

# The Council of Europe's contribution to public international law

## Presentation of the CAHDI

**New York, 30 October 2013**

Permanent Mission of the Netherlands to the UN  
666 Third Avenue, 19<sup>th</sup> floor  
6:30 p.m.



## → Mission

As an expert committee of the Council of Europe, the Committee of Legal Advisers on Public International Law (CAHDI) contributes to the objectives of this regional intergovernmental organisation to promote human rights, democracy and the rule of law at a pan-European level ([www.coe.int](http://www.coe.int)).

By bringing together the legal advisers to the ministries of foreign affairs of the member states of the Council of Europe and a significant number of observer states and organisations, the CAHDI promotes and facilitates inter-state relations with respect to major issues of public international law.

Acting under the authority of the Committee of Ministers of the Council of Europe, the CAHDI meets twice a year.

As a unique governmental forum responsible for examining questions related to public international law, the CAHDI conducts exchanges and co-ordinate views among Council of Europe member states. The CAHDI also provides opinions at the request of the Committee of Ministers, including with respect to the treaties elaborated within the Council of Europe ([www.conventions.coe.int](http://www.conventions.coe.int)).

## → Composition

Participation to the CAHDI is open to high rank experts in the field of public international law, such as the legal advisers to the ministries of foreign affairs, of:

### **The 47 Council of Europe member states**

#### **8 observer states**

- Australia
- Belarus
- Holy See
- Israel
- Japan
- Mexico
- New Zealand
- United States

### **International and regional organisations**

- European Union
- United Nations and its specialized agencies
- Organisation for Economic Co-operation and Development (OECD)
- Organisation for Security and Cooperation in Europe (OSCE)
- North Atlantic Treaty Organisation (NATO)
- International Criminal Police Organisation (INTERPOL)
- European Organisation for Nuclear Research (CERN)
- International Committee of Red Cross (ICRC)
- Hague Conference on Private International Law

## → Main activities

### **Adoption of common positions**

The CAHDI advises the Committee of Ministers of the Council of Europe on issues implying considerations of public international law, including on Council of Europe conventions and on recommendations of the Parliamentary Assembly of the Council of Europe.

### **European Observatory of reservations to international treaties**

The CAHDI regularly considers outstanding reservations and declarations to international treaties. This activity covers both Council of Europe conventions and conventions concluded outside the Council of Europe, in particular those drawn up within the United Nations. The reservations dialogue within the CAHDI assists states in determining their position with respect to potentially problematic reservations and declarations.

### **Databases**

Delegations to the CAHDI regularly exchange information regarding their laws, practices and case law on topics which are relevant to public international law. In some instances, this exercise has led to the development of databases which are open to the public.

Currently, there are three CAHDI databases covering the issues of:

- immunities of states and international organisations;
- organisation and functions of the office of the legal adviser in the ministry of foreign affairs;
- implementation of United Nations sanctions and respect for human rights.

The databases are constantly updated depending on the topics which are taken up by the Committee. For instance, in 2014, the database on immunities of states and international organisations will be extended to include a section devoted to the

immunity from execution of state owned cultural property on loan. 2014 will also be devoted to the modernization of the three databases.

### **Cooperation with other international entities**

In addition to its ties with the governmental and non-governmental organisations enjoying observer status, the Committee maintains regular contacts with other international entities and notably with the United Nations. Under its terms of reference, the CAHDI is mandated to “*deepen exchanges of views on the work of the International Law Commission and of the Sixth Committee*”. In line with this goal, the Chair and the Secretariat of the CAHDI are invited each year to the ILC session in Geneva.

Furthermore, a member of the ILC attends once a year the CAHDI to present the on-going activities of the Commission. International entities may also participate to the CAHDI as special guests. Special guests from the United Nations have included *inter alia* the UN Under-Secretary General for Legal Affairs and UN Legal Counsel, the Ombudsperson to the UN Security Council Committee set up under Resolution 1267 (1999) concerning Al-Qaeda and the Taliban and the UN Special Rapporteur on Terrorism and Human Rights.

### **Other activities**

Other recurrent items on the agenda of the CAHDI are:

- accession of the European Union to the European Convention on Human Rights;
- peaceful settlement of disputes;
- developments concerning international criminal tribunals and the International Criminal Court;
- topical issues of international humanitarian law;
- cases before the European Court of Human Rights involving issues of public international law.

For more information, visit us :  
[www.coe.int/cahdi](http://www.coe.int/cahdi)



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