

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 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. On two occasions draft resolutions were submitted to the Council by which the convening of meetings away from the seat of the Organization was proposed.

GENERAL SURVEY

2. At its 896th meeting, on 9 September 1960, the Council decided¹ not to accept the invitation from the Prime Minister of the Republic of the Congo to hold a meeting at Leopoldville to consider the situation in the Congo. The discussion of the matter is dealt with in the Analytical Summary of Practice.

3. At the 941st meeting of the Council, on 20 February 1961, again during consideration of the situation in the Republic of the Congo, the representative of Liberia submitted² a draft resolution, under which the Council would hold its next meeting in the Congo, or in any nearby country upon the invitation of its Government, to meet the political leaders of the Congo so as to establish the United Nations prestige and authority and to reach some point of reconciliation in the Congo. Two representatives expressed approval of the Liberian draft resolution. At the 942nd meeting of the Council, the President (United Kingdom) said that he would consult other members of the Council regarding it. No action was taken by the Council.³

4. During discussion of the situation in the Dominican Republic at the 1225th meeting on 16 June 1965, the representative of the USSR referred to Article 28 (3) in support of his suggestion for the Security Council to hold meetings in Santo Domingo in order to contribute to the effectiveness of its work and enable the Council's members to gain direct knowledge of the situation on the spot. The USSR suggestion was opposed on the ground that it would introduce the highest organ of the United Nations

into the centre of a situation where a regional organization of the United Nations system was functioning, and that that would lead to the greatest confusion and exacerbate an already very difficult situation. It was also argued that for the Security Council to hold sessions in various parts of the world where situations had arisen with which it was concerned was a most novel and unprecedented idea; if the Council had followed such a practice, it would have been on the road practically all the time and would have been unable to devote its attention to its normal duties. Having discussed the suggestion of the representative of the USSR, the Council took no decision on it.⁴

5. In a communication⁵ to the President of the Security Council and during consideration of the situation in Southern Rhodesia, Article 28 (1) was explicitly referred to in support of the view that the President of the Council was not entitled to refuse to convene a meeting of the Security Council when a member of the Council urgently requested that it should be convened. On the other hand, the view was expressed that the word "continuously" should not be interpreted in the usual sense, since the Security Council did not sit or function without stop; it did stop from time to time, until it was reconvened by the President who had absolute discretion as to the timing of a meeting.⁶

⁴ For text of relevant statements, see S C, 20th yr., 1225th mtg.: USSR, paras. 107-109 and 118-120; United States, paras. 111-114; 1226th mtg.: Jordan, paras. 30-32; USSR, para. 11; United States, paras. 68-71; 1230th mtg.: USSR, para. 92.

⁵ S C, 21st yr., Suppl. for April, May and June, p. 30 (S/7238).

⁶ S C, 21st yr., 1276th mtg.: Uganda, paras. 39-41; United Kingdom, para. 11; 1277th mtg.: New Zealand, para. 7.

¹ S C, 15th yr., 896th mtg., para. 81.

² S C, 16th yr., 941st mtg., para. 23.

³ For text of relevant statements, see S C, 16th yr., 941st mtg.: President (United Kingdom), para. 25; Liberia, para. 23; United States, para. 74; 942nd mtg.: President, para. 247; Liberia, para. 246; USSR, para. 210.

ANALYTICAL SUMMARY OF PRACTICE

Decision of 9 September 1960 in connexion with the telegram dated 8 September 1960 from the Prime Minister of the Republic of the Congo to the Secretary-General

6. By a telegram⁷ dated 8 September 1960, the Prime Minister of the Republic of the Congo, referring to Article 28 (3) of the Charter, urged the Secretary-General to agree to Leopoldville as the venue of the Security Council's next meeting in order to give the members of the Council the opportunity to see for themselves the situation existing in the Republic of the Congo as a result of the United Nations authorities' interference in the Congo's domestic problems.

