

**RESULTS OF THE DISCUSSIONS IN THE COMMITTEE OF LEGAL ADVISERS ON
PUBLIC INTERNATIONAL LAW (CAHDI) ON THE PRELIMINARY DRAFT REPORT
OF THE SECRETARY GENERAL ON THE OUTLINE OF COUNCIL OF EUROPE
CONVENTION REVIEW**

1. The members of CAHDI generally noted the importance and appropriateness of the stocktaking exercise on conventions from the wider angle of the current reform in the Council of Europe. They welcomed the work of the Secretary-General in formulating the preliminary draft report, one of the benefits of which has been to highlight certain issues that could be the subject of more in-depth discussions.
2. The delegations noted that the study initiated by the Secretary-General raised major substantive questions on both the internal functioning of the Council of Europe and the means being envisaged of encouraging member States and non-member States to accede to the conventions in question.
3. Given the issues raised by this study, the CAHDI members pointed out that they had not been able to examine the preliminary draft report in detail in the allotted time, as it would necessitate consultations at the national level with the departments concerned because of the variety of the fields covered by the conventions in question.
4. On a preliminary non-exhaustive basis, the following points were mentioned:
 - the necessity to devote time to a thorough analysis of the preliminary draft;
 - the importance of distinguishing between the Council of Europe's role as a depository of the conventions and the role of the States concerned;
 - the need to carefully examine the proposed categorisation of the existing conventions. It was noted that the distinction between "key conventions" and "active conventions" was unclear;
 - the difficulties of drawing up, for each category, an exhaustive list of conventions which would reach a consensus;
 - the need for examining the reasons why few or no Council of Europe member States had ratified certain conventions;
 - the doubts as to the appropriateness of some of the proposed measures, in particular for conventions which could be considered as obsolete conventions;
 - the concerns about the resource implications of the measures envisaged.
5. Given the importance of the exercise of the Convention review, delegations stated that they were ready to transmit to the Committee of Ministers a more thorough analysis of the preliminary draft report at the end of the next CAHDI meeting in March 2012.