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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 65/31, the present report outlines the progress made by the Secretariat since the last report (A/65/214) 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 14 and 27 of the present report.

* A/66/150.



I. Introduction

1. The present report has been prepared pursuant to General Assembly resolution 65/31. 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 and to address, in particular, the backlog in the preparation of volume III of the *Repertory*. 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-sixth 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/65/214), significant progress has been made in the preparation of studies pertaining to Supplements that were in the backlog. All the studies in respect of volumes II and VI of Supplements Nos. 7, 8 and 9 have been completed. These include studies on Article 17 for volume II of Supplements Nos. 7, 8 and 9; a study on Article 11 for volume II of Supplement No. 9; studies on Article 13 for volume II of Supplements Nos. 8 and 9; studies on Articles 97, 98 and 101 for volume VI of Supplements Nos. 8 and 9; and studies on Articles 99 and 103 for volume VI of Supplement No. 9. The Secretariat has submitted volume II of Supplements Nos. 7 and 8 and will shortly submit volume II of Supplement No. 9 and volume VI of Supplements Nos. 8 and 9 for translation and publication.

3. Bearing in mind the call made upon the Secretary-General, in paragraph 12 of General Assembly resolution 65/31, to address, in particular, the backlog concerning volume III of the *Repertory*, and following discussions (see para. 13 below) with the Codification Division of the Office of Legal Affairs acting as coordinator for this publication, the Security Council Affairs Division of the Department of Political Affairs prepared studies on Articles 23 (1), 25, 27, 29, 31, 32 and 33 (2), for inclusion in volume III of Supplements Nos. 7, 8 and 9 (1985-1999). These studies introduce and provide links to the relevant studies of the *Repertoire of the Practice*

of the Security Council. The links thus provided are intended to replace the elaboration of *Repertory* studies whenever there would be an overlap with the studies of the *Repertoire*. A single study for each of the above-mentioned provisions of the Charter addresses the entire period that is covered under the three Supplements.

4. Significant progress has also been achieved in the preparation of studies for Supplement No. 10 (2000-2009). During the reporting period, the following additional studies have been prepared with the assistance of interns or in collaboration with academic institutions:

- (a) A study on Articles 1 (1), 1 (3), 1 (4), 2 (1), 2 (2), 2 (3) and 2 (5), as well as studies on Articles 1 (2), 2 (6), 4 and 7 for volume I;
- (b) Studies on Articles 9, 10, 11, 12, 15, 20, 21 and 22 for volume II;
- (c) Studies on Articles 55 (a) and (b) and 57 for volume IV;
- (d) Studies on Articles 86, 89, 90 and 91 for volume V;
- (e) Studies on Articles 96, 98 and 102 for volume VI.

5. The current status of the publication is as follows: 28 volumes have been published¹ and 8 volumes have been finalized and submitted for translation and publication.² Five completed volumes will soon be submitted for translation and publication.³ Consequently, from among the 50 volumes of which the publication as a whole (original *Repertory* and supplements thereto) should consist, work remains to be completed on 9 volumes; 6 of those volumes pertain to Supplement No. 10, covering the most recent reviewable period, and are at different stages of preparation (see para. 4 above). The other three volumes on which work remains to be completed correspond to volume III of Supplements Nos. 7, 8 and 9.

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

B. Availability of *Repertory* studies on the Internet

7. Studies from 41 complete volumes, including the 13 volumes in processing for publication, are available on the United Nations website for the *Repertory* (www.un.org/law/repertory). Advance versions of several studies on individual Articles for volume III of Supplements Nos. 7, 8 and 9, as well as several studies for Supplement No. 10 which have been finalized and are awaiting completion of the respective volumes, continued to be accessible on the website. 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

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

² 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).

³ Volume II of Supplement No. 7; and volumes II and VI of Supplements Nos. 8 and 9.

combination of words in the three languages of the publication, namely English, French and Spanish.

8. Currently, all studies available in English are on the Internet, and most 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 *Repertory* studies.

C. Cooperation with academic institutions

9. The well-established cooperation with Columbia University Law School continued for the eighth consecutive year. In total, eight students contributed to the preparation of nine studies relating to volumes I, II, IV and VI of Supplement No. 10.⁴ The cooperation with the University of Ottawa, commenced during the preceding year, was successful: six studies pertaining to Supplement No. 10 were prepared by a team of advanced students from that University.⁵ Furthermore, a study for volume VI of Supplement No. 9 was completed in collaboration with the University of Geneva.⁶

D. Trust fund

10. In its resolution 65/31, 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 that might wish to assist in that regard. The Secretary-General welcomes with appreciation the contribution of \$6,929 by Ireland to the trust fund.

