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Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

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Draft report

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IV. *Repertory of Practice of United Nations Organs and Repertoire of the Practice of the Security Council*

1. Reference was made to the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* during the general exchange of views held at the 304th and 305th meetings of the Special Committee, on 21 February, and at the 2nd meeting of the Working Group of the Whole, on 23 February.

2. During the general exchange of views and in the Working Group of the Whole, delegations commended the Secretariat on its continuing efforts to update the *Repertory* and the *Repertoire* and to eliminate the backlog in the preparation of the *Repertory*. The significance of the two publications in providing analytical studies of the application and interpretation of the Articles of the Charter was recalled. Several delegations noted with concern that the backlog in the preparation of the *Repertory*, in particular volume III, had not been eliminated and called upon the Secretary-General to address the issue effectively and as a priority. The Secretariat was commended for making the *Repertory* and the *Repertoire* available electronically and accessible on their respective websites. The need to publish the two publications in all official languages of the United Nations was noted.

3. At the 2nd meeting of the Working Group, the representatives of the Secretariat gave a briefing on the status of the preparation of the *Repertoire* and the *Repertory*.

4. With regard to the status of the *Repertoire*, further to the most recent report of the Secretary-General on the *Repertory of Practice of United Nations Organs and Repertoire of the Practice of the Security Council* (A/77/303), it was reported that significant progress continued to be made in the preparation of the publication, with a focus on the simultaneous completion of the twenty-fourth and twenty-fifth supplements, covering the years 2021 and 2022, respectively. More specifically, it was noted that the advance version of the twenty-fourth supplement had been completed and posted online in October 2022, as scheduled, and that the advance



version of the twenty-fifth supplement was on track to be released by October 2023. It was also noted that the preparatory work on the twenty-sixth supplement, covering the year 2023, had commenced.

5. Various developments were then outlined. First, with regard to publication, it was noted that all published versions of the supplements covering the period from 1989 to 2019 were available in hard copy in English and online in all six official languages. The twenty-third supplement, covering the year 2020, had been published in hard copy in English, while the editions in the other five languages were expected to be available by the end of March 2023.

6. Second, with regard to innovation, it was reported that efforts were being made to improve the display of information on the work of the Security Council and to enhance data collection and data analysis. In particular, the layout, maps and functions of the “Field missions” dashboard had been updated. It was also noted that, in October 2022, a new dashboard had been launched on the Arria-formula meetings and contained useful historical and analytical information on themes and organizers since 1992. In addition, data sets on “Children and armed conflict”, “Protection of civilians” and “Women and peace and security” had been completed and now included all Council decisions dating back to the inception of those items in 1998, 1999 and 2000, respectively. In January 2023, the annual edition of the *Highlights of Security Council Practice* had been launched. Furthermore, the monthly newsletter entitled “UN Security Council in Review” continued to be issued.

7. Gratitude was expressed for the enhanced support of Member States through their voluntary contributions to the trust fund for updating the *Repertoire of the Practice of the Security Council*. It was noted that the resources under the trust fund had made it possible to hire staff on temporary contracts and United Nations volunteers to assist in the research and drafting of the publication, as well as to draw on editorial and information technology expertise to improve the efficiency of its preparation. It was emphasized that the trust fund had been instrumental to the efforts to overcome a decades-long backlog in the publication of the *Repertoire*, thus making the rich historical and contemporary practices of the Security Council more readily available. The generous contributions made in 2022 by Albania, China, France, Ireland, Japan, Mexico and the United Arab Emirates were noted.

8. It was further recalled that, in January 2023, an appeal for contributions to the trust fund had been launched, with the aim of maintaining the course and avoiding a backlog, as well as of ensuring the continued timeliness, quality and in-depth coverage of the *Repertoire*. In addition, an online information session had been held in February 2023 to present the objectives of the appeal to the delegates of the Sixth Committee.

9. It was also reported that, notwithstanding the support received from Member States through voluntary contributions, the existing levels of funding from the trust fund were insufficient to ensure a sustainable strategy in the future for maintaining the schedule of the *Repertoire* and avoiding a backlog. It was stressed that a predictable and sustained budgetary support structure was required to sustain the progress made, fully secure the contemporary approach to the *Repertoire* and meet the demands of Member States.

10. Concerning the status of the *Repertory*, a briefing was given on the main developments since the issuance of the most recent report on the *Repertory* and *Repertoire*, with a focus on two main areas.

