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CAHDI (2026) 8

COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW (CAHDI)

Meeting report

70th meeting
19-20 March 2026

Strasbourg, France (hybrid meeting)

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

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1 **INTRODUCTION**

1.1 **Opening of the meeting by the Chair, Ms Kerli VESKI**

1. The Committee of Legal Advisers on Public International Law (CAHDI) held its 70th meeting in Strasbourg (France) on 19-20 March 2026, with Ms Kerli VESKI (Estonia) as the Chair. The meeting was held in hybrid format. The list of participants is set out in **Appendix I** to this report.

1.2 **Adoption of the agenda**

2. The CAHDI adopted its agenda as it appears in **Appendix II** to this report.

1.3 **Adoption of the report of the 69th meeting**

3. The CAHDI adopted the report of its 69th meeting (document CAHDI (2025) 19 prov), held on 25-26 September 2025 in Strasbourg (France), with the proposed amendments and instructed the Secretariat to publish it on the Committee's website.

1.4 **Information provided by the Secretariat of the Council of Europe.**

- ***Statement by Mr Jörg POLAKIEWICZ, Director of Legal Advice and Public International Law***

4. Mr Jörg POLAKIEWICZ, Director of Legal Advice and Public International Law (DLAPIL) informed the delegations of recent developments within the Council of Europe since the last CAHDI meeting. The speaking notes of Mr POLAKIEWICZ are set out in **Appendix III** to this report.

- ***Information provided by Ms Kerli VESKI, Chair of the CAHDI***

5. The Chair informed the delegations of her online participation in an exchange of views with the Committee of Ministers (CM) at the 1549th meeting of the Minister's Deputies (4 February 2026). This exchange served to present the CAHDI's activities since the last exchange of views (27 November 2024) and discuss the increasingly challenging context within which the CAHDI operates. Addressing the CM, the Chair highlighted that while international law is more essential than ever in confronting armed conflicts, human rights violations, accountability issues, and transnational challenges, the international legal order faces mounting pressure, including contestation, selective application, or disregard of established norms. The Chair underlined the Council of Europe's responsibility to uphold this rule-based order and explained how the CAHDI supports this objective through legal dialogue, co-operation among government legal advisers, and advisory functions for the CM. She indicated the Committee's potential as a platform for collective reflection and co-operation, to address emerging international law issues and to contribute to the Council of Europe's external action strategy. She also noted the CM's appreciation for the CAHDI as the only pan-European forum bringing together legal advisers from ministries of foreign affairs. Several delegations echoed this sentiment during the exchange, emphasising the role of international law for maintaining peace and stability among states. Other delegations stressed the interconnection between respect for human rights and the development of public international law, noting the CAHDI's contribution to advancing these aims.
6. Concerning themes discussed, the Chair noted that delegations firstly focused on the CAHDI's co-operation with other international fora. Several delegations inquired about strengthening the CAHDI's ties with the International Law Commission (ILC) and the Sixth Committee of the United Nations General Assembly. The Chair recalled the CAHDI's long-standing engagement with both bodies, through regular invitations to the ILC's Chair to participate in meetings and sustained dialogue with ILC members. In addition, the Chair explained that the CAHDI benefits from the active participation of observer states and international organisations, enabling open discussion of diverse perspectives on international law.
7. The Chair reported that the second theme discussed was the CAHDI's role in addressing emerging challenges. Several delegations raised questions regarding the adequacy of existing international instruments to respond to issues such as digital interference, disinformation, and new forms of transnational threats. In reply, the Chair explained that the CAHDI allows states

to exchange views on evolving challenges, through assessing the applicability of current legal frameworks and discussing the need for new approaches. The Chair also noted that challenges should continue to be addressed within existing international frameworks, while acknowledging the CAHDI's potential to support the development of new legal standards where necessary.

8. The Chair reported that the third theme addressed concerned accountability for Ukraine. Several delegations referred to ongoing efforts, such as the work on the Special Tribunal for the Crime of Aggression against Ukraine, the Register of Damage for Ukraine, and the International Claims Commission for Ukraine. The Chair noted that the CAHDI has actively engaged with these mechanisms, through exchanges among legal advisers and participation of experts in relevant intergovernmental processes. She stressed that the involvement of the same legal advisers in both the CAHDI and these specialised processes contributes to the coherent exchange of expertise. The Chair also noted that the CAHDI will continue to discuss ongoing developments and could, if requested, provide opinions on related public international law issues in the future.
9. Lastly, the Chair reported that the fourth theme focused on the CAHDI's visibility and the Council of Europe's external role. Some delegations encouraged greater dissemination of the Committee's outputs and analyses, while recognising that legal advice within ministries of foreign affairs is often confidential. In response, the Chair explained that although some exchanges among legal advisers must remain confidential, the CAHDI continues to promote the accessibility of its work through the publication of questionnaires, databases, and other materials, which are made available to governments and, in some cases, to external stakeholders.

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

2.1 Committee of Ministers' decisions of relevance to the CAHDI's activities

10. The Chair presented a compilation of Committee of Ministers' decisions of relevance to the CAHDI's activities (document CAHDI (2026) 1), prepared by the Secretariat. Chapter I of the compilation provided an overview of decisions directly concerning the CAHDI, including those whereby the Committee of Ministers took note of the abridged reports of its meetings or requested the Committee to provide opinions. Chapter II referred to the stocktaking of the Maltese Presidency of the Committee of Ministers (May – November 2025) and to the priorities of the subsequent Moldovan Presidency (November 2025 – May 2026). Chapter III was devoted to the situation in Ukraine. Chapters IV to IX, in line with established practice, covered decisions relating to the Parliamentary Assembly of the Council of Europe, treaty law, human rights issues, democratic stability, and cooperation with other international organisations.
11. No delegation took the floor under this sub-item.

3 CAHDI DATABASES AND QUESTIONNAIRES

12. The Chair introduced the item by recalling that the CAHDI maintained a variety of questionnaires and databases, in particular in the field of issues related to immunities of states and international organisations, as well as in other areas of specific interest to the Committee. She noted that all CAHDI questionnaires under this item were publicly available on the CAHDI website. She further recalled that information on the number of replies received and the states having submitted contributions could be found both on the website and in the annotated agenda for the meeting. The Chair encouraged all delegations to continue submitting new or updated contributions to the questionnaires and databases, stressing that these constituted an important outreach component of the CAHDI's work that should not be underestimated. She underlined the importance of keeping the information contained therein up to date, in order to ensure its continued relevance not only for the Committee's own use, but also for external stakeholders, including researchers, students and journalists.

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

13. The Chair noted that there had been no proposals for exchanges of views on topical issues in relation to the subject matter of the item. Thus, she invited delegations to share information on recent developments concerning state practice and relevant case law in their countries regarding the topic of immunities.
14. No delegations took the floor to share information under this agenda item.

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

15. The Chair invited delegations to report on judgments and decisions, rendered by the ECtHR involving issues of public international law.
16. The representative of Greece took the floor to draw the attention of the delegations to the case of [*M.P. and Others v. Greece*](#).¹ In this case, the Court focused, for the first time, on the obligations imposed by Article 8 of the European Convention on Human Rights ('ECHR', 'the Convention') on the courts dealing with international abduction cases under the 1980 Hague Convention on the Civil Aspects of International Child Abduction, from the perspective of participation rights of the child and found that the national courts hearing a request for return are required to examine *ex officio* the appropriateness of hearing the child, providing adequate reasons for any decision not to do so. The Court recognised that there is consensus among the states parties to the Convention on the obligation to provide children with a real and effective opportunity to express their views in proceedings that concern them, and to assist them in this regard through child-friendly tools and procedures. The representative also stressed that it was noteworthy that the above obligation also applies to young children (as were the children in this particular case, born in 2016 and 2018), who must be assessed individually in terms of their ability to express an opinion. This judgment is part of other international developments towards child-friendly justice such as the recent Recommendation CM/Rec(2025)4 of the Committee of Ministers of the Council of Europe on the protection of the rights and best interests of the child in proceedings relating to the separation of parents.² She stated that it therefore merits acknowledgement as an important step in affirming children's participation rights in international abduction proceedings affecting them. In addition, it constitutes a significant development in the Court's jurisprudence.

5.2 National implementation measures of UN sanctions and respect for human rights

17. No delegation took the floor under this sub-item.

6 TREATY LAW

6.1 Exchanges of views on topical issues related to treaty law

- *Discussion on non-legally binding instruments in international law*

18. Under agenda item 6.1, the CAHDI addressed topical issues related to treaty law. The Chair recalled that CAHDI had in prior sessions engaged in structured consideration of non-legally binding instruments (NLBIs), including as a follow-up to the 2021 expert workshop organised under the German Presidency of the Committee of Ministers. In this context, the Chair recalled two central documents to continue the work on the topic: the revised compilation of national

¹ ECtHR, *M.P. and Others v. Greece*, no. 2068/24, 9 September 2025.

² [CM/Rec\(2025\)4](#) - Recommendation of the Committee of Ministers to member States on the protection of the rights and best interests of the child in parental separation proceedings (Adopted by the Committee of Ministers on 28 May 2025 at the 1529th meeting of the Ministers' Deputies).

approaches to NLBIs, document CAHDI (2025) 3 and the revised analytical report (document CAHDI (2025) 5 prov), the latter now included material from 39 States and international organisations. Delegations were invited to submit further replies to the questionnaire, to enrich the basis for analysis and compilation of best practices.

