

Chapter III

PARTICIPATION IN THE PROCEEDINGS OF THE SECURITY COUNCIL

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INTRODUCTORY NOTE

As indicated previously in the *Repertoire*, Articles 31 and 32 of the Charter and rules 37 and 39 of the provisional rules of procedure provide for invitations to non-members of the Security Council in the following circumstances: (1) where a Member of the United Nations brings a dispute or a situation to the attention of the Security Council in accordance with Article 35, paragraph 1 (rule 37); (2) where a Member of the United Nations or a State which is not a Member of the United Nations is a party to a dispute (Article 32); (3) where the interests of a Member of the United Nations are specially affected (Article 31 and rule 37); and (4) where members of the Secretariat or other persons are invited to supply information or give other assistance (rule 39). Of these four categories, only category (2) involves an obligation of the Council. In extending invitations, the Council, as earlier, has made no distinction between a complaint involving a dispute within the meaning of Article 32, or a situation, or a matter not of such nature.

The classification of material relevant to participation in the proceedings of the Security Council is designed to facilitate the presentation of the varieties of practice to which the Council has had recourse, adhering where possible to a classification based on Articles 31 and 32

of the Charter and rules 37 and 39 of the provisional rules of procedure. The reasons why the material cannot be satisfactorily arranged within a classification derived from the texts of these Articles and rules of procedure, have been set forth in the *Repertoire*, 1946-1951.

The relevant material is assembled under parts I and III of the present chapter. While there has been an instance in which Article 32 has been invoked in justification of a request for an invitation to a certain political entity whose international status was a subject of controversy, there has been no discussion of the terms and provisions of that Article during the period under review. Consequently there are no entries in part II.

Part I includes a summary account of the proceedings of the Council in the consideration of those proposals to extend an invitation to participate in the discussion where objections or other questions were raised with special emphasis on consideration of the basis on which the invitation might be deemed to rest. Included also in this part is a tabulation of invitations extended by the Council.

Part III presents a summary account of procedures relating to the participation of invited representatives after the Council had decided to extend invitations.

Part I

BASIS OF INVITATIONS TO PARTICIPATE

NOTE

Part I includes all instances in which proposals to extend invitations to participate in the discussion have been put forward in the Security Council. The types and varieties of practice to which the Council has had recourse in connexion with the extension of invitations are dealt with in two sections: section C: Invitations to Members of the United Nations;¹ section D: Invitations to non-member States and other invitations. Presented in case histories are those instances in which special problems arose regarding a request for an invitation to participate in the proceedings of the Council. In each case history, the general features of the proceedings together with the decision of the Council and the main positions taken in the course of the debate are outlined.

In all instances in which Member States submitting matters to the Council in accordance with Article 35, paragraph 1, have asked to participate in the deliberations of the Council, the invitations have been extended as a matter of course and without discussion. This has been true also of invitations under Article 31 to Members of

the United Nations to participate in the discussion of a question when their interests were considered by the Council to be specially affected.

Of the ninety-four instances in which routine invitations have been extended, six have been recorded in tabular form in section C.1 (a), whereas the other eighty-eight appear in section C.2 (a). As indicated in the previous volume, the tabulation is chronologically arranged to provide information on the following points: (1) agenda item; (2) State invited; (3) request for invitation; and (4) decision of the Council. One case history² following the tabulation presents the proceedings in which the question of the applicability of Article 31 and rule 37 of the provisional rules of procedure was raised in connexion with a request for an invitation from a political entity whose status as a State was in dispute.

In section D are reported proceedings involving the extension of an invitation to non-member States of the United Nations as well as other invitations. In one³ of the two case histories concerning the application of

¹ See tabulations C.1 (a), C.2 (a).

² Case 1.

³ Case 2.

rule 39, the Council in extending the invitation made specific reference to earlier precedents; in the other,⁴ discussion arose over the designation under which an applicant would be invited. In one instance in which an invitation was denied,⁵ the Council took no cognizance of a communication from a régime it had previously declared illegal, while in the second,⁶ it rejected after

extensive discussion a request from an entity whose international status was in dispute.

****A. IN THE CASE OF PERSONS INVITED
IN AN INDIVIDUAL CAPACITY**

****B. IN THE CASE OF REPRESENTATIVES OF UNITED
NATIONS ORGANS OR SUBSIDIARY ORGANS**

⁴ Case 3.

⁵ Case 4.

⁶ Case 5.

