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

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

### **Report of the Secretary-General\*\***

#### *Summary*

The present report outlines the efforts undertaken by the Secretariat in 2002 to reduce the backlog in the publication of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. The General Assembly is invited, in paragraph 57, to take note of several activities in the light of the conclusions drawn in section IV.

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\* A/57/150.

\*\* The present report was submitted after the established deadline to reflect the latest information concerning the preparation and publication of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*.

## I. Introduction

1. The present progress report has been prepared pursuant to paragraph 4 of General Assembly resolution 56/86 of 12 December 2001, in which the Assembly took note of paragraph 47 of the 2001 report of the Secretary-General (A/56/330), commended him for his continued efforts to reduce the backlog in the publication of the *Repertory of Practice of United Nations Organs*, and endorsed his efforts to eliminate the backlog in the publication of the *Repertoire of the Practice of the Security Council*.

## II. Repertory of Practice of United Nations Organs

### A. Steps undertaken by the Secretariat to expedite the preparation of Supplements to the *Repertory*

#### 1. Interdepartmental Committee on Charter Repertory

2. Since the issuance of the 2001 report, the Interdepartmental Committee on Charter Repertory<sup>1</sup> held three meetings, inter alia, to review the status of the publication of volumes III and IV of Supplement No. 5 (1970-1978), the preparation of volumes I to V of Supplement No. 6 (1979-1984) and of volumes I, IV and VI of Supplement No. 7 (1985-1988); to review the implementation of the work programme for the 2002-2003 biennium; and to continue the inter-office dialogue on reviewing the working methods for the preparation of the *Repertory*.

#### (a) Review Committee of the Interdepartmental Committee on Charter Repertory

3. During the period under review, the Review Committee of the Interdepartmental Committee on Charter Repertory, consisting of the Office of Legal Affairs, the Department of Political Affairs and the respective coordinating and author departments, was convened to review volumes II, IV and V of Supplement No. 6. The Review Committee approved the volumes for publication. The Interdepartmental Committee was subsequently notified of their approval. The Review Committee was also convened to commence the review of studies for volume III of

Supplement No. 6, volume IV of Supplements Nos. 7 and 8, and volume VI of Supplement No. 7.

#### (b) Establishment of review period for Supplement No. 9 of the *Repertory*

4. The Interdepartmental Committee decided that Supplement No. 9 of the *Repertory* would cover the period from 1 January 1995 to 31 December 1999.

#### 2. Inter-office dialogue on reviewing the working methods for the preparation of the *Repertory*

5. In paragraph 6 of the Secretary-General's 2001 report, it was stated that the Secretariat units participating in the preparation of the *Repertory* had commenced in 2001 a dialogue on reviewing the efficiency of current working methods, including a consideration of different options for improving productivity and increasing the *Repertory* Supplement production rate. That review continued in 2002 in the context of the Interdepartmental Committee on Charter Repertory.

6. The Interdepartmental Committee noted that the current working methods permitted a regular production of individual studies and an adequate coordination of the preparation of *Repertory* volumes. The progress in that respect had been recognized by the Office of Internal Oversight Services, in the course of the in-depth evaluation process of the various activities of the Office of Legal Affairs undertaken in 2001-2002, including the coordination of the *Repertory*. The Office had pointed out that "since 1997, a number of steps were taken to expedite the production of the *Repertory*, as requested by the General Assembly, including designation of author units in each of the nine departments and offices concerned".<sup>2</sup> The Committee observed, however, that, at the current pace, the backlog would not be eliminated in the near future. While stressing that adequate and sustained financing was a necessary prerequisite for expediting the elimination of the backlog, it recognized that progress was hampered by structural constraints and obstacles pertaining, inter alia, to the expanding functions, changing mandates and priorities of the Secretariat, the shortage of permanent staff devoted to the *Repertory*, the lack of office space for temporary assistance, as well as the legal and practical difficulties in retaining consultants long enough for them to be used more productively.

