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

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**Terms of reference of the CAHDI for 2014-2015 adopted by the  
Committee of Ministers at its 1185<sup>th</sup> (Budget) meeting from 19 to 21  
November 2013**

**47<sup>th</sup> meeting**  
Strasbourg, 20-21 March 2014

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## TERMS OF REFERENCE OF THE CAHDI FOR 2014-2015 ADOPTED BY THE COMMITTEE OF MINISTERS AT ITS 1185<sup>th</sup> (BUDGET) MEETING FROM 19 TO 21 NOVEMBRE 2013

### Committee of Legal Advisers on Public International Law (CAHDI)

*Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.*

**Type of committee:** Ad hoc Committee

Terms of reference valid from: **1 January 2014 until 31 December 2015**

<b>Main tasks</b>
Under the authority of the Committee of Ministers, the CAHDI is instructed to: <ul style="list-style-type: none"> <li>i. examine questions related to public international law;</li> <li>ii. conduct exchanges and co-ordinate views of member States;</li> <li>iii. provide opinions at the request of the Committee of Ministers or at the request of other Steering Committees or Ad hoc Committees, transmitted via the Committee of Ministers;</li> <li>iv. in accordance with decisions CM/Del/Dec(2013)1168/10.2 of the Committee of Ministers, carry out, at regular intervals, within the limits of the available resources and bearing in mind its priorities, an examination of some or all of the conventions for which it has been given responsibility, in co-operation, where appropriate, with the relevant convention-based bodies, and report back to the Committee of Ministers.</li> </ul>
<b>Pillar/Sector/Programme</b>
<p><b>Pillar :</b> Rule of law  <b>Sector :</b> Common standards and policies  <b>Programme :</b> Development and implementation of common standards and policies</p>
<b>Expected results</b>
<ul style="list-style-type: none"> <li>i. Examine topical questions of public international law.</li> <li>ii. Respond to requests for opinion or exchanges of views requested or transmitted by the Committee of Ministers.</li> <li>iii. Continue its active role as the European Observatory of Reservations to International Treaties.</li> <li>iv. Deepen exchanges of views on the work of the International Law Commission and of the Sixth Committee.</li> <li>v. Continue to update and improve databases managed by the Committee which are related to States practice on immunities of States; organisation and functions of the Office of the Legal Adviser of the Ministry for Foreign Affairs and implementation of United Nations sanctions.</li> <li>vi. Review recent developments regarding international disputes, namely cases before the European Court of Human Rights involving issues of public international law.</li> <li>vii. Maintain contacts with lawyers and legal services of other entities or international organisations.</li> </ul>
<b>Composition</b>
<p><b>Members :</b>  Governments of member States are invited to appoint representatives, experts in the field of public international law, of the highest possible rank, preferably chosen among the Legal Advisers to the Ministries of Foreign Affairs.</p> <p>The Council of Europe budget will bear the travelling and subsistence expenses of one representative from each</p>

member State (two in the case of the State whose representative has been elected Chair).

Member States may send other representatives without defrayal of expenses.

Each member of the committee shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.

In accordance with decisions CM/Del/Dec(2013)1168/10.2 of the Committee of Ministers, in cases where there is no convention-based body including all the Parties, non-member States are invited to take part, with a right to vote, in the committee meetings pertaining to the conventions to which they are Parties.

**Participants :**

The following may send representatives to meetings of the Committee without the right to vote or defrayal of expenses:

- European Union;
- States with observer status with the Council of Europe: Canada, Holy See, Japan, Mexico and United States of America;
- The Hague Conference on Private International Law;
- North Atlantic Treaty Organisation (NATO);
- The Organisation for Economic Co-operation and Development (OECD);
- The United Nations and its specialised agencies;
- European Organisation for Nuclear Research (CERN);
- International Criminal Police Organisation (INTERPOL);
- Organisation for Security and Cooperation in Europe (OSCE);
- International Committee of Red Cross (ICRC).

**Observers:**

The following may send representatives, without the right to vote and without defrayal of expenses:

- Australia; Belarus, Israel and New Zealand.

**Working methods**

**Meetings:**

48 members, 2 meetings in 2014, 2 days

48 members, 2 meetings in 2015, 2 days

The Committee will also appoint a Gender Equality Rapporteur from amongst its members.

The rules of procedure of the Committee are governed by Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.