

**CAPACITY BUILDING WORKSHOP ON TREATY LAW AND PRACTICE AND THE
DOMESTIC IMPLEMENTATION OF TREATY OBLIGATIONS**

Workshop for the ASEAN countries

*Hosted by the Ministry of Foreign Affairs, P.R.China
In collaboration with the Treaty Section of the United Nations Office of Legal
Affairs, the United Nations Development Programme, the United Nations
Foundation and the UN Office of the High Commissioner for Human Rights
Implemented by Wuhan University Institute of International Law
Tuesday, 13 October through Saturday, 17 October 2009
Wuhan, China*

A four-day regional capacity-building workshop for the ASEAN Member States on treaty law and practice was held from 13 to 17 October, in Wuhan, P.R. China. The United Nations Secretary-General has identified the consolidation and the advancement of the rule of law at the national and international levels as one of the most important goals of the Organization and this training served to further that goal by bringing together officials of the member States (except Brunei Darussalam) of the Association of South East Asian Nations (ASEAN) and the P.R. of China as well as Mongolia, Nepal, Sri Lanka and the Asian-African Legal Consultative Organization (AALCO). Including the speakers, there were 43 participants, 16 of which were female.

Convened by the Ministry of Foreign Affairs, P.R. China and implemented by the Wuhan University Institute of International Law, it was organized in collaboration with the United Nations Treaty Section of the Office of Legal Affairs. Generous support for the participants was provided by the United Nations Foundation and the Democratic Governance of UNDP's Bureau for Development Policy.

The opening ceremony included statements by H.E. Dr. XUE Hanqin, Ambassador of China to ASEAN, Legal Counsel of the Foreign Ministry of China, Member of the International Law Commission, and member of the Institut de droit international, Prof. Dr. Rahmat Bin Mohamad, Secretary-General of AALCO, Dr. XIE Hongxing, Prof. XIAO Yongping and Prof. YU Minyou of Wuhan University and Ms. Annebeth Rosenboom, Chief of the Treaty Section of the Office of Legal Affairs, representing the United Nations.

General presentations were given on international treaty law, participation in multilateral treaties and the depositary practice of the Secretary-General, the registration of treaties under Article 102 of the UN Charter, and reservations and declarations by officials of the Treaty Section of the Office of Legal Affairs. Dr. XUE gave a presentation on relevant issues of the International Law Commission, Mr. TIAN Lixiao, Director of the Department of Treaty and Law of the Ministry of Foreign Affairs of China gave a presentation on corruption and extradition, Mr. YI Xianliang, Counsellor of the Department of treaty and Law of the Ministry of Foreign Affairs of China gave a presentation on negotiating multilateral environmental agreements (MEA) and relevant procedural issues. Professor Sienho YEE, of Wuhan University, gave a presentation on the interpretation of treaties by the International Court of Justice and its implications for

treaty-makers and one on the issue of a State member's responsibility for acts of an international organization . Professor Bing Bing JIA of Tsinghua University gave a presentation on the relations between treaties and custom. Mr. Torsten Schackel, Human rights officer of the Office of the High commissioner for Human Rights and Secretary of the Committee on the Elimination of Racial Discrimination gave an introduction to the Office of the High commissioner for Human Rights (OHCHR): mandate, activities and resources available to governments and a presentation on the International Human rights Treaty System (CRC and CEDAW).

A special session focused on the evaluation of the workshop and further requests from the UN family of offices and programmes that could assist States in the region to implement treaties at the domestic level.

SUMMARY OF EVALUATIONS

A total of 25 evaluations were completed.

OVERALL EVALUATION OF WORKSHOP

The general sentiment among the participants in their evaluations was very positive. The majority of them found the workshop very useful, informative and valuable, providing them with an excellent understanding of the overall process of treaty law and practice.

Suggestions on how to improve the workshop included: 1) have more discussion and interaction; 2) receive materials in advance of workshop; 3) provide more information on implementation

Overall Evaluation of the Workshop

1. Please indicate the usefulness of the Capacity Building Workshop on Treaty Law and Practice with respect to your professional responsibilities:

16 participants rated it Very useful, 7 participants rated it Useful, 2 participants rated it Somewhat useful.

Comments:

Most participants felt that the workshop was very useful and that it helped improve their understanding with respect to treaty law, both substantially and its practical application. Some felt that attention could have been given to the domestic implementation.

2. Please comment on the Capacity Building Workshop's structure and organization, i.e., scheduling of presentations, logistics, lunch and coffee breaks:

15 participants rated it Very useful, 9 participants rated it Useful, 1 participants rated it Somewhat useful.

Comments:

Most participants felt that the workshop was very well organized and thanked the organizers as well as the students for their efforts. Some felt that the structure could be improved, or that lecturers should have been given more time.

3. Please comment on the Capacity Building Workshop's duration:

2 participants rated it Somewhat long, 21 participants rated it Just right and 2 participants rated it Not long enough

Comments:

Some subjects could have been given more time and interaction could have been provided which could have given a better understanding of the topic or subject matter.

4. Please comment on the Capacity Building Workshop's reading materials, handouts and PowerPoint presentations:

11 participants rated it Very useful, 13 participants rated it Useful 1 participant rated it Somewhat Useful

Comments:

One commentator felt that the materials are very useful and would have liked to receive the electronic version as well. Some participants would have liked receiving the PowerPoint presentations in advance.

Evaluation of Individual Segments

Day 1:

5. Overview of International Treaty Law, the UN OLA and Treaty Section mandate. (Speaker: Ms. Annebeth Rosenboom, Chief, Treaty Section, UN Office of Legal Affairs)

11 participants rated it Very useful, 7 participants rated it Useful, 1 participant rated it Not useful, 4 participants did not specify.