7. The Committee considered alternative courses of action, including the establishment of a central Repertory section in one of the departments of the Secretariat, or the creation of permanent posts for Repertory-related work within the contributing departments. It was noted that the Office of Internal Oversight Services had also recommended the establishment of a central Repertory section.<sup>3</sup>

8. Discussion will continue on the respective merits of the above proposals, as well as on the issue of the format of the *Repertory* in the light of the ongoing changes in electronic communications, with a view to sustaining the production of volumes and eliminating the backlog in a more realistic time frame.

9. Moreover, it should also be noted that the question of discontinuing the publication of the *Repertory* was being discussed in the Secretariat and that a proposal to this effect might be forwarded to the General Assembly by the Secretary-General.

### **3. Training seminars on preparing the *Repertory*, conducted by the Office of Legal Affairs**

10. The Office of Legal Affairs continues to offer to participating Secretariat units training seminars on the preparation of the *Repertory*, as required. The seminars have been held on a continuing basis since 1998 and are open to all participating Secretariat units, with a view to adopting a common approach to preparing the *Repertory*, in accordance with the requirements laid down in the Manual for the Preparation of the *Repertory of Practice of United Nations Organs*. In addition, the Office of Legal Affairs has, on several occasions in 2002, provided assistance and guidance to participating Secretariat units on an ad hoc basis.

### **4. Recourse to interns**

11. Participating units of the Secretariat continue, as in previous years, to resort to interns in the research and compilation of data for the preparation of draft *Repertory* studies. The Interdepartmental Committee remains of the view that the overall contribution of interns to the preparation of *Repertory* studies is constrained by, inter alia, the need for training and oversight by supervisors. The same considerations outlined in the 1999 to 2001 reports continued to apply (see A/54/363, para. 10, A/55/340, para. 8, and A/56/330, para. 9, respectively).

## **B. Status of the *Repertory***

### **1. Preparation of volumes III and IV of Supplement No. 5 (1970-1978)**

12. In the 2001 report of the Secretary-General (A/56/330, para. 11), it was reported that volume III of Supplement No. 5 was in the final stages of production and would be published by the end of 2001, and that volume IV of Supplement No. 5 would be published by June 2002. The index to Supplement No. 5 would be produced after all volumes of the Supplement were published, and would be completed in the first quarter of 2003.

13. Volume III of Supplement No. 5 will be issued in English in November 2002.

14. Volume IV of Supplement No. 5 was issued in English in July 2002.

### **2. Volumes I to V of Supplement No. 6 (1979-1984)**

#### **(a) Volume I of Supplement No. 6**

15. In his 2001 report (ibid., para. 14), the Secretary-General noted that volume I of Supplement No. 6 had been submitted for processing and publication.

16. The volume was published in English in June 2002.

#### **(b) Volume II of Supplement No. 6**

17. The Secretary-General in his 2001 report noted (ibid., para. 16) that volume II of Supplement No. 6 was expected to be completed in 2002.

18. The Review Committee was convened in 2002 to review the volume and offered suggestions for revision of several studies. Following their implementation, the Committee approved the volume as a whole. The Department of General Assembly Affairs and Conference Services, as coordinating department for the volume, has submitted the volume for processing and publication.

#### **(c) Volume III of Supplement No. 6**

19. The Secretary-General indicated in his 2001 report (ibid., para. 18) that work was continuing on volume III and was expected to be completed by 2003.

20. The Review Committee was convened in 2002 to review the first segment of studies for the volume. It is

anticipated that the remaining studies will be completed by the Department of Political Affairs in 2003, and that the entire volume will be submitted for processing and publication at the beginning of 2004.

**(d) Volume IV of Supplement No. 6**

21. The Secretary-General stated in his 2001 report (ibid., para. 20) that roughly half of the volume had been submitted for processing, and that it was anticipated that the final segments would be submitted for processing by the end of 2001.

22. The Review Committee was convened to review the remaining studies throughout the latter part of 2001. Following the implementation of suggested revisions, the Committee approved the volume in December of that year. The Department of Economic and Social Affairs, as coordinating department for the volume, has submitted the volume for processing and publication. It is anticipated that the volume will be published in English in September 2003.

**(e) Volume V of Supplement No. 6**

23. The Secretary-General noted in his 2001 report (ibid., para. 22) that work for volume V of Supplement No. 6 was expected to be completed by the end of 2001.