19. The Chair further recalled the establishment of the drafting group on NLBIs during the last CAHDI meeting in September 2026, composed of representatives from Belgium, Finland, France, Greece, the Netherlands, Slovenia, and the United Kingdom, and chaired by Germany, with support from the CAHDI Secretariat. The drafting group was tasked with advancing the Committee's work on NLBIs and had convened three times online since the last CAHDI meeting in September 2025. The group started applying the methodology outlined in document CAHDI (2025) 15, to accommodate the broad thematic scope of the questionnaire and to ensure the resulting compendium would have maximum practical utility. The Chair underlined that regular communication with all CAHDI members as a continuing priority for the process. The Chair invited the Committee to take note of the progress report of the drafting group including annexed meeting reports.
20. The representative of Germany highlighted the continued growth in importance of NLBIs in state practice and underlined the group's objective to achieve clarifications and identify best practices. It was noted that enhanced mutual knowledge about NLBIs is of great practical benefit to states working with NLBIs. The delegation of Germany confirmed its invitation to a forthcoming in-person meeting of the drafting group in Berlin on 7 May 2026.
21. The Chair of the drafting group, who was also a member of the delegation of Germany, reported that the group made progress in clarifying state practice and identifying best practices. The representative thanked all the participating delegations in the drafting group for their continuous work. He further reported that the group had divided the different sections of the questionnaire for analysis among its members. Furthermore, the work of the past meetings focused on analysing the material and elaborated on appropriate methodological approaches to the task. He reported that the drafting group decided that no uniform approach can be taken to analyse the material due to differentiation in topics covered and answers received to the questionnaire. As a result, each delegation participating in the drafting group suggested an approach for the analysis of their respective section of the questionnaire. This tailored approach would allow for the identification of areas where best practices could be formulated, while other areas might be limited to restatements of state practice or summaries of common elements, reflecting the diversity of domestic systems. The group was guided in particular by the need for practical utility and avoidance of prescriptive or normative recommendations.
22. The representative of Germany further reported that the drafting group welcomed two academic experts, Professor Helmut AUST from the Free University of Berlin and Professor Thomas KLEINLEIN from the University of Kiel, as a means of enhancing the spectrum of perspectives, while remaining clear that the final output would remain a pragmatic, practitioner-driven product. The Chair of the drafting group further indicated that the group may need to solicit further information from delegations where gaps in material or clarity were identified. The next step was to move from analysis to the drafting of the compendium's preliminary outline and content.
23. The Chair opened the floor to delegations to comment on the work of the drafting group or to ask questions. The representative of Slovenia reiterated the importance of flexibility and clarity for States, highlighted Slovenia's introduction of refined internal procedures for NLBIs under the new treaties and international instruments act and called for continued in-depth analysis of comparative practice. The representative of Finland welcomed the tailored approach and underscored the contribution of academic experts. The representative of the United Kingdom emphasised the challenge posed by divergent domestic systems and the need to preserve flexibility for States.
24. The representatives of Switzerland and the United States further stressed the value of a practical, non-prescriptive compendium that serves as a helpful toolkit and upholds the principal benefit of flexibility in States' use of non-legally binding instruments.

25. The Chair summarised that while expectations for practical utility were high, the group was encouraged to remain non-prescriptive and open to further input from delegations as the process moved forward. The Chair then concluded this subitem.

- ***Exchange of views on treaties not requiring parliamentary approval***

26. Under the second sub-item, the Chair introduced the topic of treaties not requiring parliamentary approval, as initiated by the questionnaire prepared by the Slovenian delegation, document CAHDI (2022) 3 rev *confidential*. The compilation of replies, document CAHDI (2026) 6 prov *confidential*, includes submissions from 29 delegations, and the main trends are summarised in document CAHDI (2026) 5 prov *confidential*. The Chair then invited delegations to keep submitting replies to the questionnaire to enrich the analysis. She then opened the exchange of views on this topic.
27. The representative of Slovenia as promoter of this initiative informed the CAHDI that a new act regulating treaties and international instruments had recently entered into force in Slovenia, providing further clarity and that Slovenia would submit a revised reply to the questionnaire accordingly. Slovenia proposed moving this item under agenda item three (CAHDI databases and questionnaires) and making the material publicly available on the CAHDI website, subject to considerations of confidentiality.
28. The Secretariat of the CAHDI clarified that all databases and questionnaires listed under item three are publicly available on the CAHDI website and that a process would be established to give delegations the opportunity to update or revise their replies prior to publication.
29. The representative of Greece noted the practical value of making such information public and added that her department had occasionally been contacted by foreign embassies that express interest in the publicly accessible resources of CAHDI.
30. As no objections were raised, the CAHDI took note of the proposal and agreed to move the item to agenda point three, with the Secretariat to contact each delegation regarding the publication of their reply.

- ***Exchange of views on soft law instruments***

31. Under its third sub-item, the CAHDI engaged in an exchange of views on soft law instruments. The Chair recalled that this topic was included on the CAHDI's agenda at its 63rd meeting in Bucharest, September 2022, further to an initiative by the Italian delegation. Subsequently, at the 65th meeting in September 2023, the Committee had adopted a questionnaire on international soft law and its implications for legal departments of ministries for foreign affairs, as prepared by the Italian delegation and finalised following consultation among CAHDI members. To date, only nine delegations had submitted replies to the questionnaire, as compiled in document CAHDI (2025) 6 prov. The Chair noted that this limited number of replies remained insufficient for comprehensive analysis or follow-up action and therefore reiterated the call for additional replies to be submitted prior to the next CAHDI meeting. It was recalled that, as discussed at the last meeting, the drafting group on non-legally binding instruments had been invited to consider whether the replies on soft law instruments could be incorporated within its work, in order to avoid a separate workstream and to ensure coherence of approach.
32. The representative of Germany indicated that the drafting group had not yet held dedicated discussions on this matter but agreed to take the proposal back to the group for consideration. The Chair underlined the importance of approaching the issue holistically and invited any further comments from delegations.
33. The representative of Norway welcomed the inclusion of soft law on the CAHDI's agenda and highlighted the need for further work on the definition and use of the term "soft law" in international practice. It was noted that "soft law" is frequently used to refer to a range of different instruments such as model agreements and guidelines which can vary significantly in purpose, scope and level of authority. The representative indicated that clarifying how States understand and apply the term would make a valuable contribution, since the expression can lend documents an authority not always justified by their content.

34. The representative of Mexico underlined the importance of avoiding fragmentation or contradicting approaches in internationally parallel processes, highlighting the need to ensure coherence between CAHDI's work and the ongoing efforts of the International Law Commission (ILC), as well as relevant regional bodies in both the Americas and Europe. It was suggested that further reflection would be beneficial in ensuring that the CAHDI's analysis remains aligned with the development of ILC drafts and perspectives.
35. The representative of Türkiye underscored the increasing use and practical relevance of soft law and non-legally binding instruments in daily diplomatic practice. The importance of developing agreed and precise terminology was again underlined, with a preference expressed for the labels "non-legally binding instruments" or "non-legally binding materials" rather than "non-legally binding agreement". The delegation advocated for close coordination and collaborative terminology between the CAHDI and the ILC, with a view to avoiding duplication as well as contradictory outcomes, and reiterated its willingness to contribute further input as needed.
36. The Chair summarised that the drafting group on NLBIs would consider the topic and, if appropriate, present its suggestions at the next CAHDI meeting on how the topic of soft law instruments might be incorporated into the broader work on non-legally binding instruments. Delegations were again invited to provide replies to the questionnaire and, additionally, to include observations on their national use and understanding of the term "soft law".

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

- *Suspension of multilateral treaties*

37. Under agenda point 6.2, the CAHDI addressed the law and practice relating to reservations and interpretative declarations concerning international treaties. As a new sub-item, the CAHDI held a discussion on the suspension of multilateral treaties, following the proposal by the delegation of Switzerland at the previous CAHDI meeting in September 2025 and the CAHDI's decision to add it to the current agenda. The Chair explained that the delegation of Switzerland had prepared an updated non-paper to facilitate the discussion and introduced several procedural questions relating to the Vienna Convention on the Law of Treaties (VCLT) and recent state practice.
38. In introducing the topic, the representative of Switzerland noted that the procedures and conditions for the suspension of multilateral treaties under Sections 3 and 4 of the Vienna Convention on the Law of Treaties, and in particular Article 62 (fundamental change of circumstances), continue to raise a number of practical and procedural questions. An initial exchange of views at the previous CAHDI session had been deemed valuable by several delegations, and Switzerland had since updated its background paper to clarify open issues and to reflect developments in a particular case, while suggesting that the focus shift to the more general procedural framework.
39. Switzerland identified three key procedural issues for further discussion: First, art. 65 VCLT is not clear on who is responsible for determining the objection period following a notification of suspension, whether it should be the notifying party, a designated institution, or another entity. Second, at what point the deadline for objections begins to run, upon receipt of the suspension notification by the depositary, or rather when the depositary notified the other treaty parties, noting practical implications for certainty and fairness in treaty relations. Third, the extent of the depositary's obligations, specifically, whether the depositary must also circulate all reactions and objections received in response to a notice of suspension, in addition to the initial notification itself. These points reflected ambiguities within the relevant provisions of the Vienna Convention, particularly Articles 65 and 77 VCLT, as well as differing practices observed in recent cases.
40. The representative of Switzerland explained that, in practice, the notifying party should clarify the objection period, and that the three-month period foreseen for objections ought to begin when parties are actually notified (not merely when the depositary receives the

communication), and that the depositary should circulate not only the initial notification but also all objections or reactions to ensure transparency and legal certainty for all treaty parties.

