

15th Senior Officials' Meeting

7–8 November 2019
Honiara, Solomon Islands



**CORAL TRIANGLE
INITIATIVE**
ON CORAL REEFS, FISHERIES
AND FOOD SECURITY



Session 11.1: Internal Resource Committee Report

Outline

1. Focal Points
2. Legal status of CTI-CFF Regional Secretariat
3. Organizational Structure Approved during IRC and Current Organizational Structure
4. Regional Coral Triangle Network Officer
5. Recommendations for SOM 15 Consideration



IRC Focal Points

Country	Focal Points
Solomon Islands	<p>Chair: Mr. Alick Misibini Finance Controller – Chief Accountant, Ministry of Fisheries, Solomon Islands</p> <p>Alternate: Jacob Akao, Financial Controller, Ministry of Environment, Climate Change, Disaster Management and Meteorology</p> <p>Matthew Walekoro, Chief Planning Officer, Ministry of National Planning and Development Coordination</p>
Indonesia	<p>Mr. Agus Dermawan Secretary, Directorate General for Marine Spatial management, Ministry of Marine Affairs and Fisheries</p> <p>Alternate: Ms. Sri Atmini Coordinator, National Committee Secretariat of CTI-CFF Indonesia</p>
Malaysia	<p>Dr. Nagulendran Kangayatkarasu Deputy Secretary General of Environment and Climate Change Ministry of Energy, Science, Technology, Environment and Climate Change</p>
Papua New Guinea	<p>Ms. Yvonne Tio Executive Manager, Marine Division Conservation & Environment Protection Authority</p> <p>Alternate: Mr. Timothy Mais, Assistant Secretary, Department of Treasury</p>
Philippines	<p>Mr. Wilfredo J. Obien Director III, Department of Environment and Natural Resources</p> <p>Mr. Francis Castro, support Staff</p>
Timor Leste	<p>Mr. Celestino da Cunha Barreto Director of National Fisheries and Marine Resource Management, Ministry of Agriculture and Fisheries</p> <p>Alternate: Mr. Matheus Pereira Maher, NIFA</p>

Λεγαλ Στατυσ οφ τησ ΧΤΙ-ΧΦΦ Ρεγιοναλ Σεχρεταριατ

STATEMENT OF TREATIES AND INTERNATIONAL AGREEMENTS Registered or filed and recorded with the Secretariat during the month of November 2017		RELEVÉ DES TRAITÉS ET ACCORDS INTERNATIONAUX Enregistrés ou classés et inscrits au répertoire au Secrétariat pendant le mois de novembre 2017	
No. 54807. Indonesia, Malaysia, Papua New Guinea, Philippines, Solomon Islands and Timor-Leste		No. 54807. Indonésie, Malaisie, Papouasie-Nouvelle-Guinée, Philippines, Îles Salomon et Timor-Leste	
Agreement on the establishment of the Regional Secretariat of the Coral Triangle Initiative on coral reefs, fisheries and food security (with annexes). Jakarta, 28 October 2011		Accord sur l'établissement du Secrétariat régional de l'Initiative du Triangle du Corail concernant les récifs coralliens, les pêches et la sécurité alimentaire (avec annexes). Jakarta, 28 octobre 2011	
Entry into force: 27 November 2014, in accordance with article 17		Entrée en vigueur : 27 novembre 2014, conformément à l'article 17	
Participant	Ratification and Acceptance (A)	Participant	Ratification et Acceptation (A)
Indonesia	9 May 2014	Îles Salomon	2 sept 2014
Malaysia	15 Apr 2013	Indonésie	9 mai 2014
Solomon Islands	2 Sep 2014	Malaisie	15 avr 2013
Timor-Leste	27 Oct 2014 A	Timor-Leste	27 oct 2014 A
Authentic text: English Registration with the Secretariat of the United Nations: Indonesia, 1 November 2017 Note: See also annex A, No. 54807		Texte authentique : anglais Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : Indonésie, 1er novembre 2017 Note: Voir aussi annexe A, No. 54807	
No. 54807. Indonesia, Malaysia, Papua New Guinea, Philippines, Solomon Islands and Timor-Leste		No. 54807. Indonésie, Malaisie, Papouasie-Nouvelle-Guinée, Philippines, Îles Salomon et Timor-Leste	
Agreement on the establishment of the Regional Secretariat of the Coral Triangle Initiative on coral reefs, fisheries and food security. Jakarta, 28 October 2011		Accord sur l'établissement du Secrétariat régional de l'Initiative du Triangle du Corail concernant les récifs coralliens, les pêches et la sécurité alimentaire. Jakarta, 28 octobre 2011	
Ratification		Ratification	
Philippines Deposit of instrument with the government of Indonesia: 14 January 2015 Date of effect: 14 January 2015		Philippines Dépôt de l'instrument auprès du Gouvernement indonésien : 14 janvier 2015 Date de prise d'effet : 14 janvier 2015	

