

Chapter III

PARTICIPATION IN THE PROCEEDINGS OF THE SECURITY COUNCIL

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INTRODUCTORY NOTE

As indicated in the previous volume of 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 (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).

The classification of the 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. The reasons why the material is not entirely arranged within a classification derived directly from the texts of Articles 31 and 32 and rules 37 and 39, have been set forth in the previous volume of the *Repertoire*.

Part I comprises summary accounts of the proceedings wherein proposals to extend an invitation to participate in the discussion have been made, with special emphasis on consideration of the basis on which the invitation might be deemed to rest. Part II includes discussion relating to the terms and provisions of Article 32. Part III is concerned with procedures relating to the participation of invited representatives once the Council has decided to extend an invitation, and with business of the Council in connexion with which it has been deemed inappropriate to extend invitations to participate.

Part I

BASIS OF INVITATIONS TO PARTICIPATE

NOTE

Part I includes all cases in which proposals to extend an invitation to participate in the discussion have been put forward in the Security Council. The general features of each case are shown, together with the decisions of the Council and the main positions taken in the course of debate. The instances are grouped to distinguish between invitations to persons invited in an individual capacity in section A; invitations to representatives of subsidiary organs or other United Nations organs in section B; invitations to Members of the United Nations in section C; and invitations to non-member States, together with other invitations, in section D. The grouping is so arranged in order to bring together in section D a range of invitations within which the Official Records reveal no clear distinctions based on differentiation of status.

IN THE CASE OF MEMBERS OF THE UNITED NATIONS

The arrangement of section C is derived from rule 37 of the provisional rules of procedure which provides for extension of an invitation when the Security Council considers that the interests of a Member are specially affected (Article 31), or when a Member brings a matter to the attention of the Council under Article 35 (1).

Section C.1.a covers the occasions on which Members submitting matters in accordance with Article 35 (1) have been invited to participate without vote in the discussion. During the period under review, there have been no instances of submission of matters falling outside the provisions of Article 35 (1). In none of the instances classified in section C.1.a was Article 31

referred to in the submission by the party or in the decision by the Council. Rule 37 was invoked in only one instance and the invitation was extended under the same rule.¹ In another case, the invitation to the complainant State referred explicitly to Article 32.² In connexion with the Palestine question and with the Guatemalan question, invitations were extended to more than one Member.³ Only the invitation to the complainant State has been recorded in section C.1.a, while the invitations to the other States involved are found in section C.2. In two cases involving complaints and counter-complaints, invitations were extended to both complainant States.⁴

Section C.2 includes instances of invitation, under Article 31, and one instance of an invitation under Article 32 (Case 13), to a Member of the United Nations to participate in the discussion of a question when the interests of that Member were considered by the Council to be specially affected. In extending these invitations the Council has made no distinction as to whether the complaint involved a dispute within the meaning of Article 32, or a situation, or a matter not of such nature. Section C.2, therefore, also includes all cases of invitations to Member States against which a complaint was brought before the Council. In five of the seven cases invitations were extended to one Member,⁵ and in two instances to two Member States.⁶

¹ Case 5.

² Case 6.

³ Cases 2, 4, 5, 6 and 7.

⁴ Cases 3 and 4.

⁵ Cases 10, 11, 12, 13 and 15.

⁶ Cases 14 and 16.

Section C.3 includes two instances of invitations denied to Members who had brought a matter to the attention of the Security Council in accordance with Article 35 (1). In both cases discussion of the invitations took place at the stage of consideration of the provisional agenda. In one case the basis of the proposal to invite was, in accordance with the terms of the request from the sponsors of the complaint, the right of reply to remarks made about them by the representative of a member of the Council during the procedural debate on the item.⁷ In the second case the proposal was to invite the sponsors of the complaint to participate in the discussion of the inclusion of the item in the agenda. The proposal was rested on rule 37 which was interpreted as authorizing an invitation to participate in clarifying the scope of the item to the Council and the reasons why its inclusion in the agenda was appropriate.⁸ The bases for the denials of the invitations in the two instances mentioned are to be distinguished from a presidential ruling dealt with in part II, section C below,⁹ that the Council was not engaged in a discussion within the meaning of Article 32 and rule 37. Comparison may also be made with the instance¹⁰ of denial of an invitation set forth in section D.4 wherein the proposal to invite was made at the stage of consideration of the provisional agenda, but was voted upon only after the agenda had been adopted.