41. The Chair thanked Switzerland for raising the topic, for the preparation and updating of the supporting document, and for clearly articulating the practical and legal questions meriting consideration. The Chair then invited delegations to respond to the questions posed, present their views on the procedural aspects of suspension, and comment on the practices and difficulties encountered in recent instances.
42. The representative of Ukraine thanked the Swiss delegation for the timely updated non-paper and underscored the importance of procedural clarity for States. Ukraine noted, with reference to the advisory opinion of the International Court of Justice (ICJ) on the legality of the threat or use of nuclear weapons,³ that an argument for suspension can be made in situations where the existence of the State itself is at risk. Additionally, certain exceptional arguments regarding necessity may serve as a basis for a suspension to not qualify as an international wrongful act under the law of state responsibility. Ukraine emphasised that both legal doctrine and lived experience lent particular significance to these considerations in the current context.
43. The representative of Norway expressed appreciation for the updated paper and supported the procedural approach advocated for by the delegation of Switzerland, specifically that the deadline for reactions to suspensions or objections should start when State parties are informed by the depositary. The representative of Norway also agreed with the Swiss delegation that the depositary should also circulate all objections by State parties to a suspension.
44. The representatives of Poland agreed with the approach presented by the delegation of Switzerland and highlighted that the deadline for reactions starts once State parties are notified by the depositary. The representative of Poland added that three months was generally considered the deadline for reactions, while noting that this period could be shortened, provided that the shortened deadline was duly notified.
45. The representative of France clarified that, as France is not a party to the VCLT, French practice is framed by customary international law rather than the VCLT itself. The representative noted that the procedural rule established by Article 65 VCLT, which concerns notifications and objections pertaining to the suspension or termination of treaties, is not regarded by France as constituting customary law.
46. Regarding the question of who should determine the deadline for objections, France indicated that, based on the ILC's commentary on the draft convention, it is for the party invoking the suspension ("the suspending State") or termination to set a reasonable period for response by other parties. France reflected that, in the absence of a customary rule, there is some merit to the idea of allowing the depositary to set such deadlines; however, delegating this responsibility entirely to the suspending State could enable an abuse of discretion, permitting that party to unilaterally impose an unreasonably short or long deadline on others. In any event, France stressed that any deadline established must remain reasonable in duration.
47. On the issue of when the objection period should commence, the delegation of France favoured the date on which states parties actually receive the notification rather than the date of its deposit with the depositary. This approach was presented as being more consistent with the principle of legal certainty: states must have clear knowledge of relevant actions in order to exercise their procedural rights, and actual notification best ensures states have adequate and equitable opportunity to react or respond.
48. Finally, the representative of France addressed the obligations of depositaries, stating that the depositary's role must include not only receiving and transmitting notifications of suspension but also circulating all subsequent reactions, whether they constitute formal objections or other kinds of comments and statements. It was underlined that these functions, as codified in Article 77 VCLT, are fundamental to ensuring that all concerned parties are fully informed and able to exercise their rights.

³ ICJ, Advisory Opinion of 8 July 1996, [Legality of the Threat or Use of Nuclear Weapons](#), (No 95).

49. The representative of the United States underlined that the three-month rule in Article 65 VCLT is not a reflection of customary international law, but the time period still needs to be reasonable. The representative affirmed that the depositary's role is strictly administrative, limited to ensuring impartial circulation of notifications and responses.
 50. The delegation of Italy requested clarification regarding the distinction between null and void reservations, suggesting that if a reservation is void ab initio, no term for objection should be necessary. The delegation of Switzerland responded that, while legal certainty supports formulating objections even to void reservations, the lack of objections does not cure their nullity; objections may still be useful as a matter of good faith and clarity.
 51. The representative of Mexico highlighted the additional relevance of the International Law Commission's (ILC) draft articles on the effects of armed conflict on treaties, noting that armed conflict does not necessarily enact a *lex specialis* for suspension, withdrawal, or termination, and that these principles should be borne in mind in the analysis.
 52. The delegations of Australia, Japan and Türkiye stressed the importance to not exclusively revert to the VCLT due to the fact that many states did not ratify the convention. The representative of Australia clarified that, while VCLT States parties such as Australia are bound by VCLT provisions, the lack of universal ratification means it is important to consider the extent to which specific VCLT provisions are declaratory of customary international law. The representative of Türkiye highlighted that the inclusion of the general principles of international law within the scope of the discussions is beneficial. The representatives of Australia and Romania reiterated that the three-month period for objections, while not binding customary law, is widely regarded as reasonable, and that depositaries must circulate all relevant information as a matter of good faith and legal certainty, including the reactions to a suspension of a treaty by a party.
 53. Following the discussion, the Chair noted that the exchange had addressed the questions raised and invoked further reflections. Absent any objections, the Chair concluded that, as proposed by Switzerland, to conclude the topic for the time being and not to include it on the agenda for the next meeting. The Chair thanked all delegations for their thoughtful engagement and contributions.
- ***List of reservations and declarations to international treaties subject to objection***
54. Under agenda item 6.2, the Committee addressed the sub-item "List of Reservations and Declarations to International Treaties subject to Objection." The Chair introduced two documents for consideration: CAHDI (2026) 3, compiling reservations and declarations identified as potentially problematic and therefore subject to examination by the Committee, and CAHDI (2026) 1, reporting reactions to reservations discussed at the previous meeting, for informational purposes only. Five reservations or declarations, all concerning treaties deposited with the United Nations, were identified for discussion, three of which had been added since the last meeting.
 55. The Chair introduced the first reservation for examination made by the Islamic Republic of Iran to the United Nations Convention for the Suppression of the Financing of Terrorism (1999), stating that Iran would implement the Convention only within the framework of its constitution and domestic laws.
 56. The delegation of Germany explained that the delegation considered that the reservation leaves it ambiguous to what extent Iran would be bound by the convention and therefore considered the reservation incompatible with the object and purpose of the convention. The representative of Germany added that reservation number 2 excluding acts from the definition of terrorist offenses when committed as an expression of the rights of people to self-determination seemed also contradictory to Art. 6 of the convention. Therefore, the delegation of Germany explained to consider objecting to the reservations.
 57. Several delegations, including Austria, Finland, France, the Netherlands, Poland, Portugal, and Switzerland indicated that they were considering objections to these reservations,

supported the German reading of the reservation and indicated that they considered objecting to the reservation.

58. The Chair then introduced a new reservation by the Sultanate of Oman to the International Covenant on Civil and Political Rights (1966), which declared Oman not to be bound by certain articles, subjecting several provisions to interpretation in line with Islamic Sharia or its domestic law.
59. The representative of France noted that such reservations could neutralise key obligations and could be perceived as incompatible with the object and purpose of the Covenant. The delegation of France stressed that it was not yet decided whether France will indeed object but that objection might be possible.
60. The representative of Germany agreed with the representative of France and added that Germany had previously considered inadmissible similar reservations made in reference to Sharia law. Additionally, it was mentioned that the other declarations made by Oman regarding the Covenant were either not specific enough or conflicted with the central and fundamental norms of the treaty. Therefore, the delegation of Germany indicated that it might object to the reservation.
61. The delegations of Finland, the Netherlands, Poland, Portugal, and Switzerland echoed these concerns and indicated that they were reviewing or considering objections to the Omani reservations and declarations.
62. The Chair then further considered a reservation by Qatar to the United Nations Convention against Cybercrime, stating non-acceptance of certain articles due to their contradiction with Islamic Sharia, national legislation, and social and cultural values.
63. The representative of Switzerland noted, while Switzerland is not yet a party to the Convention, that an objection could be warranted. Additionally, the representative of France reported that the reservation was still being reviewed with the possibility of objecting.
64. No further delegations expressed an intention to comment on the remaining items or to present new information under this agenda item.

7 CURRENT ISSUES OF PUBLIC INTERNATIONAL LAW

7.1 Topical issues of public international law

- *Exchange of views with Professor Danae AZARIA, University College London (UCL), on State silence in international law*

65. The Chair welcomed and introduced Dr Danae AZARIA, Associate Professor at the University College London Faculty of Laws (UCL). Dr AZARIA presented her research on state silence in international law, including her recent book "State Silence Across International Law". She explained the conditions under which state silence may be interpreted as acceptance in international law, highlighting the significance of context, the clarity of legal claims, and the ability of states to react. She also examined the interpretation of state silence in relation to the prohibition on the use of force, reflecting on the complex interplay between legal and political considerations, and the evolving factual and normative contexts in which silence is assessed. The speaking notes of Dr AZARIA are set out in **Appendix IV** to this report.

Discussion

66. Many delegations thanked Dr AZARIA for her comprehensive overview.
67. The representative of Greece raised questions regarding the interpretation of state silence including in relation to weaker states (particularly where such silence may be attributable to political pressure or limited diplomatic capacity rather than genuine consent), the identification of *opinio juris*, and the role of the silence in multilateral contexts, including within international organisations such as the United Nations. The representative also inquired whether recent technological developments in diplomatic communication have lowered the threshold for interpreting silence as acquiescence.