24. The Review Committee was convened at the end of 2001 to review the volume as a whole and offered suggestions for revision. Following their implementation, the Committee approved the volume in January 2002. The volume was published in English in August 2002.

**3. Preparation of volumes I, IV and VI of Supplement No. 7 (1985-1988)**

**(a) Volume I of Supplement No. 7**

25. In his 2001 report (ibid., para. 26), the Secretary-General noted that it was anticipated that the Office of Legal Affairs and the Office of Human Resources Management would commence work on the studies for volume I of Supplement No. 7 in 2002. With regard to the studies to be prepared by the Department of Political Affairs (Articles 1(2), 2(4), 3 to 6), it was noted that work would start if the resources requested for that purpose in the proposed programme budget for 2002-2003 were approved.

26. At its meeting on 12 March 2002, the Interdepartmental Committee decided that work on the volume would commence during the 2004-2005 biennium if the resources requested for that purpose in the proposed programme budget were approved.

**(b) Volume IV of Supplement No. 7**

27. The Secretary-General reported in 2001 (ibid., para. 28) that it was anticipated that the volume would be submitted for processing and publication by the end of 2003.

28. Work on the volume continues. The Review Committee was convened to review studies as they were finalized. Upon their approval, the Department of Economic and Social Affairs, as coordinating department for the volume, submitted a first segment of studies for processing and publication. It is anticipated that the remaining studies will be submitted by the Department of General Assembly Affairs and Conference Services and the Office of the United Nations High Commissioner for Human Rights by mid-2003, and that the final segment will be submitted for processing and publication by the end of 2003.

**(c) Volume VI of Supplement No. 7**

29. As stated in the previous progress report (ibid., para. 29), it was anticipated that all studies would be submitted for review in 2002, with a view to the completion of the volume by the end of the year.

30. Work on the volume continues. Most of the studies have been prepared by the contributing units. It is tentatively expected that the remaining studies will be completed and submitted to the Review Committee in the first half of 2003.

**4. Work undertaken on future priority volumes**

31. In line with the general approach adopted by the Interdepartmental Committee and as noted by the Secretary-General in his 1999 and 2000 reports, several Secretariat units have, on completion of their contribution to current priority volumes, commenced work on future priority volumes. The Interdepartmental Committee once again in 2002 emphasized the importance of such continued work to the sustainability of the overall project and as the key to reaching the Supplement production cycles necessary for the reduction in the backlog in the *Repertory* within a reasonable time period.

**(a) Volume II of Supplement No. 7**

32. In his 2000 report (A/55/340, para. 33 (c)), the Secretary-General noted that work had started on volume II of Supplement No. 7. Several Secretariat units have submitted studies and others have commenced work on their studies for the volume. It is anticipated that volume II will be completed in 2005.

**(b) Volume V of Supplement No. 7**

33. Work on volume V for Supplement No. 7 commenced in 2002. It is anticipated that studies will be submitted to the Review Committee as they are finalized and that the volume will be submitted for processing and publication at the end of 2003.

**(c) Volume IV of Supplements Nos. 8 (1989-1994) and 9 (1995-1999)**

34. In the 2001 report (A/56/330, para. 31) it was indicated that work on Supplement No. 8, volume IV, by the respective author departments would commence in 2002 with a view to its completion in 2004, and that work on volume IV of Supplement No. 9 would commence in 2003.

35. Several studies for Supplement No. 8 have been finalized and work will continue on schedule with a view to completion in 2004.

36. With regard to Supplement No. 9, the Department of Economic and Social Affairs commenced work in 2002. It is anticipated that the backlog in the volume will be eliminated in 2005.

**5. Translation of *Repertory* volumes into French and Spanish**

37. In his 2001 report (*ibid.*, para. 33), the Secretary-General noted that volumes III and IV of Supplement No. 5 would be issued in French and Spanish at the end of 2001 and June 2002, respectively.

38. With respect to volume III of Supplement No. 5, both French and Spanish versions have been issued. Regarding volume IV of Supplement No. 5, the volume will be issued in French and Spanish in December 2002.

