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CAHDI (2008) 22

COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW (CAHDI)

**36th meeting
London, 7-8 October 2008**

PRELIMINARY DRAFT SPECIFIC TERMS OF REFERENCE FOR 2009-2011

Document prepared by the Secretariat of the CAHDI

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| 1. Committee Name | Committee of Legal Advisers on Public International Law (CAHDI) |
| 2. Committee Type | Ad hoc committee |
| 3. Source of ToR | Committee of Ministers |
| 4. Terms of Reference | |

Having regard to:

the Resolution Res(2005)47 on committees and subordinate bodies, their terms of reference and working methods, adopted by the Committee of Ministers on 14 December 2005;

the need for the development of legal and judicial systems and of law enforcement systems respectful of the rule of law and human rights, as reflected in the Action Plan adopted by the Third Summit of Heads of State and Government of the Council of Europe (Warsaw, 16-17 May 2005), namely in Chapter I – Promoting common fundamental values: human rights, rule of law and democracy;

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).

Within the framework of the Programme of Activities, under Programme II.2.4 - International law and international tribunals, the Committee is instructed to:

examine questions of public international law;

exchange and, where appropriate, 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

A. Members

Governments of member states are entitled 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.

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)

B. Other Participants

i. The European Commission and the Secretariat General of the Council of the European Union 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 agencies;²
- European Organisation for Nuclear Research (CERN);³
- International Criminal Police Organisation (INTERPOL).

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;
- Israel;⁴
- New Zealand;
- International Committee of Red Cross (ICRC).⁵

6. Working Structures and Methods

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

7. Duration

The present terms of reference expire on 31 December 2011

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

Note 2 For specific items at the request of the Committee.

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

Note 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)735/2.1a, para. 4 and SG/Inf(2000)48, para. 34. See CM/Del/Dec(2001)742/10.1 and Appendix 8, see CM/Del/Dec(2002)816/10.1 and Appendix 7.

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

Decision References

29/11/2006 CM/Del/Dec(2006)981, Item 10.1b -- CM/Del/Dec(2006)981/10.1, Appendix 3 valid until 31/12/2008