions of the Conference of International Non-Governmental Organizations giving its contribution to the decision-making process of the Council of Europe and to the implementation of its programmes in the field of human rights and rule of law.

The Sanremo Institute, with its high qualified and longstanding experience, could support CAHDI in developing public International Law and share experience and practice through exchanges of views on topical issues in the field of International Humanitarian Law and Human Rights.

For these reasons I am very pleased to welcome the opportunity of applying for the status of observer to the CAHDI.

Please find herewith enclosed, for your information, a copy of our statutes, the list of the members of the Council, the report of activities for 2010 and the programme of activities for 2012.

I am available for any further information and documents you might need.

Thanking you in advance, I remain,

Yours sincerely,



Dr. Stefania Baldini
Secretary-General

Copy to:
Ms Edwige Belliard
Chair
Committee of Legal Advisers on International Law (CAHDI)

Mr Thorbjørn Jagland
Secretary-General of the Council of Europe
Avenue de l'Europe
F - 67075 Strasbourg Cedex
France

APPENDIX II

STATUTES OF THE INTERNATIONAL INSTITUTE OF HUMANITARIAN LAW

Article 1 (Status of the Institute)

The International Institute of Humanitarian Law (hereinafter the Institute) is hereby constituted under Italian law as “a non-profit humanitarian association having social values as its objectives”.

The purposes of the Institute are defined in Article 3.

The Institute pursues its objectives and carries out its activities in full independence from any government or organisation.

Article 2 (Headquarters)

The Institute has its Headquarters in SANREMO, Italy.

A liaison office of the Institute is established in Geneva, Switzerland. Offices may also be established in other locations, as decided by the Council.

Article 3 (Purposes)

The main purpose of the Institute is to promote International Humanitarian Law. In pursuit of this purpose, the Institute takes initiatives and carries out activities of a practical and multi-disciplinary character, in particular, by:

- a) organising courses of teaching, training and advanced studies in the fields of International Humanitarian Law; Human Rights; Refugee Law, and related issues;
- b) promoting dialogue with a view to fostering better respect and implementation of the law governing the fields specified in paragraph a;
- c) organising international conferences, meetings and seminars of scholars and practitioners;
- d) promoting debate and exchanges between researchers and experts;
- e) undertaking research activities in the fields specified in paragraph a;
- f) maintaining and developing close co-operation and contacts with governments, international organisations, academic bodies as well as all other public or private institutions dealing with humanitarian issues, especially the components of the International Red Cross and Red Crescent Movement;
- g) granting scholarships and awards for research;
- h) encouraging the publication of books and periodicals, as well as producing electronic materials;
- i) assembling a collection of relevant literature and documentation.

Moreover, the Institute takes and supports initiatives, which seek to influence public opinion in favour of greater dissemination of knowledge of and more effective application of International Humanitarian Law and humanitarian principles.

All activities of the Institute can be carried out in partnership with other like-minded institutions.

The Institute cannot undertake activities other than those stated in the present Article or those related to them.

Article 4 (Membership)

Any person who has particularly distinguished himself/herself through competence or activities in the field of International Humanitarian Law, Human Rights Law and Refugee Law may be admitted by the Council as Member of the Institute.

Institutions significantly contributing to the activities of the Institute may also be admitted by the Council as Members of the Institute.

Qualified persons and academic institutions, as also nations and intergovernmental organisations, contributing to the activities of the Institute may be admitted by the Council as Associate Members.

Article 5 (Statutory Bodies)

The statutory bodies of the Institute are as follows:

- a) The General Assembly;
- b) The President;
- c) The Council;
- d) The Executive Board;
- e) The Secretary-General;
- f) The Treasurer.

Article 6 (The General Assembly)

The General Assembly establishes and guides the general policy of the Institute.

The General Assembly is composed of all members of the Institute. Each member has the right to one vote.

Associate members may participate in the proceedings of the General Assembly but may not vote.

The General Assembly meets in an ordinary session each year to approve the annual budget and final accounts. It may meet in an extraordinary session at the request of the Council or at least one quarter of the members of the Institute.

