

Strasbourg, 2 January 2018

CAHDI (2018) 2

COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW (CAHDI)

**Terms of reference of the CAHDI for 2018-2019 adopted by the
Committee of Ministers at its 1300th (Budget) meeting on 21-23
November 2017**

55th meeting
Strasbourg (France), 22-23 March 2018

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

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TERMS OF REFERENCE OF THE CAHDI FOR 2018-2019

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 2018 until 31 December 2019**

PILLAR/SECTOR/PROGRAMME
<p>Pillar: Rule of law Sector: Strengthening the Rule of Law Programme: Common Standards and Policies</p>
MAIN TASKS
<p>Under the authority of the Committee of Ministers, the Committee 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.
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 related to "Immunities of States and international organisations", "Organisation and functions of the Office of the Legal Adviser of the Ministry of Foreign Affairs" and "UN sanctions and respect for Human Rights". (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> <p>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).</p> <p>Member States may send other representatives without defrayal of expenses.</p> <p>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.</p> <p>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.</p> <p>Participants:</p> <p>The following may send representatives to meetings of the Committee without the right to vote or defrayal of expenses:</p> <ul style="list-style-type: none"> - 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);

- Organisation for Economic Co-operation and Development (OECD);
- United Nations and its specialised agencies;
- European Organisation for Nuclear Research (CERN);
- International Criminal Police Organisation (INTERPOL);
- Organisation for Security and Co-operation in Europe (OSCE);
- International Committee of Red Cross (ICRC);
- Asian-African Legal Consultative Organisation (AALCO).

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 2018, 2 days

48 members, 2 meetings in 2019, 2 days

The Committee will appoint its successive Chairs and Vice-Chairs as CAHDI 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.