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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

In conformity with General Assembly resolution 64/115, the present report outlines the progress made by the Secretariat since the last report (A/64/125) in updating the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. The Assembly is invited to take action in the light of the conclusions drawn in paragraphs 13 and 26 of the present report.

* A/65/150.



I. Introduction

1. The present report has been prepared pursuant to General Assembly resolution 64/115. In paragraph 9 of the resolution, the Assembly commended the Secretary-General for the progress made in the preparation of studies of the *Repertory of Practice of United Nations Organs*, including the increased use of the internship programme of the United Nations and further expanded cooperation with academic institutions for this purpose, as well as the progress made towards updating the *Repertoire of the Practice of the Security Council*. In paragraph 10, the Assembly noted with appreciation the contributions made by Member States to the trust fund for the updating of the *Repertoire*, as well as to the trust fund for the elimination of the backlog in the *Repertory*; and, in paragraph 11, the Assembly reiterated its call for voluntary contributions to those trust funds 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. In paragraph 12, the Assembly called upon the Secretary-General to continue his efforts towards updating the *Repertory* and the *Repertoire* and making them available electronically in all their respective language versions. In paragraph 13, the Assembly reiterated the responsibility of the Secretary-General for the quality of the two publications and, with regard to the *Repertoire*, called upon the Secretary-General to continue to follow the modalities outlined in paragraphs 102 to 106 of his report of 18 September 1952 (A/2170). Finally, in paragraph 14, the Assembly requested the Secretary-General to submit a report on both the *Repertory* and the *Repertoire* to the Assembly at its sixty-fifth session.

II. *Repertory of Practice of United Nations Organs*

A. Preparation of supplements to the *Repertory of Practice of United Nations Organs*

2. Since the last report (A/64/125), the following progress has been made in the preparation of supplements to the *Repertory*. In August 2010, the Secretariat finalized and submitted for translation and publication volume IV of Supplement No. 9. Several other volumes are at different stages of preparation. In particular, the work progressed with respect to volume II of Supplements Nos. 7, 8 and 9, and volume VI of Supplement No. 9. Furthermore, work has started on Supplement No. 10 which, as decided by the Interdepartmental Committee on Charter *Repertory*, covers the period 2000-2009 (see para. 12 below): two studies for volume I and one study for volume IV of Supplement No. 10 have been completed in cooperation with academic institutions;¹ four studies for volume V of Supplement No. 10 have been completed with the assistance of interns; and some studies for volumes II and VI of Supplement No. 10 are being prepared, also with the assistance of interns. However, lack of resources continued to impede progress in the preparation of studies pertaining to volume III.

3. The current status of the publication (original *Repertory* and supplements thereto), which, as a whole, should consist of 50 volumes, is as follows: 28 volumes have been published² and 8 volumes have been finalized and submitted for

¹ See note 6 below.

² *Repertory* and Supplements Nos. 1-6 (1946-1984), for a total of 26 volumes, and volumes V and VI of Supplement No. 7 (1985-1988).

translation and publication.³ Consequently, the work to be completed comprises 14 volumes: 11 volumes are at different stages of preparation,⁴ and studies of 3 volumes have been cross-referenced to the studies in the *Repertoire*.⁵

4. Annex I to the present report sets out the responsibilities of individual Secretariat units for the preparation of *Repertoire* studies on individual Articles of the Charter of the United Nations. Annex II provides information on the status of the *Repertoire*.

B. Availability of *Repertoire* studies on the Internet

5. Studies from 36 complete volumes, including the 8 volumes in processing for publication, as well as advance versions of several studies pertaining to individual Articles which have been finalized and are awaiting completion of the respective volumes, continued to be made available on the United Nations website for the *Repertoire* (www.un.org/law/repertoire). The electronic version of the *Repertoire* 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.

6. Currently, all studies available in English are on the Internet, and a considerable number of them are also available on the Internet in French and Spanish. Finalized studies awaiting publication are placed on the Internet in the language in which they have been prepared (English for most of them, and French for some of them). The Secretariat will continue to make available electronically all three language versions of the finalized *Repertoire* studies.

C. Cooperation with academic institutions

7. The well-established cooperation with Columbia University Law School continued for the seventh consecutive year and recently contributed to the completion of three studies pertaining to volumes I and IV of Supplement No. 10.⁶ The cooperation with academic institutions has been extended to the University of Ottawa, and a team of advanced students supervised by a professor is expected to undertake some other studies for Supplement No. 10. Furthermore, the collaboration project established with some francophone academic institutions has continued, leading to progress on other studies for volumes II and VI.⁷

³ Volumes I and IV of Supplement No. 7 (1985-1988); and volumes I, IV and V of Supplements Nos. 8 (1989-1994) and 9 (1995-1999).

