

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.

INTRODUCTORY NOTE

1. During the period under review the Security Council held its first periodic meeting and met twice at places other than the seat of the Organization.

2. These developments and references to Article 28 in the Security Council and in the General Assembly are dealt with in the Summary of Practice.

SUMMARY OF PRACTICE

A. Periodic meetings

3. In a note¹ dated 20 April 1970, the President of the Security Council circulated as a Council document a memorandum of the delegation of Finland on the question of initiating periodic meetings of the Security Council in accordance with Article 28 (2) of the Charter. In his note, the President, acting in his capacity as the representative of Finland, proposed that consultations be undertaken with a view to having this question considered by the Security Council. Annexed to the note was a memorandum, dated 3 March 1970, giving the historical background of Article 28 (2), including attempts to institute action under that provision over the years by the three Secretaries-General, the General Assembly and individual members and setting out certain suggestions for the proposed consultations. These suggestions were: (a) that periodic meetings of the Security Council should be regarded as a permanent institutional feature of the Organization and therefore should, in principle, be held regularly; (b) that 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; (c) that periodic meetings should provide an opportunity for a general exchange of views on the international situation and not arise from any particular event or issue, and should not be expected to lead to decisions on substantive issues; (d) that the agenda of periodic meetings should be drawn up by the Secretary-General in consultation with the members of the Security Council, and normally consist of a single item—a report of the Secretary-General on the international situation; and (e) that periodic meetings should normally be closed meetings, unless otherwise decided.

4. In a letter² dated 5 June 1970 addressed to the President of the Security Council, the representative of Finland requested that a meeting of the Security Council be convened to consider the question of initiating periodic

meetings of the Council in accordance with Article 28 (2) of the Charter.

5. The question was included in the agenda of the Security Council at its 1544th meeting on 12 June 1970 and the President of the Council stated that, as a result of the consultations that had been held, he had been authorized to make the following statement expressing the consensus of the Council:³

“The members of the Security Council have considered the question of initiating periodic meetings in accordance with Article 28, paragraph 2, of the Charter. They consider that the holding of periodic meetings, at which each member of the Council would be represented by a member of the Government or by some other specially designated representative, could enhance the authority of the Security Council and make it a more effective instrument for the maintenance of international peace and security. As to the date and other practical aspects of the first such meeting, these will be considered later in consultations.

“It is understood that periodic meetings, the purpose of which would be to enable the Security Council to discharge more effectively its responsibilities under the Charter, would provide members with an opportunity for a general exchange of views on the international situation, rather than for dealing with any particular question, and that such meetings would normally be held in private, unless it is otherwise decided.

“The provisional agenda of periodic meetings shall be drawn up by the Secretary-General in consultation with the members of the Council and in accordance with the relevant provisions of the provisional rules of procedure”.

The statement as read by the President was approved by the Council without objection.

6. At the same meeting, the representative of Finland declared that the holding of periodic meetings at the ministerial level, especially once they became customary,

¹S C (25), Suppl. for Apr.-June, 1970, S/9759.
²S C (25), Suppl. for Apr.-June, 1970, S/9824.

³S C (25), *Resolutions and Decisions, 1970*, pp. 10-11. See also S C (25), Plen., 1544th mtg., para. 2.

would mean a qualitative improvement in the functioning of the Security Council. He stated that the full value of periodic meetings would emerge only when they were regarded as a permanent institutional feature of the Council. He noted that the present state of international insecurity was an argument not against, but for making every effort to strengthen and improve international machinery for making peace and keeping the peace. The decision to initiate periodic meetings of the Security Council was a modest measure in that direction. The representatives of China, France, Syria, Poland, Spain, the United States, the United Kingdom and the USSR also supported the consensus on the subject of periodic meetings.⁴

7. The first periodic meeting of the Security Council, attended by the Ministers for Foreign Affairs of 11 members of the Council, one Deputy Foreign Minister and three Permanent Representatives to the United Nations, was held in private on 21 October 1970 in New York. At its close, a communiqué was issued by the Secretary-General in accordance with rule 55 of the provisional rules of procedure of the Council.⁵ The communiqué, *inter alia*, stated that the members of the Council had declared that the capability of the Council to act effectively for the maintenance of international peace and security should be further strengthened and that they had agreed that the holding of periodic meetings in accordance with Article 28 (2) of the Charter was an important step in that direction. They had also agreed to examine possibilities for further improvements in the methods of work of the Security Council in promoting the peaceful settlement of disputes in accordance with the Charter. It was agreed that the date of the next periodic meeting of the Council would be determined through consultations among the members of the Council. No further periodic meeting was held during the period under review.

8. Following the decision of the Security Council to convene its first periodic meeting, the decision was endorsed, with specific references to Article 28 (2), in the course of the general debate at the twenty-fifth session of the General Assembly and in the discussion in the First Committee of agenda item 32 entitled "Consideration of measures for the strengthening of international security".⁶ It was cited, in addition, in the views transmitted to the Secretary-General by Member States in connexion with that issue⁷ and in debate at subsequent sessions in connexion with the item "Implementation of the Declaration on the Strengthening of International Security" and the item "Special Committee on the Charter of the United Nations and on the strengthening of the role of the United Nations with regard to the maintenance and consolidation of international peace and security, the development of co-operation among all nations and the promotion of the rules of international law in relations between States".⁸

⁴For the texts of relevant statements, see S C (25), 1544th mtg.