1st November 2017:

Registered and recorded the Agreement on the Regional Secretariat of the CTI-CFF with all annexes with the United Nations Secretary General; and

Published at the statement of Treaties and International Agreements Registered or Filed and Recorded with the Secretariat During the Month of November 2017 Number 54907

(
<https://treaties.un.org/doc/Publication/Monthly%20Statement/2017/11/>

With this registration, CTI-CFF Regional Secretariat has a formal status as an international organization

**HOST COUNTRY AGREEMENT
BETWEEN
THE REGIONAL SECRETARIAT OF THE CORAL TRIANGLE INITIATIVE ON
CORAL REEFS, FISHERIES AND FOOD SECURITY
AND
THE GOVERNMENT OF THE REPUBLIC OF INDONESIA
ON
PRIVILEGES AND IMMUNITIES**

The Regional Secretariat of the Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security and the Government of the Republic of Indonesia, hereinafter referred to individually as a "Party" and collectively as "the Parties";

RECALLING the Coral Triangle Initiative Leader's Declaration on Coral Reefs, Fisheries and Food Security, signed on 15 May 2009 in Manado, Indonesia, which, inter alia, emphasized the need to establish a Secretariat to service the ongoing Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security implementation process;

REFERRING to the Agreement on the Establishment of the Regional Secretariat of the Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security along with the regulations thereon signed on 28 October, 2011 in Jakarta, Indonesia;

HAVE AGREED AS FOLLOWS:

**Article 1
Definitions**

- a. "The Government" means the Government of the Republic of Indonesia;
- b. "The CTI-CFF" means the Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security;
- c. "The Secretariat" means the Regional Secretariat of the CTI-CFF;

DONE in Manado on the ..1st.. of December 2015, in two original copies in Indonesian and English languages, all texts being equally authentic. In the event of any divergence of interpretation between any of the texts, the English text shall prevail.

FOR THE REGIONAL
SECRETARIAT OF CTI-CFF



WIDI A. PRATIJKTO
Executive Director

FOR THE GOVERNMENT OF
THE REPUBLIC OF INDONESIA



SJARIEF WIDJAJA
Secretary General of the Ministry of
Marine Affairs and Fisheries

Article 2 Juridical Personality of the Secretariat

The Government recognize the juridical of the Secretariat in particular the capacity to:

- Enter into agreements;
- Conclude contracts;
- Acquire and dispose of movable and immovable property in accordance with the prevailing laws and regulations of the Republic of Indonesia; and
- Institute and be a party to legal proceedings.



Reference: NCC/RS/1/19/24 Manado, 23rd January 2019
Subject: Guidance on Privileges and Immunities and Legal Status of CTI-CFF Regional Secretariat

Bapak Desra Percaya
Director General for Asia, Pacific and African Affairs
Ministry of Foreign Affairs of the Republic of Indonesia
Jakarta

Dear Pak Desra,
Greetings from the Regional Secretariat of the Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security (CTI-CFF).