68. Dr AZARIA addressed each question in turn. She first recalled the absence of a clear definition of what constitutes a weak state, observing that strength or weakness is context specific. She explained that international law is concerned with the manifest intention of states, not their genuine or subjective intent, when interpreting silence. Dr AZARIA noted that while political pressure or limited capacity may influence a state's silence, courts have been reluctant to accept such arguments as valid justifications for silence, unless coercion is demonstrated. Regarding *opinio juris*, she indicated that the ILC recognises that a failure to react may constitute evidence of *opinio juris* where a rational state would be expected to object, though in practice it is often difficult to determine whether silence reflects a deliberate and conscious legal choice. Dr AZARIA further explained that the interpretation of silence within international organisations, such as the United Nations, differs from bilateral contexts due to the multitude of interests involved and the procedural features of multilateral decision-making, such as consensus and abstentions. Finally, on the threshold for interpreting silence as acquiescence in the age of rapid communications, Dr AZARIA stressed that the context remains decisive; while widespread public communication can support a finding of constructive knowledge, simply broadcasting a statement or using social media does not automatically trigger a duty to react.
69. The representative of Germany raised questions regarding the possibility for a state to challenge an interpretation of its silence by a court or tribunal, as well as on the availability of practical guidance for foreign ministries in assessing when to speak up or remain silent in specific situations.
70. Dr AZARIA responded that providing a definitive set of practical guidelines on interpreting state silence is challenging due to the highly contextual nature of each case. She noted that codification efforts, such as those of the International Law Commission, can offer reference points, but ultimately a detailed case-by-case assessment is necessary. Regarding recourse for states whose silence has been judicially interpreted in a particular way, Dr AZARIA explained that available remedies depend on the procedures of the relevant court or tribunal. While some mechanisms, such as appellate procedures, may be available in certain fora, these are not universally accessible. She indicated that states may proactively issue statements clarifying how their silence should be interpreted in specific forums or contexts, though she cautioned that such strategies involve risks, including considerations of reciprocity and potential impacts on the authority of international courts and tribunals.
71. The representative of Finland inquired about the potential role of artificial intelligence (AI) in mapping instances of State silence within the framework of legal rules governing the use of force. Dr AZARIA observed that, while AI is an emerging area, it does not introduce fundamentally new theoretical questions concerning State silence. She indicated that, as observed in the law of the sea and cyberspace, State silence regarding the development of regulatory frameworks for AI may create space for non-state actors to shape normative practices, which could, in turn, influence state conduct. Dr AZARIA further explained that states with advanced technological capabilities in AI may be considered to have a higher standard of knowledge of legal developments in this area. As a result, silence by such states may, under certain circumstances, be more readily interpreted as acceptance.
72. The representative of Mexico raised concerns regarding the accessibility and timely circulation of Article 51 letters submitted to the UN Security Council, noting that such limitations may affect the ability of states to respond and could influence the interpretation of silence. The representative also informed the delegations of Mexico's ongoing efforts, including a proposal within the UN General Assembly's Charter Committee, to enhance the transparency and accessibility of these documents. Dr AZARIA reiterated the importance of transparency and the need for states to clearly articulate their positions in legal debates, particularly in multilateral fora such as the UN. She underlined that, in contexts of universal participation, states are expected to act diligently and express their views if they wish to avoid their silence being interpreted as acceptance, especially regarding issues as significant as the use of force under Article 51.
73. The representative of the United Kingdom emphasised the importance of understanding the reasons behind state silence and the need to carefully distinguish between legal inference and

political choice in this context. The representative also expressed appreciation for sessions featuring external experts and encouraged the continued inclusion of such presentations in future CAHDI meetings. Dr AZARIA thanked the representative for their remarks and for the ongoing exchange of views.

74. The representative of Ireland noted the difficulty for states in commenting on every perceived breach of international law. The representative underlined the importance of distinguishing between the role of silence in the possible modification of ordinary customary international law and that of peremptory norms. Referring to the prohibition of the use of force as a peremptory norm, the representative explained that, in Ireland's view, modifying such a norm would require broad acceptance and recognition by most states, which cannot be achieved by mere silence. He further observed that practical and political considerations should be considered and that silence in response to a breach of a peremptory norm should not be presumed as acceptance of a new rule. Dr AZARIA agreed with the representative regarding the absence of an expectation of reaction in general contexts.
 75. The representative of Switzerland agreed on the importance of requiring clear evidence for the emergence of new rules of customary international law, particularly regarding peremptory norms, where the threshold for change should be exceptionally high. The representative underlined that expressing opposition to the development of unwelcome rules is helpful not only to prevent their emergence, but also to reaffirm existing law. The representative welcomed Mexico's initiative to increase transparency efforts regarding Article 51 letters but warned that enhanced transparency should not create undue expectations that states must always respond, since this could place an unrealistic burden and affect the interpretation of silence. Finally, the representative also expressed interest in practical tools to assist states in these processes. Dr AZARIA acknowledged Switzerland's concerns and proposed that the repetition and reiteration of the law serve important functions not only for the rule of law but also for demonstrating solidarity, particularly in respect of *erga omnes* and *erga omnes partes* obligations.
 76. The representative of Italy noted that codified conventions sometimes contain provisions reflecting existing customary law and others that are progressive in nature. The representative inquired whether state silence in relation to such conventions can help distinguish between provisions reflecting customary law and those that do not, particularly in terms of their implications for non-parties to the treaty.
 77. Dr AZARIA observed that courts and the ILC have generally considered that treaties which codify customary law contribute to the consolidation of custom. She noted, however, that distinguishing between customary and progressive provisions may require assertive claims that a particular treaty norm is established custom, with state silence over time potentially supporting this identification. Dr AZARIA concluded that while this approach has not become standard practice, the reasoning is nonetheless sensible.
 78. The representative of the United States noted that states remain silent for a variety of economic, political, and resource-related reasons without intending to signal a particular legal meaning and inquired whether international courts should rely less on state silence in their reasoning. Dr AZARIA responded that quantitative analysis indicates a notable increase in references to state silence in court decisions over the past two decades. She observed, however, that while courts consider silence where relevant, it is one element among several in the evidentiary record, and rarely determinative on its own. Dr AZARIA clarified that the decision to rely on silence often stems from the arguments presented by the parties rather than an initiative of the courts themselves and thus suggested that judicial participants should be particularly mindful of the legal risks associated with invoking or relying on silence as evidence.
- ***Exchange of views on the aggression against Ukraine with input from:***
 - o ***Ambassador Arjen Uijterlinde, Special Envoy of the Netherlands for the Special Tribunal for the Crime of Aggression against Ukraine***

79. The Chair welcomed and introduced Ambassador Arjen UIJTERLINDE, who gave a presentation on Special Tribunal developments in 2025 and the next steps. The speaking notes of Ambassador UIJTERLINDE are set out in **Appendix IV** to this report.

Discussion

80. Many delegations thanked Ambassador UIJTERLINDE for his comprehensive update.
81. The Chair raised the issue of budgetary uncertainty as a key obstacle to states' participation in the EPA and inquired how states could contribute to clarifying that process or facilitate progress.
82. Ambassador UIJTERLINDE acknowledged that this concern is frequently raised and explained that for the Netherlands further clarity is required on several operational and institutional aspects of the Special Tribunal. These elements would have a direct impact on the cost estimates. He welcomed the ongoing work of the Advance Team to address these outstanding issues, including the preparation of workshops and events, and encouraged states to contribute to this process, including by exploring possible adjustments to existing options. He also stated that some structural questions, such as the design of court facilities and detention arrangements, would be considered in the coming months.
83. The representative of the European Union expressed appreciation for the work carried out by the Chair of GT-TRIBUNAL, noting the complexity of reconciling different views. The representative welcomed the solution that has been achieved, including the two-step approach consisting of the adoption of the text by 16 states then followed by the entry into force with the support of the major contributors. He reiterated that this initiative remains a political priority for the European Union. In terms of timing, the representative considered it possible that the text would be adopted by the 16 by mid-May for the CM in Chişinău and this could set the beginning of preparing the subsequent phase, in particular with a view to accelerating entry into force. In that context, within the framework of the Dutch Presidency of the Council of Europe, the second half of the year could be used to advance the process. He encouraged alignment between the post-adoption expectations and the ongoing preparatory work by the relevant authorities.
84. The Chair requested further information regarding the workshops.
85. The Advance Team (Secretariat) indicated that they would organise expert-level practitioner workshops, bringing together specialists from international or internationalised tribunals. These meetings would aim to address key issues relating to the design and functioning of the Special Tribunal with a view to defining the Tribunal's main features and supporting the preparation of a draft budget for the second phase. The first workshop was envisaged to take place at the end of April. He further explained that the Advance Team was in the process of recruiting lawyers to support the organisation and the effectiveness of these workshops.
86. The representative of Czechia joined the appreciation for the work of GT-TRIBUNAL under the Dutch chairmanship. He noted that the government approval is required in order for Czechia to join the EPA and assume the related legal and financial obligations, without the need for parliamentary approval. In this regard, the representative underlined the importance of as precise as possible estimates of the costs, including those related to the operational phase of the Special Tribunal, to facilitate the internal decision-making process.
87. Ambassador UIJTERLINDE acknowledged that similar constraints apply to other states and suggested that the draft decision as drafted within GT-TRIBUNAL would provide sufficient flexibility for states to express their intention to join. He emphasised the importance of maintaining momentum and signalling political support for the initiative, including when internal procedures have not yet been completed.
88. Referring to previously circulated documents with cost estimates relating to the establishment of a dedicated building, the representative of Estonia inquired whether alternative options, such as the use of existing court facilities, had also been considered with a view to reducing costs.
89. Ambassador UIJTERLINDE commended Estonia for completing its internal procedures and ratifying. With regard to the modalities of the Special Tribunal, he indicated that all options remain under consideration. He stated that this issue forms part of the ongoing work to be

carried out in the coming months, in cooperation with the Advance Team and other relevant actors, to identify a model that would be workable and financially sustainable and feasible, while also taking into account relevant security considerations. He noted that suggestions in this regard were welcomed.

o ***Professor Chiara GIORGETTI, University of Richmond, member of the Board of the Register of Damage for Ukraine***

90. The Chair welcomed and introduced Professor Chiara GIORGETTI, who presented the Board of the Register of Damage for Ukraine decision-making practice and recent decisions. The speaking notes of Professor GIORGETTI are set out in **Appendix IV** to this report.

Discussion

91. Delegations thanked Professor GIORGETTI for her thorough overview.
92. The Advance Team/Secretariat explained that following the adoption of the resolution at the Diplomatic Conference last December, the Preparatory Committee for the Establishment of the Claims Commission has been created and will have its first meeting on 22 -23 of June. Documents addressing rules and procedures of the main bodies of the Claims Commission will be sent a month in advance.
93. The representative of Sweden, referring to the significant number of claims registered to date and noting that it does not fully reflect the extent of the damage suffered, inquired whether any preliminary estimates could be provided regarding the overall amount at stake.
94. Professor GIORGETTI stated that no estimate of the total amount is currently available. She clarified that while she could provide some numbers for the moveable property, the financial estimates in respect of personal injury claims would be addressed during the second phase.
95. The representative of Italy asked whether an estimate of the expected number of claims to be submitted could be given and whether a deadline for submitting claims had been already envisaged.
96. Professor GIORGETTI indicated that a significant increase in the number of claims is expected, potentially exceeding one million. She explained that claim categories such as involuntary displacement, both within and outside Ukraine, and damage to immovable property, are likely to generate a substantial volume of claims given the extent of the damage. She underlined the importance to ensure that potential claimants are informed of the possibility to submit claims, including individuals displaced abroad. She stated that no deadline for the submission of claims had been set at this stage given the fact that the conflict is still ongoing and thus damage, loss and injury still occurring.

