

Strasbourg, 7 January 2016

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COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW (CAHDI)

**Terms of reference of the CAHDI for 2016-2017 adopted by the
Committee of Ministers at its 1241st (Budget) meeting on 24 and
25 November 2015**

51st meeting
Strasbourg, 3-4 March 2016

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TERMS OF REFERENCE OF THE CAHDI FOR 2016-2017 ADOPTED BY THE COMMITTEE OF MINISTERS AT ITS 1241ST (BUDGET) MEETING ON 24 AND 25 NOVEMBER 2015

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 2016 until 31 December 2017**

Main tasks
<p>Under the authority of the Committee of Ministers, the CAHDI is instructed to:</p> <ul style="list-style-type: none"> i. examine questions related to public international law; ii. conduct exchanges and co-ordinate views of member States; 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; 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 responsibility¹, in co-operation, where appropriate, with the relevant convention-based bodies, and report back to the Committee of Ministers.
Pillar/Sector/Programme
<p>Pillar: Rule of law Sector: Strengthening the Rule of Law Programme: Development and implementation of common standards and policies</p>
Specific tasks
<ul style="list-style-type: none"> i. Examine topical questions of public international law. ii. Respond to requests for opinion or exchanges of views requested or transmitted by the Committee of Ministers. iii. Continue its active role as the European Observatory of Reservations to International Treaties. iv. Deepen exchanges of views on the work of the International Law Commission and of the Sixth Committee. 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. vi. Review recent developments regarding international disputes, namely cases before the European Court of Human Rights involving issues of public international law. vii. Maintain contacts with lawyers and legal services of other entities or international organisations.
Composition
<p>Members:</p> <p>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>

¹ The conventions for which the CAHDI has been given responsibility appear in the Appendix to the present document.

The Council of Europe budget will bear the travelling and subsistence expenses of one representative from each 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 decision 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 participate, 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 2016, 2 days
48 members, 2 meetings in 2017, 2 days

The Committee will appoint a new Gender Equality Rapporteur from amongst its members or renew the mandate of its two current Gender Equality Rapporteurs.

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.

APPENDIX

RELEVANT DECISION OF THE COMMITTEE OF MINISTERS AND LIST OF CONVENTIONS (REVIEW OF COUNCIL OF EUROPE CONVENTIONS)

9. [The Deputies] instructed the steering and ad hoc committees to carry out, at regular intervals, within the limits of the available resources and bearing in mind the priorities of each committee, an examination of some or all of the conventions for which they have been given responsibility, in co-operation, where appropriate, with the relevant convention-based bodies, in order to:

- propose ways of improving the visibility, impact and efficiency of some or all of the conventions for which they have been given responsibility;
- draw the attention of member States to the relevant conventions;
- where necessary, identify any operational problems or obstacles to ratification of the relevant conventions, and draw the attention of member States to reservations which impact substantively on the effectiveness of their implementation;
- encourage States to regularly examine the possibility and/or desirability of becoming a Party to new Council of Europe conventions;
- assess the necessity or advisability of drafting amendments or additional protocols to the conventions for which they have been given responsibility or drafting supplementary conventions;
- and to report back to the Committee of Ministers.

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023	European Convention for the Peaceful Settlement of Disputes
061	European Convention on Consular Functions
061A	Protocol to the European Convention on Consular Functions concerning the Protection of Refugees
061B	Protocol to the European Convention on Consular Functions relating to Consular Functions in respect of Civil Aircraft
063	European Convention on the Abolition of Legalisation of Documents executed by Diplomatic Agents or Consular Officers
074	European Convention on State Immunity
074A	Additional Protocol to the European Convention on State Immunity
082	European Convention on the Non-Applicability of Statutory Limitation to Crimes against Humanity and War Crimes