The General Assembly is legally constituted:

- at the first call by the presence of at least one-half of the members of the Institute;
- if this quorum is not attained, at the second call regardless of the number of participants.

The General Assembly takes its decisions both at its first and second meeting by the majority of the votes cast.

The General Assembly may amend the present Statutes provided a majority of the Institute's members are present or represented and two-thirds of the votes are cast. Abstentions are considered as votes cast.

The General Assembly elects twelve members of the Council.

The General Assembly examines and approves the annual budget and final accounts, as proposed by the Secretary-General following approval by the Council.

These accounts must be audited by external Auditors, who are appointed by the Council.

Members of the Executive Board shall not vote when the General Assembly approves the annual budget, final accounts or resolutions concerning their responsibilities.

Each member may designate another member to represent him or her at the General Assembly. No member is permitted to represent more than three other members.

The General Assembly adopts its own rules of procedures.

Article 7 (The President)

The President is elected by the Council every four years. He/she may be re-elected for a second consecutive term up to a maximum of eight consecutive years.

The President is the Chief Executive Officer of the Institute. He/she has the primary responsibility to ensure that the Institute pursues its purpose and objectives in conformity with the Statutes and the general policy established by the General Assembly.

His/her task is to offer guidance, to attract wide international interest in and to raise external support for the Institute.

The President is the legal representative of the Institute. He/she has the authority and obligation to follow closely all operations of the Institute. He/she convenes and presides over the sessions of the General Assembly, the Council and the Executive Board. The President is assisted by the Vice-Presidents and he/she may appoint any of them to represent him/her.

The Council shall determine the remuneration and the financial conditions of the President. The President shall not participate in any decision concerning his/her remuneration and financial conditions.

In case of the temporary incapacity of the President to fulfil his/her mandate, the Executive Board shall nominate one of the Vice-Presidents as interim President.

Article 8 (The Council)

The Council is composed of twelve members elected by the General Assembly for a period of four years, each of whom may be re-elected for a total period of twelve consecutive years. In addition, the Council may co-opt up to six members based on their ability and readiness to serve the Institute. The Council will also include as voting members Institutions whose annual financial contribution represents at least 10% of the Institute's budget. The Council has the power to decide to waive the 10% rule in appropriate circumstances.

The Council may have permanent Observers, without voting rights, from other Institutions as determined by the Council.

The Council meets at least twice a year for an ordinary session. Extraordinary sessions can be convened on the initiative of the President or at the request of at least five members of the Council.

A Council member who is absent for three consecutive meetings without any valid justification shall automatically be excluded from the Council.

From among its members, the Council elects the President and the Vice-Presidents.

The Council appoints the Secretary-General and the Treasurer, as well as the external Auditors, upon consultation with the President.

The Council oversees the management of the Institute and the administration of its property, and establishes regulations for the Institute's personnel.

The Council determines the programme of activities of the Institute according to the general policy established by the General Assembly.

The Council decides on the admission of new members to the Institute and determines membership fees. It takes note of the resignation of members and may exclude those members who do not conform to the present Statutes or do not pay their membership fees for two consecutive years.

The Council may establish Commissions or Boards of Advisors in the various fields of activity of the Institute.

The Council decides on the granting of awards and scholarships.

The Council shall adopt its own rules of procedures. It can also adopt regulations implementing these Statutes.

Article 9 (The Executive Board)

The Executive Board comprises the President, the Vice-Presidents, the Secretary-General and the Treasurer.

The Executive Board oversees the implementation of the programme of activities of the Institute, ensures the execution of the decisions made by the General Assembly and the Council, and oversees management expenditures. It is convened at the request of the President.

The Executive Board may establish committees in the various fields of activity of the Institute.

Article 10 (Vice-Presidents)

Vice-Presidents are elected by the Council every four years, upon consultation with the President.

They may be re-elected for a second consecutive term up to a maximum of eight consecutive years.

Upon proposal of the President, the Council shall determine the specific responsibility of each Vice-President.

Vice-Presidents shall assist the President in carrying out his/her task.