C. IN THE CASE OF MEMBERS OF THE UNITED NATIONS

1. Invitation when the Member brought to the attention of the Security Council

(a) A MATTER IN ACCORDANCE WITH ARTICLE 35, PARAGRAPH 1, OF THE CHARTER

<i>Question *</i>	<i>State invited</i>	<i>Request for invitation</i>	<i>Decision of the Council: Invitations extended and renewed ^b</i>	
1. Complaint by the Government of Cyprus	Cyprus	S/5488, <i>O R</i> , 18th yr., <i>Suppl. for Oct.-Dec. 1963</i> , pp. 112-114	1274th meeting (1275th meeting)	
		S/7203		
		S/7359	1286th meeting	
		S/7636	1338th meeting	
		S/7999	1362nd meeting	
		S/8263	1383rd meeting	
		S/8305	1385th meeting (1386th meeting)	
2. The Palestine Question	Syria	S/7419, <i>O R</i> , 20th yr., <i>Suppl. for July-Sept. 1966</i> , pp. 38-39	1288th meeting (1289th-1295th meetings)	
		S/7422		
	Israel	S/7423, <i>O R</i> , 20th yr., <i>Suppl. for July-Sept. 1966</i> , pp. 39-40	1288th meeting (1289th-1295th meetings)	
		S/7540, <i>O R</i> , 20th yr., <i>Suppl. for Oct.-Dec. 1966</i> , pp. 28-29	1305th meeting (1307th-1310th, 1312th-1314th, 1316th, 1317th, 1319th meetings)	
	3. Complaint by the Democratic Republic of the Congo	Democratic Republic of the Congo	S/7503, <i>O R</i> , 21st yr., <i>Suppl. for July-Sept. 1966</i> , pp. 132-133	1302nd meeting (1303rd, 1304th, 1306th meetings)
			S/8036, <i>O R</i> , 22nd yr., <i>Suppl. for July-Sept. 1967</i> , p. 63	1363rd meeting (1364th, 1367th meetings)
			S/8218, <i>O R</i> , 22nd yr., <i>Suppl. for Oct.-Dec. 1967</i> , pp. 201-203	1372nd meeting (1374th, 1376th, 1378th meetings)
4. Situation in the Middle East (I)	United Arab Republic	S/7907, <i>O R</i> , 22nd yr., <i>Suppl. for Apr.-June 1967</i> , pp. 124-125	1343rd meeting (1344th-1361st, 1365th, 1366th meetings)	
	United Arab Republic	S/8043, <i>O R</i> , 22nd yr., <i>Suppl. for July-Sept. 1967</i> , pp. 69-70	1365th meeting (1366th meeting)	
	Israel	S/8044, <i>O R</i> , 22nd yr., <i>Suppl. for July-Sept. 1967</i> , pp. 70-71	1365th meeting (1366th meeting)	
	(II)	United Arab Republic	S/8207, <i>O R</i> , 22nd yr., <i>Suppl. for Oct.-Dec. 1967</i> , pp. 191-192	1369th meeting (1370th, 1371st meetings)
		Israel	S/8208, <i>O R</i> , 22nd yr., <i>Suppl. for Oct.-Dec. 1967</i> , pp. 192-193	1369th meeting (1370th, 1371st meetings)
			S/8209	
		United Arab Republic	S/8226, <i>O R</i> , 22nd yr., <i>Suppl. for Oct.-Dec. 1967</i> , p. 208	1373rd meeting (1375th, 1377th, 1379th-1382nd meetings)