39. With regard to volume I of Supplement No. 6, the volume will be issued in French and Spanish in June/July 2003.

40. With regard to volume IV of Supplement No. 6, the volume will be issued in French and Spanish in September 2003.

41. With regard to volume V of Supplement No. 6, the volume will be issued in French and Spanish in December 2003.

**6. Placement of *Repertory* volumes on the Internet**

42. In 2002, the Office of Legal Affairs continued to review the possibility of establishing, during the 2002-2003 biennium, a web site for the *Repertory*, containing electronic versions of *Repertory* Supplements where available, especially in the light of the available resources to undertake such a project.

**C. Assessment of action required**

43. The Interdepartmental Committee on Charter *Repertory* remains of the view that adequate budgetary resources should continue to be provided on a regular basis for *Repertory*-related tasks, so as to permit a regular rhythm of work on individual studies and monitoring of the workflow on volumes. The Committee also continues to be of the view that, in the short term, a production cycle of one to two *Repertory* volumes per year (eventually to be increased to more than two volumes per year) is necessary to begin to address the backlog in the production of the *Repertory*.

44. The Committee further considers it advisable to continue in 2003 the inter-office dialogue (see sect. II.A.2 above) on reviewing the efficiency of current working methods, with a view to exploring all avenues open to it.

**III. *Repertoire of the Practice of the Security Council*****A. Status of the *Repertoire*****1. Translation of the tenth Supplement**

45. Pursuant to section III, paragraph 15, of General Assembly resolution 55/222 of 23 December 2000, the *Repertoire of the Practice of the Security Council* is to be published in all official languages beginning with the tenth Supplement, covering the period 1985-1988. The Chinese and Russian versions of the tenth Supplement are expected to be published in October

2002. The Arabic, French and Spanish versions should be completed in April 2003.

## **2. Preparation of the eleventh Supplement**

46. Further progress has been made in the preparation of the eleventh Supplement to the *Repertoire* (1989-1992), covering four years of unprecedented activity of the Security Council. Compared with the previous four years, the number of meetings of the Security Council during this reporting period increased by about 20 per cent and the number of resolutions adopted, by 158 per cent.

47. Studies for the first draft of the Supplement have been completed and are being revised by experienced senior officers. It is expected that the eleventh Supplement will be submitted for publication in 2003.

48. The Security Council Practices and Charter Research Branch in the Security Council Affairs Division of the Department of Political Affairs is exerting its best efforts to maintain this schedule. If it completes the eleventh Supplement before November 2003, as planned, it will have prepared it in less than four years, as opposed to eight years for the tenth Supplement. Given the limited resources available to the Branch and the significant increase in the number of Security Council resolutions and decisions to be analysed in the eleventh Supplement, this would be a welcome development.

## **B. Elimination of the backlog in the publication of Supplements to the *Repertoire***

### **1. Need to strengthen the Security Council Practices and Charter Research Branch to enable it to fulfil its mandate, including the timely preparation of future Supplements to the *Repertoire***

49. While the Branch might prove able, at its current staffing level, to prepare the eleventh Supplement to the *Repertoire* in four years, it still needs to be strengthened if it is to continue preparing Supplements in a timely manner. It should be noted in this regard that the productivity gains achieved through training and restructuring will have soon reached their limit. At the same time, it is anticipated that the workload of the Branch will continue to grow, due mainly to further

increases in the activity of the Security Council and in the number of queries regarding its practice and procedure which the Branch is requested to answer in accordance with its mandate. The Branch will therefore need additional resources to produce future Supplements to the *Repertoire* without adding to the existing backlog and without neglecting its two other main responsibilities, which are to contribute to the *Repertory of Practice of United Nations Organs* and to prepare studies on the interpretation and application of the Charter and the provisional rules of procedure of the Security Council.

### **2. Need to strengthen the newly established temporary team to eliminate the backlog of the *Repertoire***

50. The elimination of the backlog of the *Repertoire*, which had stretched to 12 years by 2000, when the tenth Supplement was issued, is a one-time project which should be entrusted to an additional temporary team, financed through temporary assistance funds and/or extrabudgetary resources.