Regional Secretariat presents its compliments to the Ministry of Foreign Affairs of the Republic of Indonesia and has the honour to refer to the Host Country Agreement (HCA) between the Government of the Republic of Indonesia and the Regional Secretariat of CTI-CFF on Privileges and Immunities signed in Manado on the 1st of December 2015, enclosed. The Agreement will remain in force until 2020 and need to be extended by the Parties as stipulated in Article 19 of the Agreement.

The HCA was signed after the establishment of the CTI-CFF Regional Secretariat on 28th October 2011. As you may aware, the CTI-CFF Regional Secretariat is the second multilateral organization after ASEAN, being hosted by the Indonesian Government.

Furthermore, the Government of the Republic of Indonesia as the Depository of the Agreement on the Establishment of the Regional Secretariat of the Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security, has registered the said Agreement with the Secretary General of the United Nations in accordance with Article 102 of the Charter of the United Nations on 1 November 2017. Having been registered at the United Nations, the CTI-CFF Regional Secretariat continues to improve itself in order to provide greater efficiency in the implementation of the CTI-CFF fast growing activities.

Since 1st December 2015, the CTI-CFF Regional Secretariat is now located in Manado occupying a secretariat building at Jl. A.A. Maramba Kayuwatna, Manado, North Sulawesi. Currently the CTI-CFF Regional Secretariat is employing staffs from both nationals of Indonesia and nationals of other member state countries.

CTI-CFF during the visit of the Ministerial Delegation from the Philippines, CTI-CFF Regional Secretariat, following matters:
International Organization based in Indonesia
staff matters, for Expatriate and Host Country Staff
of the Regional Secretariat;
and resident permit for foreign staff
at;
regulations;
use of this opportunity to renew to the Indonesia the assurances of its highest
Executive Director,
Hendra Yusran Siry, Ph.D
CTI-CFF Regional Secretariat
Government of Indonesia and CTI-CFF
Agreements
MoFA Indonesia
national Treaties, MoFA Indonesia
MMAF as the NCC Indonesia

Letter NCC/RS/1/19/24 sent to Indonesia's Ministry of Foreign Affairs last 23 January 2019 to seek guidance on the following matters:

- Status of CTI-CFF RS as an International Organization based in Indonesia
- Compliance with the Vienna Convention vis-à-vis staff matters, for Expatriate and Host Country Staff
- Privileges and immunities, accorded to the staff of the Regional Secretariat
- Types of passport for expat staff
- Procedure to obtain the appropriate entry visa and resident permit for foreign staff working at the CTI-CFF Regional Secretariat
- Compliance with national labour law and regulations;
- Taxation policy
- Insurance
- Dispute resolution mechanism

Reference: NCC/RS/2/19/22 Manado, 9 February 2019
Subject: Following up the Guidance on Privileges and Immunities and Legal Status of CTI-CFF Regional Secretariat

Bapak Desra Percaya
Director General for Asia, Pacific and African Affairs
Ministry of Foreign Affairs (MoFA) of the Republic of Indonesia
Jakarta

Dear Pak Desra,
Warm regards from Manado I have the honour to present my compliments to you and would like to follow up our previous letter Ref. NCC/RS/1/19/24 date 23rd January 2019, regarding the Guidance on Privileges and Immunities and Legal Status of CTI-CFF Regional Secretariat.

Please be informed that as mandated by the Senior Official Meeting (SOM) 14, we also engaged legal advices from professional law firm. We have received from the Makarin & Tara S Law Firm, a Jakarta based counselors at law, a legal advice on the current state of the CTI-CFF Regional Secretariat. I would like to share the legal advice for your reference (attached).

