

Check against delivery

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**GENERAL ASSEMBLY
70th SESSION (2015)
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/70/295) outlines, *inter alia*, the progress of work on the *Repertory* during the last 12 months since the issuance of the previous report (document A/69/159). Furthermore, with regard to the *Repertory*, the General Assembly is invited to take action in the light of the conclusions drawn in paragraph 14 of the Report.

In this statement, I will highlight a few of the main 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

During the period under review, the Codification Division of the Office of Legal Affairs, acting as coordinator for the preparation of the Repertory, invited all departments and entities involved in the preparation of Repertory studies to participate in the Interdepartmental Committee on the Charter Repertory to consider, in particular, the period of time to be covered by Supplement No. 11. In light of the experience from the preparation of previous Supplements, it was decided that Supplement No. 11 would cover the period 2010 to 2015. We believe that this time frame would allow the Secretariat to bring the studies closer to the present time, and will highlight significant trends which are relevant for the interpretation and application of the various provisions of the Charter of the United Nations.

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). Consistent with that understanding, the Codification Division has reached out to partnering institutions

willing to prepare draft studies for these articles and will submit them for review by DPKO. Research and drafting of studies on Articles 52 and 54 of the Charter for volume III, Supplements Nos. 7 to 9 (1985-1999) were completed by the University of Ottawa, Faculty of Law. These studies are currently under review. It is anticipated that academic institutions will be assigned additional studies for volume III of Supplements Nos. 7 to 9. Studies on Articles 33 (1) and 53 of the Charter, were prepared with the assistance of interns in the Codification Division. These studies are currently under review.

Further effort will be undertaken to ensure the preparation of the outstanding studies for Volume III of Supplements Nos. 7 to 10, pursuant to the above-mentioned understanding between DPKO and the Codification Division.

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

- (a) A study on Article 23 (1) and (3) (as far as the practice of the Security Council is concerned) was finalized by the Department of Political Affairs;
- (b) A study on Article 16, prepared with the assistance of an intern in the Codification Division, and a study on Article 51, drafted with the assistance of Colombia University Law School, were completed.

- (c) Studies on Articles 41, 52 and 54 were drafted with the assistance of the University of Ottawa, Faculty of Law, and a study on Article 53 for volume III, was prepared with the assistance of a consultant.
- (d) Studies on Articles 104 and 105 are in progress in the Office of the Legal Counsel.

Consistent with the Interdepartmental Committee's decision that I mentioned earlier that **Supplement 11** will cover the period 2010 to 2015, a study on Article 13 (1) (a) (relating to the codification and progressive development of international law) for volume II of Supplement No. 11 is currently in preparation in the Codification Division.

The finalization of the study on Article 16 which I mentioned a few moments ago allowed for the completion of Volume II of Supplement No.10 and its submission, in early April 2015, for translation and publication. Accordingly, the current status of the Repertory is as follows: Of the 56 volumes that the publication as a whole should consist of, 43 volumes have been completed. 28 of these have been published and 15 have been finalized and submitted for translation and publication. Work remains to be completed on 13 volumes. Six of these volumes relate to Supplement 11, covering the most recently defined time-period, i.e. 2010 to 2015, on which work has begun; four of those volumes relate to Supplement No. 10, covering the period 2000 to 2009, and are at various stages of

preparation. The other three volumes on which work remains to be completed relate to volume III of Supplements Nos. 7 to 9, covering the period 1985 to 1999.

Availability of *Repertory* studies on the Internet

Mr. Chairman,

As is indicated in the report of the Secretary-General, studies from 43 complete volumes, including the 15 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 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 twelfth 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 fifth consecutive year and contributed to the preparation of studies on Articles 52 and 54 for volume III of Supplements Nos. 7 to 9, as well as studies on Articles 41, 52 and 54 for volume III of Supplement No. 10. The Codification Division will be reaching out to other academic institutions to try to increase the possibilities for cooperation, and to pursue a more diverse geographical spread.

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. Having said this, the Secretariat of course bears the ultimate responsibility for the quality and the final preparation of all studies.

Funding

As regards funding, in its resolution 69/122, 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 this regard. Since the issuance of the 2014 report, the Secretary-General has welcomed the contribution to the trust fund of 10,000 US\$ from Turkey. As of 30 June 2015, the total balance of the Fund was 31,669 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 continued support for the Secretariat's work on reducing the backlog through Member States' voluntary contributions to the Fund.

Thank you, Mr. Chairman.