Comments:

Some felt that the presentation refreshed their memory on international treaty law, one participant felt it was too basic.

6. Registration of Treaties under article 102 of the UN Charter: Overview and State Responsibility. (Speaker: Mr. Arturo Requesens, Associate Legal Officer, UN Office of Legal Affairs)

10 participants rated it Very useful, 9 participants rated it Useful, 4 participants rated it Somewhat useful, 2 participants did not specify..

Comments:

This presentation provided a better understanding as to how treaties are registered.

7. Depositary Practice of the UN Secretary-General: Overview and How States Participate in Treaties. (Speaker: Mr. Arturo Requesens, Associate Legal Officer, UN Office of Legal Affairs)

10 participants rated it Very useful, 13 participants rated it Useful, 2 participants did not specify.

Comments:

The presentation was considered very useful and comprehensive, it gave an insight into the role and responsibility of the depositary

Day 2:

8. Relevant issues of the International Law Commission (Speaker: Dr. Xue Hanqin, Ambassador of the PRC to ASEAN. Legal Counsel of the Foreign Ministry, Member of the International Law Commission)

17 participants rated it Very useful, 6 participants rated it Useful, 1 participants rated it Somewhat useful, 1 participant did not specify.

Comments:

One participant felt that the presentation was the most useful due to the combination of academic excellence and the measures applicable in the daily work of the diplomat. Some felt that time was too short. It shed light on complex issues from both theoretical and practical perspectives.

9. The interpretation of treaties in the jurisprudence of the International Court: Selected Issues. (Speaker: Mr. Sienho Yee, Professor of Wuhan University)

9 participants rated it Very useful, 12 participants rated it Useful, 3 participants rated it Somewhat useful, 1 participant did not specify.

Comments:

The presenter has a deep knowledge of the issues presented. It was felt “a mind intriguing approach for a case”.

10. The United Nations Convention against Corruption and selected issues relating to extradition and tracing of the proceeds of crime. (Speaker Mr. Tian Lixiao, Director of the Department of Treaty and Law of the Ministry of Foreign Affairs)

8 participants rated it Very useful, 8 participants rated it Useful, 8 participants rated it Somewhat useful, 1 participant did not specify.

Comments:

The presenter showed how to coordinate on the matter of different legal systems in the context of corruption and extradition. Time was too short to cover everything.

Day 3:

11. Introduction to the Office of the High Commissioner for Human Rights (OHCHR): Mandate, activities, resources available to governments. (Mr. Torsten Schackel, Human Rights Officer, Office of the High Commissioner for Human Rights)

9 participants rated it Very useful, 11 participants rated it Useful, 3 participants rated it Somewhat useful, 1 participant rated it Not very useful, 1 participant did not specify.

Comments:

Almost all issues were touched upon in an organized fashion.

12. The International Human Rights Treaty System (CRC and CEDAW) (Speaker: Mr. Torsten Schackel, Human Rights Officer, Office of the High Commissioner for Human Rights)

9 participants rated it Very useful, 9 participants rated it Useful, 3 participants rated it Somewhat useful, 1 participant rated it Not very useful, 1 participant did not specify.

Comments:

The floor discussions were interesting and the key issues were presented beautifully.

Please rate the following presentations as indicated and provide comments on the effectiveness and clarity of presenters:

13. Reservations and Declarations in Multilateral Treaties (Speaker: Ms. Annebeth Rosenboom, Chief, Treaty Section, UN Office of Legal Affairs)

17 participants rated it Very useful, 7 participants rated it Useful, 1 participant did not specify.

Comments:

It was felt that the presentation provided deeper understanding of issues that the participant might have to tackle in the future. The practice in which the objection to a reservation is not formulated in the same way as the reservations should be considered as the objections may have legal effects.

14. Final Clauses in Multilateral Treaties (Speaker: Mr. Arturo Requesens, Associate Legal Officer, Treaty Section, UN Office of Legal Affairs)

14 participants rated it Very useful, 8 participants rated it Useful, 2 participants rated it Somewhat useful, 1 participant did not specify.

Comments:

It made the participant more aware on how to draft final clauses.

Day 4:

15. Negotiating multilateral environmental agreements (MEAs) and relevant procedural issues (Speaker: Mr. Yi Xianliang, Counsellor of the Department of Treaty and Law of the Ministry of Foreign Affairs)

13 participants rated it Very useful, 7 participants rated it Useful, 4 participants considered it Somewhat useful, 1 participant did not specify.

Comments:

The presenter has a deep knowledge in the practice of negotiating and concluding MEAs. The theoretical as well as the policy implications were dealt with in a systematic fashion.

16. The Issue of a Member State's Responsibility for the Conduct of an International Organization (Speaker: Sienho Yee, Professor of Wuhan University)

12 participants rated it Very useful, 6 participants rated it Useful, 6 participants considered it Somewhat useful, 1 participant did not specify.

Comments:

Professor Yee has shown good knowledge and understanding of the issue. It was very complex, but useful.

17. The Relations between Treaties and Customs (Speaker: Mr. Bing Bing Jia, Professor of Tsinghua University)

6 participants rated it Very useful, 10 participants rated it Useful, 6 participants considered it Somewhat useful, 2 participants rated it Not useful, 1 participant did not specify.

Comments:

As one of the complicated issues in international law, this presentation was mind intriguing on how to deal with the obligation of a treaty or how a State could be bound by customary international law. Some participants felt that there could have been more interaction between the lecturer and the participants. The expertise and knowledge of the speaker were much appreciated.