⁵S C (25), 1555th mtg. Official final communiqué of first periodic meeting of the Security Council issued by the Secretary-General in place of a verbatim record.

⁶G A (25), Plen., 1844th mtg.: Singapore, para. 35; 1854th mtg.: United States, para. 27; 1856th mtg.: Belgium, para. 186; 1st Com., 1726th mtg.: Czechoslovakia, para. 62; 1728th mtg.: France, para. 41; Yugoslavia, para. 96; 1730th mtg.: Kenya, para. 53; 1735th mtg.: Morocco, para. 134; 1736th mtg.: Syria, para. 180; 1738th mtg.: Ireland, paras. 20-21.

⁷See the following mimeographed documents: A/8775 (Mongolia), A/8847 (Belgium, Finland, France and Netherlands) and A/8847/Add.1 (Austria).

⁸G A (27), Plen., 2083rd mtg.: Finland, para. 93; 1st Com., 1901st and 1902nd mtgs.; 2043rd mtg.: Argentina, para. 9; G A (31), 1st Com., 57th mtg.: Bangladesh, p. 55; G A (32), 6th Com., 29th mtg.: Canada, para. 31; G A (33), 6th Com., 24th mtg.: Sierra Leone, para. 33; 26th mtg.: Austria, para. 13.

B. Council meetings away from Headquarters

9. By a letter dated 13 July 1971,⁹ the Executive Secretary of the Organization of African Unity (OAU) transmitted to the President of the Security Council the text of a resolution adopted by the Assembly of Heads of State and Government of OAU at its eighth session, entitled "Convening of a special session in Africa of the United Nations Security Council on decolonization problems". In that resolution, the OAU recommended that the African Group at the United Nations request the convening, in Africa, early in 1972 of a special session of the Security Council devoted solely to measures to be taken with a view to implementing the various United Nations resolutions on questions relating to Africa. On 15 November 1971, the representatives of 36 African States¹⁰ requested the inclusion in the agenda of the General Assembly's twenty-sixth session of an item entitled: "Co-operation between the United Nations and the Organization of African Unity: holding of meetings of the Security Council in an African capital".

10. At the 2025th plenary meeting of the General Assembly, on 18 December 1971, the representative of Zambia introduced a draft resolution on behalf of 41 African countries whereby the General Assembly would invite the Security Council to consider the request of the OAU concerning the holding of meetings of the Security Council in an African capital.¹¹ In the course of the discussion, it was pointed out that, under Article 28 of the Charter, the Security Council normally held meetings at the seat of the Organization; that Article, however, envisaged the holding of meetings at places other than the seat of the Organization if the Security Council in its judgment so decided. Accordingly, it was not for the General Assembly to press upon or suggest to the Security Council that it should hold meetings outside the Headquarters of the United Nations. That was the prerogative of the Security Council alone and other organs of the United Nations should respect that prerogative by not inviting the Security Council to consider the request of the OAU concerning the holding of meetings in an African capital.¹²

11. On 20 December 1971, at the 2027th plenary meeting, the General Assembly adopted the 41-power resolution by 113 votes to 2.¹³ The text of the resolution was transmitted by the Secretary-General to the President of the Security Council by a letter dated 29 December 1971,¹⁴ drawing his attention, in particular, to paragraph 2, inviting the Security Council to consider the request of the OAU concerning the holding of meetings of the Security Council in an African capital.

12. The Security Council considered the request of the OAU concerning the meeting of the Council in an African capital at its 1624th and 1625th meetings on 11 January 1972. Following an exposition by the President of the Council and statements by the members of the Council,¹⁵ the Security Council decided, without objection, at its 1625th meeting, on 11 January 1972, (a) to

⁹S C (26), Suppl. for July-Sept., 1971, S/10272.

¹⁰G A (26), Annexes, a.i. 100, A/8494 and Corr.1 and Add.1.

¹¹G A (26), Annexes, a.i. 100, A/L.653.

¹²G A (26), Plen., 2025th mtg.: Portugal, para. 74; for other relevant statements, see *ibid.*, Mauritania, paras. 65-72; Portugal, paras. 73-78; Zambia, paras. 56-64; and 2027th mtg.: South Africa, paras. 276-278, 282-285, 285-291; United Kingdom, paras. 274-275; United States, paras. 271-273.

¹³G A resolution 2863 (XXVI).

¹⁴S C (26), Suppl. for Oct.-Dec., 1971, S/10480.

