

Summary Report

Conference UN and EU Treaty Actions in the Field of Transnational Organized Crime and Terrorism Peace Palace, The Hague 3 and 4 October 2005

The Conference was organized by the International and European Law Department of Radboud University (Dr. Snezana Trifunovska, Associate Professor, Law Faculty), and was sponsored by the Ministry for Foreign Affairs of the Kingdom of the Netherlands.

The Conference was chaired by Mr. N.P. van Zutphen, Deputy Director-General for European Cooperation of the Ministry of Foreign Affairs of the Kingdom of the Netherlands, and Mr. G. Limburg, Head of the Treaty Department, Ministry for Foreign Affairs of the Kingdom of the Netherlands.

Dr. Palitha Kohona (Chief) and Mr. Brad Smith (Legal Officer) of the Treaty Section of the Office of Legal Affairs of the United Nations (UN) provided presentations on the depositary practice of the Secretary-General, in particular with regard to treaties on transnational organized crime and terrorism; an extensive overview of the practice with respect to reservations, and registration of treaties under article 102 of the Charter. The presentations also covered 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. Mr. Dimitri Vlassis of the United Nations Office on Drugs and Crime provided an overview of the substantive provisions of the United Nations Convention against Transnational Organized Crime and its three Protocols. Mr. Micael Vitzentzatos, Legal Adviser, Deputy Head of the European Union Council's Liaison Office with the UN discussed the European Union's (EU) efforts in encouraging wider participation and giving effect to international treaties on terrorism and organized crime. Ms. Vivian Loonela, Directorate Generale, European Commission spoke about the experience of specific EU members with regard to the above matter, including the importance given to development and good governance by the EU with respect to neighbouring States, especially in the Eastern border region and in the Mediterranean.

The objectives of the Conference, consistent with the goals established by the Secretary-General in the Millennium Report and endorsed by the international community through the Millennium Declaration and more recently in the General Assembly document "2005 World Summit Outcome" (A/60/L1* of 20 September 2005), included raising awareness relating to the range of multilateral treaties deposited with the Secretary-General

of the United Nations, in particular treaties on transnational organized crime and terrorism; encouraging wider participation in them at the international level as well as a greater compliance at the domestic level with the standards that these treaties establish; contributing in a concrete manner to the advancement of the international rule of law, the development of good governance practices, and consequently, the advancement of social, economic and political goals; and highlighting the approaches, experience and efforts of the EU with regard to international treaties on transnational organized crime and terrorism. The comments on the evolution of the European Community (EC) as a regional economic integration organization were also interesting from the perspective of the Treaty Section.

Thirty-two participants attended the Conference representing the Member States of the EC, and also Romania and Bulgaria. These participants were from the legal/treaty departments of their respective Ministries for Foreign Affairs and many were at senior levels. The Dutch Foreign Ministry was represented by Mr. Limburg, Head of the Treaty Department. The new members of the EU were well represented. The services provided by the Secretary-General in his role as depositary of multilateral treaties, and the Secretariat of the United Nations with respect to the registration of treaties under Article 102 of the Charter were widely acknowledged. Some academic staff and law students also attended from Radboud University, which played a critical role in organizing the conference under the leadership of Dr. Trifunovska. Professor van Genugten also participated.

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. A lively discussion took place with regard to the issue of reservations and objections to reservations and the participants were familiar with the reports of the Special Rapporteur, Professor Alain Pellet. This helped to emphasize the issues that continue to exist. The feedback received from the participants after the Conference was very positive.

Tours of the Peace Palace and the International Criminal Court were also arranged for the participants.