General discussion

97. The Chair opened the floor for discussion.
98. The representative of Ukraine underlined that the establishment of the Special Tribunal remains a crucial point in ensuring full and comprehensive accountability for the crime of aggression against Ukraine. He further stressed that without such a tribunal, it would not be possible to ensure full accountability and restore justice for Ukraine. The representative reiterated his appreciation for the work carried out within the Council of Europe and welcomed in particular the recent finalisation within GT-TRIBUNAL of both the draft decisions of the Committee of Ministers of the Council of Europe on the adoption of the EPA and on the conditions for the entering into force of the EPA. He noted that several states have already submitted notifications of intent to join the EPA, including non-member states, and stressed the importance of now reaching the minimum threshold of 16 such notifications to allow for the adoption of the EPA and of the relevant decisions of the Committee of Ministers. In this context, the representative indicated that the ministerial meeting of the Committee of Ministers in Chişinău on the 14th and 15th of May 2026 could provide a good opportunity for the adoption of the EPA, and encouraged all supporting states to send their notifications of intent to the Secretary General of the Council of Europe as soon as possible in order to meet this objective.

99. Turning to the International Claims Commission, the representative of Ukraine noted that 25 ratifications are necessary for the Convention to enter into force and thus for the Commission to be established. He welcomed the steps already taken by some states and expressed the hope that additional ratifications would follow in the near future.
100. The representative from Ukraine welcomed the progress on both tracks, namely the establishment of the Special Tribunal in the context of the EPA and the advancement of the International Claims Commission through the ratification of the Convention. He expressed gratitude to all delegations for their efforts, in particular to the Council of Europe, the European Union, the Advance Team, the Netherlands, and the states who already ratified or had taken the necessary governmental decisions to participate in the initiatives, including Lithuania, Estonia, the Netherlands, Croatia, and Costa Rica. He encouraged additional states to join in the near future and highlighted the importance of maintaining this momentum and of making swift progress. The representative emphasised that these initiatives are of critical importance for Ukraine, that the pursuit of justice will not be compromised, and he reaffirmed Ukraine's commitment to advancing all initiatives.
101. With respect to international litigation, the representative of Ukraine informed delegations that, in the pending case against the Russian Federation before the International Court of Justice, the Russian Federation had recently submitted counterclaims, which have been declared inadmissible by the Court.⁴ The Court has set deadlines for Ukraine's reply and for the Russian Federation's rejoinder. The representative reaffirmed Ukraine's intention to continue advancing its arguments, including with regard to the alleged misuse of the Convention on Genocide and the violation of the Court's order on the provisional measures dated 16 March 2022. The representative of Ukraine referred to two ongoing cases before arbitral tribunals established under the United Nations Convention on the Law of the Sea. The first case, for which an award is expected shortly, concerns coastal state rights in the Black Sea, Sea of Azov and the Kerch Strait, including restrictions on maritime navigation and issues relating to the protection of the marine environment and underwater cultural heritage.⁵ The second case relates to the November 2018 incident involving Ukrainian naval vessels and personnel, in which the Russian Federation has withdrawn from the proceedings⁶. The representative further indicated that there are several cases pending before the European Court of Human Rights.
102. The representative of Ukraine reiterated, however, that the primary focus at this stage remains on advancing the Special Tribunal and the Claims Commission, and called on delegations to support these initiatives and take the necessary steps to progress.
103. The Secretariat provided further clarification on the Council of Europe procedures relating to the establishment of the Special Tribunal. It underlined that the envisaged EPA constitutes a specific and unprecedented instrument in terms of scope and content, with an innovative way for the adoption and entry into force, and referred to the ongoing work within GT-TRIBUNAL. In this regard, the Secretariat explained that, unlike standard practice, the process has been divided into two stages, the adoption of the EPA and its entry into force. The Secretariat referred to the ongoing process of notifications of intent to join the EPA and recalled that a minimum level of participation is required for its adoption. It further outlined the conditions for entry into force, including sufficient participation, the availability of an adequate budget, and the participation of major contributors. The Secretariat noted the importance attached by several delegations to receive comprehensive budgetary information from the future host State and indicated that a template had been prepared for the notification of the intent to join the EPA to the Secretary General of the Council of Europe, and encouraged delegations to support the initiative.

⁴ ICJ, *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*, application instituting proceedings on 27 February 2022.

⁵ PCA, [*Dispute Concerning Coastal State Rights in the Black Sea, Sea of Azov, and Kerch Strait \(Ukraine v. the Russian Federation\)*](#) (2017-06).

⁶ PCA, [*Dispute Concerning the Detention of Ukrainian Naval Vessels and Servicemen \(Ukraine v. the Russian Federation\)*](#) (2019-28).

104. The representative of Czechia thanked both the representative of Ukraine and the Secretariat for their useful explanations and provided delegations with an update on the situation in Czechia with regard to the Claims Commission. He explained that the proposal for the signing of the Convention had been approved by the Minister of Foreign Affairs and that the document had been transmitted for inter-ministerial consultation with a deadline for comments by the ministries set for the 10th of April 2026. He noted that a decision could be adopted by the end of April, which would allow for the signing of the Convention at the ministerial session of the Committee of Ministers in Chişinău.
105. The representative of Slovenia expressed Slovenia's support to all efforts to ensure accountability for Russia's aggression and international crimes committed in or against Ukraine. She stated that Slovenia intends to join the Special Tribunal and plans to inform the Secretary General of the Council of Europe of its intention to join the EPA. She indicated that Slovenia requires parliamentary approval and that clarity regarding the financial contribution would be necessary for this purpose. With regard to the Register of Damage and the Claims Commission, the representative recalled that Slovenia is a party to the Register and signed the Convention establishing the Claims Commission at the Diplomatic Conference in The Hague on 16 December 2025. She stressed, however, that ratification of the Convention is also subject to parliamentary approval and similarly requires clarification on the financial implications.
106. The representative of Estonia welcomed the recent progress achieved within GT-TRIBUNAL. She expressed support for a swift adoption of the resolution, with May being a good goal, and recalled that the Estonian Parliament had ratified the EPA on 11 February and that the formal notification would be submitted shortly. She underlined the importance of the rapid establishment of the Special Tribunal as a means to ensure accountability and encouraged other delegations to finalise their domestic procedures. The representative also shared that the Estonian Parliament ratified the Convention establishing the Claims Commission and that the letter of ratification would be transmitted shortly.
107. The representative of Latvia informed delegations that the Government has authorised political support for the establishment of the EPA and that the notification of intent to join as a member would be submitted, although parliamentary approval is required and further clarification on budgetary aspects is needed. With regard to the Claims Commission, the representative recalled that Latvia signed the Convention on 16 December 2025 and indicated that the Parliament of Latvia had the first reading of ratification of the Convention, with completion of the ratification expected in the coming months.
108. The representative of Finland explained that the letter expressing the intent to join the EPA is under preparation and would be transmitted shortly. She indicated that parliamentary approval would be required due to the budgetary implications and that the government bill is expected to be submitted to the Parliament early autumn. She also noted that Finland signed the Convention establishing the Claims Commission on 16 December and the proposal would follow a similar schedule and be submitted to the Parliament early autumn.
109. The representative of Sweden informed delegations that domestic procedures concerning participation in the EPA are well underway, with parliamentary approval expected before the summer, and that the letter of intent would be sent in the coming months. She also noted that the procedure concerning the Claims Commission would also be expected to be completed before the summer, after parliamentary approval.
110. The representative of the European Union recalled that the European Union supported the Advance Team for the Special Tribunal, which has started its work. He indicated that the European Union fully supports the compromise reached in GT-TRIBUNAL, and that internal procedures could now be initiated with a view to adopting a decision on the notification of intent. With respect to the Claims Commission, the representative announced that after the signing of the Convention by the European Union, the process of ratification has been initiated and could be completed in summer.
111. The representative of Portugal pointed out that the EPA being an instrument of the Council of Europe, no domestic procedure is required for its entry into force. She noted, however, that

internal approval procedures are being carried out prior to notification of acceptance and that clarification on financial aspects is awaited. She also said that Portugal signed the Convention establishing a Claims Commission and has initiated internal procedures for its approval.

112. The representative of Norway informed delegations that parliamentary approval is required both for the Special Tribunal and the Claims Commission due to the budgetary implications, and that a joint proposal covering both mechanisms is being prepared for submission to Parliament in the coming weeks. He added that, while the timing of parliamentary approval cannot be guaranteed, it is hoped that this could be achieved before the summer, and that ratification would follow parliamentary approval.
113. The representative of France welcomed the results of the work of GT-TRIBUNAL and the prospects that adoption could take place at the ministerial session of the Committee of Ministers in Chişinău. He noted that France requires parliamentary approval and is finalising its domestic procedures to ratify both instruments as soon as possible.
114. The representative of Luxembourg informed delegations that the national Parliament is discussing a motion inviting the Government to participate and contribute as a founding member to the establishment of the Special Tribunal. He further indicated that the Government Council would decide the next day on authorising the Foreign Minister to sign the letter of intent, which would then be swiftly done.
115. The representative of Lithuania expressed appreciation for the work accomplished within GT-TRIBUNAL. She recalled that the Lithuanian Government already adopted a resolution regarding the Special Tribunal in November 2025, as no parliamentary approval was required, and that all domestic procedures had been finalised, meaning that Lithuania is legally bound by the EPA and is ready to become a founding member. With regard to the Claims Commission, she indicated that the ratification process is ongoing, with completion expected before the summer.
116. The representative of Australia reiterated Australia's strong support for efforts to ensure accountability for Russia's aggression against Ukraine, and that Australia has actively participated in the work of GT-TRIBUNAL. He explained that Australia is currently considering the issue of participating both in the EPA and in the Convention establishing the Claims Commission.
117. The representative of Canada indicated that domestic procedures concerning participation in the EPA are ongoing and will require the completion of the full treaty process, including the involvement of the Parliament. She acknowledged the original procedure described by the Secretariat with the possibility to express political support prior to full participation, which will be considered. With regard to the Claims Commission, the representative recalled that Canada signed the Final Act in December and noted that the domestic procedures required for signature and ratification are underway.
118. The representative of Liechtenstein explained that further clarification, in particular regarding financial aspects, is needed for Liechtenstein to inform a decision on participation in the EPA. He added that Liechtenstein signed the Convention establishing a Claims Commission in December and that preparation for possible ratification is ongoing.

