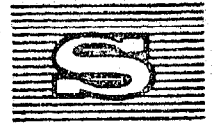


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Note by the President of the Security Council

It will be recalled that on 3 March 1970 the members of the Security Council received informally, on behalf of the delegation of Finland, a memorandum on the question of initiating periodic meetings of the Security Council in accordance with Article 28 (2) of the Charter.

Since then preliminary discussions on this question have taken place among the members of the Security Council. In the light of these discussions the President of the Security Council now proposes that consultations be undertaken with a view to having this question considered, in due course, by the Security Council. In making this proposal the President of the Security Council is acting in his capacity as the representative of Finland.

The memorandum referred to above is reproduced as an annex to this note.

ANNEX

Periodic meetings of the Security Council
(Memorandum by the delegation of Finland)

Periodic meetings of the Security Council are provided for in Article 28, paragraph 2, of the Charter of the United Nations, which states as follows:

"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".

Rule 4 of the Provisional Rules of Procedure of the Security Council, which seeks to implement this provision of the Charter, stipulates that periodic meetings of the Security Council shall be held twice a year, at such times as the Security Council may decide.

The origin of the Charter provision for periodic meetings of the Council was a compromise between the positions of the American and the British delegations at the Dumbarton Oaks Conference. The American proposal was to keep the Security Council in continuous session. This is reflected in paragraph 1 of Article 28 of the Charter ("The Security Council shall be so organized as to be able to function continuously".) Great Britain did not oppose the principle, but insisted that in addition to meetings with permanent representatives there was a need for responsible cabinet ministers to attend important sessions. The Soviet Union also suggested providing for periodic meetings. It was thought at Dumbarton Oaks that periodic meetings of the Council would continue a valuable feature of the League of Nations bringing together the Foreign Ministers of members to discuss matters of common concern. Article 28 of the Charter definitely envisages two types of meetings: meetings where members are represented by their permanent representatives (paragraph 1), the more usual practice, and "periodic meetings" where members are represented by their Foreign Ministers or other persons of special political importance and where the opportunity would be offered for discussions at a higher policy level.

This provision of the Charter has remained a dead letter. No periodic meetings of the Security Council have been held during the entire history of the United Nations. There have been from time to time initiatives to activate this provision

of the Charter. Each of the three Secretary-Generals of the Organizations has suggested that periodic meetings of the Council be held.

In the introduction to the Annual Report of the Secretary-General on the Work of the Organization 1.7.1949-30.6.1950 (Doc. A/1287, pp. XII and XIII) Mr. Trygve Lie wrote i.a. as follows:

"A requirement for the successful launching of a new effort to revitalize the United Nations and bring its full resources to bear upon the 'cold war' is to gather around the same table the policy-making officials of the principal Powers. Most negotiations in the United Nations are, normally and rightly, carried on by the permanent representatives. But the founders of the United Nations also saw that it would be necessary to bring together from time to time the men who make policy as well as the men who execute it. The provisions in the Charter and in the rules of procedure for the Security Council for periodic meetings twice a year were drawn up to meet this need. Such meetings, if properly conducted, would provide an opportunity for a review at the highest level of outstanding issues. Clearly, they should be most carefully prepared in advance. There may be, and probably will be, occasions when these exchanges of views, no matter how carefully prepared, will fail to bring parties closer to agreement. That need not lead to disappointment, provided it is understood in advance that such meetings cannot be expected to produce solutions by magic and that they should be regarded instead as an important part of a continuing process of negotiation -- a process which in the United Nations should never end."

In his "Memorandum of points for consideration in the development of a twenty-year programme for achieving peace through the United Nations" (GA (V), Annexes, vol. II, a.i.60, pp. 1-4, A/1304), Trygve Lie suggested 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.

Trygve Lie's suggestion was made against the background of the Korean War. Many of the arguments he used to advocate periodic meetings of the Security Council have, however, a more general validity which transcends the context of the particular situation in which they were advanced. The Korean situation was, indirectly at any rate, also in the background for a General Assembly resolution in 1952 (resolution 503 B (VI)), which recommended:

"that the Security Council, in accordance with Article 28 of the Charter, should convene a periodic meeting to consider what measures might ensure

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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 purposes and principles of the Charter."

The General Assembly approved this resolution in connexion with the discussion of an item entitled "Methods which might be used to maintain and strengthen international peace and security in accordance with the purposes and principles of the Charter."

At its 501st plenary meeting on 23 November 1954, under the item "Admission of new Members to the United Nations", the General Assembly adopted resolution 817 (IX) suggesting to the Council that "... the Security Council consider the desirability of invoking the provisions of paragraph 2 of Article 28 of the Charter to help resolve the problem".

