

ARTICLE 28

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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 judgement will best facilitate its work.

INTRODUCTORY NOTE

1. During the period under review the Security Council held no periodic meetings as provided for in Article 28 (2) nor did it hold any meetings at places other than the seat of the Organization.
2. There were, however, two instances of an explicit reference to Article 28 (2), contained respectively in the Annual Report of the Secretary-General on the Work of the Organization for 16 June 1966-15 June 1967¹ and in the preamble of the General Assembly resolution 2606 (XXIV) of 16 December 1969² on "The strengthening of international security".
3. The first instance is dealt with in the General Survey. The second is referred to in the General Survey, while the relevant proceedings and constitutional discussions are treated in the Analytical Summary of Practice.

¹ G A (XXII), Supplement No. 1A (A/6701/Add.1), paras. 157-160.

² G A resolution 2606 (XXIV), 2nd preamb. para.

I. GENERAL SURVEY

4. In the introduction to his Annual Report on the Work of the Organization for 16 June 1966-15 June 1967, the Secretary-General referred to the fact that the provisions of Article 28 (2) of the Charter on the holding of periodic meetings of the Security Council had so far not been implemented, although suggestions and proposals to that effect had been made in the past;³ he suggested that it might be opportune to hold the first such meeting at the beginning of the twenty-second session of the General Assembly. He expressed the view that such periodic meetings would provide an outstanding opportunity for a general review of matters relating to international peace and security and for seeking a consensus approach to those matters and

added that, should there be a general willingness to hold a periodic meeting of the Council, he would be prepared to suggest a tentative agenda well in advance, so that agreement might be reached upon it.

5. In the second preambular paragraph of resolution 2606 (XXIV), adopted by the General Assembly on 16 December 1969, in connexion with the item "The strengthening of international security", it was recalled that primary responsibility for the maintenance of international peace and security had been conferred by the Charter on the Security Council and that Article 28 (2) envisaged the possibility of convening periodic meetings of the Council in the exercise of that responsibility. The views expressed by various representatives during the discussion on the above-noted agenda item regarding the provisions of Article 28 (2) are presented in the Analytical Summary of Practice below.

³ See: *Repertory*, vol. II, and *Supplements No. 1*, vol. I and *No. 2*, vol. II, under Article 28.

II. ANALYTICAL SUMMARY OF PRACTICE

Précis of the proceedings

6. At its twenty-fourth session, the General Assembly, at the request of the USSR,⁴ included in its agenda an item entitled "The strengthening of international security" and allocated it to the First Committee for consideration and report.⁵ Article 28 (2) was invoked in both the letter of submission of the item by the USSR and in the annexed text of the "Draft Appeal to all States of the World". Under the terms of that draft appeal, which was introduced⁶ in the First Committee by the representative of the USSR during the 1652nd meeting, on 10 October 1969, the General Assembly would, *inter alia*, have submitted for consideration by the Security Council the following recommendation: "to consider the general state of international security at its periodic meeting convened at the level of members of Governments or other specially designated representatives, as provided for in Article 28, paragraph 2, of the Charter, with a view to elaborating urgent measures to strengthen it."

7. The item was considered by the First Committee at its 1652nd to 1668th meetings, held between 10 and 28 October, and at its 1720th to 1722nd meetings, held on 11 and 12 December 1969.

8. In addition to the proposal of the USSR, four draft resolutions were submitted for the consideration of the Committee by, respectively, the representative of Barbados (presented orally);⁷ by the representative of Finland;⁸ by the representatives of Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Guyana, Haiti, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Trinidad and Tobago, Uruguay and Venezuela;⁹ and by the representatives of Argentina, Austria, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Finland, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, Uruguay and Venezuela.¹⁰ The draft resolutions of Barbados, Finland and the twenty-four Powers also contained references to Article 28 (2).

9. Under the terms of the draft resolution of Barbados, the references to Article 28 (2) in the USSR draft appeal would have been amended as follows: "urgently requests the Security Council to give early consideration to the general state of international security at meetings to be convened under the terms of Article 28, paragraph 2." The Council would have been further invited to give special attention at such meetings: (a) to efforts already being undertaken in the fields of disarmament and the spread of nuclear, chemical and bacteriological weapons; and (b) to measures which might be taken by the international com-

munity to bring to an end all situations which currently threatened the peace.¹¹

10. The draft resolution of Finland¹² would have had the General Assembly invite the Security Council "to consider the possibility of convening periodic meetings, after adequate preparation, at the level of members of Governments or other specially designated representatives as provided for in Article 28, paragraph 2 of the Charter with a view to elaborating measures to strengthen international security".