7.2 Peaceful settlement of disputes

119. The Chair opened the floor for discussion on the peaceful settlement of disputes. The Chair referred to document CAHDI (2026) 4 *Restricted*, dated 4 March 2026, which provides an overview of the declarations of states represented in the CAHDI that recognise the ICJ's jurisdiction as compulsory, and pointed out that since the last meeting, a declaration was submitted by Iceland on 26 February 2026.
120. The representative of Iceland drew the delegations' attention to the fact that, in addition to the recent acceptance of the compulsory jurisdiction of the ICJ, Iceland had also made a general declaration in December 2025 accepting the jurisdiction of the ITLOS. She noted that this declaration was made in parallel with the ratification of the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine

Biological Diversity of Areas beyond National Jurisdiction (BBNJ Agreement). She explained that the declaration had been made pursuant to Article 287 of the United Nations Convention on the Law of the Sea (UNCLOS) and established the order of preference for dispute settlement as the International Tribunal for the Law of the Sea, the ICJ, and arbitral tribunals.

121. The representative of the PCA provided the delegations with an overview of the recent developments of the docket of cases administered by the PCA since the last meeting that may be of interest to the CAHDI, focusing on three interstate cases: (i) the Arbitration pursuant to the Asylum Partnership Agreement;⁷ (ii) the Indus Waters Western Rivers Arbitration;⁸ (iii) the Bern Convention Arbitration.⁹
122. First, the representative of the PCA reported on arbitral proceedings initiated by the Republic of Rwanda against the United Kingdom pursuant to Article 22 of the Asylum Partnership Agreement and the PCA Arbitration Rules of 2012. He indicated that Rwanda initiated the proceedings by a Notice of Arbitration on 24 November 2025, to which the United Kingdom responded on 12 December 2025. He explained that the Arbitral Tribunal was constituted on 6 January 2026 and is composed of Judge Peter Tomka as Chairperson, Professor Dr. Mohamed Abdel Wahab (appointed by the Republic of Rwanda), and Judge Joan Donoghue (appointed by the United Kingdom of Great Britain and Northern Ireland), with the PCA acting as registry in this arbitration. He further indicated that the Tribunal issued Procedural Order No. 1 on 19 January 2026 and that a public hearing was held during the CAHDI meeting. He noted that the Tribunal is required to issue its award no later than 15 May 2026 and that this constituted the first interstate dispute conducted under the PCA Arbitration Rules 2012.
123. The representative of the PCA concluded by underlining that these developments illustrate the continuing role of the PCA in contributing to the peaceful settlement of international disputes and to the progressive development of international law. The statement of the PCA is set out in **Appendix V** to this report.

7.3 The work of the International Law Commission

124. The Chair opened the floor for discussion concerning the work of the International Law Commission (ILC), in light of the 77th session of the ILC taking place in April 2026.
125. The representative of Romania provided information on the organisation of the 77th session of the ILC. The representative indicated that the 2026 session would benefit from funding for an eleven-week duration, taking place in Geneva. The representative informed the CAHDI that the session will be held in two parts: the first from 27 April to 5 June 2026, and the second from 29 July to 30 July 2026. The representative explained that the first part of the session will prioritise topics that were not addressed the previous year, such as the settlement of disputes and NLBIs, and will continue work on the immunity of state officials in the Drafting Committee. Consideration will also be given to reports prepared by the Special Rapporteur on the Topic of Piracy. The second part of the session will mainly address two new topics added to the ILC's programme of work, due diligence and compensation for damage caused by internationally wrongful acts. The representative expressed that the extended schedule would enable the ILC to return to its usual pace of work and that a substantive report would be produced this year.
126. The representative of Sweden welcomed the information provided by Romania and expressed support for the ILC's return to a two-part, extended session, noting the importance of this working method for the Commission's efficiency.
127. The representatives of Slovenia, Switzerland and Poland informed delegations of the nominations of their respective candidates for the ILC elections for the term 2028–2032.

⁷ PCA, [Arbitration pursuant to the Asylum Partnership Agreement \(The Republic of Rwanda v. The United Kingdom of Great Britain and Northern Ireland\)](#) 2025-45.

⁸ PCA, [Indus Waters Western Rivers Arbitration \(Pakistan v. India\)](#) 2023-01; PCA, [Indus Waters Treaty Neutral Expert Proceedings \(India v. Pakistan\)](#) 2023-14.

⁹ PCA, [Bern Convention Arbitration \(The Republic of Azerbaijan v. The Republic of Armenia\)](#) 2023-60.

7.4 Consideration of current issues of international humanitarian law

128. The Chair opened the floor for discussion on current issues related to IHL and invited interested delegations to speak. The Chair noted that no documents had been submitted under this agenda item but encouraged delegations to share information about any upcoming events or other relevant matters.
129. The representative of the International Committee of the Red Cross (ICRC) expressed the organisation's profound concern regarding the rising number of armed conflicts worldwide, including those between states, and emphasised the resulting humanitarian impact on millions of civilians.
130. Turning to the armed conflict between Russia and Ukraine, the representative of the ICRC described that almost every family in Ukraine has experienced the death of a loved one, injury, displacement, or the anxiety associated with missing or captured relatives.
131. Turning to the escalation of violence in the Middle East, the representative of the ICRC described the emergence of a dangerous chain reaction across the region, resulting in devastating civilian suffering and a scale of humanitarian needs that cannot be met by existing aid efforts.
132. Turning to the humanitarian crisis in the Gaza strip, the representative of the ICRC underlined that the situation continues to deteriorate, despite marginal improvements in access to food supplies. Despite the ceasefire, hostilities continue, including daily airstrikes. People continue to face critical shortages of clean water, sanitation, and medical care. The representative further reported that, since the escalation with Iran, the situation has worsened, with no aid entering Gaza between 28 February and 3 March; subsequently, only 200 trucks per day have been permitted entry. The representative reiterated that attention should also be given to Lebanon to prevent a comparable humanitarian crisis from unfolding there.
133. The representative of the ICRC also provided an update on the Committee's recent activities concerning IHL, focusing on [the Global Initiative to Galvanize Political Commitment to IHL](#), a neutral, non-politicised and non-contextual platform facilitating the exchange of views among states on IHL issues. The representative reported that over 100 states have joined the Initiative, which is organised into seven thematic legal work streams. Three rounds of consultations with broad participation have taken place and the representative thanked the States that had participated. First drafts produced by the work stream co-chairs present here - including Australia and Austria (Good practices in prevention), Germany and the United Kingdom (National IHL Committees), Slovenia (Protecting Civilian Infrastructure), Spain (Protecting Hospitals), Luxembourg, Switzerland and Mexico (Information and Communication Technology) will soon be circulated for further discussion, with the goal of achieving widely supported outcomes. The representative thanked those states as well as France, a co-founding state. In addition, a high-level meeting convened by the six founding states of the Initiative, namely Brazil, China, France, Jordan, Kazakhstan and South Africa, is planned for the end of the year in Jordan to demonstrate global commitment to IHL.
134. The representative of the ICRC also drew attention to the growing use of AI or AI-enabled systems in targeting during armed conflicts, including in recent operations in the Middle East. The ICRC representative expressed serious concern that the use of AI, in the form of AI-enabled targeting systems or autonomous weapons systems, risks leading to acceleration, amplification and escalation of destruction. The representative underlined the well-documented structural limitations of such systems, such as very low accuracy rates and unpredictability particularly in complex and dynamic conflict environments. The representative emphasised the need for robust safeguards to ensure effective human judgment and control over the use of such systems and the urgency of taking such steps. The representative reiterated the ICRC's call for a legally binding instrument to regulate autonomous weapon systems and its detailed recent recommendations on AI decision support systems (AI-DSS), particularly regarding systems design, reliable data, and clearly defined operational constraints.
135. The representative of Slovenia announced national activities to promote IHL. The representative reported on the publication of Slovenia's first voluntary report on the

implementation and dissemination of IHL, noting that its launch event, held in Ljubljana on 2 March 2026, was intended as a platform for further international co-operation, accountability, and strategic reflection on reinforcing the global culture of respect for IHL. The representative also informed delegations of an upcoming trilateral conference, "Protecting Civilians and Civilian Infrastructure under IHL," to be held in Ljubljana on 16 April 2026 and organised in collaboration with the Faculty of Law, the Slovenian Red Cross, the Austrian Red Cross and Italian Red Cross, and the Slovenian Ministry of Foreign and European Affairs. The event will contribute to the ICRC's Global IHL Initiative, with active participation from Slovenia, Austria, and Italy. Finally, the representative informed delegations of Slovenia's active participation in three working groups within the ICRC's Global IHL Initiative, focusing on the protection of civilian infrastructure, national IHL committees, and the implications of new technologies for IHL.