11. First, with regard to new studies in preparation, it was reported that, with regard to the call made upon the Secretary-General to address, effectively and on a priority basis, the backlog in the preparation of volume III of the *Repertory* (General

Assembly resolution 76/115, para. 17), six studies pertaining to that volume were in preparation by the Faculty of Law at the University of Ottawa on Articles 24 and 25 of the Charter (for Supplement No. 11 (2010–2015)) and on Articles 36, 40, 42 and 54 (for Supplement No. 12 (2016–2020)). It was noted that the Faculty of Law at the University of Ottawa was also in the process of drafting and researching two studies on Article 15 for volume II of Supplements Nos. 11 and 12, as well as two studies, on Article 92 and on Article 99, for volume VI of Supplement No. 12. That brought the total number of studies in preparation to 10.

12. It was further noted that, of the four studies to be prepared by the three consultants whose recruitment in August 2022 was financed from the trust fund for the elimination of the backlog in the *Repertory*, two studies on Supplement No. 11 (one on Article 19 for volume II and one on Article 103 for volume VI) had been completed, submitted to the author department (the Office of Legal Affairs) and an advance copy posted on the *Repertory* website. Of the two remaining studies entrusted to consultants, both on Supplement No. 12, one (on Article 13, paragraph 1 (a), second part of the sentence) was about to be reviewed by the author department (various divisions of the Office of Legal Affairs) and the other (on Article 103) was at the research stage.

13. Second, with regard to the participation of academic institutions in the research and drafting of studies for the *Repertory*, gratitude was expressed to the Faculty of Law at the University of Ottawa for its continued support.

14. In addition to those developments, it was underlined that, further to the appeal by the General Assembly for Member States to consider sponsoring associate experts to work on the *Repertory*, which had been relayed to all delegations in a note verbale of 9 December 2022, one delegation from the African region had recently requested additional information on that initiative.

15. The attention of delegations was also drawn to the call for contributions to the trust fund to eliminate the backlog in the preparation of the *Repertory*. In that regard, it was noted that, as at 31 January 2023, the Fund's available balance was \$77,289.

16. Delegations were once again invited to increase the interest of academic institutions in their countries or regions in participating in the preparation of studies for the *Repertory*, while taking into account the importance of geographical diversity in that respect.

17. Following the reports by the representatives of the Secretariat, the Secretariat was again requested to eliminate the backlog in the publication of the *Repertory*, considering that all of its volumes were affected. The Secretariat reiterated its commitment to do that, while noting the scarcity of available resources.

18. In addition, noting that the *Repertoire* was an instrument with significant potential and that the Secretariat may lack adequate resources to prepare that valued publication, some delegations expressed the need to explore options with a view to establishing a predictable and sustainable budgetary support structure to ensure its timely publication. It was also noted that updates were mainly prepared in English only. The need to update the publication in real time in all six official languages of the United Nations was thus stressed.

19. The Special Committee recommends that the General Assembly:

(a) Commend the Secretary-General for the progress made in the preparation of studies for the *Repertory of Practice of United Nations Organs*, including the use of the internship programme of the United Nations and cooperation with academic institutions for this purpose, as well as the progress made towards updating the *Repertoire of the Practice of the Security Council*;

(b) Further encourage Member States to identify academic institutions that have the capacity to contribute to the preparation of studies for the *Repertory* and to provide the contact details of such institutions, and in this regard further welcome the initiative of the Secretariat also to invite members of the International Law Commission to recommend academic institutions that the Secretariat could contact for this purpose;

(c) Note with appreciation the contributions made by Member States to the trust fund for the elimination of the backlog in the *Repertory* and to the trust fund for the updating of the *Repertoire*, as well as other contributions, including the sponsoring of associate experts to assist in the updating of the *Repertoire*;

(d) Reiterate its call for voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory* so as to further support the Secretariat in carrying out the effective elimination of that backlog; voluntary contributions to the trust fund for the updating of the *Repertoire* so as to sustain the annual publication schedule; and the sponsoring, on a voluntary basis and with no cost to the United Nations, of associate experts to assist in the updating of the two publications;

(e) Call upon the Secretary-General to continue his efforts towards updating the two publications and making them available electronically in all their respective language versions, and encourage the continued updating of the websites for the *Repertory*¹ and for the *Repertoire*;²

(f) Note with concern that the backlog in the preparation of all volumes of the *Repertory*, in particular volume III, although slightly reduced, has not been eliminated, and calls upon the Secretary-General to address that issue effectively and on a priority basis, while commending the Secretary-General for progress made in reducing the backlog;

(g) Reiterate the responsibility of the Secretary-General for the quality of the *Repertory* and the *Repertoire*, and with regard to the *Repertoire* calls upon the Secretary-General to continue to follow the modalities outlined in paragraphs 102 to 106 of his report dated 18 September 1952.³

¹ <http://legal.un.org/repertory>.

² www.un.org/securitycouncil/content/repertoire/structure.

³ A/2170.