11. The twenty-four Power draft resolution, which was adopted¹³ by the First Committee and recommended to the General Assembly for adoption, recalled, in its second preambular paragraph, that Article 28 (2) of the Charter envisaged the possibility of convening periodic meetings of the Council in the exercise of its primary responsibility for the maintenance of international peace and security. None of the other draft resolutions before the First Committee, nor the various amendments thereto,¹⁴ were pressed to the vote.¹⁵

12. The draft resolution recommended by the First Committee was adopted by the General Assembly at its 1836th plenary meeting on 16 December 1969 as its resolution 2606 (XXIV).¹⁶

Précis of relevant constitutional discussion

13. While almost all the representatives who took part in the debate¹⁷ supported the proposal to convene periodic meetings of the Security Council as provided for in Article 28 (2) and without any diminution of the functions and powers of the General Assembly, some representatives held that any decision on the convening of such periodic meetings belonged to the domain of the Security Council and called for neither a decision nor an appeal from the General Assembly. Hence, any decision on the convening of periodic meetings would have to be taken, in keeping with the established practice of the Council, on the basis of consultation and agreement among its members. Furthermore, it was for the Council itself to decide on such occa-

⁴ G A (XXIV), First Com., 1658th mtg., para. 60.

⁵ *Ibid.*, Annexes, a.i. 103, A/7903, para. 8.

⁶ *Ibid.*, First Com., 1722nd mtg., para. 189.

⁷ For texts of these amendments, which have no bearing on the references to Article 28 (2), see: G A (XXIV), Annexes, a.i. 103, A/7903, para. 8 (following the text of the Finnish draft resolution); para. 9 (following the text of the twenty-Power draft resolution); and para. 10 (following the text of the twenty-four-Power draft resolution)

⁸ G A (XXIV), First Com., 1722nd mtg., paras. 186 and 187.

⁹ *Ibid.*, Plen., 1836th mtg., paras. 57 and 58.

¹⁰ For the texts of the statements referred to in paras. 13-15, see: G A (XXIV), First Com.: 1652nd mtg.: USSR, paras. 47-52; 1653rd mtg.: Poland, paras. 57-60; 1654th mtg.: Finland, paras. 67 and 68; Sweden, paras. 45, 46 and 47; 1655th mtg.: Canada, paras. 64-82; 1656th mtg.: Ireland, para. 111; Ukrainian SSR, para. 28; United Kingdom, para. 73; 1657th mtg.: France, para. 108; 1658th mtg.: Barbados, para. 60; Ecuador, para. 35; Nepal, paras. 68-70; 1659th mtg.: Spain, paras. 51-54; 1660th mtg.: China, para. 7; Cyprus, para. 94; Czechoslovakia, para. 51; Sudan, para. 36; 1662nd mtg.: Southern Yemen, para. 32; Uganda, para. 90; 1663rd mtg.: Afghanistan, paras. 148-181; Bulgaria, para. 18; Burma, para. 125; Ceylon, para. 103; Iran, para. 136; Turkey, para. 54; 1664th mtg.: Austria, para. 10; Byelorussian SSR, para. 59; Pakistan, para. 141; Trinidad and Tobago, para. 154; 1665th mtg.: Syria, para. 67; 1667th mtg.: India, para. 150; 1720th mtg.: Finland, paras. 6-10. See also G A (XXIV), Plen., 1837th mtg., Malta, para. 63.

⁴ G A (XXIV), Annexes, a.i. 103, A/7654, p. 2. See also: *ibid.*, A/7903, para. 7.

⁵ G A (XXIV), Plen., 1764th mtg., para. 119.

⁶ G A (XXIV), First Com., 1652nd mtg., para. 60

⁷ *Ibid.*, 1658th mtg., para. 60 incorporates the text.

⁸ G A (XXIV), Annexes, a.i. 103, A/7903, para. 8.

⁹ *Ibid.*, para. 9; A/C.I/L.506.

¹⁰ *Ibid.*, para. 10; A/C.I/L.511.

sions what matters to discuss and what action to take in accordance with the principles laid down in the Charter. These could not be enunciated in advance.

14. It was also noted that high-level periodic meetings would establish a defined relationship between the big and small Powers represented on the Security Council, giving the latter an initiative in matters of international security which they otherwise did not exercise. Moreover, such periodic meetings would offer an adequate framework for examination of those questions which affected the general state of international security and constituted a cause of permanent danger and tension. At those periodic meetings urgent questions would not be dealt with, but rather those others which gave rise to constant tension, those on which the General Assembly had already repeatedly pronounced itself, thus making known the views of the Organization, and those grave questions which had not even been submitted for the Council's consideration because of the con-

viction that no solution to them could be found through such consideration. In this context, it was suggested that insofar as it might not be necessary, at such meetings, to adopt urgent decisions, the permanent members might consider waiving the prerogatives granted to them by the Charter in Article 27 (3). It was observed that, if the Council were convened in a periodic meeting and urgent events or events which might call for the adoption of specific measures were to occur, the meeting would then automatically become a regular meeting of the Security Council.

15. The view was also expressed by a number of representatives that the discussions at the periodic meetings held in accordance with Article 28 (2), and the consultations preceding such discussions, would assume their full significance in the context of efforts to preserve world peace only when the People's Republic of China had taken its seat in the Security Council.