51. It was originally envisaged that the team would comprise eight Professional and two support staff and prepare two three-year Supplements to the *Repertoire* for the periods 1993-1995 and 1996-1998, respectively. If the team had been established as planned, it would have begun to draft the two Supplements in 2002 and completed them in four years. Thus, the backlog would have been reduced from 12 to 6 years by the end of 2005.

52. With the contributions made to the Trust Fund for the Updating of the *Repertoire*, established in May 2000, the provision of one associate expert and the temporary assistance funds allotted to it in the regular budget, the Branch has only been able to establish a smaller team, consisting of four Professional and one support staff, or half of the staff initially contemplated. This team has begun to work on the twelfth Supplement to the *Repertoire*, covering the period 1993-1995. It is expected to complete that Supplement by 2005, at which time the backlog will have been reduced by three years, from 12 to 9 years. For this to happen, however, additional contributions to the Trust Fund are needed to finance the extension of the contracts of two of the four Professional staff, including the team leader. The continued services of one associate expert are also required.

53. Regrettably, no new contribution to the Trust Fund has been received since last year and no additional associate expert was provided to the Branch. Moreover, a lack of office space has hampered the work of the Branch. Consequently, the recruitment of the second half of the projected temporary team has been deferred and work on the following three-year Supplement, covering the period 1996-1998, has not started.

54. To maintain and strengthen the temporary team, it is crucial that Member States urgently consider making further contributions to the Trust Fund for the Updating of the *Repertoire* and providing the Branch with additional associate experts.

#### IV. Conclusions

55. In the period under review, the Secretariat continued the implementation of General Assembly resolutions 52/161 of 15 December 1997, 53/106 of 8 December 1998, 54/106 of 9 December 1999, 55/156 of 12 December 2000 and 56/86 of 12 December 2001 regarding the preparation of Supplements to the *Repertory of Practice of United Nations Organs*.

56. With respect to the *Repertoire of the Practice of the Security Council*, progress has been made in the preparation of the eleventh Supplement (1989-1992), which should be completed by 2003. No additional contribution to the Trust Fund for the Updating of the *Repertoire* has been received since the last report, but the contract of the associate expert provided last year has been renewed. Further support is needed to eliminate the backlog in a reasonable period of time.

57. In the light of the above, the General Assembly may wish to

(a) Note that the French and Spanish versions of volume III of Supplement No. 5 of the *Repertory of Practice of United Nations Organs* were published in 2002 and that the English version will be published in November 2002, and that volume IV of Supplement No. 5 was published in English in July 2002 and will be issued in Spanish and French in December 2002;

(b) Note that volume I of Supplement No. 6 of the *Repertory* was published in the English version in June 2002, and that the French and

Spanish translations will be published in June/July 2003;

(c) Note that volume II of Supplement No. 6 of the *Repertory* was submitted for processing and publication;

(d) Note that volume III of Supplement No. 6 of the *Repertory* will be completed in 2003;

(e) Note that volume IV of Supplement No. 6 of the *Repertory* was submitted in 2001 for processing and publication, and will be published in French and Spanish in September 2003;

(f) Note that volume V of Supplement No. 6 of the *Repertory* was published in English in August 2002 and will be issued in French and Spanish in December 2003;

(g) Note that work on volume I of Supplement No. 7 of the *Repertory* will commence during the 2004-2005 biennium if the resources requested for that purpose in the proposed programme budget are approved;

(h) Note that volume IV of Supplement No. 7 of the *Repertory* will be completed by the end of 2003;

(i) Note that it is tentatively expected that volume VI of Supplement No. 7 of the *Repertory* will be completed in 2003;

(j) Note that offices intend to continue with work on future priority volumes with a view to reaching the Supplement production cycles necessary for the reduction in the backlog in the *Repertory* within a reasonable time period;

(k) Note that the inter-office dialogue on reviewing the efficiency of current working methods for the preparation of the *Repertory* will continue in 2003 with a view to considering all options, including the possibility of establishing a central Repertory section or permanent posts within contributing departments as well as considering potential changes to the format of the *Repertory*;

(l) Note that the tenth Supplement to the *Repertoire of the Practice of the Security Council* is expected to be published in Chinese and Russian in October 2002 and that its Arabic, French and Spanish versions should be completed in April 2003;

(m) Note that work is continuing on the eleventh Supplement to the *Repertoire*;

(n) Note that additional contributions to the Trust Fund for the Updating of the *Repertoire* are needed to maintain and strengthen the temporary team which has been established to eliminate the backlog in the *Repertoire*, and also note with appreciation the contribution by one Member State of an associate expert and call upon other Member States to consider providing such support;

(o) Note the efforts of the Secretary-General to reduce the backlog of the Supplements to the *Repertory* and to the *Repertoire*.