11. 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

12. 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 28 February to 4 March and on 7 and 9 March 2011. In its report (A/66/33, para. 63), the Special Committee

⁴ Studies on Articles 4, 7, 22, 55 (a) (b) and (c), 56, 57, 63 and 96 of the Charter.

⁵ A study on Articles 1 (1), 1 (3), 1 (4), 2 (1), 2 (2), 2 (3) and 2 (5), as well as studies on Articles 1 (2), 2 (6), 10, 11 and 12 of the Charter.

⁶ Study on Article 103 of the Charter.

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 that backlog, 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; express its serious concern that no progress has been made in reducing the backlog in the preparation of volume III of the *Repertory* and call upon the Secretary-General to address this issue effectively and on a priority basis; and reiterate the responsibility of the Secretary-General for the quality of the *Repertory*.

F. Interdepartmental Committee on Charter Repertory

13. In the implementation of the General Assembly mandate concerning the effective elimination of the backlog (resolution 65/31, para. 11), the Interdepartmental Committee on Charter Repertory, at its meeting on 17 February 2011, continued to explore possibilities of new approaches in the preparation of studies concerning volumes that are in the backlog. At a follow-up meeting of 11 March 2011 between the Codification Division acting as coordinator for the *Repertory* and the Security Council Affairs Division, it was agreed that the studies to be prepared for volume III of Supplements Nos. 7, 8 and 9 would be merged and that links would be provided therein to the relevant studies of the *Repertoire* (see para. 3 above). It was also agreed that all efforts should be made to eliminate the backlog in volume III, including through the use of interns and cooperation with academic institutions.

G. Conclusions

14. **With respect to the *Repertory of Practice of United Nations Organs*, 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. 12 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 to continue to address effectively and on a priority basis the elimination of the**

backlog in volume III of the *Repertory*; 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

15. The *Repertoire of the Practice of the Security Council*, 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 65/31, the General Assembly called upon the Secretary-General to continue his efforts towards updating the *Repertoire* and making it available electronically in all its respective language versions.

16. Pursuant to the mandate provided by the General Assembly, the Secretariat has made much progress in the preparation of supplements to the *Repertoire* since the last report (A/65/214). In line with the "two-track" approach that allows the simultaneous preparation of two or more supplements, in the past year the Secretariat worked on the fifteenth and sixteenth Supplements to the *Repertoire*, covering the period 2004 to 2007 and the years 2008 and 2009, respectively, within the context of the modalities outlined in paragraphs 102 to 106 of the report of the Secretary-General of 18 September 1952 (A/2170).

17. The completion of the fourteenth Supplement (2000-2003) allowed the Secretariat to focus all of its efforts on the contemporary practice of the Security Council from 2004 onwards. The entire fifteenth Supplement (2004-2007) has been completed and made available electronically on the *Repertoire* website in the advance version.

18. Much progress has also been made in the past year in the preparation of the sixteenth Supplement, covering a shorter two-year period (2008 and 2009). Work on all parts is in progress and it is expected to be completed by the end of 2011. Studies for the part which provides a chronological record of the Security Council's consideration of items on its agenda have already been made available electronically on the *Repertoire* website in an advance version.

19. In view of the progress made towards the completion of the sixteenth Supplement, the Secretariat has initiated work on the seventeenth Supplement, covering 2010 and 2011. The groundwork for preparation of that Supplement was systematically laid down over the past year, through the tracking and recording of the contemporary practice of the Security Council in internal databases. However, progress on that Supplement will depend on the staffing situation in the Security Council Practices and Charter Research Branch of the Security Council Affairs

Division and the continuing availability of resources, which is considered further in paragraph 26 below.

20. 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. Such initiatives include specialized training of staff; creation of improved information and knowledge-sharing mechanisms; streamlining of individual parts of the *Repertoire* to reduce redundancies and overlaps; enhancement of databases, including new modules on Security Council decisions and mandates, to record and retrieve the mounting body of past and current practice 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*.

21. 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 Security Council practice, it has faced additional challenges in terms of editing, translating, indexing and publishing the 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 under preparation in an advance version on the *Repertoire* website.

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

22. To ensure that finalized chapters can be fully utilized, since December 2010 the Secretariat has completely overhauled the *Repertoire* website, further enhancing its search capabilities and providing a user-friendly interface that allows for quicker access to the wealth of information on the practices of the Security Council set out in the *Repertoire*. Depending on the availability of funds the Secretariat will similarly seek to have the website translated into the remaining official languages.

23. 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). In addition to the published supplements, all chapters of the still unpublished thirteenth to fifteenth Supplements (1996 to 2007) have been posted in an advance version.