Article 11 (The Secretary-General)

The Secretary-General is appointed by the Council for a period of four years. He/she may be re-appointed for further terms of four years without limit.

The Secretary-General is the head of the administration and reports to the President. He/she ensures the implementation of the decisions of the General Assembly, the Council, the Executive Board and the President.

He/she prepares the draft annual budget and the final accounts, for submission and approval by the Executive Board.

On behalf of the Council, he/she presents an annual report on the activities of the Institute to the General Assembly meeting in ordinary session.

The Secretary-General is the legal representative of the Institute at its Headquarters in Sanremo in the absence of the President.

The Executive Board shall determine the remuneration and the financial conditions of the Secretary-General. The Secretary-General will not participate in any decision concerning his/her remuneration and financial conditions.

Article 12 (The Treasurer)

The Treasurer is appointed by the Council for a period of four years. He/she may be re-appointed for further terms of four years without limit.

The Treasurer is responsible for checking:

- the proper financial management of the Institute subject to the supervision of the external Auditors;
- the draft annual budget and the final annual accounts which, on approval of the Council, are submitted to the General Assembly.

The Executive Board shall determine the conditions of service of the Treasurer, including remuneration. The Treasurer will not participate in any decision concerning his/her conditions of service.

Article 13 (Interim appointments)

The premature discontinuation of the term of office of any office holder under these Statutes may give rise to his/her replacement through election or appointment by the Council for the remainder of the term of office of the office holder.

To ensure the normal running of the Institute, office holders remain in office until their actual replacement, whenever feasible.

Article 14 (Honorary positions)

The Council may nominate the following as honorary members of the Institute:

- a) members who have distinguished themselves by their outstanding commitment and exceptionally valuable participation in the work of the Institute;
- b) personalities who, through their activities, have made an important contribution to the development and respect of humanitarian principles or have acted with particular merit in support of the humanitarian cause.

The Council may elect any former President of the Institute as Honorary President for an indefinite period. There shall be only one Honorary President at any one time.

Article 15 (Administrative Management of Finances)

The financial resources of the Institute comprise membership fees, participant fees, contributions of governments, institutions or organisations, and of subsidies, bequests or donations.

The Institute's funds may only be spent on statutory activities or on activities directly connected to these statutes.

Income of any kind, as well as funds, reserves or capital cannot be transferred, even indirectly, to members or associate members of the Institute, except as salaries or other payments in conformity with these statutes.

Both the Institute's name and its status as a non-profit association should be indicated in every official communication.

Article 16 (Dissolution)

The Institute may be dissolved by a General Assembly specially convened for this purpose. The decision to dissolve the Institute requires a favourable vote of at least three-quarters of its members. This General Assembly will also decide on the disposal of the Institute's assets, by the same three-quarters majority.

In the event of dissolution of the Institute for any reason, the assets of the Institute will be transferred to other non-profit organisations, pursuing aims similar to those of the Institute, or, in any case, aims of public interest.

Article 17 (Applicable Law)

The Institute is governed, in matters not covered by the present Statutes, by the provisions of Italian law concerning non-profit associations.

Article 18 (Entry into force of amendments)

The amendments to these Statutes, adopted by the General Assembly on 8th September 2007, will enter into force immediately and will not have any retroactive application to previous terms of office.

Sanremo, 8 September 2007

APPENDIX III**LIST OF THE COUNCIL MEMBERS OF THE INSTITUTE****PRESIDENT**

Prof. Fausto POCAR (Italy), Senior Vice President
Past President, Judge, International Criminal Tribunal for the former Yugoslavia, The Hague

VICE-PRESIDENTS:

Dr. Baldwin DE VIDTS (Belgium)
Former Legal Advisor to the Secretary-General of NATO, Brussels

Prof. Edoardo GREPPI (Italy)
Professor of International Law and European Union Law, Faculty of Law, University of Torino
Professor, Centre for Transnational Legal Studies, London

Associate Prof. Marie JACOBSSON (Sweden)
Principal Legal Adviser on International Law, Ministry for Foreign Affairs, Stockholm
Member of the UN International Law Commission

