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CAHDI (2025) 10

COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW (CAHDI)

List of items discussed and decisions taken Abridged report

68th meeting (hybrid meeting)

17-18 March 2025

Strasbourg, France

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

cahdi@coe.int - www.coe.int/cahdi

COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW (CAHDI)**68th meeting, Strasbourg, 17-18 March 2025****List of items discussed and decisions taken
Draft Abridged report****1. Introducing the meeting.**

1.1. The Committee of Legal Advisers on Public International Law (CAHDI) held its 68th meeting in Strasbourg, France, on 17-18 March 2025, with **Ms Kerli Veski** (Estonia) as Chair.

1.2. The CAHDI adopted its agenda as set out in **Appendix I** to this report.

1.3. The CAHDI examined and adopted the **report of its 67th meeting** (Vienna, 19-20 September 2024), and authorised its publication on the CAHDI website.

1.4. The CAHDI took note of the information provided by the Director of Legal Advice and Public International Law and on the **most important developments within the Council of Europe** since the last meeting of the Committee.

2. Concerning the Committee of Ministers' decisions with relevance to the CAHDI, including requests for the CAHDI's opinion:

2.1. The CAHDI took note of the Secretariat's update on the follow-up to **indicative overview of possible avenues under international law aimed at securing the payment of just satisfaction by the Russian Federation awarded by the European Court of Human Rights**, adopted by the CAHDI on 23 December 2024 and forwarded to the Committee of Ministers through the Rapporteur Group on Legal Co-operation (GR-J). After discussions on 11 February and 13 March 2025, two silent procedures were broken, and the item was scheduled for further consideration at the GR-J meeting on 17 April 2025.

2.2. Following the decision of 23 October 2024 of the Committee of Ministers communicating to the CAHDI *Recommendation 2285 (2024) of the Parliamentary Assembly of the Council of Europe (PACE) on "Missing persons, prisoners of war and civilians in captivity as a result of the war of aggression of the Russian Federation against Ukraine"*, the CAHDI took note of opinion **CAHDI (2024) 30**, which was adopted by written procedure and transmitted to the Committee of Ministers on 23 December 2024.

2.3. Following the decision of 12-13 February 2025 of the Committee of Ministers communicating to the CAHDI *Recommendation 2288 (2025) of the PACE on "The need for a renewed rules-based international order"* for information and possible comments, the CAHDI **adopted an opinion** on this Recommendation, as contained in document **CAHDI (2025) 8 Restricted**. At the same meeting, the Committee of Ministers also communicated *PACE Recommendation 2289 (2025) on "Addressing risks to human rights and the rule of law posed by mercenaries and private military and security companies: a call for comprehensive regulation"*. The CAHDI adopted an opinion on this Recommendation, as contained in document **CAHDI (2025) 9 Restricted**.

2.4. The CAHDI delegations exchanged views on the current CAHDI terms of reference for 2024-2027 and proposed retaining them without modifications for 2026-2027, as contained in document **CAHDI (2025) 1**.

2.5. The CAHDI took note of **decisions of the Committee of Ministers relevant to the work of the CAHDI**, as contained in document **CAHDI (2025) 2 Restricted**.

3. Concerning the subject of **“CAHDI databases and questionnaires”**:

3.1. The CAHDI took note of the following questionnaires and databases:

- Questionnaire on “Settlement of disputes of a private character to which an international organisation is a party”;
- Questionnaire on “Immunity of state-owned cultural property on loan”;
- Questionnaire on “Immunities of special missions”;
- Questionnaire on “Service of process on a foreign State”;
- Questionnaire on “Possibility for the Ministry of Foreign Affairs to raise public international law issues in procedures pending before national tribunals and related to States’ or international organisations’ immunities”;
- Database on “The immunities of States and international organisations”;
- Questionnaire and database on “Organisation and functions of the Office of the Legal Adviser of the Ministry of Foreign Affairs (OLA)”
- Database on “The implementation of United Nations Sanctions”.

3.2. The CAHDI noted that all of the above questionnaires are now publicly available on the CAHDI website, highlighting the importance of keeping the information up to date to maintain their relevance.

4. The CAHDI took note of the **information provided by delegations** in relation to the immunities of States and international organisations, diplomatic and consular immunities as well as **State practice and case-law on this matter**.

5. Concerning the subject **“The European Convention on Human Rights and other human rights Issues involving public international law”**:

5.1. The CAHDI took note of the information provided by delegations concerning **cases before the European Court of Human Rights involving issues of public international law**. It further invited delegations to keep the Committee informed on developments in this regard as well as on other relevant pending cases.

5.2. With regard to the issue of **“National implementation measures of UN sanctions and respect for human rights”**, the CAHDI took note of the information provided in this regard.

6. On the subject of **treaty law**:

6.1. The CAHDI held an **exchange of views** with **Professor Mathias Forteau**, Professor of Public International Law at Paris Nanterre University and member of the ILC, on the **ongoing work of ILC on Non-legally binding international agreements**. The CAHDI also discussed **non-legally binding instruments in international law** and reviewed document **CAHDI (2025) 3**, which compiles national approaches and materials. Upon discussing possible follow-up action, particularly concerning the development of potential tools, the CAHDI furthermore decided to keep this item on its agenda, prepare a comparative glossary for the next CAHDI meeting, and propose a methodology for compiling best practices in this field. The CAHDI also invited delegations, that had not yet submitted their national documentation on non-legally binding instruments for inclusion in the compilation, to do so. and delegations that had already done so, to review the compilation and provide written comments at their earliest convenience.