Question ^a	State invited	Request for invitation	Decision of the Council: invitations extended and renewed ^b
	Jordan	S/8484, O.R., 23rd yr., Suppl. for Jan.-March. 1968, pp. 278-279	1401st meeting (1402nd-1407th meetings)
	Israel	S/8486, O.R., 23rd yr., Suppl. for Jan.-March 1968, pp. 280-281	1401st meeting (1402nd-1407th meetings)
	Jordan	S/8516, O.R., 23rd yr., Suppl. for Jan.-March 1968, p. 307	1409th meeting (1410th-1412th meetings)
	Israel	S/8517, O.R., 23rd yr., Suppl. for Jan.-March 1968, p. 307	1409th meeting (1410th-1412th meetings)
	Jordan	S/8560, O.R., 23rd yr., Suppl. for Apr.-June 1968, pp. 139-140	1416th meeting (1417th-1426th meetings)
	Jordan	S/8616, O.R., 23rd yr., Suppl. for Apr.-June 1968, pp. 186-187	1434th meeting (1435th-1440th meetings)
	Israel	S/8617, O.R., 23rd yr., Suppl. for Apr.-June 1968, p. 187	1434th meeting (1435th-1440th meetings)
	Jordan	S/8721, O.R., 23rd yr., Suppl. for July-Sept. 1968, p. 113	1434th meeting (1435th-1440th meetings)
	Israel	S/8724, O.R., 23rd yr., Suppl. for July-Sept. 1968, pp. 115-116	1434th meeting (1435th-1440th meetings)
	Israel	S/8794, O.R., 23rd yr., Suppl. for July-Sept. 1968, p. 236	1446th meeting (1447th-1449th, 1451st, 1452nd meetings)
	Israel	S/8797	
	Israel	S/8805, O.R., 23rd yr., Suppl. for July-Sept. 1968, pp. 240-241	1448th meeting (1449th, 1451st, 1452nd meetings)
	United Arab Republic	S/8806, O.R., 23rd yr., Suppl. for July-Sept. 1968, pp. 241-242	1448th meeting (1449th, 1451st, 1452nd meetings)
	United Arab Republic	S/8878, O.R., 23rd yr., Suppl. for Oct.-Dec. 1968, p. 104	1456th meeting (1457th meeting)
	Israel	S/8879, O.R., 23rd yr., Suppl. for Oct.-Dec. 1968, pp. 104-105	1456th meeting (1457th meeting)
	Lebanon	S/8945, O.R., 23rd yr., Suppl. for Oct.-Dec. 1968, p. 180	1460th meeting (1461st, 1462nd meetings)
	Israel	S/8946, O.R., 23rd yr., Suppl. for Oct.-Dec. 1968, p. 180	1460th meeting (1461st, 1462nd meetings)
5. The Question of South West Africa	Nigeria	S/8355 O.R., 23rd yr., Suppl. for Jan.-March. 1968, pp. 71-72	1387th meeting
		S/8356	
	Chile	S/8397, O.R., 23rd yr., Suppl. for Jan.-March 1968, pp. 177-178	1391st meeting (1392nd-1397th meetings)
		S/8403	
	Guyana	S/8397	1391st meeting (1392nd-1397th meetings)
	Indonesia	S/8407	1391st meeting (1392nd-1397th meetings)
	Nigeria	S/8413	1391st meeting (1392nd-1397th meetings)
	Turkey	S/8402	1391st meeting (1392nd-1397th meetings)
	United Arab Republic	S/8415	1391st meeting (1392nd-1397th meetings)
	Yugoslavia	S/8408	1391st meeting (1392nd-1397th meetings)
	Zambia	S/8418	1391st meeting (1392nd-1397th meetings)
	Colombia	S/8422	1392nd meeting (1394th-1397th meetings)
6. Complaint by Haiti	Haiti	S/8593, O.R., 23rd yr., Suppl. for Apr.-June 1968, pp. 168-169	1427th meeting

^a Questions entered in this tabulation are arranged under agenda items. The items appearing herein are listed chronologically according to the sequence of the first meeting held on each item. Any reconsideration of an item or discussion of a subitem under the general heading at subsequent meetings does not reappear as a new agenda item, but has been grouped under the item which first appeared. Questions in respect of which invitations were

extended to other Members because their interests were considered to be specially affected are indicated by an asterisk and the invitations are listed separately in a tabulation entitled "Invitations when the interests of a Member were considered specially affected" as explained in the introductory note (see C.2 below).

^b The meetings at which the invitations were renewed are indicated by parentheses.

