

21 February 2019

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

(19 to 27 February 2019)

**STATEMENT BY MR. HUW LLEWELLYN  
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**STATUS OF THE *REPERTORY OF PRACTICE*  
*OF UNITED NATIONS ORGANS***

Mr. Chair,

1. The purpose of my statement today is to update delegations since the previous presentation on the *Repertory* in October 2018, 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). 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. The Codification Division has a coordination role – we coordinate the various lead departments’ inputs. We are actually responsible for the preparation of very few Articles;

- 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 has been allocated for this purpose.
- This, in a nutshell, is the difficulty that we face.

3. In the past months, the Codification Division has continued to address this situation, placing particular emphasis on arrangements with academic institutions and consultants, to prepare studies on Articles of the Charter where we are not the lead.

4. In particular, the Codification Division continued to call upon permanent missions to the United Nations to identify academic institutions that may be interested in contributing to the preparation of studies. It has also invited academic institutions to which members of the International Law Commission are affiliated to consider contributing to the preparation of studies. This has so far led to the establishment of a framework of cooperation with Peking University. Further, the Codification Division provided administrative support to one department of the United Nations, namely the Department of Economic and Social Affairs (DESA), thus allowing for the recruitment of a consultant selected by that Department to prepare one study falling within its purview (study on Article 58 for Supplement 10 (2000-2009)).

5. While some progress continues to be made in the preparation of studies for the *Repertory*, it is my duty to let you know that, overall, and irrespective of these initiatives, the resources currently available to the preparation of *Repertory* studies, whether internally within the various departments of the Organization, or externally through partnerships with academic institutions, do not allow for the expeditious elimination of the backlog in the publication.

## **Progress on Supplements**

6. As a number of you have rightly highlighted, and as can be seen on the coloured chart, volume III faces the longest backlog. We are concerned about this and continue to monitor this situation, to the extent possible.

7. However, at present, with the exception of the study on Article 58 pertaining to Volume IV of Supplement No. 10 (2000–2009), which was undertaken by the Department of Economic and Social Affairs with the assistance of a consultant as mentioned earlier, and is nearing completion, the status of all other studies referred to in the latest report of the Secretary-General (A/73/190 dated 19 July 2018) is unchanged, i.e.,:

- Research and drafting of a study on Article 23, of the Charter of the United Nations, Volume III (1985-1999), continues to be under preparation with the assistance of Peking University;
- Two previously completed studies — one on Article 33 of the Charter, Supplements Nos. 7 to 9 (1985–1999), then prepared with the assistance of interns in the Codification Division, and one on Article 49 of the Charter, Supplements Nos. 7 to 9 (1985–1999) and Supplement No. 10 (2000–2009), then prepared with the assistance of a consultant — are with the respective responsible author departments, namely, the Department of Political Affairs and Peacebuilding Affairs and the Department of Peacekeeping Operations, for final review;
- Four studies on Articles 55 (c) and 56 pertaining to Volume IV, Supplement No. 10 (2000–2009) and Supplement 11 (2010-2015) are either still under review or under preparation by the responsible author department, the Office of the United Nations High Commissioner for Human Rights;
- Studies on Articles 104 and 105 for volume VI, Supplement No. 10 (2000–2009), remain under preparation in the Office of the Legal Counsel of the Office of Legal Affairs.
- Six studies, on Articles 33, 39, 50 and 51 for volume III and on Articles 92 and 99 for volume VI, Supplement No. 11 (2009-2015), which were researched and

drafted with the assistance of the Faculty of Law at the University of Ottawa, are pending review.

8. This being said, I am pleased to let you know that the University of Ottawa, Faculty of Law, has recently undertaken to prepare a total of twelve studies pertaining to Supplement No. 11 (2000-2015), i.e., studies on Articles 12, 14, 19, 27, 29, 34, 35, 40, 52, 53, 99, and 103.

9. Since my last statement before this Committee, two volumes have been published, namely Volume II of Supplement 8 (1989-1994) and Volume I of Supplement 10 (2000-2009), both of which have been posted on the *Repertory* website in English and French. We anticipate that Volume II of Supplement 9 (1995-1999) will be published and made available on the website shortly.

10. Overall, of the 64 volumes that the publication should consist of, 51 volumes have been completed. 40 of them have been published and 11 have been finalised and submitted for translation and publication. Thus, work remains to be completed on 13 volumes. This includes 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.

#### **Availability of *Repertory* studies on the Internet**

Mr. Chair,

11. The Codification Division maintains and regularly updates the website of the *Repertory*. Studies from 51 complete volumes, including the 11 volumes in processing for publication, are available on this website ([www.un.org/law/repertory](http://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 Nos. 10 and 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, or even 2015, are available online.

12. 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 associate experts and interns**

13. I would like 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, and the Peking University. The long-standing relationship with the University of Ottawa, Faculty of Law, is very valuable and has helped us to make consistent progress at the research and drafting stages over a number of years. As mentioned before, we are working at further expanding cooperation with other academic institutions and pursue a diverse geographical spread. In that regard, further to my latest call for expression of interest during the Sixth Committee held in the fall of 2018, we had preliminary contact with and relayed information to the Permanent Mission of one Eastern European State [Belarus].

14. Against the above background, I would also like to take this opportunity to reiterate 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 to please be in touch with us.

15. Furthermore, as reiterated by the General Assembly in the operative paragraph 14 of Resolution 73/206, we encourage States to consider sponsoring, on a voluntary basis and with no cost to the United Nations, associate experts to assist in the updating of the *Repertory*.

16. The Codification Division will continue to encourage the Secretariat 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.

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

### **Voluntary Funding**

18. 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 2018, over US\$ 170,000 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. Most recently, , Cyprus contributed US\$ 2,280.00 to the trust fund, for which we are grateful.

19. The balance in the trust fund on 31 December 2018 is approximately US\$ 42,000. In view of the concerns brought to your attention earlier, I would like to reiterate the call today for voluntary contributions to the trust fund 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.

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