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CAHDI (2025) 18

COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW (CAHDI)

List of items discussed and decisions taken
Abridged report

69th meeting (hybrid meeting)
25-26 September 2025

Strasbourg, France

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

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COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW (CAHDI)**69th meeting, Strasbourg, 25-26 September 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 69th meeting in Strasbourg, France, on 25-26 September 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 68th meeting** (Strasbourg, 17-18 March 2025), 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. The CAHDI also took note of the information provided by its **Chair**.

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 decision of the Ministers' Deputies at their 1527th meeting on 30 April 2025 concerning the Indicative overview of possible options under international law aimed at securing the payment by the Russian Federation of just satisfaction awarded by the European Court of Human Rights, adopted by the CAHDI on 23 December 2024.

2.2. Following the decision of 23 April 2025 of the Committee of Ministers, inviting the CAHDI to clarify a number of issues in relation to the World Anti-Doping Agency (WADA), the CAHDI took note of opinion **CAHDI (2025) 12**, which was adopted by written procedure and transmitted to the Committee of Ministers on 15 July 2025.

2.3. The CAHDI held an exchange of views on its current activities and working methods in the light of its terms of reference for 2024-2027, as contained in document **CAHDI (2025) 1**. In this context, the CAHDI considered the contribution of its compilations on the case law of the European Court of Human Rights and on developments concerning the International Criminal Court and other international criminal tribunals, as well as the document on means of peaceful settlement of disputes. The CAHDI recognised the usefulness of these documents and their contribution to its work. Taking into account resource constraints and the evolving agenda of the Committee, it decided to maintain, under a revised title, the compilation of the case law of the European Court of Human Rights relating to general public international law. The CAHDI agreed, however, not to pursue for the time being updates of the compilation on developments concerning the International Criminal Court and other international criminal tribunals as well as of the document on peaceful settlement of disputes, while keeping these subjects as standing items on its agenda.

2.4. The CAHDI took note of **decisions of the Committee of Ministers relevant to the work of the CAHDI**, as contained in document **CAHDI (2025) 13**.

3. Concerning the subject of "CAHDI databases":

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

- *"Settlement of disputes of a private character to which an international organisation is a party";*
- *"Immunity of state-owned cultural property on loan";*

- *"Immunities of special missions";*
- *"Service of process on a foreign State";*
- *"Exchange of national practices on the 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;"*
- *"The immunities of States and international organisations";*
- *"The organisation and functions of the Office of the Legal Adviser of the Ministry of Foreign Affairs";*
- *"The implementation of United Nations Sanctions".*

3.2. The CAHDI further noted that all of the above databases and questionnaires are publicly accessible on its website and underlined the importance of keeping them regularly updated to ensure their continued 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 on **non-legally binding instruments in international law** and reviewed document **CAHDI (2025) 3**, which compiles national approaches and materials, including national glossaries setting out key terminology. In addition, the CAHDI examined document **CAHDI (2025) 15**, which proposes a methodology for compiling best practices.

6.2. The CAHDI agreed that the methodology paper would serve as a guide for the next steps, to be updated in the light of delegations' comments. It decided to establish a Drafting Group of interested delegations, supported by the Secretariat, to begin work inter-sessionally. Delegations were encouraged to signal to the Secretariat, in case they were interested in joining the Drafting Group. The Group will first address "scope and terminology" and report back to the CAHDI at each stage.

6.3. The CAHDI underlined the need for a non-prescriptive approach, emphasising caution and flexibility, and noted that the overall timeline may extend beyond one year.

6.4. 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.

6.5. The CAHDI took note of the replies to the questionnaire on **treaties not requiring parliamentary approval** (CAHDI (2025) 17 prov) and of the main trends arising from the replies to the questionnaire (CAHDI (2024) 11 prov). 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.

6.6. 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. It invited delegations to submit their replies at their earliest convenience and if possible before the next CAHDI meeting so as to identify patterns or possible trends arising from them.

The CAHDI also invited the Drafting Group on non-legally binding instruments, once established, to consider possible synergies with regard to this questionnaire.

6.7. On the initiative of one delegation, the CAHDI held a discussion on **suspension of multilateral treaties** and agreed on including this topic in the agenda for the next CAHDI meeting.

6.8. Within the framework of its activity as the **European Observatory of Reservations to International Treaties**, the CAHDI examined a list of 7 reservations and declarations to international treaties subject to objection, concluded within and outside the Council of Europe and included in document CAHDI (2025) 14.

6.9. In addition, the CAHDI took note of document CAHDI (2025) Inf 2 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 **due diligence in international law**, on the basis of a presentation by **Dr Penelope Ridings**, University of Auckland, member of the International Law Commission (ILC).

7.2. The CAHDI also took note of the presentation by **Professor Ágnes Kasper**, Tallinn University, on the “**Handbook on Developing a National Position on International Law and Cyber Activities: A Practical Guide for States**” and held an exchange of views on this matter.

7.3. 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.

7.4. The CAHDI held an exchange of views on the **peaceful settlement of disputes** and took note of the information provided by delegations on this subject.

7.5. The CAHDI held an exchange of views on the **work of the ILC**, with an introductory presentation by **Prof. Mārtiņš Paparinskis**, University College of London, Chair of the ILC.

7.6. 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.

7.7. 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) 2.

8. Concerning any **other issues**:

8.1. In accordance with Resolution CM/Res(2021)3 as amended by Resolution CM/Res(2025)2, the CAHDI elected **Ms Kerli Veski** and **Mr Declan Smyth**, respectively, as **Chair** and **Vice-Chair** of the Committee, for a term of one year, from 1 January to 31 December 2026.

8.2. The CAHDI decided to hold its **70th meeting** in Strasbourg (France), on **19-20 March 2026**. 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.

8.3. 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 68th meeting
- 1.4. Information provided by the Secretariat of the Council of Europe and the Chair of the CAHDI

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. Opinion of the CAHDI on ad hoc European Committee for the World Anti-Doping Agency (CAHAMA) - feasibility of WADA imposing consequences on states for the voluntary withholding of financial contributions
- 2.3. CAHDI Terms of Reference 2024-2027 – Consultation on the activities
- 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. Election of the Chair and the Vice-Chair
- 8.2. Place, date and agenda of the 70th meeting of the CAHDI: Strasbourg (France), 19-20 March 2026
- 8.3. Any other business
- 8.4. Adoption of the Abridged Report and closing of the 69th meeting