*****(b)* A MATTER NOT BEING EITHER A DISPUTE OR A SITUATION**

2. Invitations when the interests of a Member were considered specially affected

(a) TO PARTICIPATE WITHOUT VOTE IN THE DISCUSSIONS

<i>Question ^a</i>	<i>State invited</i>	<i>Request for Invitation</i>	<i>Decision of the Council: Invitations extended and renewed ^b</i>
1. Complaint by the Government of Cyprus	Turkey	S/7202	1274th meeting (1275th meeting)
	Greece	S/7200	1274th meeting (1275th meeting)
	Turkey	S/7357	1286th meeting
	Greece	S/7355	1286th meeting
	Turkey	S/7634	1338th meeting
	Greece	S/7633	1338th meeting
	Turkey	S/7998	1362nd meeting
	Greece	S/7995	1362nd meeting
	Greece	S/8264	1383rd meeting
	Turkey	S/8265	1383rd meeting
	Greece	S/8298	1385th meeting (1386th meeting)
	Turkey	S/8299	1385th meeting (1386th meeting)
	Greece	S/8472	1398th meeting
	Turkey	S/8467	1398th meeting
	Turkey	S/8640	1432nd meeting
	Greece	S/8641	1432nd meeting
Turkey	S/8922	1459th meeting	
Greece	S/8925	1459th meeting	
2. Situation in Southern Rhodesia	Sierra Leone	S/7239	1276th meeting (1277th meeting)
	Algeria	S/7242	1276th meeting (1277th meeting)
	Kenya	S/7245	1277th meeting
	Greece	S/7246	1277th meeting
	India	S/7292	1278th meeting (1279th-1285th meetings)
	Pakistan	S/7295	1278th meeting (1279th-1285th meetings)
	Senegal	S/7297	1278th meeting (1279th-1285th meetings)
	Zambia	S/7613	1331st meeting (1332nd-1333rd, 1335th-1340th meetings)
	Senegal	S/7615	1331st meeting (1332nd-1333rd, 1335th-1340th meetings)
	Algeria	S/7623	1331st meeting (1332nd-1333rd, 1335th-1340th meetings)
	Pakistan	S/7624	1331st meeting (1332nd-1333rd, 1335th-1340th meetings)
	India	S/7625	1331st meeting (1332nd-1333rd, 1335th-1340th meetings)
	Jamaica	S/8465	1339th meeting (1400th, 1413th, 1415th, 1428th meetings)
Zambia	S/8469	1339th meeting (1400th, 1413th, 1415th, 1428th meetings)	
3. The Palestine Question	Iraq	S/7427	1288th meeting (1289th-1295th meetings)
	Syria	S/7547	1305th meeting (1307th-1310th, 1312th-1314th, 1316th, 1317th, 1319th meetings)
	United Arab Republic	S/7549	1305th meeting (1307th-1310th, 1312th-1314th, 1316th, 1317th, 1319th meetings)
	Saudi Arabia	S/7554	1308th meeting (1313th, 1314th meetings)
	Israel	S/7590	1320th meeting (1321st-1328th meetings)
4. Complaint by the United Kingdom	United Arab Republic	S/7447	1296th meeting (1297th-1300th meetings)
	Yemen	S/7449	1296th meeting (1297th-1300th meetings)
5. Complaint by the Democratic Republic of the Congo	Portugal	S/7512	1302nd meeting (1303rd-1304th, 1306th meetings)
	Tanzania	S/7517	1302nd meeting (1303rd-1304th, 1306th meetings)
	Burundi	S/7521	1302nd meeting (1303rd-1304th, 1306th meetings)
	Central African Republic	S/7519	1302nd meeting (1303rd-1304th, 1306th meetings)
	Congo (Brazzaville)	S/7520	1302nd meeting (1303rd-1304th, 1306th meetings)

<i>Question *</i>	<i>State invited</i>	<i>Request for invitation</i>	<i>Decision of the Council: invitations extended and renewed *</i>
	Portugal	S/8221	1372nd meeting (1374th, 1376th, 1378th meetings)
	Burundi	S/8228	1372nd meeting (1374th, 1376th, 1378th meetings)
	Zambia	S/8231	1372nd meeting (1374th, 1376th, 1378th meetings)
	Algeria	S/8233	1372nd meeting (1374th, 1376th, 1378th meetings)
6. Situation in the Middle East (I)	Israel	S/7903	1341st meeting (1342nd-1361st, 1365th, 1366th meetings)
	United Arab Republic	S/7904	1341st meeting (1342nd meeting)
	Syria	S/7908	1343rd meeting (1344th-1361st, 1365th, 1366th meetings)
	Jordan	S/7912 S/7909	1343rd meeting (1344th-1361st, 1365th, 1366th meetings)
	Lebanon	S/7911	1344th meeting (1345th-1361st, 1365th, 1366th meetings)
	Iraq	S/7914	1345th meeting (1346th-1361st, 1365th, 1366th meetings)
	Morocco	S/7915	1345th meeting (1346th-1361st, 1365th, 1366th meetings)
	Saudi Arabia	S/7920	1346th meeting (1347th-1361st, 1365th, 1366th meetings)
	Kuwait	S/7921	1346th meeting (1347th-1361st, 1365th, 1366th meetings)
	Tunisia	S/7928	1348th meeting (1349th-1361st, 1365th, 1366th meetings)
	Libya	S/7934	1348th meeting (1349th-1361st, 1365th, 1366th meetings)
	Pakistan	S/7984	1360th meeting (1361st, 1365th, 1366th meetings)
(II)	Algeria	S/8045	1366th meeting
	Israel	S/8209	1369th meeting (1370th, 1371st meetings)
	Jordan	S/8210	1369th meeting (1370th, 1371st meetings)
	Syria	S/8211	1369th meeting (1370th, 1371st meetings)
	Jordan	S/8214 S/8234	1369th meeting (1370th, 1371st meetings)
	Syria	S/8237	1373rd meeting (1375th, 1377th, 1379th-1382nd meetings)
	Israel	S/8232	1375th meeting (1377th, 1379th-1382nd meetings)
	United Arab Republic	S/8487 S/8488	1373rd meeting (1375th, 1377th, 1379th-1382nd meetings)
	Iraq	S/8489	1401st meeting (1402nd-1407th meetings)
	Morocco	S/8490	1401st meeting (1402nd-1407th meetings)
	Syria	S/8491	1402nd meeting (1403rd-1407th meetings)
	Saudi Arabia	S/8499	1406th meeting
	Israel	S/8518	1409th meeting (1410th-1412th meetings)
	Syria	S/8522	1410th meeting (1411th-1412th meetings)
	United Arab Republic	S/8526	1411th meeting (1412th meeting)
	Iraq	S/8527	1411th meeting (1412th meeting)
	Saudi Arabia	S/8530	1412th meeting
	Israel	S/8562	1416th meeting (1417th-1426th meetings)
	Jordan	S/8570	1419th meeting (1420th-1426th meetings)
	Israel	S/8725	1434th meeting (1435th-1440th meetings)
	United Arab Republic	S/8726	1434th meeting (1435th-1440th meetings)
	Iraq	S/8727	1434th meeting (1435th-1440th meetings)
	Syria	S/8730	1436th meeting (1437th-1440th meetings)
	Saudi Arabia	S/8733	1436th meeting (1437th-1440th meetings)
	Israel	S/8797	1446th meeting (1447th meeting)
	United Arab Republic	S/8799	1446th meeting (1447th meeting)
	Jordan	S/8822	1453rd meeting (1454th meeting)