7. At its 896th meeting, on 9 September 1960, the Security Council adopted the following agenda:

"2. Telegram dated 8 September 1960 from the Prime Minister of the Republic of the Congo addressed to the Secretary-General (S/4486).

"3. Letter dated 13 July 1960 from the Secretary-General addressed to the President of the Security Council (S/4381):..."

8. The representative of the USSR submitted⁸ the following draft resolution:

"The Security Council,

"Desiring to see for itself the situation in the Republic of the Congo,

"Taking into account the invitation of the Government of the Congo set forth in the telegram of 8 September 1960 from Mr. Patrice Lumumba, Prime Minister of the Republic (S/4486),

"Decides, in accordance with Article 28 of the Charter of the United Nations, to hold immediately a special meeting of the Security Council on the question of the situation in the Congo at Leopoldville, the capital of that State."

9. In introducing his draft resolution, the representative of the USSR asserted that the holding of an extraordinary meeting at Leopoldville on the invitation of the Prime Minister of the Congo, despite all inconveniences and expenses, would enable the Security Council members to acquire first-hand information about the situation in the country, to see for themselves how the Council's three resolutions were being implemented and, being on the spot, to take effective steps to ensure their speedy execution. The prestige of the United Nations and of its main organ for the maintenance of peace and security would be greatly enhanced, and the ever-growing role of the young African States in international affairs would be recognized. One representative pointed out that by accepting the USSR draft resolution the Council would not be subscribing to the wording of the telegram. Among the reasons for holding a meeting of the Council at Leopoldville were that the situation in the Congo was deteriorating, that no representative of the Congo was present at

the Council's discussions and that a meeting there would help to alleviate the current difficult situation and probably give greater confidence to the responsible officials in the Congo. The difficult situation in the Congo, demanding the constant presence of the Head of Government and his aides, was referred to as preventing any representative of the Congo from going to Headquarters. The holding of a meeting in Leopoldville would help the Government of the Congo to re-establish law and order in the country.

10. The draft resolution was opposed on several grounds. It was stated that the proposal was based on the telegram sent by the Prime Minister of the Congo who alleged interference by United Nations authorities in the Congo's internal affairs. Consequently, its acceptance would somehow be interpreted as an endorsement and confirmation of the allegations even though such might not have been the actual intent of the author of the telegram. Several representatives maintained that the advantages of meeting at Leopoldville would not justify the labour and the costs, that such a meeting would further delay any consideration by the Council of the substance of the matter, that the session of the General Assembly was to meet shortly in regular session and that, in effect, the proposal was a challenge to the Secretary-General and to his representatives in the Congo. If the Council should decide to go in the existing circumstances, it would be casting serious doubt on the conduct of the United Nations operations in the Congo. One representative asserted that the Council should first ascertain the facts of the situation and then take any decision about meeting at Leopoldville. It was also pointed out that, in the course of the years, the Security Council had had to consider a variety of problems in different parts of the world; however, in no case had it decided to meet on the spot outside the seat of the United Nations.⁹

11. The representative of the USSR submitted¹⁰ the following revised draft resolution:

"The Security Council,

"Decides, in accordance with Article 28 of the Charter of the United Nations, to hold immediately a special meeting of the Security Council on the question of the situation in the Congo at Leopoldville, the capital of that State."

Decision

At the 896th meeting of the Council, on 9 September 1960, the revised draft resolution submitted by the USSR was rejected¹¹ by 6 votes to 3, with 2 abstentions.

⁹ For text of relevant statements, see S C, 15th yr., 896th mtg.: Argentina, paras. 37-40; Ceylon, paras. 43-47; China, para. 51 and 52; Poland, para. 64; Tunisia, paras. 57 and 60; USSR, paras. 11, 12 and 33-34; United States, paras. 71 and 72.

¹⁰ *Ibid.*, para. 54.

¹¹ *Ibid.*, para. 81.

⁷ S C, 15th yr., Suppl. for July-Sept., p. 145 (S/4486).

⁸ S C, 15th yr., 896th mtg., para. 13.