On the occasion of the Tenth Anniversary of the United Nations Dag Hammarskjöld discussed the role of the Organization in the Introduction to the Annual Report of that year (Doc. A/2911, pp. XI and XII). He stressed that the role of the United Nations should acquire a new diplomatic and political significance, and pointed out that it was in the interest of the Member Governments to strengthen the institutions that they had endowed with primary responsibility for world peace. While emphasizing that the Member States had only begun to make use of the real possibilities of the United Nations as the most representative instrument for the relaxation of tensions, for the lessening of distrust and misunderstanding and for the discovery and delineation of new areas of common ground and interest, Hammarskjöld had the following to say about periodic meetings of the Security Council:

"Within the framework of the Charter there are many possibilities, as yet largely unexplored, for variation of practices. The United Nations is at a very early stage in that development of constitutional life based on the written word which is familiar and normal in the life of nations. It is my hope that solid progress can be made in the coming years in developing new forms of contact, new methods of deliberation and new techniques of reconciliation. With only slight adjustments, discussions on major issues of a kind that have occurred outside the United Nations could often be fitted into its framework, thus at the same time adding to the strength of the world Organization and drawing strength from it. There is, for example, the provision of the Charter, so far unused, for special periodic meetings of the Security Council. Might not this provision be invoked and procedures

developed in the Council which would give increased continuity and intensified contact in the treatment of certain questions of world concern? Let us hope that possibilities of this and similar kinds will be explored in an imaginative spirit and in full recognition of the need to give to the United Nations a chance to develop its full potentialities as an institution and to bring to bear, with greater effect, the influence of the Charter upon the peaceful resolution of the issues of our time.

In the context of the situation in the Middle East the representatives of the United Kingdom, Canada and the United States requested on 1 August 1958 that a special meeting of the Security Council be convened on Heads-of-Government level pursuant to Article 28, paragraph 2, of the Charter to discuss certain problems of the Middle East. No further action was taken in the Security Council on this proposal. Instead, pursuant to a request by the Soviet Union, a special session of the General Assembly was convened to discuss the problem. (Report of the Security Council to the General Assembly, 16 July 1958-15 July 1959, Doc. A/4190, p. 35).

So far the most elaborate and detailed exposition of the desirability of periodic meetings of the Security Council is contained in Secretary-General U Thant's Introduction to the Annual Report for the Period 16 June 1966-15 June 1967 (Doc. A/6701/Add.1, chapters 157-160). The Secretary-General first discusses at length the opportunities provided by Article 34 of the Charter for the Security Council to inquire at an early stage into situations and disputes which might lead to international friction. After reviewing the origin of the provision in Article 28, paragraph 2, and noting the earlier instances when periodic meetings of the Security Council had been suggested, U Thant writes as follows:

"It appears to me that previous efforts to implement the relevant provisions on periodic meetings of the Security Council failed not on their merits but on the basis of the prevailing atmosphere at the times when they were made. A further effort to put these provisions into effect would seem opportune at the present time, when there would appear to be a more general willingness to discuss at a high level matters of concern to the international community as a whole. I have in mind a modest beginning to test the value of such meetings, an ideal opportunity for the first of which might be provided by the opening of the twenty-second session of the General Assembly at which many Foreign Ministers will be present. Personally I have little doubt that, once initiated, such periodic meetings will provide an outstanding opportunity for a general review of matters relating to international peace and security which are within the competence of the United Nations and for seeking a consensus approach to such matters."

Having made a general case for the periodic meetings of the Security Council, U Thant goes on to discuss in some detail a number of practical questions relating to the meetings, viz.: preparation, organization, agenda, publicity, etc.:

"While periodic meetings, to permit the possibility of the fullest and frankest discussion, should probably be informal and closed, a public meeting might also be convened at the end of particular series to announce any results achieved and to permit members of the Council so wishing to elaborate publicly thereon if they so wished.

"If there should appear to be a general willingness to initiate a periodic meeting of the Council during the early days of the twenty-second session of the General Assembly, I would be prepared to suggest a tentative agenda for such a meeting well in advance so that agreement might be reached upon it. On the basis of the experience gained at such meetings, a decision could be arrived at on when a future meeting should be held and on whether full effect should be given to the provision in the rules of procedure of the Council that such meetings should be held twice a year."

An analysis of previous initiatives or suggestions on the convening of periodic meetings of the Security Council would tend to support the conclusion of U Thant "that previous efforts to impeement the relevant provisions on periodic meetings of the Security Council failed not on their merits but on the basis of the prevailing atmosphere at the times, when they were made".

It is also interesting to note that despite differences in circumstances and political situations, there are certain common elements in the arguments of all the three Secretary-Generals suggesting periodic meetings of the Council:

- Reference to the original intensions of the Charter;
- The importance of periodic meetings as a means of developing to the full the yet unexplored possibilities of the Organization in the exercise of its primary function;
- Periodic meetings as a new form of contact and negotiation on a policy-making level in a continuing process of negotiation;
- The idea that periodic meetings should be occasions for a general review of the international situation rather than for decisions on any particular issue of substance;
- The need for careful preparation;
- The conclusion that periodic meetings once instituted should become a permanent institutional feature of the Organization.

