

ARTICLE 28

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. No decision requiring treatment under this Article was taken by the organs of the United Nations in the period under review.

2. The Security Council did not hold a periodic meeting as provided for in Article 28 (2). The circumstances attending requests made in August 1958 for such a meeting are set forth briefly below, however, as possibly shedding light on the purpose of the provision, the nature of a periodic meeting and the procedural questions involved in applying the provisions of the Article.

3. The exchange of letters between the Heads of the Governments involved concerned the agenda of the meeting, its composition and the conduct of business. Just before the requests were withdrawn, there seemed to be agreement that (a) at such a meeting consideration should be given to some of the broader issues affecting international peace and security rather than merely to a specific dispute or situation; (b) the reference in Article 28 (2) to "a member of the government or ... some other specially designated representative", should be understood to include not only Foreign Ministers but also Heads of State or Heads of Governments; (c) the business of the meeting could be conducted both in private and in public; and (d) the object of the meeting should be to reach agreements rather than to record differences by votes.

4. The requests 1/ to convene a special meeting of the Security Council, pursuant to Article 28 (2), were submitted on 1 August 1958 by the United Kingdom and the United States. Canada associated itself 2/ with the proposal, and France stated that it had 3/ no objection.

1/ S C, 13th yr., Suppl. for July-Sept., p. 99, S/4072; ibid., p. 101, S/4074.

2/ Ibid., p. 100, S/4073.

3/ Ibid., p. 108, S/4075.

5. The requests were made in response to an earlier initiative 4/ taken by the Union of Soviet Socialist Republics to call a meeting of the Heads of the Governments of France, India, the Soviet Union, the United Kingdom and the United States, with the participation of the Secretary-General of the United Nations, to examine the immediate situation arising out of the introduction of United States and United Kingdom forces into Lebanon and Jordan, respectively, as well as the broader issues affecting the interests of the countries of the Middle East and of other States connected with that area. The proposal of the Soviet Union was made on 19 July 1958, one day after the Security Council had rejected, 5/ by 8 votes to 1, with 2 abstentions, a draft resolution 6/ submitted by the Soviet Union which would have called upon the United States and the United Kingdom to remove their troops from the territories of Lebanon and Jordan immediately. In his messages to the government Heads concerned, the Chairman of the Council of Ministers of the Soviet Union suggested that the proposed meeting should submit its recommendations to the Security Council.

6. In accepting 7/ the invitation to participate in the proposed conference, subject to agreement by the government Heads concerned on the desirability of such a meeting, the Secretary-General noted the suggestion that the recommendations which might emerge from the meeting should be submitted to the Security Council and expressed his view that the primary responsibility of the United Nations should be given the fullest possible application in the arrangements and in the conduct of the proposed meeting.

7. The President of the United States, in his reply 8/ to the Soviet Union dated 22 July 1958, objected to its proposal as derogating from the authority of the United Nations, since five nations, without the sanction of the United Nations, would make decisions regarding the Middle East; although these decisions would be submitted to the Security Council as recommendations, the process would in effect make the United Nations a "rubber stamp" for a few great Powers. Moreover, the proposal would raise a whole series of procedural problems regarding the participation or non-participation of States concerned with the Middle East. The President suggested that the Security Council, upon which Members of the United Nations had, by Article 24, conferred "primary responsibility for the maintenance of international peace and security", and which was already dealing with certain aspects of the Middle East situation, might enlarge the scope of its consideration, or might hold a meeting at which its members might be represented by members of Governments, including government Heads and Foreign Ministers. He did not exclude the discussion outside the United Nations of world or regional problems not posing alleged imminent threats to peace.

8. The Prime Minister of the United Kingdom, in his reply 9/ of the same date, suggested that at the special meeting of the Security Council, under Article 28 (2), no resolutions should be put forward unless they arose out of previous agreement; the object should be to reach fruitful agreements rather than to register differences by votes. In his reply of 26 July 1958, 10/ he wrote that, in addition to meetings of the whole Council under Article 28, it would be possible to arrange less formal meetings of the Heads of Government on the questions which the Security Council was considering.

4/ Ibid., p. 42, S/4059.