Question ^a	State invited	Request for invitation	Decision of the Council: invitations extended and renewed ^b
	Israel	S/8823	1453rd meeting (1454th meeting)
	United Arab Republic	S/8826	1453rd meeting (1454th meeting)
	Syria	S/8829	1454th meeting
	Israel	S/8880	1456th meeting (1457th meeting)
	Saudi Arabia	S/8882	1456th meeting (1457th meeting)
	Israel	S/8947	1460th meeting (1461st, 1462nd meetings)
	Lebanon		1460th meeting
	Saudi Arabia		1460th meeting
7. Situation in Czechoslovakia	Czechoslovakia	S/8760	1441st meeting (1442nd-1445th meetings)
	Czechoslovakia	S/8768	1444th meeting (1445th meeting)
	Bulgaria	S/8762	1442nd meeting (1443rd-1445th meetings)
	Poland	S/8766	1443rd meeting (1444th-1445th meetings)
	Yugoslavia	S/8771	1444th meeting (1445th meeting)

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not reappear as a new agenda item, but has been grouped under the item which first appeared.

^b The meetings at which invitations are renewed are indicated by parentheses.

CASE 1

At the 1445th meeting on 24 August 1968, in connexion with the situation in Czechoslovakia, the representative of Canada noted that while it had been alleged that the application of the German Democratic Republic for an invitation to participate in the Council's proceedings should be considered in terms of Article 31 of the Charter and rule 37 of the provisional rules of procedure, those texts clearly referred "to a Member of the United Nations not a member of the Security Council". In the case of "the applicant" however, his delegation knew of no such State existing, although an administration within the Soviet occupied zone of Germany may have claimed to be such.⁷

A USSR proposal to invite the German Democratic Republic to participate in the debate was put to the vote and rejected. There were 2 votes in favour, 9 against and 4 abstentions.⁸

***(b)* TO SUBMIT WRITTEN STATEMENTS

**3. Invitations denied

D. IN THE CASE OF NON-MEMBER STATES AND OTHER INVITATIONS

**1. Invitations expressly under Article 32

2. Invitations expressly under rule 39 of the provisional rules of procedure

CASE 2

At the 1385th meeting on 20 December 1967, in connexion with the complaint by the Government of Cyprus, the President (Nigeria) drew attention to a communication⁹ from the representative of Turkey requesting that

⁷ For the text of relevant statements, see: 1445th meeting (PV), pp. 36-37. See also case 5 for further discussion of this question.

⁸ 1445th meeting (PV), p. 92.

⁹ S/8293, 1385th meeting (PV), p. 6.

Mr. Osman Örek be given an opportunity to be heard. Recalling that on two previous occasions when Turkey had made a similar request, the Council decided to grant a hearing to the person concerned under rule 39 of the provisional rules of procedure, he explained that as a result of consultations with members of the Council, it was his understanding that in view of past precedents, the Council was agreeable to hear Mr. Örek on the same basis as before, that is, under rule 39 of the provisional rules of procedure.¹⁰

The Council decided without objection to invite Mr. Örek to participate in its discussion in accordance with rule 39 of the provisional rules of procedure.¹¹

CASE 3

At the 1420th meeting on 2 May 1968, in connexion with the situation in the Middle East, the representative of Jordan observed that in the forthcoming discussion of the situation in Jerusalem, the Council should have the benefit of information from a competent source. In this regard, he requested that, in accordance with rule 39 of the provisional rules of procedure, an invitation be issued to Mr. Rouhi El-Khatib, elected mayor of Jerusalem. He then recalled that he had previously submitted a letter¹² to that effect.

