

**Second practitioners' workshop on
Non-Legally Binding Instruments in International Law**

On the margins of the 67th CAHDI meeting in Vienna

18 September 2024

Parkhotel Schönbrunn - Room Österreich & Ungarn

9:00 Opening and welcome

- *Dr Konrad BÜHLER, Director General and Legal Adviser, Federal Ministry for European and International Affairs (Austria).*
- *Dr Jörg POLAKIEWICZ, Director of Legal Advice and Public International Law, Council of Europe.*

9:10 Keynote speech: The growing use of non-legally binding instruments and their potentially profound implications for the future of the international legal system

Professor Helmut AUST, Free University of Berlin.

9:30 – 10:00 Discussion

10:00 – 10:30 Coffee break

10h30 – 12:00

Panel I – Exchange on “good” or “bad” practices between practitioners

Moderator: Ms Kerli VESKI, Undersecretary for Legal and Consular Affairs, Ministry of Foreign Affairs of Estonia (Vice-Chair of the CAHDI)

- 'Good' or 'bad' practices on the types of provisions, terminology or blocks of text of non-legally binding instruments

Mr Jeremy HILL, Specialist Treaty Lawyer, former diplomat and legal adviser, now consultant to the United Kingdom Foreign, Commonwealth and Development Office.

- Experiences of CAHDI delegations:
 - *Dr Konrad BÜHLER, Director General and Legal Adviser, Ministry of European and International Affairs (Austria).*
 - *Mr Klemens MÖMKES, Head of the Treaty Law Division, Federal Foreign Office (Germany).*
 - *Dr Marko RAKOVEC, Director-General, Ministry of Foreign and European Affairs (Slovenia).*
 - *Dr Franz Xaver PERREZ, Director General, Directorate of International Law, Federal Department of Foreign Affairs (Switzerland).*
- Observations by *Dr Charlotte PIVETEAU, Council of Europe Office of the Commissioner for Human Rights.*
- Discussion

12:00 – 13:30 Lunch break

13:30 – 14:45

Panel II – Practical examples of potential indirect legal effects of non-legally binding instruments

Moderator: Ms Kaija SUVANTO, Director General for Legal Affairs, Legal Service, Ministry for Foreign Affairs of Finland

- Potential indirect legal effects of non-legally binding instruments
Professor Michael WAIBEL, University of Vienna
- Experiences of CAHDI delegations:
 - *Mr Declan SMYTH, Legal Adviser, Department of Foreign Affairs (Ireland).*
 - *Ms Noortje VAN RIJSSEN, Legal Counsel, Ministry of Foreign Affairs (Netherlands).*
- Experience of UNODC
 - *Mr Stéphane WOHLFAHRT, Senior Legal Adviser, Office of the Director-General of UNOV and Executive Director of UNODC.*
- Discussion

14:45 – 15:30 Presentation of the ongoing work by the ILC on “non-legally binding international agreements”

Professor Mathias FORTEAU, University of Paris Nanterre, ILC (online)

15:30 – 16:00 Coffee break

16:00 – 17:00

Panel III – Discussion on practical experiences that states have encountered regarding the possible “circumvention” of treaty procedures and good practices of risk mitigation

Moderator: Dr Jörg POLAKIEWICZ, Director of Legal Advice and Public International Law, Council of Europe.

- Possible “circumvention” of treaty procedures on the national level or on the international level
Professor Oona HATHAWAY, Yale Law School - online
- Experiences of CAHDI delegations:
 - *Ms Mary-Ann STAVRINIDES, Attorney of the Republic, Head of the International Law Section, Law Office (Cyprus).*
 - *Ms Kaija SUVANTO, Director General for Legal Affairs, Legal Service, Ministry for Foreign Affairs (Finland).*
 - *Ms Zinovia STAVRIDIS, Legal Adviser, Head of Legal Department, Ministry of Foreign Affairs (Greece).*
- Discussion

17:00 – 18:00

Concluding session – Usefulness and appropriateness of a potential model text for non-legally binding instruments, guidelines, compilation of good practices or a glossary

Moderator: Dr Helmut TICHY, Chair of the CAHDI

- Presentation of different possible outputs

Dr Constanze SCHIMMEL-KHALFALLAH (CAHDI Secretariat)

- Discussion

- Closing remarks

- *Dr Helmut TICHY, Chair of the CAHDI, Austria.*