

Summary Report

Capacity-Building Workshop on Treaty Law and Practice and the Domestic Implementation of Treaty Obligations

Hosted by the Ministry of Foreign Affairs, Republic of Indonesia, in collaboration with the Treaty Section of the United Nations Office of Legal Affairs, United Nations Environment Programme, United Nations Institute for Training and Research, United Nations Office on Drugs and Crime and the Pacific Islands Forum Secretariat

Jakarta, Indonesia

30 January – 1 February 2007 (Regional)

2 February 2007 (Indonesia only)

1. The Ministry of Foreign Affairs of the Republic of Indonesia and the Treaty Section of the United Nations Office of Legal Affairs (TS/OLA) jointly organized a well-received regional capacity building workshop on treaty law and practice and the negotiation and domestic implementation of treaty obligations. The workshop was held in Jakarta, Indonesia, from 30 January through 1 February 2007. Sixty-eight participants attended from 19 different countries in the Asia and Pacific region.
2. Taking into account the importance of increasing participation in the treaty framework and the registration of treaties by States, attendees were trained by Legal Officers, Mr. Bradford Smith and Ms. Sherry Holbrook of the TS/OLA in the areas of treaty law and the practice of the Secretary-General as depositary, including implementation of treaties, reporting and monitoring requirements of human rights treaties deposited with the Secretary-General, registration of treaties pursuant to article 102 of the Charter, and technical legal assistance.
3. The broad objectives of the regional training included the enhancement of the capacity of the countries in the region in negotiating and drafting legal instruments of an international character. The training also aimed to provide the participants with a better understanding of substantive areas of international law, including environmental law, transnational organized crime, corruption and human rights as well as the implementation of treaties in those areas on the domestic level. To this end, Indonesia and the TS/OLA invited expert trainers from the United Nations Institute for Training and Research (UNITAR) (Mr. Arun Seetulsingh, Fellow), the United Nations Environment Programme (UNEP) (Ms. Iwona Rummel-Bulska, Principal Legal Officer and Chief of the Environmental Law Branch), and the United Nations Office on Drugs and Crime (UNODC) (Mr. Dimitri Vlassis, Secretary of the United Nations Conference of the State Parties to UN Convention Against Corruption, Chief, Crime Conventions Section, Division for Treaty Affairs), who gave presentations in their respective substantive fields. The Pacific Island Forum Secretariat (PIFS) (Ms.

Shennia Spillane, Legal Adviser) also participated in a panel discussion on regional challenges in the implementation of treaties.

4. Participants from the following States took part in the 3-day regional training: Bangladesh, Cambodia, China, Cook Islands, Fiji, Indonesia, Malaysia, Maldives, Micronesia, Nauru, Palau, the Philippines, Samoa, Singapore, Thailand, Timor-Leste, Tonga, Turkey and Vanuatu. Indonesia was represented by officials from the Foreign Ministry (including Mr. Eddy Pratomo, Director General for Legal Affairs and International Treaties), line ministry officials and attendees from other governmental institutions including the military and national police.
5. In addition to the presentations given by TS/OLA, UNEP and UNODC and the negotiation simulation led by UNITAR, the representatives from TS/OLA and the Pacific Island Forum Secretariat toured the treaty office in the Foreign Ministry and the TS/OLA Legal Officers provided advice on the organization and cataloging of treaties.
6. On 2 February 2007, following the regional training, the trainers from TS/OLA gave a presentation on treaty law and practice to a group of 23 Indonesian officials, focusing on the following issues: 1) what constitutes a treaty, and how the United Nations makes that determination for the purpose of registration; 2) the legal status of Memoranda of Understanding in the context of the registration practice, and State practice (Indonesia, Australia and other Commonwealth States, the United States, and European Community States); and 3) registration by the United Nations Secretariat under Article 102 of the Charter.
7. The participants were from different Indonesian line ministries and governmental institutions which, within their respective mandates, have the power to conclude bilateral agreements. Attendees also included representatives from the military, national police and the national bank.
8. The presentation provided information on registration under Article 102 of the Charter and emphasized the need for the line ministries and other governmental institutions to coordinate with the Foreign Ministry with a view towards the increased registration of treaties under article 102 of the Charter, and the increased participation in and implementation of multilateral agreements deposited with the Secretary-General.
9. In addition to the above, the TS/OLA provided handout materials on use of the United Nations Treaty Collection on the Internet, distributed lists of agreements registered with the Secretariat to which Indonesia is a party (both bilateral and multilateral agreements), distributed lists of treaties deposited with the Secretary-General that Indonesia has signed and/or is a party to, provided CD-ROMs with electronic versions of certified true copies to the Foreign Ministry officials responsible for the treaty collection, and distributed log-in IDs and passwords for the TS/OLA website.