At the 1421st meeting on 3 May 1968, the President (United Kingdom) stated that he had found from his consultations with all the members of the Council that there was agreement that Mr. El-Khatib should be heard in accordance with rule 39 of the provisional rules of procedure, and if there were no objections, he proposed to invite that gentleman to the Council table.

Speaking on a point of order, the representative of Algeria noted that the representative of Jordan had requested that Mr. El-Khatib, "the elected Mayor of Jerusalem", should be invited to make a statement before the Council, while the President had indicated that there

¹⁰ For the text of relevant statements, see: 1385th meeting (PV): President (Nigeria), pp. 6-11.

¹¹ 1385th meeting (PV), p. 11.

¹² S/8570, 1420th meeting (PV), p. 7.

were no objections to inviting "Mr. Rouhi El-Khatib under rule 39 of the provisional rules of procedure of the Security Council". If rule 39 were to be applied without any reservation however, "it will be clearly understood by the Council that Mr. Rouhi El-Khatib is being invited in his capacity as the elected Mayor of Jerusalem". That was in accordance with rule 39 which provided for the invitation of persons whom the Council considered "competent".

The President, after stating that he did not think it "necessary or desirable" for the Council to pronounce on that question, observed that the agreement which he secured after consultations with all members of the Council was that Mr. El-Khatib be invited in accordance with rule 39 "that is to say as a person whom the Council considers competent for that purpose, to supply it with information and to give other assistance in examining matters within its competence". That rule he felt was clear, since it referred to inviting members of the Secretariat and other persons.

After the representative of Algeria had reiterated the argument that Mr. El-Khatib's competence was based on the fact that he was the elected Mayor of Jerusalem, the President ruled that in accordance with the consultation which he had undertaken under rule 39, he proposed to "call on Mr. Rouhi El-Khatib" to appear before the Council unless his ruling was challenged.

The representative of the USSR maintained that during the consultations with his delegation, the question was raised whether Mr. El-Khatib would be invited in his capacity as Mayor of Jerusalem, since that was the post he held. When his delegation agreed to that invitation it was on the understanding that Mr. El-Khatib would appear before the Council in his capacity as Mayor of Jerusalem, "the more so since the pertinent General Assembly resolutions provide . . . that there shall be no change in the status of Jerusalem". Consequently, whether the President stated this explicitly or not, as his delegation understood it, he would speak to the Council in his official capacity.

After further discussion, the President stated that as he understood it, all members had agreed to the proposal that the Council should invite Mr. Rouhi El-Khatib to address it that day. At the same time, he was of the view that it was neither necessary nor desirable for the Council to attempt to reach conclusions on matters of substance or matters of representation. "We know very well why the proposal was put to us that Mr. Rouhi El-Khatib should appear before us. We were of one mind in agreeing that we should hear him. We know very well the competence that he brings; otherwise, it would not have been the universal opinion that we should welcome him and hear what he had to say." In this connexion, he felt that it was in the best interests of all concerned that the Council proceed without further delay "to invite Mr. Rouhi El-Khatib to sit with us and to speak to us".¹³

At the invitation of the President, Mr. Rouhi El-Khatib took a place at the Council table.¹⁴

¹³ For the text of relevant statements, see: 1420th meeting (PV): President (United Kingdom), p. 7; Jordan, pp. 6-7;

1421st meeting: President (United Kingdom), pp. 2-5, 6-10, 11, 16, 20, 23-25; Algeria, pp. 6, 7-10, 16-20, 21; Hungary, pp. 16, 22; Pakistan, p. 12; USSR, p. 11.

¹⁴ 1421st meeting, p. 26.

**3. Invitations not expressly under Article 32 or rule 39

4. Invitations denied

CASE 4

At the 1280th meeting on 18 May 1966, in connexion with the situation in Southern Rhodesia, in response to a query by the representative of Nigeria concerning a communication addressed to the Secretary-General from a source in Southern Rhodesia, the President (Netherlands) stated that it was his understanding that there had been some communications from "the side of the Smith régime". Since those communications were addressed to the Secretary-General, he intended to call on him to make a statement on the matter.

The Secretary-General stated that on the previous day, he had made available to the members of the Council copies of telegrams from Salisbury¹⁵ which he had received from a Mr. Lardner Burke "who calls himself 'Minister of Justice'", who had invoked Article 32 of the Charter and had requested an invitation to participate in the Security Council debate concerning Southern Rhodesia. After recalling the provisions of Article 32 of the Charter, the Secretary-General said:

" . . . the legal status of Southern Rhodesia is that of a Non-Self-Governing Territory under resolution 1747 of the sixteenth session of the General Assembly, and Article 32 of the Charter does not apply. In the circumstances, it is for the Council to decide what consideration if any, it wishes to give to these telegrams. It is for that reason that I made available to the members of the Council copies of the telegrams I received from Salisbury on this subject.

