

Summary Report
**“Seminar on Deposit of Treaty Actions with the Secretary-General
and Registration of Treaties”**
United Nations Economic Commission for Europe, Transport Division
Geneva, 17 to 18 January 2005

1. The United Nations Economic Commission for Europe (UNECE), Transport Division, sponsored a workshop focusing on the depositary practice of the Secretary-General; registration of treaties under article 102 of the Charter; and treaties on transit transport. The objectives included raising awareness of the functions performed by the Treaty Section of the Office of Legal Affairs as well as addressing practical concerns of the Transport Division of UNECE, which administers 55 treaties relating to transport. All such treaties are deposited with the Secretary-General of the United Nations. In this regard, it is noted that the Transport Division, which is comprised of approximately 30 staff members, does not have any legal officers, and, as such, relies heavily on the Treaty Section for legal advice and assistance. The Treaty Section/Office of Legal Affairs (OLA) was represented by Mr. Palitha Kohona (Chief, Treaty Section) and Mr. Smith (Legal Officer). The UNECE Transport Division was represented by its Director, Mr. Jose Capel Ferrer. Presentations were also made by Mr. Olivier Kervella, Chief, Dangerous Goods and Special Cargoes Section, and Mr. Juan Ramos Garcia, Chief, Technology Section, both of whom are with the UNECE Transport Division. Thirty staff members from the UNECE Transport Division were in attendance as well as representatives from the Permanent Missions of the Czech Republic, Israel and the Republic of Moldova.
2. The welcoming remarks by Mr. Capel Ferrer and by Dr. Kohona emphasized the importance of the international treaty framework, specifically with regard to transport treaties and their contributions towards facilitating regional integration and development.
3. The OLA team provided a broad overview of the work of the Treaty Section, explained the Depositary practice of the Secretary-General, including reservations and declarations, the registration practice of the Secretariat, general principles of treaty law relevant to the functions of the Secretary-General and the Secretariat under certain treaties, and technical assistance available through the United Nations system. The presentations were illustrated with examples from transport and transit treaties. (Transport and transit treaties provide over 20% of the work load of the Treaty Section and the UNECE tends to refer a large number of legal issues to the Section). The high degree of familiarity with the issues involved by the members of the UNECE was clearly indicative of the constant interaction between the Treaty Section and the UNECE Transport Division.
4. Participants posed a range of questions with a view to clarifying the role of the Secretary-General as depositary and the role of the Secretariat under Article 102. In particular, a range of questions were asked with regard to the practice of the Secretary-General with regard to reservations. Many questions were designed to further explore

issues which had been discussed between the two units in the past but not resolved satisfactorily. Corridor discussions still suggested that there was a residual feeling that the technical register under the Agreement concerning the Establishing of Global Technical Regulations for Wheeled Vehicles, Equipment and Parts which can be fitted and/or be used on Wheeled Vehicles, Geneva, 25 June 1998 should be handled by the Treaty Section. Continuing US enthusiasm for this approach was highlighted. We explained again that due to the nature of the treaty itself (the register was clearly an administrative function and not a depositary function), the absence of relevant technical expertise in the Section, and staff constraints, it was impossible for the Treaty Section to discharge this technical function. We also observed that the UNECE Transport Division should develop some in-house legal expertise.

5. UNECE experts discussed key transport treaties applicable to the UNECE region. These presentations were very informative and helped the Treaty Section to better appreciate the complex and important nature of the work that the ECE has been performing for the last half century. We noted the importance of these treaties in the context of developing economic, political, social, cultural, and other relations. We further observed the use of UNECE transport agreements as models by ESCAP and ESCWA. The members of the UNECE secretariat participated actively in the workshops and this was a very encouraging aspect of the seminar.

6. The feedback received from the participants was very positive. Many had not imagined that the Treaty Section performed such a wide range of functions.

Prepared by B. Smith
3 February 2005