⁴ Volume II of Supplements Nos. 7 (1985-1988), 8 (1989-1994) and 9 (1995-1999); volume VI of Supplements Nos. 8 (1989-1994) and 9 (1995-1999); and the 6 volumes pertaining to Supplement No. 10 (2000-2009; see para. 12 below).

⁵ Volume III of Supplements Nos. 7 (1985-1988), 8 (1989-1994) and 9 (1995-1999).

⁶ Studies on Article 2 (4), Article 2 (7) and Article 62 (2) of the Charter.

⁷ Two studies for volume II of Supplement No. 9 (1995-1999) on Articles 10 and 12 of the Charter, prepared in collaboration with the University of Nice (Centre d'études et de recherches internationales et communautaires) were finalized. Two other studies pertaining to volumes II and VI of Supplement No. 9, on Articles 11 and 103 of the Charter, are in preparation.

D. Trust fund

8. In its resolution 64/115, 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*. Accordingly, 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 who might wish to assist in that regard. The Secretary-General welcomes with appreciation the contributions to the trust fund received from the following Member States: Chile (\$10,000); Luxembourg (\$10,000) and Turkey (\$3,000).

9. In 2010, some of the available funds are being used to finance the work of two consultants on three studies pertaining to volume II of Supplements Nos. 7, 8 and 9.

10. The further use of consultants for the preparation of studies pertaining to volumes that are near completion is envisaged. Additional contributions to the trust fund are strongly encouraged so as to allow the Secretariat to carry out the effective elimination of the backlog in the *Repertory*.

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

11. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization considered the question of the *Repertory* and the *Repertoire* at its session held from 1 to 9 March 2010. In its report (A/65/33, para. 45), the Special Committee recommended, inter alia, with regard to the *Repertory*, that the General Assembly commend the Secretary-General for the progress made in the preparation of studies, including the increased use of the internship programme of the United Nations and further expanded cooperation with academic institutions for this purpose; note with appreciation the contributions made by Member States to the trust fund for the elimination of the backlog in the *Repertory*; reiterate its call for voluntary contributions to the trust fund so as to further support the Secretariat in carrying out the effective elimination of the backlog in the *Repertory*, as well as the sponsoring, on a voluntary basis, and with no cost to the United Nations, of associate experts to assist in the updating of the publication; call upon the Secretary-General to continue his efforts towards updating the publication and making it available electronically in all its language versions; and reiterate the responsibility of the Secretary-General for the quality of the *Repertory*.

F. Interdepartmental Committee on Charter Repertory

12. In December 2009, the Secretariat's Interdepartmental Committee on Charter Repertory reconsidered the time period to be covered in Supplement No. 10. In the light of the experience acquired and lessons learned from the preparation of previous Supplements, it was decided that Supplement No. 10 would cover a period of 10 years, from 2000 to 2009, instead of the six-year period that had been

previously envisaged (see A/62/124 and Corr.1, para. 12). It was felt that the extension of the time period would make it possible to further streamline the studies, while highlighting the significant trends, within that period, that are relevant for the interpretation and application of the various provisions of the Charter. It was also felt that, by extending the period covered by the last Supplement, it would be possible to bring the studies closer to the present time, thus increasing the usefulness of the *Repertory* for Member States, academics and practitioners.

G. Conclusions

13. **With respect to the *Repertory*, in the light of the foregoing, the General Assembly may wish:**

(a) **To note the current status of the publication, including the progress made in the preparation of *Repertory* studies and in their posting on the Internet in three languages (English, French and Spanish);**

(b) **To consider the recommendations of the Special Committee (see para. 11 above) concerning the increased use of the internship programme of the United Nations and the further expanded cooperation with academic institutions for the preparation of studies; 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; the sponsoring, on a voluntary basis, and with no cost to the United Nations, of associate experts to assist in the updating of the publication; the call upon the Secretary-General to continue his efforts towards updating the publication and the desirability of making it available electronically in all its language versions; and the reiteration of the Secretary-General's responsibility for the quality of the *Repertory*;**

(c) **To express appreciation for the contributions received to the trust fund for the elimination of the backlog in the *Repertory*; to note the progress made towards the elimination of that backlog through the utilization of the trust fund; and to strongly encourage States to make additional contributions to the trust fund.**

III. *Repertoire of the Practice of the Security Council*

A. Mandate and preparation

14. The *Repertoire*, originally mandated by the General Assembly in its resolution 686 (VII) of 5 December 1952, continues to provide a record of the evolving practice and procedure of the Security Council in the framework of the Charter of the United Nations and the Council's provisional rules of procedure. Most recently, by its resolution 64/115, the General Assembly called upon the Secretary-General to continue his efforts towards updating the *Repertoire of the Practice of the Security Council* and making it available in all language versions.