IN THE CASE OF NON-MEMBER STATES AND OTHER INVITATIONS

Article 32 provides for the invitation of any non-member State when it is a party to a dispute under consideration by the Council. Section D includes an invitation extended under Article 32 to a non-member State party to a dispute. Section D also includes an invitation which was extended without the invocation of Article 32 or rule 39. In section D.4 is entered an instance in which a proposal to invite was rejected by the Council.

The discussion bearing on the text of Article 32 is presented separately in part II. The significance of Article 31 in the practice of the Council is fully represented by the decisions recorded in the case histories of part I.

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

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

CASE 1

On the following occasions the Security Council invited the Chairman, the Rapporteur, or members of one of its subsidiary organs to the table in order that they might give any information which the Council might require when considering a report from the subsidiary organ:

⁷ Case 18.
⁸ Case 19.
⁹ Cases 23 and 28.
¹⁰ Case 22.

1. Committee of Experts of the Security Council

At the 645th meeting on 3 December 1953¹¹

2. Chief of Staff, Truce Supervision Organization in Palestine

At the 630th meeting on 27 October 1953¹²

At the 632nd meeting on 29 October 1953¹³

At the 635th meeting on 9 November 1953¹⁴

At the 636th meeting on 10 November 1953¹⁵

At the 637th meeting on 12 November 1953¹⁶

At the 638th meeting on 16 November 1953¹⁷

At the 639th meeting on 18 November 1953¹⁸

At the 640th meeting on 20 November 1953¹⁹

At the 642nd meeting on 24 November 1953²⁰

At the 643rd meeting on 25 November 1953²¹

At the 645th meeting on 3 December 1953²²

At the 646th meeting on 11 December 1953²³

At the 648th meeting on 16 December 1953²⁴

At the 649th meeting on 17 December 1953²⁵

At the 650th meeting on 18 December 1953²⁶

At the 651st meeting on 21 December 1953²⁷

At the 652nd meeting on 22 December 1953²⁸

At the 653rd meeting on 22 December 1953²⁹

At the 693rd meeting on 17 March 1955³⁰

At the 694th meeting on 23 March 1955³¹

At the 695th meeting on 29 March 1955³²

At the 696th meeting on 30 March 1955³³

3. The United Nations representative for India and Pakistan

At the 570th meeting on 17 January 1952³⁴

At the 571st meeting on 30 January 1952³⁵

At the 572nd meeting on 31 January 1952³⁶

At the 605th meeting on 10 October 1952³⁷

¹¹ 645th meeting: para. 5.

¹² 630th meeting: preceding para. 2.

¹³ 632nd meeting: preceding para. 1.

¹⁴ 635th meeting: preceding para. 1.

¹⁵ 636th meeting: preceding para. 1.

¹⁶ 637th meeting: preceding para. 1.

¹⁷ 638th meeting: preceding para. 1.

¹⁸ 639th meeting: preceding para. 1.

¹⁹ 640th meeting: preceding para. 1.

²⁰ 642nd meeting: preceding para. 5.

²¹ 643rd meeting: preceding para. 1.

²² 645th meeting: preceding para. 15.

²³ 646th meeting: preceding para. 1.

²⁴ 648th meeting: preceding para. 1.

²⁵ 649th meeting: preceding para. 1.

²⁶ 650th meeting: preceding para. 1.

²⁷ 651st meeting: preceding para. 1.

²⁸ 652nd meeting: preceding para. 1.

²⁹ 653rd meeting: preceding para. 1.

³⁰ 693rd meeting: preceding para. 18.

³¹ 694th meeting: preceding para. 1.

³² 695th meeting: preceding para. 1.

³³ 696th meeting: preceding para. 1.

³⁴ 570th meeting: preceding para. 18.

³⁵ 571st meeting: preceding para. 5.

³⁶ 572nd meeting: preceding para. 1.

³⁷ 605th meeting: preceding para. 5.

G. 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 (1) of the Charter

CASE 2

At the 629th meeting on 27 October 1953, in connexion with the Palestine question, the Security Council considered a complaint by Syria against Israel concerning work on the west bank of the River Jordan in the demilitarized zone. The President (Denmark) stated that as the complaint had been raised by Syria, he would invite the representative of Syria to the Council table.³⁸

Decision: *The President invited, without objection, the representative of Syria to the Council table.*³⁹

CASE 3

At the 658th meeting on 5 February 1954, in connexion with the Palestine question, the Security Council had on its agenda two complaints brought respectively by Israel and Egypt, which were to be considered consecutively.