"I need hardly recall to the Council that in several resolutions on the subject the Council has labelled the régime in Southern Rhodesia as illegal. For this reason, and in line with the policy of the Secretariat, not to enter into correspondence with illegal régimes, I decided not to reply to the various telegrams from Salisbury." After the Secretary-General had spoken, the President declared:

"Members of the Council have heard the statement of the Secretary-General. Unless any representative wishes to speak on the subject, I think that the statement of the Secretary-General both covers and settles it. I believe that we can now continue our debate on the item on the agenda."¹⁶

CASE 5

At the 1445th meeting on 24 August, in connexion with the situation in Czechoslovakia, the President (Brazil) drew attention to "an official note"¹⁷ from the representative of the USSR concerning the circulation as an official Security Council document of a telegram from the German Democratic Republic in which the latter requested an invitation to participate in the proceedings

¹⁵ 1280th meeting, para. 6.

¹⁶ For the text of relevant statements, see: 1280th meeting: President (Netherlands), paras. 4, 9; Nigeria, para. 3; Secretary-General, paras. 6-8.

¹⁷ 1445th meeting (PV), p. 2.

of the Security Council.¹⁸ Speaking in connexion with this request, the representative of the USSR maintained that since the German Democratic Republic was "mentioned by those who presented this matter to the Council" it was more than logical to hear that representative and to authorize him to take part in the debate.

The representative of France reiterating his Government's position on this matter observed that France did not recognize the authorities of East Germany, nor their right to speak on behalf of the German people in international affairs. Their representative, therefore, could not be allowed to participate in the debate of the Council.

The representative of Hungary noted that as far as the definition of statehood was concerned, there were certain criteria such as territory, population and government, *de facto* or *de jure* in the territory. These criteria had all been met by the German Democratic Republic, and whether a certain State recognized it or not was another matter.

The representative of the United Kingdom asserted that his Government did not recognize that there existed a State or a Government other than that of the Federal Republic of Germany entitled to speak on behalf of the German people in international affairs. Consequently, "to hear the person who asked to be heard would add nothing new to our proceedings" serving only to delay and confuse those proceedings "which indeed doubtless is the object of the application".

The representative of the United States was of the view that while "it is true that the régime established by the Soviet Union in the zone of Germany which it has occupied since the close of the Second World War is an accomplice in the crime now before the Council", no useful purpose could be served by the hearing of that régime, since its representative would be "nothing more than a proxy for the Government of the Soviet Union which is already adequately and permanently represented on this Council". With regard to the Charter provision relevant to the situation, there could be no ambiguity, since both Article 32 and rule 6 were applicable only to States, whereas the régime of the Soviet zone of East Germany was neither a State nor entitled in any way to speak for the German people.

The representative of Denmark maintained that only the Federal Republic of Germany was entitled to speak on behalf of the German people in international affairs. His delegation was, moreover, satisfied that the hearing of the person who applied to be heard would serve no useful purpose. Consequently, it would oppose the request for a hearing.

¹⁸ For the discussion on the question of circulating this telegram, see chapter II, Case 2.

The representative of the USSR, after reading out the text of Article 32, asserted that the Charter in that Article afforded full justification for the Government of the German Democratic Republic to send a delegation to the Security Council to set forth the views of the Government which had been accused by certain members.¹⁹ Noting that the arguments put forward for preventing the representative of the German Democratic Republic from participation were groundless, he maintained that the fact that one State did not recognize another State in no way constituted an obligation for the United Nations or the Security Council. In any event, there were precedents in which invitations to take part in the work of the Council were sent not only to non-member States, but even to countries which were not formally or officially States. In view of these considerations and in accordance with the Charter and rules of procedure, he proposed that the German Democratic Republic be invited to take part in the work of the Council on the question under consideration.

The representative of Bulgaria questioned the tactic by which certain States accused the German Democratic Republic of participation in the attack against Czechoslovakia, while at the same time objected to its appearance before the Council in order to reply to those accusations. As regards the argument of recognition, a fact that certain States did not recognize the German Democratic Republic had nothing to do with whether or not the representatives of that State should be invited to participate in the Council's discussion. Moreover, there had even been cases in which some persons had been invited to participate in the Council's debates without having the status of representatives of States. Such a precedent occurred, for instance, during consideration of the Cyprus question, when a representative of the Turkish Cypriot community was invited to participate in the debate to clarify matters for the Council. In the light of those circumstances, if the Security Council was to have a full grasp of the situation, the German Democratic Republic must be invited to participate.²⁰

The USSR proposal to invite the German Democratic Republic to participate in the debate was put to the vote and rejected. There were 2 votes in favour, 9 against and 4 abstentions.²¹

¹⁹ In a subsequent statement, the representative of the USSR stated that he had mentioned Article 32 when he wanted to mention Article 31 which provided for the invitation to Members of the United Nations who were not members of the Security Council, but whose interests were considered specially affected by the latter (1445th meeting (PV), pp. 41-42).