¹⁵For the texts of relevant statements, see: S C (27), 1624th mtg.: President (Somalia), para. 33; China, para. 61; USSR, para. 104; Yugoslavia, para. 121; 1625th mtg.: President (Somalia), para. 96; United Kingdom, para. 52.

accede in principle to the request of the OAU to hold meetings in an African capital early in 1972; (b) to hold the meetings preferably in a period between 20 January and 20 February 1972; and (c) to establish a committee composed of all members of the Security Council to be called the Security Council Committee on Council Meetings away from Headquarters, to examine the question in all its aspects and to draft general guidelines that could be applied in all similar situations that might arise in the future in connexion with Article 28 (3).

13. In accordance with this decision the Committee submitted a report¹⁶ to the Council in which it made several recommendations and proposed a draft resolution. It also reported that it had agreed to defer to a later stage its mandate to prepare general guidelines for similar situations that might arise in the future. At the 1626th meeting, on 19 January 1972, the Council adopted the recommendations of the Committee and the draft resolution¹⁷ without objection as representing the consensus of the views of the members of the Council.

14. In accordance with its resolution 308 (1972), the Security Council held 13 meetings—1627th to 1639th—in Addis Ababa from 28 January to 4 February 1972. The provisional agenda for those meetings, as recommended by resolution 308 (1972), was “Consideration of questions relating to Africa with which the Security Council is currently seized and the implementation of the Council’s relevant resolutions”. At the 1639th meeting, on 4 February 1972, the Council adopted resolution 309 (1972) on the question of Namibia, resolution 310 (1972) on the same question, resolution 311 (1972) concerning the question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of South Africa, and resolution 312 (1972) on the question concerning the situation in Territories under Portuguese administration. A draft resolution (S/10606) concerning the situation in Southern Rhodesia failed of adoption owing to the negative vote of a permanent member. At the conclusion of the 1639th meeting, the President, on behalf of the members of the Council, made a statement of consensus expressing gratitude to the host country.

15. By a letter dated 9 January 1973,¹⁸ the Minister for Foreign Affairs of Panama informed the President of the Security Council that the Government of Panama had decided, on the basis of Article 28 (3) of the Charter, to propose that the Security Council should meet in Panama City from 15 to 21 March 1973, to consider an agenda that would have as its general theme the “Consideration of measures for the strengthening of international peace and the promotion of international co-operation in Latin America, in accordance with the provisions and principles of the Charter and the resolutions relating to the right

of self-determination of peoples and strict respect for the sovereignty and independence of States”.

16. The Security Council considered the invitation at its 1684th and 1685th meetings on 16 January 1973. At the 1685th meeting, the Security Council decided without objection to accept in principle the invitation of Panama to meet in Panama City from 15 to 21 March 1973 and to ask its Committee on Council Meetings away from Headquarters to consider and make recommendations on all aspects of the Council’s requirements, including the precise formulation of an agreed agenda.¹⁹

17. In its report,²⁰ the Committee on Council Meetings away from Headquarters discussed the issue whether the decision of the General Assembly, in resolutions 2609 (XXIV) and 2960 (XXVII), that a Government issuing an invitation to a United Nations body to hold a session within its territory should agree to defray, to the extent possible, the additional costs involved, should apply in principle to meetings of the Security Council. The report indicated that the majority of members considered that the Assembly resolutions did not qualify the Council’s power under Article 28 (3). The report also contained a series of recommendations and a draft resolution which the Council adopted without objection at its 1686th meeting on 26 January 1973 as representing the consensus of the members of the Council.²¹

18. In accordance with its resolution 325 (1973), the Security Council held 10 meetings, 1695th to 1704th, in Panama City from 15 to 21 March 1973. The provisional agenda for those meetings, as recommended by resolution 325 (1973), was “Consideration of measures for the maintenance and strengthening of international peace and security in Latin America in conformity with the provisions and principles of the Charter”. During the course of the meetings several speakers welcomed the Security Council’s holding of meetings in Panama under Article 28 (3).²² At the 1704th meeting, on 21 March 1973, the Security Council adopted resolution 330 (1973) concerning the free exercise of permanent sovereignty over the natural resources of Latin American countries. A draft resolution²³ regarding the Panama Canal failed of adoption owing to the negative vote of a permanent member. At the conclusion of the 1704th meeting, the representative of Guinea, with the authorization of the members of the Council, made a statement of consensus on behalf of the Council expressing gratitude to the host country.²⁴

¹⁹S C (28), *Resolutions and Decisions, 1973*, p. 2.

²⁰S C (28), Suppl. for Jan.-Mar., 1973, S/10868, paras. 12, 22 and 23.

²¹S C resolution 325 (1973).

²²For the texts of relevant statements, see: S C (28), 1696th mtg.: Guyana, para. 44; Mexico, para. 94; 1698th mtg.: Uruguay, para. 46; 1699th mtg.: Trinidad and Tobago, paras. 26 and 27; 1704th mtg.: President (Panama), paras. 98-100.

²³S C (28), Suppl. for Jan.-March, 1973, S/10931/Rev.1.

²⁴For the text of the statement, see S C (28), *Resolutions and Decisions, 1973*, p. 4.

¹⁶S C (27), Suppl. for Jan.-March, 1972, S/10514.

¹⁷Adopted without change as S C resolution 308 (1972).

¹⁸S C (27), Suppl. for Jan.-March, 1973, S/10858.