

23 February 2017

**SPECIAL COMMITTEE ON THE CHARTER
OF THE UNITED NATIONS AND ON THE
STRENGTHENING OF THE ROLE OF THE
ORGANIZATION**

(21 February to 1 March 2017)

**STATEMENT BY MR. HUW LLEWELLYN
DIRECTOR OF THE CODIFICATION DIVISION,
OFFICE OF LEGAL AFFAIRS**

**STATUS OF THE *REPERTORY OF PRACTICE*
*OF UNITED NATIONS ORGANS***

Mr. Chairman,

1. The purpose of my statement today is to update delegations since the previous such presentation on the Repertory in October 2016, during the Sixth Committee. A coloured chart has been distributed, and that is perhaps the most informative thing to have to hand as I speak.

General points

2. Before I outline the progress on specific Volumes and Supplements of the Repertory, I would like to make a few general points:

- First, we (Secretariat) share the views expressed in the Plenary debate on Tuesday regarding the importance of the Repertory, and we share your frustration that there is a backlog – particularly in relation to Volume III (as mentioned by Iran on behalf of the NAM, Algeria on behalf of the African Group, and El Salvador on behalf of CELAC). We very much want to improve this situation.

- Second, one of the Annexes to the Secretary-General's report each year identifies which Secretariat department is in the lead for preparing studies on each of the Articles of the Charter. Codification Division has a coordination role – we coordinate the various lead departments' inputs. We lead on very few Articles, and these are quite up to date.
 - Third, as you can imagine, researching and drafting studies on the Articles of the Charter is a demanding undertaking. Depending on the Article in question and the time-period to be covered, a study can take several months to prepare. Yet none of the departments concerned has budgetary resources for working on Repertory studies – no people and no money allocated for this purpose.
 - This, in a nutshell, is the difficulty that we face.
3. The way that we in Codification Division have tried to address this situation is to go beyond our coordination role. We ask our interns, academic institutions that we have arrangements with, and consultants, to prepare studies on Articles of the Charter where we are not the lead.
 4. As I have mentioned previously, we maintain a long-standing relationship with the University of Ottawa, Faculty of Law. This is very valuable and has helped us to make consistent progress over a number of years. But we also need to expand cooperation with other academic institutions and pursue a diverse geographical spread.
 5. We have been in contact with two Universities in the Asia Pacific region for this purpose, and hope to be able to put cooperative arrangements in place in the near future. I was pleased also to hear from the delegation of China at the Plenary meeting on Tuesday that academic institutions from his country may be interested in pursuing such arrangements with us. We would be grateful if the Chinese delegation could follow up with us on this matter.

6. Could I also repeat my appeal made in previous meetings for any delegations that believe that academic institutions in their country or region may be interested in preparing Repertory studies please be in touch with us.
7. Further, we made an appeal to all Missions in December 2016 by Note Verbale for States to consider sponsoring Associate Experts to work on the Repertory, and we are pleased that one delegation has contacted us as a result.

Progress on Supplements

8. As a number of you have rightly highlighted, and as can be seen on the coloured chart, volume III has the longest backlog. We are concerned about this, and are prioritising dealing with it. A consultant has prepared a study on Article 49 for Supplements 7 to 9 (1985-1999), and we are now reviewing this. We will submit it to DPKO (the lead department) for review shortly. A consultant has also prepared a study on the same Article for supplement 10 (2000-2009), which we are reviewing and will submit shortly to the lead department – DPKO.
9. A study on Article 33 (1) (peaceful settlement of disputes), prepared by an intern in the Codification Division, has been completed and will be submitted shortly to the lead department - the Department of Political Affairs - for review.
10. We are discussing with the University of Ottawa, the possibility that they take on studies on other aspects of the Volume III backlog.
11. Work continues in the Office of the Legal Counsel on studies on Articles 104 and 105 for Volume VI, supplement 10 – (2000-2009).

12. We understand that the Department of Economic and Social Affairs (DESA) is taking steps to prepare studies falling under its lead – Volumes II and IV – for supplement 10 (2000-2009).

13. I am pleased to inform you that the study on Article 13 (1) (a) concerning progressive development and codification of international law is being prepared, not surprisingly, by the Codification Division, in cooperation with the Division for Ocean Affairs and the Law of the Sea, the International Trade Law Division of the Office of Legal Affairs, and the Office for Outer Space Affairs in Vienna. This is for the current supplement (2010-2015) and is in the process of being finalised.

14. A study on Article 100 for the current supplement (2010-2015) of Volume VI, prepared with the assistance of a consultant in the Office of Human Resources Management, was posted on the website of the Repertory in November 2016. In addition, a study on Article 101 for the current supplement, also prepared by a consultant in the Office of Human Resources Management, is being finalised in consultation with the Office of Administration of Justice.

15. Overall, of the 56 volumes that the publication should consist of, 43 volumes have been completed. 28 of them have been published and 15 have been finalised and submitted for translation and publication. Thus, work remains to be completed on 13 volumes. Three of these volumes relate Supplement Nos. 7 to 9 of volume III, covering the period 1985 to 1999. This is the heart of the backlog that you have expressed concern about and which we aim to prioritise.

Availability of Repertory studies on the Internet

Mr. Chairman,

16. The Codification Division maintains and regularly updates the website of the *Repertory*. Studies from 43 complete volumes, including the 15 volumes in processing

for publication, are available on this website (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 numerous advance versions of studies for Supplement No. 10 and also Supplement No. 11 are also accessible. In other words, studies on a considerable number of Articles of the Charter covering the period from the creation of the United Nations until the end of 2009 are available online.

17. The electronic version of the *Repertory* includes a full-text search feature, providing users with the opportunity to search all the studies instantaneously for any word or combination of words in the three languages of the publication - English, French and Spanish.

Cooperation with academic institutions and recourse to interns

18. I would like to take this opportunity to reiterate the gratitude of the Secretariat to the academic institutions that have provided valuable assistance in the preparation of *Repertory* studies, presently the University of Ottawa, Faculty of Law. The Secretariat will continue to take advantage of the involvement of interns and academic institutions in the preparation of *Repertory* studies, mainly in the fields of research and collection of documentation.

19. It is understood that the Secretariat bears the ultimate responsibility for the quality and the final preparation of all the studies.

Voluntary Funding

19. Since the establishment in 2005 of the trust fund for the elimination of the backlog in the *Repertory* (General Assembly resolution 59/44), and up to 31 December 2016, over 156,000 US\$ has been donated to the trust fund, thanks to the generosity of the Governments of Albania, Chile, Finland, Greece, Guinea, Ireland, Lebanon, Luxembourg, Turkey and the United Kingdom. In December 2016, Turkey contributed a further 10,000 US\$ to the trust fund, for which we are grateful.

20. The current balance in the trust fund is about 45.000 US\$. I would like to reiterate the call today for voluntary contributions to it and for delegations to bring this question to the attention of private institutions and individuals in their countries and regions that might wish to assist.

Thank you, Mr. Chair.