Prof. Michel VEUTHEY (Switzerland)
Associate Professor, University of Nice, Sophia-Antipolis

COUNCIL MEMBERS:

Dr. Christine BEERLI (Switzerland)
Vice-President, International Committee of the Red Cross, Geneva

Ambassador Benoît D'ABOVILLE (France)
Member of the Foreign Policy Council, French Foreign Ministry, Paris
Former Ambassador and Permanent Representative to NATO

Brigadier General Erwin DAHINDEN (Switzerland)
Director, International Relations, Armed Forces, Bern

Dr. Claudio DELFABRO DEMARCHI (Argentina)
Head of Protection Unit, Global Learning Centre, UNHCR, Budapest

Prof. Yoram DINSTEIN (Israel)
Emeritus Professor, University of Tel Aviv - President of the United Nations Association of Israel

Prof. Dr. Wolff HEINTSCHEL VON HEINEGG (Germany)
Head of the Faculty of Jurisprudence, European University of Viadrina, Frankfurt

Prof. Dennis MANDSAGER (USA)
Captain, JAGC, U.S. Navy (Retired) and Professor of Law, US Naval War College, Newport,
Rhode Island

Ambassador Maurizio MORENO (Italy)
Honourary President, Past President

Judge Hisashi OWADA (Japan)
President, International Court of Justice, The Hague

Ambassador Soad SHALABY (Egypt)

Director, Cairo Regional Center for Training on Conflict Resolution and Peacekeeping in Africa,
Cairo

President of the African Peace Support Trainers' Association

Ambassador Laura THOMPSON (Costa Rica)

Deputy Director General, International Organization for Migration, Geneva

Professor Elizabeth WILMSHURST CMG

Fellow, Royal Institute of International Affairs at Chatham House, London

Professor of International Law at University College, London

Deputy Legal Adviser at the Foreign and Commonwealth Office of the United Kingdom

**MUNICIPALITY OF SANREMO
ITALIAN RED CROSS**

Dr. Stefania BALDINI
Secretary-General

APPENDIX IV

PROGRAMME OF ACTIVITIES 2012

Training Programme in International Humanitarian Law (Law of Armed Conflict - LOAC)

Our Training programme provides a structured approach to building an in-depth knowledge of International Humanitarian Law (IHL), addressing different levels of prior experience developing from Foundation to Advanced levels with Specialised courses to cover specific topics in greater detail. Courses are reviewed annually to deal with current issues in IHL, they focus on delivering practical and experience-based instruction, supported by exercises and case studies to reinforce the participant's understanding.

Course leaders and participants come from across the world, ensuring an unique environment with a diverse, challenging and stimulating international perspective. Our Training Courses are suitable for Civilian and Military Personnel, both Legally and Non-Legally qualified.

Foundation level

| | | |
|---|--|----------------------------|
| 145 th International Military Course on LOAC | French | 16 – 27 April, Sanremo |
| 146 th International Military Course on LOAC | English with Arabic class | 7 – 18 May, Sanremo |
| 147 th International Military Course on LOAC | Spanish with Portuguese class | 10 – 21 September, Sanremo |
| 148 th International Military Course on LOAC | English with Chinese and Russian classes | 5 – 16 November, Sanremo |

Advanced level

| | | |
|--|---------|------------------------|
| 20 th Advanced Course on IHL (LOAC) | English | 1 – 5 October, Sanremo |
| 21 st Advanced Course on IHL (LOAC) | French | 1 – 5 October, Sanremo |

Specialised level

| | | |
|---|---------|-----------------------------------|
| 11 th Competition on IHL for Military Academies | English | 26 – 30 March, Sanremo |
| 9 th Course on International Human Rights and Humanitarian Law in Peace Operations | English | 11 – 15 June, Sanremo |
| 14 th Course on IHL for Planners, Executors and Controllers of Air Operations | English | 26 – 30 November, Sanremo |
| 15 th Course on IHL for Planners and Executors of Naval Operations | English | 26 – 30 November, Sanremo |
| 26 th Course for Directors of Courses and Trainers in IHL | English | 3 – 7 December, Sanremo |
| 27 th Course for Directors of Courses and Trainers in IHL | French | 3 – 7 December, Sanremo |
| 5 th Joint IIHL/NATO Course on IHL and Human Rights Law in Peace Operations | English | tbc, NATO School, Oberammergau |

