

Check against delivery

14 October 2014

**GENERAL ASSEMBLY
69th SESSION (2014)
SIXTH COMMITTEE**

**STATEMENT BY THE DIRECTOR OF THE CODIFICATION
DIVISION ON THE STATUS OF THE *REPERTORY OF PRACTICE
OF UNITED NATIONS ORGANS***

Mr. Chairman,

The Report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* (document A/69/159) outlines, *inter alia*, the progress of work on the *Repertory* during the last 12 months since the issuance of the previous report (document A/68/181). Furthermore, with regard to the *Repertory*, the General Assembly is invited to take action in the light of the conclusions drawn in paragraph 13 of the Report.

In my statement, I will highlight the salient points of the Report. and provide further details regarding the *Repertory* studies on which progress has been made. I also wish to draw your attention to the updated chart on the status of the *Repertory of Practice of*

United Nations Organs, which has been made available electronically to delegations in the PaperSmart Portal.

General overview of the progress made on this publication

Concerning the backlog in volume III of the *Repertory*, I wish to refer to the understanding reached with the Department of Peacekeeping Operations concerning the drafting of the studies on Articles 40 to 54 for volume III of Supplements Nos. 7 to 10 (1985-2009), which is referred to in the 2012 Report of the Secretary-General (A/67/189), according to which the Codification Division would reach out to partnering institutions potentially willing to prepare draft studies for the articles in question. Consistent with that understanding, studies on Articles 40 and 48, as well as on Article 51 of the Charter regarding volume III, **Supplements Nos. 7 to 9** (1985-1999), were prepared by the Codification Division, with the assistance of interns or in collaboration with academic institutions. With a view to further addressing the backlog in volume III of the *Repertory*, the Codification Division also finalized a study on Articles 35 (as far as the practice of the General Assembly is concerned), prepared in cooperation with the University of Ottawa, Faculty of Law, as well as a study on Article 41 covering the same period, the latter having been prepared by an external consultant. Single studies for each of the aforementioned Articles of the Charter address the entire period that is covered by the three Supplements. Those studies have been placed on the *Repertory* website (un.org/law/Repertory) as “advance

versions”. As in the case of earlier studies prepared for volume III of Supplements Nos. 7 to 9, these studies contain a short introduction and provide references to the relevant studies of the *Repertoire of the Practice of the Security Council*. The references thus provided are intended to replace the elaboration of *Repertory* studies whenever there would be an overlap with the studies of the *Repertoire*. These advance versions were submitted to the Department of Peacekeeping Operations, in its capacity as author department, for consideration.

Further effort will be undertaken to ensure the preparation of the outstanding studies for Supplements Nos. 7 to 10.

Significant advancement has, on the other hand, been achieved in the preparation of studies for **Supplement No. 10** (2000-2009). During the reporting period, the following studies have been prepared:

- (a) Studies on Articles 24 to 32, 33 (2), 34, 35 (as far as the practice of the Security Council is concerned) and 36 to 39 for volume III were prepared by the Security Council Affairs Division of the Department of Political Affairs;
- (b) A study on Article 97 for volume VI was prepared by the Office of the Legal Counsel and the General Legal Division of the Office of Legal Affairs.

Furthermore, studies on Articles 40, 42 and 50 for volume III, prepared in collaboration with the University of Ottawa, Faculty of Law, and a study on Article 98 for volume VI were prepared.

The above-mentioned studies are available online as advance versions, and those on Articles 40, 42 and 50 were submitted to the Department of Peacekeeping Operations, in its capacity as author department, for consideration.

Moreover, with regard to volume III, a study on Article 41 is being prepared by the University of Ottawa, Faculty of Law and a study on Article 51, prepared by the Columbia University Law School, is under review.

Finally, studies on Articles 104 and 105 are being prepared by the Office of the Legal Counsel.

The current status of the publication is as follows: from among the 50 volumes of which the publication as a whole (original *Repertory* and supplements thereto, up to Supplement No. 10) should consist, 42 volumes have been completed. 28 of them have been published and 14 have been finalized and submitted for translation and publication. Thus, the work remains to be completed on 8 volumes. Five of those volumes pertain to Supplement No. 10, which covers the most recent reviewable period, the other three pertain to volume III of Supplements Nos. 7, 8 and 9.

Availability of *Repertory* studies on the Internet

Mr. Chairman,

As is indicated in the report of the Secretary-General, studies from 42 complete volumes, including the 14 volumes being processed for publication, are available on the United Nations website for the *Repertory*. Advance versions of several studies on individual Articles for volume III of Supplements Nos. 7, 8 and 9, as well as a considerable number of studies for Supplement No. 10 which have been finalized are accessible on the website, awaiting completion of the respective volumes. The electronic version of the *Repertory* includes a full-text search feature, providing the users with the opportunity to search all the studies instantaneously for any word or combination of words in the three languages of the publication, namely English, French and Spanish.

Cooperation with academic institutions and recourse to interns

Mr. Chairman,

Turning to the question of cooperation with academic institutions, I am pleased to report that the well-established cooperation with Columbia University Law School continued for the

eleventh consecutive year and contributed to the preparation of the above-mentioned study on Article 51 for volume III of Supplement No. 10. The cooperation with the University of Ottawa, Faculty of Law, also continued for the fourth consecutive year and contributed to the completion of a study on Article 35 for volume III of Supplements 7-9 as well as three studies pertaining to volume III of Supplement No. 10, i.e. studies on Articles 40, 42 and 50.

The Secretariat will continue to take advantage of the involvement of interns and academic institutions in the preparation of *Repertory* studies, mainly in the fields of research and collection of documentation. It is understood that the Secretariat bears the ultimate responsibility for the quality and the final preparation of all the studies.

Funding

As regards funding, in its resolution 68/181, the General Assembly reiterated its call for voluntary contributions to the trust fund established pursuant to its resolution 59/44, in order to eliminate the backlog in the *Repertory*. A note verbale was sent to all permanent missions to the United Nations reminding them of the possibility of making voluntary contributions to the trust fund and inviting them to bring the question of funding for the *Repertory* to the attention of private institutions and individuals that might wish to assist in that regard. Since the issuance of his latest report, the

Secretary-General welcomed with appreciation the contributions to the trust fund of 5,000€ from Finland and 10,000 US\$ from Turkey. As of 30 September 2014, the total balance of the Fund was 26,152 US\$.

In an environment of financial constraint, voluntary contributions to the Fund remain a crucial element for sustaining progress on the Repertory and maintaining its website. I would thus like to seize this opportunity to call upon your assistance to continue to support the Secretariat's work on reducing the backlog through Member States' voluntary contributions to the Fund.

Thank you, Mr. Chairman.