

ARTICLE 28

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TEXT OF ARTICLE 28

1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.

2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.

3. The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

NOTE

1. Since the provisions of the three paragraphs of Article 28 refer to different aspects of the procedure of the Council, the practice of the Council bearing upon the Article is reviewed separately under each paragraph.

A. Article 28 (1)

2. The provisional rules of procedure of the Security Council, adopted at its 31st meeting on 9 April 1946, contain the following provisions bearing upon Article 28 (1):

Rule 1: "Meetings of the Security Council shall, with the exception of the periodic meetings referred to in Rule 4, be held at the call of the President at any time he deems necessary, but the interval between meetings shall not exceed fourteen days."

Rule 2: "The President shall call a meeting of the Security Council at the request of any member of the Security Council."

Rule 3: "The President shall call a meeting of the Security Council if a dispute or situation is brought to the attention of the Security Council under Article 35 or under Article 11 (3) of the Charter, or if the General Assembly makes recommendations or refers any question to the Security Council under Article 11 (2), or if the Secretary-General brings to the attention of the Security Council any matter under Article 99."

3. In the report, ^{1/} dated 5 April 1946, submitted by the Committee of Experts with regard to the provisional rules of procedure, the Committee stated that it had "sought to draw up rules which by reason of the proposed frequency of meetings and of facility in the calling of meetings, may be deemed to give effect to the requirements of the Charter that the Security Council shall be so organized as to be able to function continuously".

^{1/} For text of rules recommended by the Committee of Experts in its report (S/29), see S C, 1st yr., 1st Series, No. 2, 31st mtg., pp. 103, 107, 108, 111, 112 and 115-117.

4. During the first years, it happened occasionally that intervals of more than 14 days elapsed between the meetings of the Council, and later such intervals were more frequent. It has become customary for the President of the Security Council to consult informally with the representatives to ascertain whether there is any objection to waiving rule 1 when the time limit specified therein has almost expired.

5. The provisional rules of procedure of the Security Council contain no provision bearing on the stipulation in Article 28 (1) that each member of the Security Council shall be represented at all times at the seat of the Organization. Rule 13, in its first sentence, is limited to the provision that "Each member of the Security Council shall be represented at the meetings of the Security Council by an accredited representative", while the remainder of rule 13 contains provisions concerning credentials.

6. All members of the Security Council have maintained delegations to the Security Council at Headquarters, usually consisting of the Head of delegation, an alternate representative and one or more advisers.

7. While the members of the Security Council have been represented at all times at the seat of the Organization, in accord with the provisions of Article 28 (1), there have been some occasions when the Security Council has functioned in the absence of a representative of either a permanent member or of a non-permanent member. When the Council was dealing with the Iranian question, the representative of a permanent member refrained from participating in part of the 27th meeting on 27 March 1946, and was absent from the 28th, 29th, 30th, 32nd, 33rd, part of the 36th and the 40th meeting, which was the last meeting at which that question was discussed. The representative of the same permanent member also left the Council Chamber at the 459th meeting on 10 January 1950, during the discussion of the question of the representation of China on the Security Council, and was absent from all meetings of the Council from the 461st, on 13 January 1950, until the 480th meeting on 1 August 1950, when he assumed the presidency of the Council. 2/

8. When the Indonesian question was under discussion, the representative of a non-permanent member of the Council was absent from the 388th to the 392nd meetings inclusive, which were held in Paris between 20 and 24 December 1948.

2/ In connexion with the above instances of absence of the representative of a permanent member from the meetings of the Security Council, views were expressed in the proceedings of the Council which may be considered as bearing on the provisions of Article 28 (1). The first sentence of the Article was, on one occasion (S C, 5th yr., No. 3, 461st mtg., p. 14), referred to by a representative as one of the supporting arguments for his recommendation that the Council should continue to carry on with its duties in the absence of the representative of the permanent member. For texts of relevant statements, see:

S C, 1st yr., 1st Series, No. 2, 30th mtg., p. 95; 40th mtg., pp. 248-257;
S C, 5th yr., No. 2, 460th mtg., pp. 5, 10 and 11; No. 3, 461st mtg., pp. 6, 13 and 14; No. 14, 472nd mtg., p. 12; No. 17, 475th mtg., p. 8; No. 24, 482nd mtg., p. 9; No. 28, 486th mtg., pp. 6 and 7; No. 29, 487th mtg., pp. 11 and 15;
No. 30, 488th mtg., p. 3.

For the question whether the absence of a permanent member precludes fulfilment of the requirements of Article 27 (3), see in this Repertory under Article 27.

C. Article 28 (3)

9. The provisional rules of procedure of the Council contain the following provisions regarding periodic meetings:

Rule 4: "Periodic meetings of the Security Council called for in Article 28, paragraph 2 of the Charter shall be held twice a year, at such times as the Council may decide."

10. No periodic meeting has been held. 3/

B. Article 28 (2)

11. The provisional rules of procedure of the Council contain the following provisions bearing upon Article 28 (3):

Rule 5: "Meetings of the Security Council shall normally be held at the seat of the United Nations."

"Any member of the Security Council or the Secretary-General may propose that the Security Council should meet at another place. Should the Security Council accept any such proposal, it shall decide upon the place, and the period during which the Council shall meet at such place."

12. The Security Council has always met at the seat of the United Nations except during the first part of the third session and the sixth session of the General Assembly which were held in Paris. Thus, the 357th to the 396th and the 566th to the 573rd meetings inclusive of the Security Council were held in Paris. Actually, the 384th to the 396th meetings inclusive were held after the first part of the third session of the General Assembly had adjourned on 12 December 1948, since the Security Council found it desirable to continue its meetings in Paris until 29 December in order to conclude its various business. Similarly, the 573rd meeting was held the day after the sixth session of the General Assembly had adjourned on 5 February 1952.

3/ The Secretary-General suggested in his "Memorandum of points for consideration in the development of a twenty-year programme for achieving peace through the United Nations" (G A (V), Annexes, vol. II, a.1. 60, pp. 1-4, A/1304), that such periodic meetings, attended by Foreign Ministers or heads or other members of Governments, should be held beginning in 1950. The General Assembly by resolution 494 (V) requested the Security Council to give consideration to the memorandum of the Secretary-General.

At its 359th plenary meeting on 12 January 1952, the General Assembly under the item "Methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter", adopted resolution 503 B (VI) recommending that, "... the Security Council, in accordance with Article 28 of the Charter, should convene a periodic meeting to consider what measures might ensure the removal of the tension at present existing in international relations and the establishment of friendly relations between countries whenever such a meeting would usefully serve to remove such tension and establish such friendly relations in furtherance of the Purposes and Principles of the Charter."

13. The transfer of the meeting place of the Security Council to Paris and, later, back to Headquarters was not based on any formal decision of the Council but on informal agreement between the delegations. The delegations endeavoured to co-ordinate their travelling plans and to arrange that the Head of a delegation and the alternate representative should not travel together, so that a meeting could be convened at any time at one of the two places.