

### Opening remarks

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Second practitioners' workshop on Non-Legally Binding Instruments in International Law,  
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### Ladies and Gentlemen, Colleagues,

Thank you for joining us today. And I also wanted to express our deepest gratitude to our Austrian friends for hosting this important workshop. It is always a pleasure to be in beautiful Vienna and even more so when discussing interesting legal topics with so many learned professors, practitioners, and colleagues.

Now, I would like to briefly take you through the important work we have been doing on the topic of non-legally binding instruments within the framework of CAHDI.

On **26 March 2021**, CAHDI organised together with the German Ministry of Foreign Affairs an expert workshop that brought together many delegations to discuss the increasing relevance of non-legally binding instruments in international law. This sparked the idea of a potential follow-up discussion, which led us to our 61<sup>st</sup> meeting in **September 2021**, where it was agreed that we would pursue this issue further through a detailed questionnaire.

By **March 2022**, a draft questionnaire prepared by the German delegation was approved. Since then, we have received **33 responses** from delegations, which were analysed in a report prepared by Professor Andreas Zimmerman. This report provided critical insights into the trends and practices surrounding non-legally binding instruments and was last updated by the Secretariat in **March 2024**.

During our **65<sup>th</sup> meeting** in **September 2023**, we agreed on the need for a follow-up workshop with a practical focus. The objective was to address key open issues identified from the responses, including the legal nature of these instruments, their indirect legal effects, and concerns around the possible circumvention of treaty procedures.

This brings us to today's discussion. Based on feedback from the CAHDI delegations, we have identified several **central questions** for this practical workshop and the upcoming panels, including:

1. Ensuring clarity on the types of provisions, terminology or blocks of text of non-legally binding instruments and so-called "good" and "bad practices",

2. Examining the indirect legal effects of non-legally binding instruments,
3. Addressing the circumvention of treaty and democratic procedures as well as risk mitigation measures,
4. And finally, exploring the potential for developing tools in the CAHDI for harmonisation and guidance of state practice in this area.

I am happy that we brought together a unique mix of academia and practitioners. Our goal today is to dive deeper into these issues, share practical experiences, and prepare the decision that CAHDI might take tomorrow whether and how CAHDI should move forward in its work on non-legally binding instruments.

I look forward to the discussions ahead and to hearing your insights on these important matters.

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