The advice provides legal analysis on the role and functions of the Regional Secretariat for improvement and enhancement. However, it contains a number of questions that need for clarification and further advice particularly in relation with managing the privileges and immunities of expat staff of the Regional Secretariat. In addition, the legal analysis suggests a legal procedural matter that needs to be re-examined by the concerned authorities in relation to the ratification process of the CTI-CFF Regional Secretariat Establishment Agreement and the MoFA needs to be consulted on the ratification of the Establishment Agreement in relation to the above ratification requirements under Law 24/2000.

I look forward to having a legal opinion and guidance on privileges and immunities and legal status of the CTI-CFF Regional Secretariat from the MoFA as our formal legal reference.

Thank you for your cooperation and attention. I avail myself of this opportunity to renew to you, the assurances of my highest consideration.

Executive Director,
Hendra Yusran Siry, Ph.D

Follow-up Letter NCC/RS/2/19/24 sent to Indonesia's Ministry of Foreign Affairs last 9 February 2019



Results of Legal Opinion/Analysis of CTI-CFF Regional Secretariat

MAKARIM & TAIRA S.
COUNSELLORS AT LAW

Summitmas I, 16th-17thFis. Jl. Jendral Sudirman Kav. 61-62 Jakarta 12190 - Indonesia
p : (62-21) 2521272, 5200001 | f : (62-21) 2522750-51, 2521830
www.makarim.com

E-MAIL
TRANSMISSION
FORM

To : Mr. Hendra Yusran Siry

Date : 31 January 2019

Attn. : hendrasiry@cticff.org

Ref. : 06839/5146.001/II/2019/LZ-IRA-RDT

At : Coral Triangle Initi
Fisheries and Food

Re : Legal Advice on I

No. of pages (including this

MAKARIM & TAIRA S.
COUNSELLORS AT LAW

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p : (62-21) 2521272, 5200001 | f : (62-21) 2522750-51, 2521830
www.makarim.com

E-MAIL
TRANSMISSION
FORM

To : Mr. Hendra Yusran Siry

Date : 13 March 2019

Attn. : hendrasiry@cticff.org

Ref. : 5146.001/III/2019/LZ-IRA-RDT

At : Coral Triangle Initiative on Coral Reefs,
Fisheries and Food Security (CTI – CFF)

From: Raditya Anugerah Titus/
Irina Anindita/
Lia Alizia

Re : Responses on Further Questions of the Legal Advice dated 31 January 2019

No. of pages (including this page): 6 Page(s)

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Dear Pak Hendra,

From our correspondence be you sought our advice and n attached to your email of 15.

Please find below our advice

1. Status of CTI-CFF Reg following matters:

a. Article 18. Depositio Agreement with UN Charter (documents)

M&T:

I. Article 18 of Secretariat of Food Security

We understand that (Depository) of the A the Coral Triangle Ini dated 28 October 2

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Dear Pak Hendra,

Following to your email on 20 February 2019. Please find below our responses interspersed between your questions:

1. Status as an International Organization: Based on your advices we note that CTI-CFF Regional Secretariat is generally recognized in Indonesia as an inter-governmental organization with certain degree of privileges and immunities but not a full diplomatic immunity.

[M&T: Your understanding is correct, i.e. that:

- (i) The CTI-CFF Regional Secretariat ("CTI-CFF") may fall under the definition of an international organization under Presidential Decree No. 64 of 1999 on Indonesia's Membership of and the Indonesian Government's Contributions to, International Organizations and Law No. 24 of 2000 on International Agreements;