Decision: *The President (New Zealand) invited, without objection, the representatives of Israel and Egypt to the Council table.*⁴⁰

CASE 4

At the 670th meeting on 4 May 1954, in connexion with the Palestine question, the agenda contained items in which complaints were made by Lebanon, on behalf of the Hashemite Kingdom of the Jordan, against Israel (item a) and by Israel against Jordan (item b). The President (United Kingdom) proposed to invite the representative of Israel to the Council table.

Decision: *The proposal of the President (United Kingdom) was accepted, without vote, and the representative of Israel took his seat at the Council table.*⁴¹

CASE 5

At the 672nd meeting on 3 June 1954, in connexion with the Thailand question, the Security Council considered the letter dated 29 May 1954,⁴² from the representative of Thailand, bringing to the attention of the Council, under Article 35 (1), a situation in Thailand and requesting the Council, under rule 37, for permission to participate in the discussion of the question.

Decision: *The President (United States) invited, without objection, the representative of Thailand to the Council table.*⁴³

³⁸ 629th meeting: para. 1.

³⁹ 629th meeting: para. 1. For invitation to Israel, see Case 12.

⁴⁰ 658th meeting: para. 1.

⁴¹ 670th meeting: paras. 74, 82. For invitation to Jordan, see Case 20.

⁴² S/3220, O.R., 9th year, Suppl. for April-June 1954, p. 10.

⁴³ 672nd meeting: para. 21.

CASE 6

At the 675th meeting on 20 June 1954, in connexion with the Guatemalan question, the Security Council had on its agenda a cablegram,⁴⁴ dated 19 June 1954, from the Minister for External Relations of Guatemala, requesting the Council, under Articles 34, 35 and 39, to take the necessary measures to prevent the disruption of peace and international security in that part of Central America and, also, to put a stop to the aggression in progress against Guatemala.

Decision: *The President (United States), invoking Article 32, invited, without objection, the representative of Guatemala to the Council table.*⁴⁵

CASE 7

At the 682nd meeting on 14 October 1954, in connexion with the Palestine question, the Security Council considered a complaint by Israel against Egypt concerning restrictions on the passage of ships through the Suez Canal.

Decision: *The President (Denmark) invited, without objection, the representative of Israel to the Council table.*⁴⁶

CASE 8

At the 692nd meeting on 4 March 1955, in connexion with the Palestine question, the Council considered complaints by Egypt against Israel and by Israel against Egypt concerning incidents in the Gaza area.⁴⁷

Decision: *The President (Turkey) invited, without objection, the representatives of Egypt and Israel to the Council table.*⁴⁸

CASE 9

At the 697th meeting on 7 April 1955, in connexion with the Palestine question, the Council considered a complaint by Israel against Egypt concerning attacks by Egyptian armed forces.⁴⁹

Decision: *The President (USSR) invited, without objection, the representative of Israel to the Council table.*⁵⁰

**b. A matter not being either a dispute or a situation

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

CASE 10

At the 570th meeting on 17 January 1952, in connexion with the India-Pakistan question, the Security

⁴⁴ S/3232, O.R., 9th year, Suppl. for April-June 1954, pp. 11-13.

⁴⁵ 675th meeting: para. 2. For invitation to Honduras and Nicaragua, see Case 14.

⁴⁶ 682nd meeting: paras. 1, 7. For invitation to Egypt, see Case 15.

⁴⁷ S/3365, S/3367, S/3368, O.R., 10th year, Suppl. for Jan.-March 1955, pp. 32-34.

⁴⁸ 692nd meeting: para. 6. See also Case 16.

⁴⁹ S/3376, O.R., 10th year, Suppl. for Jan.-March 1955, pp. 94-95.

⁵⁰ S/3385, S/3386, O.R., 10th year, Suppl. for April-June 1955, pp. 1-4.

⁵¹ 697th meeting: para. 3. See also Case 17.

Council considered the second interim report⁵¹ of the United Nations representative for India and Pakistan.