136. The representative of Switzerland expressed concern regarding the increasing use of information and communication technologies during armed conflict, particularly in relation to the protection of civilians and civilian infrastructure, as well as the involvement of civilians in digital hostilities. The representative welcomed ongoing IHL initiatives and highlighted Switzerland's role as co-chair of the "Information and Communication Technologies" Work Stream within the ICRC's Global IHL Initiative. The representative reported on the third state consultation held on 16 February 2026 within this framework, which focused on formulating observations to guide the work streams' final recommendations, the first version being scheduled for release in early April. The representative encouraged broad participation and the development of concise, action-oriented recommendations that demonstrate IHL's capacity to address risks and challenges presented by new technologies.
137. The representative of Switzerland further notified delegations that Switzerland, as depositary of the First Additional Protocol to the Geneva Conventions, will organise the election of the 15 members of the International Humanitarian Fact-Finding Commission in Bern on 20 November 2026. States were invited to submit nominations. The representative announced that Switzerland and the ICRC would jointly organise the third meeting of governmental experts on IHL on 21, 23, 28, and 30 April 2026. The meeting will focus on the implementation of the precautionary principle in armed conflicts, following previous sessions devoted to the protection of medical missions and the environment in armed conflict. The representative underlined the importance of such technical expert exchanges to improve the understanding and application of IHL.
138. The representative of Australia expressed support for the ICRC's Global IHL Initiative and confirmed Australia's participation in all work streams. The representative noted that Australia is co-chairing the work stream on Prevention and is working with the ICRC and fellow co-chairs to develop recommendations which will be published on 1 April 2026 for considerations and comments by states. The representative also highlighted Australia's leadership in promoting [the UN Declaration for the Protection of Humanitarian Personnel](#), which was launched in New York on 21 September 2025 and, as of 17 March 2026, had received 112 endorsements. The Declaration remains open for further endorsement by states. Lastly, the representative reiterated Australia's commitment to IHL in the area of accountability, and informed delegations of the establishment of the Office of the Special Investigator to pursue, in accordance with domestic and international law, allegations of war crimes committed by Australians in Afghanistan.
139. The representative of the Netherlands expressed gratitude to the ICRC, co-chairs, and participating states for their valuable contributions to the work streams and side events related to the ICRC's Global IHL Initiative. The representative discussed the Netherlands' active participation in the work streams on IHL and Peace, Information and Communication Technologies, and the Protection of Hospitals, as well as its interest in the work stream on Naval Warfare. The representative concluded by expressing anticipation for the next steps in the Initiative.
140. The representative of Mexico commended the work of the ICRC and affirmed Mexico's commitment to the ongoing efforts within the Global IHL Initiative. The representative informed delegations that Mexico City will host, from 9-10 April 2026, the regional consultation for Latin

America and the Caribbean on the work stream on Information and Communication Technologies, organised in cooperation with the ICRC. The representative noted that the consultation will ensure that the perspectives, experiences, and priorities of the region are fully reflected in the final recommendations of the initiative.

141. The representative of the United Kingdom updated delegations on voluntary reporting related to the Additional Protocols to the Geneva Conventions. The representative noted that the United Kingdom promotes voluntary reporting to the UN by publicising its reporting template, which is available for use by other states. This template was developed in accordance with the biennial General Assembly Resolution on the Status of the Additional Protocols, which encourages states to facilitate submission of information to the UN Secretary General.¹⁰ The representative expressed appreciation to the ICRC for promoting use of the template, and indicated that it is accessible on the United Kingdom government's website. The representative also noted its relevance for the upcoming reporting cycle for 2024–2026, with a submission deadline of 1 June 2026.
142. The representative of Portugal reported on Portugal's ongoing participation in the state consultations under the ICRC's Global IHL Initiative and expressed the intention to continue engaging in the Initiative. Furthermore, the representative informed that Portugal will participate in the IHL expert meeting organised by Switzerland and the ICRC in April, focusing on the implementation of the principle of precaution in armed conflicts. At the national level, the representative notified delegations that the next meeting of Portugal's national IHL committee will address the joint pledge undertaken with the Portuguese Red Cross to strengthen specialised training in IHL within the community of Portuguese-speaking countries.
143. The representative of Canada informed delegations that Canada has issued its first voluntary report on the domestic implementation of IHL, reflecting the state's commitment to strengthening respect for IHL. The report provides a comprehensive overview of Canada's national IHL framework, including treaty obligations, dissemination and training initiatives, domestic jurisdiction over violations, and protections for civilians and detainees, as well as regulations governing the means and methods of warfare. The representative highlighted that the report was prepared in co-operation with the Canadian National Committee for Humanitarian Law, which facilitates interdepartmental coordination and promotes IHL throughout government and civil society. The representative stressed that Canada considers this mechanism important for supporting its broader engagement on IHL, including within forums such as CAHDI.

8 OTHER

8.1 Place, date and agenda of the 71st meeting of the CAHDI

144. The CAHDI decided to hold its 71st meeting on 24-25 September 2026 in Tallinn (Estonia). The CAHDI instructed the Chair to prepare the provisional agenda of this meeting in due course in co-operation with the Secretariat.

8.2 Any other business

145. The CAHDI expressed its sincere gratitude to the Director of Legal Advice and Public International Law for his outstanding and dedicated service over many years, and for his significant contribution to the work of the Committee and of the Council of Europe.
146. The Committee also expressed its appreciation to members of the Secretariat who had recently left or would be leaving their functions, and welcomed new colleagues joining the Secretariat.

¹⁰ United Nations, General Assembly Resolution 75/138 on the Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of Armed Conflicts (2020), [A/RES/75/138](#).

8.3 Adoption of the Abridged Report and closing of the 69th meeting

147. The CAHDI adopted the Abridged Report of its 70th meeting, as contained in document CAHDI (2026)7 and instructed the Secretariat to submit it to the Committee of Ministers for information.

APPENDICES

APPENDIX I – LIST OF PARTICIPANTS

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 19 Avenue de la Paix
 1263 GENEVA, SWITZERLAND

Ms Julie TENENBAUM - Present

Regional Legal Adviser
 ICRC, 10Bis Passage d'Enfer
 75014 PARIS, FRANCE

**ORGANISATION FOR SECURITY AND CO-
 OPERATION IN EUROPE (OSCE) /
 ORGANISATION POUR LA SÉCURITÉ ET LA
 COOPÉRATION EN EUROPE (OSCE)**

**ASIAN AFRICAN LEGAL CONSULTATIVE
 ORGANISATION / ORGANISATION JURIDIQUE
 CONSULTATIVE POUR LES PAYS D'ASIE ET
 D'AFRIQUE (AALCO)**

**INTERNATIONAL DEVELOPMENT LAW
 ORGANIZATION (IDLO) / ORGANISATION
 INTERNATIONALE DE DROIT DU
 DEVELOPPEMENT (OIDD)**

Ms Karen JOHNSON – present

General Counsel
 Office of the General Counsel
 IDLO
 Viale Vaticano, 106
 00165 ROME, ITALY

Ms Ana Maria FERNANDEZ DE SOTO – present

Senior Counsel
 Office of the General Counsel
 IDLO
 Via Bergamo 3
 00165 ROME, ITALY

**PERMANENT COURT OF ARBITRATION (PCA)
 / COUR PERMANENTE D'ARBITRAGE (CPA)**

Mr Marcin Piotr CZEPELAK - present

Secretary General
 Peace Palace
 Carnegieplein 2
 2517 KJ THE HAGUE - THE NETHERLANDS

Mr José Luis ARAGÓN CARDIEL - Present

Senior Legal Counsel
 Peace Palace, Carnegieplein 2,
 2517 KJ THE HAGUE, THE NETHERLANDS

Mr Stefan SCHÄFERLING - Present

Legal Counsel
 PCA Vienna Office
 Hofburg Vienna
 Heldenplatz
 1010 VIENNA, AUSTRIA

UNIDROIT

SPECIAL GUESTS / INVITES SPECIAUX

Professor Danae AZARIA,
Associate Professor at the Faculty of
Laws,
University College London (UCL)

Ambassador Arjen UIJTERLINDE,
Special Envoy of the Netherlands for
the Special Tribunal for the Crime of
Aggression against Ukraine

Professor Chiara GIORGETTI,
Professor of Law at Richmond Law
School
Member of the Board of the Register
of Damage for Ukraine

SECRETARIAT GENERAL

DIRECTORATE OF LEGAL ADVICE AND PUBLIC INTERNATIONAL LAW / DIRECTION DU CONSEIL JURIDIQUE ET DU DROIT INTERNATIONAL PUBLIC

Mr Jörg POLAKIEWICZ
Director / *Directeur*

CAHDI SECRETARIAT / SECRETARIAT DU CAHDI

Ms Ana GOMEZ
Secretary to the CAHDI / *Secrétaire du CAHDI* / Head of the Public International Law Division and Treaty Office
Chef de la Division du droit international public et du Bureau des Traités

Ms Zine HOMBURGER
Legal Advisor – *Conseillère juridique*
Public International Law Division
Division du droit international public

Ms Sofia THEOCHARI
Assistant Lawyer – *Juriste assistant*
Public International Law Division
Division du droit international public

Mr Antoine KARLE
Junior Lawyer – *Jeune juriste*
Public International Law Division
Division du droit international public

Ms Isabelle KOENIG
Administrative Assistant / *Assistante administrative*
Public International Law Division
Division du droit international public

INTERPRETERS / INTERPRETES

- Julia TANNER
- Chloe CHENETIER
- Corinne MAGALLON

APPENDIX II – AGENDA

1. INTRODUCTION

- 1.1. Opening remarks
- 1.2. Adoption of the agenda
- 1.3. Adoption of the report of the 69th 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. 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

8. OTHER

- 8.1. Place, date and agenda of the 71st meeting of the CAHDI: Tallinn (Estonia), 24-25 September 2026
- 8.2. Any other business
- 8.3. Adoption of the Abridged Report and closing of the 70th meeting

APPENDIX III – SPEAKING POINTS OF MR JÖRG POLAKIEWICZ

70th meeting of the Committee of Legal Advisers on Public International Law (CAHDI)
Strasbourg 19-20 March 2026

I. Introductory Remarks

Dear Kerli,

Dear colleagues and friends,

- A very warm welcome to you all once again in Strasbourg.
- In accordance with CAHDI tradition, allow me to present the most important developments within the Council of Europe ('CoE') since the last meeting of the CAHDI.