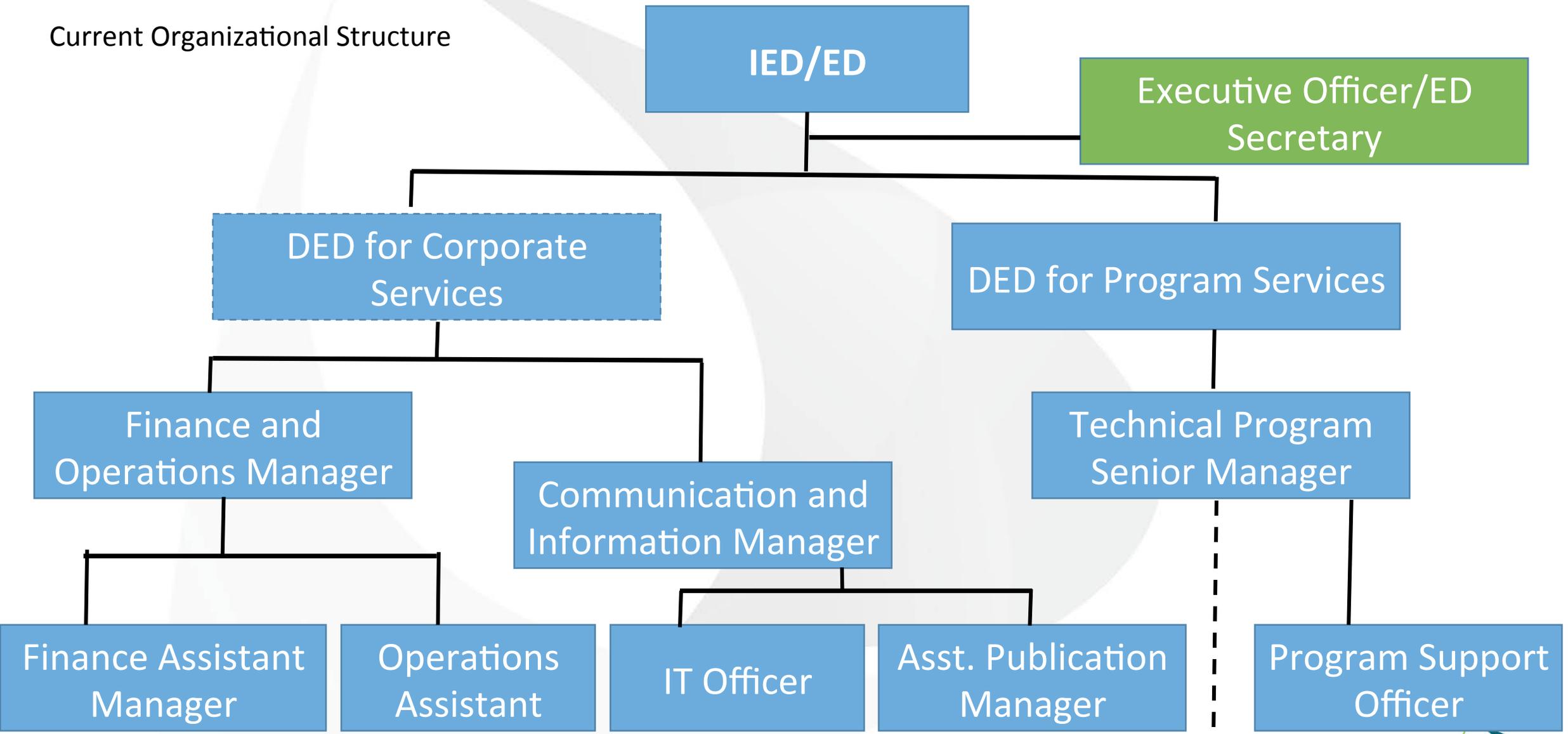
- Legal analysis conducted by **Makarim & Taira S**, one of Indonesia's leading business law firms – gave two analyses – 31 January 2019 and 13 March 2018 based on issues/comments raised by CTI-CFF Regional Secretariat

- Cost of engagement: **USD\$5,000**

- Funding Source: **USAID DOI** and **USAID RDMA** through the project “*Strengthening Organizational and Administrative Capacity for Improved Fisheries Management (SOACAP-IFM) Activity 3.2 (b): Preliminary Assessment 2 on the status of CTI-CFF as an international organization and implication on CTI rules and regulations and administration matters*”