6.2. The CAHDI took note of the replies to the questionnaire on **treaties not requiring parliamentary approval** (CAHDI (2024) 6 prov *Confidential Bilingual*) and of the main trends arising from the replies to the questionnaire (CAHDI (2024) 11 prov *Confidential*). The CAHDI invited delegations which had not yet responded to this questionnaire to do so at their earliest convenience and to reflect on possible further developments in this regard.

6.3. The CAHDI took note of the replies to the questionnaire on **“International soft law: implications for Legal Departments of Ministries for Foreign Affairs”** as contained in document

CAHDI (2025) 6 prov *Confidential Bilingual* and invited delegations to submit their replies to this questionnaire at their earliest convenience.

6.4. Within the framework of its activity as the **European Observatory of Reservations to International Treaties**, the CAHDI examined a list of 9 reservations and declarations to international treaties subject to objection, concluded within and outside the Council of Europe and included in document CAHDI (2025) 7 *Confidential*.

6.5. In addition, the CAHDI took note of document CAHDI (2025) Inf 1 containing the reactions to reservations and declarations to international treaties previously examined by the CAHDI and for which the deadline for objection had already expired.

7. On the subject of **current issues of public international law**:

7.1. The CAHDI held an exchange of views on the **Law of the Sea and the Protection of Critical Submarine Infrastructure**, with a presentation by **Dr Danae Azaria** (University College London).

The CAHDI also held an exchange of views on the **public international law aspects of the current situation of aggression against Ukraine** and took note of the information provided by delegations and by the Secretariat on accountability issues.

7.2. The CAHDI held an exchange of views on the **peaceful settlement of disputes** and took note of the information provided by the Permanent Court of Arbitration and other delegations on this subject.

7.3. The CAHDI held an exchange of views on the **work of the International Law Commission (ILC)**.

7.4. With regard to the **consideration of current issues of international humanitarian law**, the CAHDI took note of the information provided by the International Committee of the Red Cross and other delegations on this subject.

7.5. The CAHDI discussed and took note of the information provided by delegations on the **recent developments concerning the International Criminal Court (ICC) and other international criminal tribunals** in the light of document PIL-ICT (2025) 1.

8. Concerning any **other issues**:

8.1. The CAHDI decided to hold its **69th meeting** in Strasbourg (France), on **25-26 September 2025**. The CAHDI instructed the Chair of the CAHDI, in co-operation with the Secretariat, to prepare in due course the provisional agenda of this meeting.

8.2. The CAHDI **adopted the present Abridged report** and instructed the Secretariat to submit it to the Committee of Ministers for information.

APPENDIX I

1. INTRODUCTION

- 1.1. Opening remarks
- 1.2. Adoption of the agenda
- 1.3. Adoption of the report of the 67th meeting
- 1.4. Information provided by the Secretariat of the Council of Europe

2. COMMITTEE OF MINISTERS' DECISIONS WITH RELEVANCE FOR THE CAHDI INCLUDING REQUESTS FOR CAHDI'S OPINION

- 2.1. CAHDI indicative overview of possible avenues under international law aimed at securing the payment by the Russian Federation of just satisfaction awarded by the European Court of Human Rights - Committee of Ministers' Follow-up
- 2.2. Opinions of the CAHDI on Recommendations of the Parliamentary Assembly of the Council of Europe (PACE)
- 2.3. CAHDI Terms of Reference 2024-2027 – Consultation on the main deliverables and their level of priority 2026-2027
- 2.4. Other Committee of Ministers' decisions of relevance to the CAHDI's activities

3. CAHDI DATABASES AND QUESTIONNAIRES

- 3.1. Settlement of disputes of a private character to which an international organisation is a party
- 3.2. Immunity of state-owned cultural property on loan
- 3.3. Immunities of special missions
- 3.4. Service of process on a foreign State
- 3.5. Possibility for the Ministry of Foreign Affairs to raise public international law issues in procedures pending before national tribunals and related to States' or international organisations' immunities
- 3.6. Organisation and functions of the Office of the Legal Adviser of the Ministry of Foreign Affairs
- 3.7. The implementation of United Nations sanctions

4. IMMUNITIES OF STATES AND OF INTERNATIONAL ORGANISATIONS, DIPLOMATIC AND CONSULAR IMMUNITY

- 4.1. Exchanges of views on topical issues in relation to the subject matter of the item
- 4.2. State practice and relevant case-law

5. THE EUROPEAN CONVENTION ON HUMAN RIGHTS, CASES BEFORE THE EUROPEAN COURT OF HUMAN RIGHTS AND OTHER HUMAN RIGHTS ISSUES INVOLVING PUBLIC INTERNATIONAL LAW

- 5.1. Cases before the European Court of Human Rights involving issues of public international law
- 5.2. National implementation measures of UN sanctions and respect for human rights

6. TREATY LAW AND SOFT LAW INSTRUMENTS

- 6.1. Exchanges of views on topical issues related to treaty law

- 6.2. Law and practice relating to reservations and interpretative declarations concerning international treaties: European Observatory of Reservations to International Treaties

7. CURRENT ISSUES OF PUBLIC INTERNATIONAL LAW

- 7.1. Topical issues of public international law
- 7.2. Peaceful settlement of disputes
- 7.3. The work of the International Law Commission
- 7.4. Consideration of current issues of international humanitarian law
- 7.5. Developments concerning the international Criminal Court (ICC) and other international criminal tribunals

8. OTHER

- 8.1. Place, date and agenda of the 69th meeting of the CAHDI: Strasbourg (France), 25-26 September 2025
- 8.2. Any other business
- 8.3. Adoption of the Abridged Report and closing of the 68th meeting