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CAHDI (2006) 21

COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW (CAHDI)

**32nd meeting
Athens, 13-14 September 2006**

PRELIMINARY DRAFT SPECIFIC TERMS OF REFERENCE FOR 2007-2008

Secretariat memorandum
prepared by the Directorate General of Legal Affairs

SPECIFIC TERMS OF REFERENCE

1. Name of Committee:

Committee of Legal Advisers on Public International Law (CAHDI)

2. Type of Committee:

Ad hoc Committee of Experts

3. Source of terms of reference:

Committee of Ministers

4. Terms of reference:

Having regard to:

- Conclusions and Decisions of the Committee of Ministers (CM/Del/Concl(91)455/24, Appendix 5, extended by CM/Del/Dec(2004)904, item 10.1, para. 4 and Appendix 11);
- The need of development of legal and judicial systems and of law enforcement systems respectful of the rule of law and human rights.

Within the framework of the Programme of Activities, under Programme 3.4 - International law and law making, the Committee is instructed to:

- i. examine questions of public international law;
- ii. to exchange and, if appropriate, to co-ordinate the views of member states at the request of the Committee of Ministers, Steering Committees and Ad Hoc Committees and at its own initiative.

5. Composition of the Committee:

5.A. Members

Governments of member states are entitled to appoint representatives of the highest possible rank, preferably chosen among the Legal Advisers to the Ministries of Foreign Affairs.

The Council of Europe budget will bear the travel and subsistence expenses on one representative from each Member State (two in the case of the State whose representative has been elected Chair).

5.B. Other participants

- i. The European Community may send representatives to meetings of the Committee, without the right to vote or defrayal of expenses.

ii. The States with observer status with the Council of Europe (Canada, Holy See, Japan, Mexico, United States of America) may send representatives to meetings of the Committee, without the right to vote or defrayal of expenses.

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

The Hague Conference on Private International Law
North Atlantic Treaty Organisation (NATO)¹
The Organisation for Economic Co-operation and Development
The United Nations and its specialised agencies²
European Organisation for Nuclear Research (CERN)³
International Criminal Police Organisation (INTERPOL).

5.C. Observers

The following non-member States and non-governmental organisations may send representatives to meetings of the Committee, without the right to vote or defrayal of expenses:

Australia
Israel⁴
New Zealand
International Committee of Red Cross (ICRC)⁵

6. Working Methods and Structures:

The CAHDI may set up working parties and have recourse to consultant experts.

7. Duration:

The present terms of reference expire on 31 December 2008.

¹ See CM/Del/Dec/Act(93)488/29 and CM/Del/Concl(92)480/3.

² For specific items at the request of the Committee.

³ For specific items at the CERN's request and subject to the Chair's approval.

⁴ Admitted as observer « for the whole duration of the Committee » by the CAHDI, March 1998. The same is valid for subordinated committees. Decision confirmed by the Committee of Ministers (CM/Del/Dec(99)670/10.2 and CM(99)57, para.D15). See CM/Del/Dec(2000)735, item 2.1a, para. 4 and SG/Inf(2000)48, para. 34. see CM/Del/Dec(2001)742, item 10.1 and Appendix 8, see CM/Del/Dec(2002)816, item 10.1 and Appendix 7.

⁵ Admitted as observer for the whole duration of the Committee, see CM/Del/Dec(2003)861, item 10.1, para. 2 and CM(2003)146, para; 12; see CM/Del/Dec(2004)883, item 10.1, para. 1 and Appendix 16.