24. In addition to the preparation of the *Repertoire*, the Secretariat, upon request, provides information on questions relating to both the current and past practice of the Security 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 officials of the United Nations system 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: dpa-repertoire@un.org.

C. Publication in language versions (print and electronic)

25. 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 tenth and eleventh Supplements have been published in all official languages. The twelfth (1993-1995), thirteenth (1996-1999) and fourteenth (2000-2003) Supplements have 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 place the latest volumes of the *Repertoire* online in the six official languages as soon as they are available.

D. Resources

26. The preparation and publication of the *Repertoire* as well as the redesign of its website would not have been possible without the continued support of the General Assembly. At the same time, in an environment of financial constraint, voluntary contributions to the trust fund for the updating of the *Repertoire* remain an important element for sustaining progress on the *Repertoire* and maintaining the website in all six official languages. 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/65/214), a contribution to the trust fund has been received from Mexico. In addition, Germany has continued to contribute by sponsoring an associate expert in the Security Council Practices and Charter Research Branch, who has been making a valuable contribution to advancing the work on the *Repertoire* and thus helping the Secretariat to achieve 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

27. **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 28 February to 4 March and on 7 and 9 March 2011, 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 note the enhancement of the *Repertoire* website and the easy access it provides to the wealth of information on the practice of the Security Council;

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

(f) To note with appreciation the support which Germany has extended by sponsoring, on a voluntary basis, an associate expert 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* (July 2011)

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
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Note: The organization of studies in volumes, as indicated below, relates to Supplements Nos. 6 to 10, and varies for the original *Repertory* and Supplements Nos. 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, 4 and 7											
Articles 3, 5, 6 and 8											
Volume II							II	II	II	II	II
Articles 9-12, 15, 20, 21 and 22											
Article 13 (1a, second phrase)											
Articles 13 (1a, first phrase, 1b, 2), 14, 16, 17, 18 and 19											
Volume III							III	III	III	III	III
Articles 23 (1) and (3), 25, 27, 29 and 31-33 (2)											
Articles 23 (2), 24, 26, 28 and 30 Article 33 (1)-39											
Articles 40-51 Articles 52-54											
Volume IV							IV	IV	IV	IV	IV
Articles 55 (a) and (b), 57 and 62 (2)											
Articles 55 (c), 56 and 63											
Articles 58-61, 62 (1, 3, 4) and 64-72											
Volume V							V	V	V	V	V
Articles 86 and 89-91											
Articles 73-85, 87 and 88											
Volume VI							VI	VI	VI	VI	VI
Articles 96, 98 (treaties) and 102											

<i>Volumes, Articles</i>	<i>Original Repertory</i>	<i>Supplements</i>									
		<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6 1979- 1984</i>	<i>7 1985- 1988</i>	<i>8 1989- 1994</i>	<i>9 1995- 1999</i>	<i>10 2000- 2009</i>
Articles 110 and 111											
Articles 98 (general), 92-95, 97, 99, 100, 101 and 103-109											

Studies prepared from 1954 to 1980

Studies prepared from 1996 to 2011

Annex III

Status of the *Repertoire of the Practice of the Security Council* (July 2011)

Supplements published and posted on the Internet at www.un.org/en/sc/repertoire	Final version posted on the Internet	Advance version available on the Internet	Parts in preparation	Preliminary research in progress

A. Status of the completed *Repertoire* Supplements

<i>Repertoire</i>	<i>Status</i>	<i>Languages</i>
Original <i>Repertoire</i> and Supplements I-IX (1946-1984)		English, French
Supplements X and XI (1985-1992)		Arabic, Chinese, English, French, Russian, Spanish ^a
Supplement XII (1993-1995)		English, translation into other languages in progress
Supplement XIII (1996-1999)		English, translation into other languages in progress
Supplement XIV (2000-2003)		English
Supplement XV (2004-2007)		English

B. Status of *Repertoire* Supplements in preparation

	<i>Parts (procedural and constitutional)</i>									
	<i>I</i> <i>Overview</i>	<i>II</i> <i>Provisional rules of procedure</i>	<i>III</i> <i>Purposes and principles of the Charter</i>	<i>IV</i> <i>Relations with other United Nations organs</i>	<i>V</i> <i>Functions and powers of the Security Council</i>	<i>VI</i> <i>Pacific settlement of disputes</i>	<i>VII</i> <i>Actions with respect to breaches of the peace</i>	<i>VIII</i> <i>Regional arrangements</i>	<i>IX</i> <i>Subsidiary organs: committees/ other bodies</i>	<i>X</i> <i>Subsidiary organs: peacekeeping and peacebuilding</i>
Supplement XVI (2008-2009)										
Supplement XVII (2010-2011)										

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