15. Pursuant to the mandate provided by the Assembly, the Secretariat made much progress in the preparation of supplements to the *Repertoire* since the last report

(A/64/125). In line with the “two-track” approach that allows the simultaneous preparation of two or more supplements, during the past year the Secretariat worked on the fourteenth and fifteenth Supplements to the *Repertoire*, covering the periods 2000 to 2003 and 2004 to 2007, respectively, within the context of the modalities outlined in paragraphs 102 to 106 of the Secretary-General’s report of 18 September 1952 (A/2170).

16. The completion of the thirteenth Supplement has allowed the Secretariat to focus all of its efforts on the contemporary practice of the Security Council, from 2000 onwards. Eleven out of 12 chapters of the fourteenth Supplement, covering the period 2000-2003, have been finalized and made available electronically on the *Repertoire* website in an advance version. It is expected that the few remaining case studies from a chapter which provides a chronological record of the Council’s consideration of items on its agenda and the entire supplement will be posted on the website in the latter part of 2010.

17. Much progress has also been made in the past year in the preparation of the fifteenth Supplement, covering the four-year period 2004-2007. All but one of the chapters of the Supplement have been completed and made available electronically on the *Repertoire* website in an advance version. The remaining chapter, which provides a chronological record of the Security Council’s consideration of items on its agenda, is expected to be completed in the second half of 2010.

18. In view of the near completion of the fourteenth and fifteenth Supplements, the Security Council Practices and Charter Research Branch of the Security Council Affairs Division has initiated work on the sixteenth Supplement, covering a shorter, two-year, period (2008-2009). The groundwork for preparation of this Supplement was systematically laid down over the past two years, through the tracking and recording of the contemporary practice of the Security Council in internal databases. In addition, in January 2010 the Secretariat embarked on the same kind of groundwork for the preparation of the seventeenth Supplement, covering the years 2010 and 2011. However, progress on these two Supplements will depend on the staffing situation in the Branch and the continued availability of resources, which is considered further in paragraph 25 below.

19. Meanwhile, within the limits of the resources available to it, the Secretariat has continued its efforts at producing the *Repertoire* in the most expeditious manner consistent with accuracy and balance by resorting to several efficiency-enhancing initiatives. A few examples of such initiatives include specialized training of staff, creation of improved information- and knowledge-sharing mechanisms; streamlining of individual chapters of the *Repertoire* to reduce redundancies and overlaps; enhancement of databases to capture and retrieve the mounting body of past and current practices and procedures of the Security Council as well as to generate tables and text; and updating of internal guidelines and templates to capture staff expertise and ensure consistency in the preparation of the *Repertoire*.

20. The simultaneous preparation of several voluminous supplements to the *Repertoire* has not been without challenges. Although the Secretariat has managed to achieve, through various initiatives, progress towards updating the *Repertoire* and providing Member States with more up-to-date information on current Council practice, it has faced additional challenges in terms of editing, translating, indexing and publishing these supplements. The Secretariat is continuing to explore various options to address the existing resource constraints and consequent delays in

publishing the supplements. In the interim, one of the options it has relied upon has been the posting of completed supplements and individual chapters of supplements in preparation in an advance version on the *Repertoire* website.

B. Advance publication: availability of *Repertoire* studies on the Internet

21. The *Repertoire* website continues to be a useful source of information regarding the practice of the Security Council, as evidenced by the feedback received from users. The Secretariat is in the process of upgrading the website to further enhance its search capabilities and make it more user-friendly.

22. To allow access to information as quickly as possible, the Secretariat has posted on its website finalized chapters of the *Repertoire* in an advance version (see annex III to the present report). All chapters of the twelfth and thirteenth Supplements have been posted in an advance version on the website. For the fourteenth (2000-2003) and fifteenth (2004-2007) Supplements, all procedural and constitutional chapters have been posted in an advance version and both volumes will be available in their entirety by the end of 2010.