Other Courses

Course on International Humanitarian Law and Refugee Law* English 18 – 22 March, Cairo

*Organised in cooperation with the Cairo Regional Center for Training on Conflict Resolution and Peacekeeping in Africa

12th Summer Course on International Humanitarian Law English 25 June – 6 July, Sanremo/ Geneva

Contemporary Workshops in International Humanitarian Law

In order to develop continuously the dialogue on the complex and evolving subject of International Humanitarian Law, the Institute conducts several workshops on topics of current importance to IHL. These workshops bring together leading military experts and academics to discuss the key challenges in a specific area of IHL and to address the particular considerations posed by these to interoperability in the multinational context.

Deprivation of Liberty & Detention under IHL Workshop English 13–15 March, Sanremo

Workshop on Non-International Armed Conflict English 21– 23 May, Sanremo

Rules of Engagement (ROE) Workshop English 10 – 14 September, Sanremo

Workshop on Maritime Security Operations English 8 – 10 October, Sanremo

IHL (LOAC) Targeting Workshop English 23 – 26 October, Sanremo

Training Programme on Refugee Law, Migration Law and the Protection of Internally Displaced Persons (IDPs)

The IIHL conducts a general course on refugee law and specialised courses to achieve greater depth of coverage in specific areas. These courses are designed for government officials, UN and NGO personnel responsible for and dealing with refugees, migration and IDP issues. Their aim is to increase the knowledge and skills of the participants, developing a greater level of awareness of the law through an interactive environment enhanced by the global experience of teaching staff and participants. They include lectures, case studies, simulations, and practical exercises led by experts.

Refugee Law

64th Course on Refugee Law English 19 – 23 March, Sanremo

65th Course on Refugee Law French 16 – 20 April, Sanremo

66th Course on Refugee Law Spanish 15 – 19 October, Sanremo

67th Course on Refugee Law English 19– 23 November, Sanremo

Migration Law Protection

8th International Migration Law Course English 24 – 28 September, Sanremo

Internally Displaced Persons (IDPs)

| | | |
|--|---------|--------------------------|
| 8 th Course on the Law of Internal Displacement | English | 11 – 16 June, Sanremo |
| 9 th Course on the Law of Internal Displacement and Natural Disasters | English | 22 – 26 October, Sanremo |



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Programme correct as at 19 January 2012

Please check our website: www.iihl.org for full details, dates, registration forms and additional courses or contact us at: sanremo@iihl.org

APPENDIX V

MESSAGE FROM THE COMMITTEE OF MINISTERS TO STEERING COMMITTEES AND AD HOC COMMITTEES OF EXPERTS

Adopted by the Committee of Ministers on 6 May 1982
at the 347th meeting of the Ministers' Deputies,

Subject: Admission of observers to intergovernmental committees of experts

1. The Committee of Ministers has noted a considerable increase in the number of requests by non-member States, international intergovernmental organisations and international non-governmental organisations for admission as observers to committees of experts. It interprets this increase as a sign of more lively and wider interest outside the Council of Europe in the work of the Council's committees and as a result of the Organisation's policy of greater openness. It also notes that extending working relationships is likely to benefit the Council of Europe and spread its message more widely.

2. The Committee of Ministers, though wishing to pursue this policy, considers that in some cases the presence of observers, especially in large numbers, may hinder the work of committees and any discussions where it may be necessary to maintain a strictly intergovernmental character and the confidentiality which this entails. In an attempt to reconcile these two sometimes conflicting aspects the Ministers' Deputies have re-examined some of the general issues relating to the admission of observers in order to determine coherent criteria to be applied on the subject.

3. When examining requests for admission as an observer to committees of experts, two criteria are essential:

- a. the presence of the observers should be in the interests of the committee
- b. the presence of the observers should not hinder the committee's work

In weighing these two criteria, account must be taken of the committee's work and the applicant's expertise.