²⁰ For the text of relevant statements, see: 1445th meeting: Bulgaria, pp. 42-46; Denmark, p. 18; France, p. 12; Hungary, p. 12; USSR, pp. 26-38, 91-92; United Kingdom, pp. 13-16; United States, pp. 16-17.

²¹ 1445th meeting (PV), p. 92.

Part II

**CONSIDERATION OF THE TERMS AND PROVISIONS OF ARTICLE 32 OF THE CHARTER

Part III

PROCEDURES RELATING TO PARTICIPATION
OF INVITED REPRESENTATIVES

NOTE

Part III is concerned with procedure relating to the participation of invited representatives after an invitation has been extended. It includes material on participation by Members and non-members of the United Nations.

No question concerning either the stage at which invited States might be heard (section A), or the duration of participation of invited representatives (section B) arose during the period under review. The practice has been maintained, however, according to which the President, when consideration of a question has extended over several meetings, has renewed the invitation at each consecutive meeting immediately after the adoption of the agenda.²²

Section C deals with limitations of a procedural nature affecting invited representatives throughout the process of participation in the proceedings of the Security Council. During the period under review, there was one instance²³ illustrative of the limitations concerning the raising of points of order by invited representatives. A refusal by the President to permit an invited representative to speak on a point of order was accompanied by an explanation of the provisions of the rules of procedure governing this question.

Section D is concerned with those limitations connected with aspects of the business of the Council in which it has been deemed inappropriate that invited representatives should participate. Under the subheading "Other matters", one case²⁴ is included in which the President, after explaining the rule governing the participation of invited representatives, stated that as far as he was concerned, such representatives might be permitted to make passing comments on procedural matters, but they should refrain from lengthy discussions of procedural decisions of the Council.

****A. STAGE AT WHICH INVITED STATES ARE HEARD******B. THE DURATION OF PARTICIPATION****C. LIMITATIONS OF A PROCEDURAL NATURE******1. Concerning the order in which invited representatives are called upon to speak****2. Concerning the raising of points of order by invited representatives**

CASE 6

At the 1295th meeting on 3 August 1966, in connexion with the Palestine question, the President (Uganda) interrupting a statement by the representative of Israel, explained that although the representative of Syria had

²² In this connexion, see tabulation above, part I, C.1 (a), footnote ^c, and part I, C.2 (a), footnote ^b.

²³ Case 6.

²⁴ Case 7.

indicated his wish to raise a point of order, the rules of procedure did not permit a non-member to raise points of order. The President stated that the representative of Israel could continue his statement.²⁵

****3. Concerning the submission of proposals or draft resolutions by invited representatives****D. LIMITATIONS ON MATTERS TO BE DISCUSSED BY INVITED REPRESENTATIVES******1. Adoption of the agenda******2. Extension of invitations******3. Postponement of consideration of a question****4. Other matters**

CASE 7

At the 1292nd meeting on 29 July 1966, in connexion with the Palestine question, the representative of Jordan speaking on a point of order, objected to the statement that was being made by the representative of Israel. In his view, the representative of Israel had no right whatsoever to discuss the decision of the Council how the Council should proceed, or what it should do about the procedural aspects of its business. "What the Council decided was the Council's business, and . . . none of the parties is entitled to discuss procedural questions here, particularly when a decision has been taken by the Council."

The President (Nigeria) stated that it was the rule of the Council that members who were invited merely to participate without vote, would not participate in the discussion on procedure. He, however, had not thought that if such a member in passing merely made a comment upon the decision of procedure, he should be prevented from doing so. At the same time, he expressed the hope that the members who were invited to participate without vote, would, in return for that courtesy, "not go into very lengthy discussions of their own views of what the Council may have decided on the issue of procedure". In this connexion, he added, the representative of Israel should refrain in his further comments from passing judgement upon the decision of the Council on its own procedure.²⁶

****E. EFFECT OF THE EXTENSION OF INVITATIONS**

²⁵ For the text of relevant statement, see: 1295th meeting: President (Uganda), para. 133.

²⁶ For the text of relevant statements, see: 1292nd meeting: President (Nigeria), para. 107; Jordan, para. 106.