#### *Notes*

<sup>1</sup> The Committee is composed of representatives of all Secretariat units involved in the preparation of Supplements to the *Repertory* (see annex I) and is responsible for directing and overseeing the preparation and publication of those Supplements.

<sup>2</sup> E/AC.51/2002/5, para. 54.

<sup>3</sup> Ibid., recommendation 12. It should be recalled that this idea was previously put forward, inter alia, in 1996 (A/AC.182/L.87, para. 20) as a possible course of action to eliminate the backlog in the *Repertory* volumes.



## Annex I

### Secretariat units bearing primary responsibility for the preparation of studies on individual provisions of the Charter of the United Nations

Office of Legal Affairs	<p>Repertory <i>Volume I</i>: Articles 1 (1), (3) and (4), 2 (1) to (3) and (5) to (7) and 7</p> <p><i>Volume II</i>: Article 13 (1) (a)</p> <p><i>Volume VI</i>: Articles 92 to 99, 102 to 105 and 108 to 111</p>
Department of Political Affairs	<p><i>Volume I</i>: Articles 1 (2), 2 (4) and 3 to 6</p> <p><i>Volume II</i>: Articles 10, 12, 13 (1) (a), 14 and 16</p> <p><i>Volume III</i>: Articles 23 to 39 and 107</p> <p><i>Volume V</i>: Articles 73 to 85, 87 and 88</p>
Department of Political Affairs with Department of Peacekeeping Operations	<i>Volume III</i> : Articles 40 to 54 and 106
Department for Disarmament Affairs	<i>Volume II</i> : Article 11
Department of General Assembly Affairs and Conference Services	<p><i>Volume II</i>: Articles 9, 15, 18 and 20 to 22</p> <p><i>Volume IV</i>: Articles 60, 61, 62 (3) and (4), 65 to 69 and 72</p> <p><i>Volume V</i>: Articles 86, 89, 90 and 91</p>
Department of Management	<p><i>Volume II</i>: Articles 17 and 19</p> <p><i>Volume VI</i>: Articles 100 (1) and 101</p>
Department of Management with Office of Legal Affairs	<i>Volume VI</i> : Article 100 (2)
Department of Economic and Social Affairs	<p><i>Volume II</i>: Article 8<sup>a</sup></p> <p><i>Volume II</i>: Article 13 (1) (b) and (2)</p> <p><i>Volume IV</i>: Articles 55 (a) and (b), 57 to 59, 62 (1), 63, 64, 70 and 71</p>

Office of the United Nations High  
Commissioner for Human Rights

*Volume II*: Article 13 (1) (b)

*Volume IV*: Articles 55 (c), 56 and 62 (2)

Office for Outer Space Affairs

*Volume II*: Article 13 (1) (a)

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<sup>a</sup> The Department of Management (Office of Human Resources Management) is responsible for the preparation of Article 8 for the period up to and including 1996. For the period from 1997 onwards, that responsibility falls to the Department of Economic and Social Affairs.

## Annex II

### Secretariat units responsible for the coordination of the preparation of *Repertory* volumes

<i>Volume</i>	<i>Department</i>
I. (Articles 1 to 8)	Office of Legal Affairs
II. (Articles 9 to 22)	Department of General Assembly Affairs and Conference Services
III. (Articles 23 to 54, 106 and 107)	Department of Political Affairs
IV. (Articles 55 to 72)	Department of Economic and Social Affairs
V. (Articles 73 to 91)	Department of General Assembly Affairs and Conference Services
VI. (Articles 92 to 105 and 108 to 111)	Office of Legal Affairs
Index	Department of Public Information (Dag Hammarskjöld Library)