5/ S C, 13th yr., 834th mtg., para. 67.

6/ Ibid., 831st mtg., para. 88.

7/ Ibid., Suppl. for July-Sept., p. 56, S/4062, paras. 2 and 3.

8/ S C, 13th yr., Suppl. for July-Sept., p. 101, S/4074, I, paras. 15-19.

9/ Ibid., p. 97, S/4071, I, para. 6.

10/ Ibid., p. 99, S/4071, II, para. 3.

9. The Chairman of the Council of Ministers of the Soviet Union subsequently agreed 11/ to hold the proposed meeting of government Heads within the framework of the Security Council, and he also accepted the United Kingdom suggestion concerning the object of the special meeting. At the same time, he stated his assumption that the Heads of the Governments would have the opportunity to consult together, not only officially, but unofficially as well, with a view to the rapid achievement of constructive solutions. He emphasized the usefulness of having India participate in the proceedings of the Security Council, and anticipated that the interested Arab States would also be brought into the discussions of the Security Council.

10. In reply, 12/ the President of the United States reiterated his objection to the suggestions of the Soviet Union on the composition of the Security Council and the participation of States which were not members of the Council, and again referred to the advantages of relying on the established rules of the Council. He accordingly proposed that necessary arrangements for the meeting should be agreed upon by the permanent representatives of the members of the Security Council in consultation with the Secretary-General. The Prime Minister of the United Kingdom made a similar suggestion. 13/

11. There was a further exchange of communications, 14/ in which the Soviet Union placed stress on the special contribution which the Heads of the Governments of France, the Soviet Union, the United Kingdom, the United States - and India - with the participation of the Secretary-General, could make towards the solution of both the immediate and the broader issues affecting the Middle East, and the United States emphasized the right of small nations to have a part in making decisions which inevitably involved them. Following this interchange, the United Kingdom and the United States formally submitted requests 15/ to convene a special meeting of the Security Council under Article 28 (2).

12. On 5 August 1958, the Chairman of the Council of Ministers of the Soviet Union informed 16/ the President of the Council of Ministers of France, the Prime Minister of the United Kingdom and the President of the United States that, since his proposal for a conference had not been accepted, and since the Security Council in its present composition had been unable to achieve a solution of the problems of the Middle East, the Soviet Government had decided to request the convening of a special session of the General Assembly.

13. At the 838th meeting of the Security Council, held on 7 August 1958, to consider the draft resolutions 17/ submitted by the Soviet Union and the United States to call an emergency special session of the General Assembly in connexion with the complaints of Lebanon and Jordan, the representatives of Canada, the United Kingdom and the

11/ S C, 13th yr., Suppl. for July-Sept., p. 57, S/4064.

12/ Ibid., p. 101, S/4074, II, paras. 4 and 9.

13/ Ibid., p. 97, S/4071, II, para. 3.

14/ Ibid., p. 65, S/4067, I, paras. 7 and 8, II, para. 28; ibid., p. 101, S/4074, III, paras. 4-8.

15/ S C, 13th yr., Suppl. for July-Sept., p. 99, S/4072; ibid., p. 101, S/4074.

16/ Ibid., p. 112, S/4079.

17/ Ibid., p. 39, S/4056/Rev.1; S C, 13th yr., 838th mtg., para. 37.

United States informed 18/ the Security Council that, in view of the Soviet position, their Governments had decided to suspend their requests for a meeting of the Council under Article 28 (2). 19/

18/ S C, 13th yr., 838th mtg., paras. 50, 85 and 102.

19/ For texts of relevant statements, see S C, 13th yr., 835th mtg.: Canada, paras. 65-88; USSR, paras. 49-83; 837th mtg.: President (Colombia), paras. 16-27; USSR, paras. 28-36; 838th mtg.: Canada, paras. 100-106; President (France), paras. 177-183; USSR, paras. 12-38, 134-150, 172-176, 184-186, 194-199 and 229-232; United Kingdom, paras. 68-90 and 167-171; United States, paras. 59-67, 161-166, 186-188, 197-199 and 206-209; 840th mtg.: President (Panama), paras. 22-26.