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The question of periodic meetings of the Security Council was last discussed at the twenty-fourth session of the General Assembly in connexion with the item "Strengthening of international security". The recommendation that the Security Council should consider the possibility of convening periodic meetings in accordance with Article 28, paragraph 2, was part of the original proposal of the delegation of the Soviet Union on the basis of which this item was discussed in the Assembly. The resolution 2606 (XXIV), which the General Assembly approved by acclamation on 16 December 1969 at the conclusion of the discussion of this item, says in its preambular paragraph 2:

"Recalling that the primary responsibility for the maintenance of international peace and security is conferred by the Charter on the Security Council and that Article 28, paragraph 2, of the Charter envisages the possibility of convening periodic meetings of the Council in the exercise of that responsibility."

Any consideration of the usefulness of instituting periodic meetings of the Security Council must of necessity begin with an appraisal of the present role of the Security Council. This question was discussed in the statement which the Finnish representative made in the First Committee of the General Assembly on 15 October 1969 in the debate on the item "Strengthening of international security". The relevant passages of that statement are reproduced below:

"The atrophy of the primary function of the United Nations can be seen in the relatively limited role played by the Security Council in international affairs. The Council was intended to act as the supreme organ of a world-wide collective security system and for this purpose it was vested with the power to make decisions binding upon Member States, a supranational authority over all but its permanent members. Yet too often during the past quarter century, at moments of crisis or conflict threatening the peace of the world, the Security Council has been reduced to sterile debate or been completely by-passed by events."

"The reason for this is of course not any institutional weakness but the lack of agreement between the major Powers on making use of the Council for the purpose it was created. The effective functioning of the Council, and therefore of the whole system of collective security of the United Nations, presupposes a measure of common purpose among its Members and particularly the major Powers, permanent members of the Council. During the period of the Cold War this common purpose was manifestly lacking. In recent years, while the rivalry between them continues in many areas, the major Powers have shown a greater measure of willingness to work together for the

preservation of peace. As a result the effectiveness of the Security Council has clearly increased. At least the Council has been able to take action to contain some conflicts which otherwise might have endangered international security."

"A further step in this direction could be to make use of the provisions of Article 26 of the Charter on the holding of periodic meetings of the Council, as now has been suggested by the delegation of the Soviet Union. At the time the Charter was framed such meetings were intended to enable the Security Council actively to direct events in the interest of maintaining international peace and security. But this intention was never carried out. Each of the three Secretary-Generals who have served this Organization, in turn has proposed that such meetings be held, most recently Secretary-General U Thant in the Introduction to his Annual Report for 1966-1967."

"Too often in the past and even in recent years the Security Council has been unable to take action in time to forestall a conflict. Generally the Council has merely reacted to violent events. In many cases this has been due to lack of agreement on how to deal with the underlying political issues. But at times the difficulties in the way of constructive international action for the maintenance of peace have been compounded by the absence of established procedures or adequate institutional arrangements for advance consultations between the Powers concerned. A more imaginative use of the Security Council could remove such difficulties. Consultations within the Security Council can be held at any time without preliminary argument about the shape of the conference table. Periodic meetings of the Council on the level of Government members, in the event that such meetings were to become customary, would also eliminate the risk of creating exaggerated hopes among the public which often inhibits Governments from arranging high-level meetings."

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The Finnish Government, in accordance with its established policy of working for the strengthening of the United Nations, believes that it should now be possible to consider instituting periodic meetings of the Security Council in accordance with the Charter as an important step toward making the United Nations more effective in maintaining international peace and security. Such a step would be particularly appropriate during this twenty-fifth anniversary year of the Organization.

Accordingly the Finnish Government has decided to begin consultations with the other members of the Security Council on this question. As a basis for such consultations the Finnish Government wishes to submit the following suggestions for the consideration of the Governments concerned:

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1. It would be agreed from the outset that periodic meetings of the Security Council should be regarded as a permanent institutional feature of the Organization and that therefore in principle such meetings should be held regularly.
2. Accordingly periodic meetings could be held twice a year, as provided in Article 28 (2) of the Charter and Rule 4 of the Provisional Rules of Procedure of the Security Council. Such meetings could take place in the spring and in the autumn. Autumn meetings could be timed to take place in connexion with the presence of Foreign Ministers in New York for the opening of the General Assembly.
3. It would be understood that periodic meetings would provide an opportunity for a general exchange of views on the international situation and thus not arise from any particular event or issue. They should not be expected to lead to decisions, resolutions, etc., on substantive issues.
4. The agenda of periodic meetings would be drawn up by the Secretary-General in consultation with the members of the Security Council. It could normally consist of a single item - a report of the Secretary-General on the international situation.
5. Periodic meetings would normally be closed meetings, unless otherwise decided.