II. ECHR and Migration - Chişinău Declaration Process

- I would firstly turn your attention to the ongoing process for adopting a political declaration at the 135th Ministerial Session in Chişinău, on the interplay between the European Convention on Human Rights (ECHR, 'the Convention') and contemporary migration challenges. This process was initiated by the Informal Ministerial Conference held at the CoE on 10 December 2025, convened at the initiative of the Secretary General ('SG'). The Conference steered the political debate on migration within the Convention system, towards a structured and constructive dialogue.
- During the conference, Ministers reaffirmed their commitment to both the Convention and the European Court of Human Rights ('ECTHR, the Court'), while also acknowledging the significant political pressure posed by irregular migration and cases involving foreign nationals convicted of serious offences.
- A separate joint statement delivered by 27 Member States during the conference highlighted enduring divisions among state parties regarding migration. While reaffirming their commitment to the Convention, these States called for a rebalancing of the Court's approach in migration cases, with greater weight accorded to considerations of public order and security. The initiative underscores the growing internal friction within the Convention system and the political sensitivity of migration issues, making the Chişinău declaration process all the more imperative.
- The conference's key outcome was more procedural than substantive. The ministers instructed the Steering Committee for Human Rights, ('CDDH'), to prepare elements for a political declaration.
- At its third and final extraordinary meeting from 10-12 March 2026, the CDDH adopted the outcome document containing elements for a political declaration and explanatory text, for transmission to the Committee of Ministers by the deadline of 22 March 2026. The declaration will then be finalised for adoption at the 135th Ministerial Session in Chişinău on 14-15 May 2026.
- From a substantive point of view, a few points referring to public international law are worth noting. The outcome document reaffirms, *inter alia*, that the Court authoritatively interprets the Convention in accordance with relevant norms and principles of public international law, and, in particular, in the light of the Vienna Convention on the Law of Treaties, giving appropriate consideration to present-day conditions. It also underlines that migrants involved in instrumentalised migratory movements are entitled to respect for and protection of their rights under the Convention and other European and international law, subject to limitations permitted under the Convention and other European and international law.
- From a more general perspective, the document acknowledges that there are significant, complex challenges in various member States which were either unforeseen at the time the Convention was drafted or have evolved significantly since then and that the failure to address these challenges adequately may weaken public confidence in the Convention system.

III. Latest developments in Council of Europe treaty-making

- I would now like to provide you with some updates on conventions that have been finalised recently.
- Firstly, I would like to mention the **CoE Convention on the Protection of the Environment through Criminal Law (CETS No. 228)**. The Convention was **opened for signature on 3 December 2025**. To this date, **it has been signed by 4 CoE member States and the European Union ('EU')**.¹¹ Ten ratifications, including by eight Member States, are required for its entry into force.
- I would like to remind you that this Convention constitutes the first international, legally binding instrument addressing the 'triple planetary crisis' of climate change, pollution, and biodiversity loss. The Convention criminalises a broad range of environmental offences and provides States with a legal framework to prosecute serious crimes, including ecocide. It introduces provisions for corporate liability, sanctions, jurisdiction, and organised crime, acknowledging the increasingly complex and transnational nature of environmental harm. Additionally, it establishes a monitoring mechanism to ensure effective implementation and accountability, promoting stronger enforcement and protection of the environment worldwide.
- I shall not go into details of the **CoE Convention establishing an International Claims Commission for Ukraine (CETS No. 229)** which was **opened for signature on 16 December 2025** during the Diplomatic Conference between the Council of Europe and the Netherlands in the Hague. We shall discuss this new Convention under agenda item 7 (Current Issues of Public International Law).
- Secondly, there are two new Conventions that will be opened for signature in the very near future. One is the **CoE Convention on the Co-production of Audiovisual Works in the form of Series**, adopted by the Committee of Ministers on 26 November 2025. It will be **opened for signature on 26 March 2026 in Lille**, on the occasion of the *Festival Séries Mania*. The Convention aims to promote the **international co-production of series** by establishing minimum legal standards. Co-productions meeting these standards will be eligible for the financial benefits granted to national works in the participating states.
- The other one is the **Protocol amending the CoE Convention on the Prevention of Terrorism (CETS No. 196)**, adopted by the Committee of Ministers on 9 July 2025. The Protocol will be **opened for signature in Strasbourg on 26 May 2026**, during the Conference 'Terrorism and violent extremism: the radicalisation of youth.' The amendment provides a legal definition of terrorist offences and strengthens international and national action to prevent terrorism. Its purpose is to reinforce efforts to address one of the most serious threats to peace, security, and the well-being of citizens in Europe and beyond.

IV. Concluding remarks

- To conclude, I would like to inform you about changes in the Secretariat. Mr Antoine Karle will be leaving the Secretariat at the end of April, after 5 years working for the Public International Law Division. I would like to take this opportunity to thank Antoine for his excellent work and dedication in supporting the work of the Division and the DLAPIL. At the same time, Ms Irene Suominen has already been temporarily assigned to DG I to work on the Special Tribunal project, after 10 years working for the Public International Law Division. I would like to sincerely thank her for her excellent work and commitment. A new colleague, Ms Emilija Spasovska, who previously worked for DLAPIL in a different Department, will join us on 1 April to take over her functions.
- We are also pleased to welcome two new colleagues: Ms Zine Homburger, seconded from Germany, and Ms Sofia Theochari, who has joined the Secretariat as a temporary staff member. I would particularly like to thank Germany and its delegation for making Ms Homburger's secondment possible.
- Finally allow me some personal remarks since this is my last CAHDI meeting. I will always cherish the meetings with you, legal advisers from member states, the European Union and international organisations. The CAHDI is a unique network of wonderful people. I strongly believe that its global and transversal vision of international relations is ideally placed to

¹¹ Latvia, Luxembourg, Portugal, Republic of Moldova.

contribute to the evolution of public international law. Our world needs this vision now more than ever.

- The post-1945 legal and institutional order — built on the UN Charter, sovereign equality, and the prohibition of the use of force — is no longer functioning as designed. Today, we see the open return of great power rivalry. We see economic interdependence weaponised. We see institutions designed to manage cooperation increasingly paralysed. And we see a world in which vulnerability is punished, and resilience is becoming a precondition for sovereignty.
- Let me be clear about what is not in question. The core norms of international law remain valid: sovereignty and territorial integrity, the prohibition of the use of force, fundamental human rights. The crisis we face is not a crisis of norms. It is a crisis of compliance, enforcement, and good faith.
- One of the most corrosive dynamics in the current system is selective legality. When we apply one standard to adversaries and another to allies. When we condemn coercion in some cases but rationalise it in others. This is not just hypocrisy. It is systemically destructive. Because selective application does not merely weaken rules — it undermines the credibility of the entire legal order.
- Ukraine brings all of this into sharp focus. Russia's war of aggression is not just another violation of the Charter. It is a direct assault on the foundations of the international legal order. And the international response — sanctions, accountability mechanisms, the Register of Damage, the future Claims Commission and Special Tribunal — reflects a basic reality: when universal mechanisms are paralysed, the defence of fundamental norms may require coalitional enforcement.
- This is not ideal. But pretending that existing mechanisms suffice when they do not is worse. Law cannot survive as theatre.
- I am convinced that 'living in truth,' for international lawyers, means three things: naming reality; applying the same standards to friends and adversaries alike; and building institutions and mechanisms that actually work, rather than waiting for the old system to repair itself.
- Ultimately, the question is not whether international law still exists. It does. The question is whether we are willing to accept the political and strategic costs of making it real.
- Because if we are not, what we will be left with is not a weaker legal order, but a different one altogether: a world of legal language and strategic hierarchy — of formal norms and material subordination.
- Avoiding that outcome is not only a political challenge. It is a professional responsibility.

Thank you.

Appendix: Accessions to Council of Europe conventions by non-member States¹²

- Since the last CAHDI meeting, 4 non-member states have asked to be invited to become party to a Council of Europe treaty:
 - o **Antigua and Barbuda** – Convention on Cybercrime ([ETS No. 185](#)).
 - o **Kazakhstan** – Council of Europe Convention on preventing and combating violence against women and domestic violence ([CETS No. 210](#)).
 - o **Kyrgyzstan** – European Convention on Mutual Assistance in Criminal Matters ([CETS No. 227](#)).
 - o **Malaysia** – Convention on Cybercrime ([ETS No. 185](#)).

- In addition, 2 signatures were affixed by non-member states:
 - o **Fiji** – Convention on Mutual Administrative Assistance in Tax Matters as amended by the 2010 Protocol ([ETS No. 127](#)).
 - o **Uruguay** – Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law ([CETS No. 225](#)).

¹² 175 of the total number of 229 conventions are open to non-member states.

APPENDIX IV – PRESENTATIONS OF SPECIALS GUESTS

- **Professor Danae AZARIA, University College London (UCL)**

State silence in international law

The presentation of Professor Danae AZARIA is available under this [link](#).

- **Ambassador Arjen UIJTERLINDE, Special Envoy of the Netherlands for the Special Tribunal for the Crime of Aggression against Ukraine**

Special Tribunal

The presentation of Ambassador Arjen UIJTERLINDE is available under this [link](#).

- **Professor Chiara GIORGETTI, University of Richmond, member of the Board of the Register of Damage for Ukraine**

The Board's decision-making practice and recent decisions

The presentation of Professor Chiara GIORGETTI is available under this [link](#).

APPENDIX V – PRESENTATIONS OF MEMBERS AND OBSERVERS

PERMANENT COURT OF ARBITRATION

- **H.E. Dr. hab. Marcin CZEPELAK, PCA Secretary-General**

Statement of the Permanent Court of Arbitration to the Council of Europe Committee of Legal Advisers on Public International Law (CAHDI) at its Seventieth Meeting

The full statement is available under this [link](#).