23. In addition to the preparation of the *Repertoire*, upon request, the Secretariat provides information on questions relating to both the current and the past practice of the Council and its subsidiary organs. During the reporting period it responded, in a timely and accurate fashion, to communications and requests for information from Member States as well as from United Nations system officials and staff of other international organizations, non-governmental organizations, students, academic scholars and researchers and the private sector which reached the Secretariat directly and through the *Repertoire* website. Given the volume of queries received online, the Secretariat set up a special e-mail account to process such queries and encourages Member States to address queries to the account at dpa-repertoire@un.org.

C. Publication in language versions (print and electronic)

24. In compliance with General Assembly resolution 55/222, in which the Assembly requested the Secretary-General to publish the future supplements to the *Repertoire* in all six official languages, the eleventh Supplement has been published in all official languages. The twelfth (1993-1995) and thirteenth (1996-1999) Supplements have also been submitted for translation and publication into all official languages and subsequent volumes will be submitted as soon as they are completed and edited. The Secretariat will also continue to make every effort to put the latest chapters of the *Repertoire* online in the six official languages as soon as they are available. The Secretariat has already posted the tenth and eleventh Supplements on the *Repertoire* websites in Arabic, Chinese, French, Russian and Spanish.⁸

⁸ Arabic: www.un.org/arabic/sc/repertoire; Chinese: www.un.org/chinese/aboutun/prinorgs/sc/repertoire; English: www.un.org/Depts/dpa/repertoire; French: www.un.org/french/docs/cs/repertoire; Russian: www.un.org/russian/sc/repertoire; Spanish: www.un.org/spanish/Depts/dpa/repertoire.

D. Resources

25. The preparation and publication of the *Repertoire* would not have been possible without the continued support of the General Assembly. At the same time, voluntary contributions to the trust fund for the updating of the *Repertoire* remain an important element for sustaining progress in an environment of financial constraint. The infusion of extrabudgetary resources has enabled the Secretariat to retain the services of temporary staff assisting in the preparation of the *Repertoire* and to work simultaneously on several volumes of the publication. Since the last report (A/64/125), and in response to an appeal letter dated 19 January 2010 sent to Member States on behalf of the Secretary-General, contributions to the trust fund have been received from the Congo, Ireland, the Libyan Arab Jamahiriya, Luxembourg, Mexico, Singapore and Turkey. In addition, Germany and Norway have continued to contribute by sponsoring associate experts in the Security Council Practices and Charter Research Branch, who have been making a valuable contribution to advancing the work on the *Repertoire* and thus helping the Secretariat to move closer to its goal of bringing the publication up to date. As this goal remains to be met fully, the Secretariat encourages Member States to continue to support the Secretariat's work on advancing the *Repertoire* through their voluntary contributions to the trust fund.

E. Conclusions

26. **With respect to the *Repertoire of the Practice of the Security Council*, in the light of the foregoing and the recommendations made by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization at its session held from 1 to 9 March 2010, the General Assembly may wish:**

(a) **To note the progress made towards the updating of the *Repertoire*, including through the utilization of the trust fund for the updating of the *Repertoire*;**

(b) **To note the implementation of efficiency-enhancing measures to expedite the simultaneous preparation of Supplements to the *Repertoire*;**

(c) **To note the continued posting of the *Repertoire* in electronic form in all language versions on the United Nations website;**

(d) **To express appreciation for the contributions to the trust fund for the updating of the *Repertoire* and reiterate its call for voluntary contributions to the trust fund for the updating of the *Repertoire*;**

(e) **To note with appreciation the support which Germany and Norway have extended by sponsoring, on a voluntary basis, associate experts to assist in the preparation of the *Repertoire*, and to encourage other Member States in a position to do so to consider providing such assistance.**

Annex I

Secretariat units bearing primary responsibility for the preparation of *Repertory* studies on individual Articles of the Charter of the United Nations^a