4. The Committee of Ministers points out that the text governing the admission of observers to committees (paragraph 5 of Resolution (76)3) allows for a number of different arrangements which make it possible to take a qualified decision:

- a. admission for the whole period of the committee's existence;
- b. admission for a specified period;
- c. admission for a single meeting;
- d. admission for a specific activity;
- e. admission for a specific item on the agenda.

The Committee of Ministers recommends steering committees and ad hoc committees of experts to bear in mind the considerations given in paragraphs 2 and 3 of this message when they have to choose between the above options, and especially when they incline towards the first of them.

5. Other factors should also be taken into consideration:

- a. the nature of the applicant: non-member State, international intergovernmental organisation, international non-governmental organisation, (and in the last case, whether the organisation has consultative status);
- b. the origin of the request: a member State, a committee of experts, the Secretariat, or the applicant itself;
- c. the nature of the committee in question: steering committee, committee of experts;

-
- d. the list of committees on which the applicant already has observer status;
 - e. the list of observers already admitted to the committee in question;
 - f. the Secretary General's opinion.

In future, written notification of requests for admission addressed to the Permanent Representatives and members of steering committees on accordance with paragraph 5 of Resolution (76)3 will include as much information as possible on some of these points.

6. The Committee of Ministers points out that there are two ways on which committees of experts may discuss certain items in the absence of observers: on the one hand the Chairman may declare at any time during a meeting that the proceedings will continue in private; and in the other convocation ob observers may be delayed. The use if this second procedure is a matter for decision by the committees concerned who will convey their views as necessary to the Secretary General, if appropriate via their bureaux.

7. The Committee of Ministers also points out that observer status is not the only way in which outsiders can be involved in a committee's work. Within their general terms of reference, committees should make more use of hearings, a formula which allows them to benefit from the expertise or opinions of an outside organisation or highly qualified individual but foes not require the application of the procedure under paragraph 5 of Resolution (76)3.

APPENDIX VI**MESSAGE FROM THE COMMITTEE OF MINISTERS TO STEERING AND AD HOC COMMITTEES OF EXPERTS CONCERNING THE ADMISSION OF OBSERVERS**

Adopted by the Committee of Ministers on 26 October 1988
at the 420th meeting of the Ministers' Deputies

1. The Committee of Ministers has noted a continued increase in the number of requests for observer status in intergovernmental committees of experts. This increase reflects the wide interest shown by organisations in the work of the Council of Europe. The Committee of Ministers, however, is also aware that an overabundance of observers may hamper the work of intergovernmental committees of the Council of Europe. A consistent policy therefore has to be developed which is in the interest of the Council of Europe. To this end, the Committee of Ministers recalls that the admission of observers to intergovernmental committees is governed by paragraph 5 of Resolution (76)3 of the Committee of Ministers. It should be emphasised that this provision allows for a number of different modalities of participation by observers:

- (i) admission for the whole period of the committee's existence;
- (ii) admission for a specified period;
- (iii) admission for a single meeting;
- (iv) admission for a specific activity;
- (v) admission for a specific item on the agenda.

2. The Committee of Ministers furthermore wished to recall that, at the 347th meeting (May 1982) of the Ministers' deputies, it adopted a message to steering and ad hoc committees of experts concerning the admission of observers. This message lays down certain criteria for the admission of observers and recapitulates the different possible modalities of participation by observers. The message is included as an Appendix.

3. At the 419th meeting, and in light of the increase of observers in some committees, especially of non-governmental organisations, the Ministers' Deputies agreed that, when considering a request by such an organisation, the committee concerned should take carefully into account, on the one hand, the criteria laid down in the aforementioned message and, on the other hand, the efficiency of the work of the committee concerned.

4. The Committee of Ministers finally asks all steering and ad hoc committees annually to reconfirm, in the light of the above-described criteria and aims, the list of observers admitted to them or their subordinate committees, especially as regards non-governmental organisations. Following a re-evaluation, the committees may submit proposals to the Committee of Ministers for changes in the list of observers admitted to them.