Current Organizational Structure



Legend:

Full-time staff

Part-time staff – until November 2019

RCTNO



2019 Hired Staff



Mr. Ivan Kiagoes
Finance and Operations
Manager
(Start date:
11th Feb 2019)



Mr. William Tumimor
Operations Assistant
(Start date:
1st Feb 2019)



Ms. Rumanti Wasturini
Assistant Manager for
Publication
(Start date:
29th April 2019)



Mr. Solomon Sundah
IT Officer
(Start date:
26th Aug 2019)



Main Points

✓ CFF Regional Secretariat is an **international organization**

✓ CTICTI-CFF Regional Secretariat is **subject to the prevailing Indonesia laws and regulations.**

✓ Need further discussion with Indonesia's Ministry of Foreign Affairs





**CORAL TRIANGLE
INITIATIVE**

ON CORAL REEFS, FISHERIES
AND FOOD SECURITY



Regional Coral Triangle Network Officer (RCTNO)

RCTNO

The **RCTNO** is part of the CTI-CFF Capability Program which intends to provide learning experience on improving the implementation of the current Regional Plan of Action (RPOA); to be involved and contribute in the renewal of RPOA process; to improve understanding of RS functions; to provide opportunity on improving and strengthening the linkages of NPOAs to the RPOA; and act as focal points between RS and their respective NCCs for communication assistance



Who are we?



Conni M. Sidabalok
Researcher – LIPI



Phelameya Haiveta
Program Officer – PNG CEPA



Simeon M. Baeto
Fisheries Officer – Gizo



Sabino L. Adonia
Technical Senior Staff
– TL MAF

What we have done in RS so far

- General administration under Program Services: staff meeting rapporteur, writing up about CTI-CFF Partnership and high impact activities, commenting on CT Atlas new interface
- Actively participated in the organizing committee of important meetings: Institutional Framework Workshop and Writeshop for RPOA 2.0 13-15 August 2019, Bali; 3rd Threatened Species Working Group Meeting, 17-18 September 2019, Gorontalo
- Liaising with respective NCCs: travel arrangement, being in loop of the communication between RS and NCCs



- Involving in SOM 15: updating with NCCs, assisting with the preparation of the meeting documents
- Contributing to newsletter content: featured in July-August issue
- Contributing to website update: draft a write-up for the TWG and GWG and CCI Pages of the CTI-CFF Website
- Involving in TWG: compiling and submitting outstanding data from respective countries, assisting in the finalising of the meeting documents: TOR





SOM-15 Recommendations

1. Acknowledged and accepted the Chair's Summary of the IRC Meeting on 12th February 2019 in Manado, Indonesia
2. Acknowledged the Legal Opinion/Analysis received from the legal Firm Makarim & Taira and the Focus Group Discussion on 29th April 2019 on the Status of Host Country Agreement between CTI-CFF Regional Secretariat and the Government of the Republic of Indonesia (Annex 30);
3. Acknowledged the recruitment of following Staff of the Regional Secretariat, which has some adjustments in the title of positions:
 - a. Mr. Ivan Saltano Kiagoes as Finance and operation Manager (FOM) on 11th February 2019;
 - b. Mr. William Tumimomor as the Operation Assistant (OA) on 1st February 2019;
 - c. Ms. Rumanti Wasturini as the Assistant Manager for Publication on 29th April 2019;
 - d. Mr. Solomon Sundah as the IT Officer, on 26th August 2019
3. Acknowledged the presentation of progress report of capacity building program, the 2019 Coral Triangle Network Officer;
4. Approved to continue the implementation of the capacity building of CT6 Member Parties through the Regional Coral Triangle Network Officers (RCTNOs) for CT6 capacity building program for Financial Year 2020 and tasked Regional Secretariat to further improve the program.





Thank you | Terima kasih | Maraming salamat
Tagio tumas | Tank iu | Obrigado