<i>Department</i>	<i>Repertory volume</i>
Office of Legal Affairs	Volume I: Articles 1 to 7 Volume II: Articles 13 (1) (a), 18, 19 and 22 Volume VI: Articles 92 to 99, 102 to 105 and 108 to 111
Department of Political Affairs	Volume II: Articles 10, 12, 13 (1) (a), 14 and 16 Volume III: Articles 23 to 39 and 107 Volume V: Articles 73 to 85, 87 and 88
Department of Peacekeeping Operations	Volume III: Articles 40 to 54 and 106
Office for Disarmament Affairs	Volume II: Article 11
Department for General Assembly and Conference Management	Volume II: Articles 9, 15, 20 and 21 Volume IV: Articles 60, 61, 62 (3) and (4), 65 to 69 and 72 Volume V: Articles 86 and 89 to 91
Department of Management	Volume II: Article 17 Volume VI: Articles 100 (1) and 101
Department of Management with Office of Legal Affairs	Volume VI: Article 100 (2)
Department of Economic and Social Affairs	Volume II: Articles 8 ^b and 13 (1) (b) and (2) Volume IV: Articles 55 (a) and (b), 57 to 59, 62 (1), 63, 64, 70 and 71
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)

^a This distribution is the result of several decisions of the Interdepartmental Committee on Charter Repertory taken at various times since 1996 and is subject to review by the Committee.

^b 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 onward, that responsibility falls to the Department of Economic and Social Affairs.

Annex II

**Status of the *Repertory of Practice of United Nations Organs*
(August 2010)**

Volumes published and on the Internet	Studies submitted for publication	Studies on the Internet (pertaining to volumes not submitted for publication)	Studies in preparation or in review	Cross-reference to the <i>Repertoire of the Practice of the Security Council</i>
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Note: The organization of studies in volumes, as indicated below, relates to Supplements 6 to 10, and varies for the original *Repertory* and Supplements 1 to 5.

Volumes, Articles	Original Repertory	Supplements									
		1	2	3	4	5	6 1979- 1984	7 1985- 1988	8 1989- 1994	9 1995- 1999	10 2000- 2009
Volume I							I	I	I	I	I
Articles 1, 2 (1-3, 5-6), 3-8											
Articles 2 (4) and 2 (7)											
Volume II							II	II	II	II	II
Articles 9-10, 12, 14-16, 18-22											
Article 11											
Article 13 (1a, second phrase)											
Article 13 (1b, 2)											
Articles 13 (1a, first phrase), 17											
Volume III							III	III	III	III	III
Articles 23-25 Article 26 Articles 27-51											
Articles 52-54											
Volume IV							IV	IV	IV	IV	IV
Articles 55 (a, b, c), 56-61, 62 (1, 2, 3), 62 (4), 63-65, 66-72											
Article 62 (2)											
Volume V							V	V	V	V	V
Articles 73-85, 87-88											
Articles 86, 89-91											
Volume VI							VI	VI	VI	VI	VI
Articles 92-96, 106-109											

Volumes, Articles	Original Repertory	Supplements									
		1	2	3	4	5	6 1979- 1984	7 1985- 1988	8 1989- 1994	9 1995- 1999	10 2000- 2009
Articles 98 (section dealing with treaties), 102, 110, 111											
Articles 99, 103											
Articles 104-105											
Article 100											
Articles 97, 98 (remainder)											
Article 101											

Studies prepared between 1954 and 1980

Studies prepared between 1996 and 2010

Annex III

**Status of the *Repertoire of the Practice of the Security Council*
(July 2010)**

Volumes published and posted on the Internet http://www.un.org/en/sc/repertoire/	Chapters posted on the Internet in advance version							Chapters completed and under final review				Chapters in preparation	
<i>Repertoire/ Supplement</i>	<i>Procedural chapters</i>							8	<i>Constitutional chapters</i>				<i>Languages (Published)</i>
	1	2	3	4	5	6	7		9	10	11	12	
Original Volume 1946-1951													English, French
Supplement I 1952-1955													English, French
Supplement II 1956-1958													English, French
Supplement III 1959-1963													English, French
Supplement IV 1964-1965													English, French
Supplement V 1966-1968													English, French
Supplement VI 1969-1971													English, French
Supplement VII 1972-1974													English, French
Supplement VIII 1975-1980													English, French
Supplement IX 1981-1984													English, French
Supplement X 1985-1988 ^a													English, French, Arabic, Chinese, Russian, Spanish
Supplement XI 1989-1992													English, French, Arabic, Chinese, Russian, Spanish
Supplement XII 1993-1995													
Supplement XIII 1996-1999													
Supplement XIV 2000-2003													
Supplement XV 2004-2007													
Supplement XVI 2008-2009													

^a As mandated by the General Assembly in resolution 55/222, this Supplement and future Supplements of the *Repertoire* are to be published in all official languages of the United Nations.