

Strasbourg, 12 September 2001

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

22nd meeting, Strasbourg, 11-12 September 2001

List of items discussed and decisions taken

1. The Committee of Legal Advisers on Public International Law (CAHDI) held its 22nd meeting in Strasbourg, 11 and 12 September 2001. The meeting was chaired by Ambassador Peter Tomka (Slovak Republic), Chairman of the CAHDI. The list of participants can be consulted in the draft meeting report (document CAHDI (2001) 10 prov.) and the agenda appears in Appendix I.

2. The CAHDI was informed by the Director General of Legal Affairs, Mr. Guy De Vel, about recent developments concerning the Council of Europe including those relating to European treaties and the setting up of an Internet site relating to the CAHDI (www.legal.coe.int - public international law).

Moreover, the CAHDI was informed of the decisions taken by the Committee of Ministers concerning the Committee and in particular the specific terms of reference given to the CAHDI concerning the Recommendation 1523 (2001) of the Parliamentary Assembly on domestic slavery. The CAHDI had a preliminary exchange of views on the Recommendation of the Parliamentary Assembly and instructed the Secretariat to prepare a draft opinion of the CAHDI on that basis for consideration at its next meeting.

3. In the context of its operation as European Observatory of Reservations to International Treaties, the CAHDI considered a list of outstanding declarations and reservations to international treaties.

4. In the context of its activity on Expression of consent by States to be bound by a treaty, the Chairman of the CAHDI presented to the Secretary General of the Council of Europe, Mr. Walter Schwimmer, the book prepared by the CAHDI in co-operation with the British Institute for Comparative Public Law and International Law, in the presence of the Director of this Institute, Mr. Mads Andenas.

5. In the context of the activity on State practice regarding States' jurisdictional immunities, the CAHDI agreed on the proposals for the implementation of the activity made by the Secretariat.

6. Members of the CAHDI examined the document submitted by the Swiss delegation on Immunities of Heads of State and government and of certain categories of top civil servants. They thanked the Swiss delegation for the preparation of the paper and agreed to pursue consideration of the issue on the basis of a revised document to be submitted at the 23rd meeting of the Committee.

7. The CAHDI held a fruitful exchange of views with Professor James Crawford, special Rapporteur of the International Law Commission (ILC) of the United Nations on State responsibility concerning this activity of the ILC in view of the discussion by the Sixth Commission of the General Assembly of United Nations.

The CAHDI also examined the report of the 53rd Session of the ILC (Geneva, 23 April to 1st June 2001 and 2 July to 10 August 2001) as well as a summary report concerning the 53rd session of the ILC prepared by Professor Simma, member of the ILC, for the attention of the members of the CAHDI.

8. The CAHDI was informed about developments concerning the implementation of international instruments protecting the victims of armed conflicts as well as the implementation and the functioning of the Tribunals established by UN Security Council Resolutions 927 (1993) and 955 (1994).

9. The CAHDI held an exchange of views on developments concerning the International Criminal Court and was informed about the organisation by the Council of Europe of a second consultation meeting on the implications of the ratification of the Rome Statute of the International Criminal Court on the internal legal order of the member States of the Council of Europe to be held in Strasbourg, 13-14 September 2001.

10. The CAHDI held an exchange of views on developments concerning protection of underwater cultural heritage and work under way within the framework of UNESCO.

11. The CAHDI re-elected Ambassador Peter Tomka (Slovak Republic) and Ambassador Nocal Michel (Suisse) respectively as Chair and Vice-Chair for one year.

12. The CAHDI decided to hold its next meeting in Strasbourg, from 4 to 5 March 2002 and adopted the preliminary draft agenda in Appendix II.

APPENDIX I**AGENDA****A. INTRODUCTION**

1. Opening of the meeting by the Chairman, Ambassador Peter Tomka
2. Adoption of the agenda and approval of the report of the 21st meeting (Strasbourg, 6-7 March 2001)
3. Communication by the Director general of Legal Affairs, Mr. De Vel

B. ONGOING ACTIVITIES OF THE CAHDI

4. Decisions by the Committee of Ministers concerning the CAHDI
5. The law and practice relating to reservations and interpretative declarations concerning international treaties : European Observatory of Reservations to international Treaties
6. Expression of consent by States to be bound by a treaty: Presentation to the Secretary General of the Council of Europe of the report prepared under the aegis of the CAHDI
7. The State practice regarding jurisdictional immunities: proposals for the implementation of the activity
8. Immunities of Heads of State and government and of certain categories of top civil servants - preliminary consideration

C. GENERAL ISSUES ON PUBLIC INTERNATIONAL LAW

9. The work of the Sixth Commission of the General Assembly of United Nations and of the International Law Commission (ILC): Exchange of views with Professor James Crawford, Special Rapporteur on State Responsibility on the ILC activity on State Responsibility
10. Implementation of international instruments protecting the victims of armed conflicts
11. Developments concerning the International Criminal Court
[Cf. Multilateral consultation of Council of Europe member States on the International Criminal Court, Strasbourg, 13-14 September 2001]
12. Implementation and functioning of the Tribunals established by United Nations Security Council Resolutions 827 (1993) and 955 (1994)
13. Law of the Sea: Protection of Underwater Cultural Heritage

D. OTHER

14. Election of the Chair and Vice-Chair
15. Date, place and agenda of the 23rd meeting of the CAHDI
16. Other business
17. Closing

APPENDIX II**DRAFT AGENDA OF THE 23rd MEETING****A. INTRODUCTION**

1. Opening of the meeting by the Chairman, Ambassador Peter Tomka
2. Adoption of the agenda and approval of the report of the 22nd meeting (Strasbourg, 11-12 September 2001)
3. Communication by the Director general of Legal Affairs, Mr. De Vel

B. ONGOING ACTIVITIES OF THE CAHDI

4. Decisions by the Committee of Ministers concerning the CAHDI
5. The law and practice relating to reservations and interpretative declarations concerning international treaties : European Observatory of Reservations to international Treaties
6. State practice regarding States' jurisdictional immunities
7. Immunities of Heads of State and government and of certain categories of top civil servants

C. GENERAL ISSUES ON PUBLIC INTERNATIONAL LAW

8. Exchange of views with the President of the Hague Academy of International Law (tentative)
9. Implementation of international instruments protecting the victims of armed conflicts
10. Developments concerning the International Criminal Court
11. Implementation and functioning of the Tribunals established by United Nations Security Council Resolutions 827 (1993) and 955 (1994)
12. Law of the Sea: Protection of Underwater Cultural Heritage

D. OTHER

13. Date, place and agenda of the 24th meeting of the CAHDI
14. Other business
15. Closing