Decision: *The President (France) invited, without objection, the representative of India to the Council table.*⁵²

CASE 11

At the 605th meeting on 10 October 1952, in connexion with the India-Pakistan question, the Security Council considered the fourth interim report⁵³ of the United Nations representative for India and Pakistan.

Decision: *The President (Chile) invited, without objection, the representative of India to the Council table.*⁵⁴

CASE 12

At the 629th meeting on 27 October 1953, in connexion with the Palestine question, with special reference to a complaint by Syria against Israel concerning work on the west bank of the River Jordan in the demilitarized zone, the Security Council considered the letter⁵⁵ dated 26 October 1953 from the representative of Israel requesting permission to participate in the discussion regarding the item.

Decision: *The President (Denmark) invited, without objection, the representative of Israel to the Council table.*⁵⁶

CASE 13

At the 630th meeting on 27 October 1953, in connexion with the Palestine question, the Security Council considered the letter dated 21 October 1953,⁵⁷ from the representative of Israel requesting permission to take part in the discussions of the Council regarding the item on the agenda.

Decision: *The President (Denmark) invited, without objection, the representative of Israel to the Council table.*⁵⁸

CASE 14

At the 675th meeting on 20 June 1954, in connexion with the Guatemalan question, the Security Council had on its agenda a cablegram,⁵⁹ dated 19 June 1954, from the Minister for External Relations of Guatemala.

Decision: *The President (United States), invoking Article 32, invited, without objection, the representatives of Honduras and Nicaragua to the Council table.*⁶⁰

CASE 15

At the 682nd meeting on 14 October 1954, in connexion with the Palestine question, the Security Council

⁵¹ S/2448, O.R., 7th year, Special Suppl. No. 1.

⁵² 570th meeting: preceding para. 18.

⁵³ S/2783 and Corr.1, O.R., 7th year, Special Suppl. No. 2, pp. 19-48.

⁵⁴ 605th meeting: para. 4.

⁵⁵ S/3124.

⁵⁶ 629th meeting: para. 2. For invitation to Syria, see Case 2.

⁵⁷ S/3118.

⁵⁸ 630th meeting: para. 2.

⁵⁹ S/3232, O.R., 9th year, Suppl. for April-June 1954, pp. 11-13.

⁶⁰ 675th meeting: para. 2. For invitation to Guatemala, see Case 6.

considered a complaint by Israel against Egypt concerning restrictions on the passage of ships through the Suez Canal.

Decision: *The President (Denmark) invited, without objection, the representative of Egypt to the Council table.*⁶¹

CASE 16

At the 692nd meeting on 4 March 1955, in connexion with the Palestine question, the Security Council considered complaints by Egypt against Israel and by Israel against Egypt concerning incidents in the Gaza area.⁶²

Decision: *The President (Turkey) invited, without objection, the representatives of Egypt and Israel to the Council table.*⁶³

CASE 17

At the 697th meeting on 6 April 1955, in connexion with the Palestine question, the Council considered a complaint by Israel against Egypt concerning attacks by Egyptian armed forces.⁶⁴

Decision: *The President (USSR) invited, without objection, the representative of Egypt to the Council table.*⁶⁵

3. Invitations denied

CASE 18

At the 574th meeting on 4 April 1952, the provisional agenda included letters,⁶⁶ dated 2 April 1952, from the representatives of eleven Asian-African Member States, bringing, under Article 35 (1), the situation in Tunisia to the attention of the Council. Nine of the representatives requested permission, under rule 37, to participate in the discussion.⁶⁷

At the 575th meeting on 10 April 1952, the President (Pakistan) informed the Council that he had received letters from the representatives of ten of the eleven Member States which had brought the question to the attention of the Council, rejecting the allegations made by the representative of France, during the discussion on the adoption of the agenda at the 574th meeting on 4 April 1952, concerning the intentions and motives of the delegations which had sponsored the Tunisian case, and that all had expressed the hope that the Council would provide them with a suitable opportunity to reply to those charges.⁶⁸ As the representative of Pakistan, he proposed that the Council, before coming to any decision on the item, should invite the ten Mem-

⁶¹ 682nd meeting: paras. 1, 7. For invitation to Israel, see Case 7.

⁶² S/3365, S/3367, S/3368, O.R., 10th year, Suppl. for Jan.-March 1955, pp. 32-34.

⁶³ 692nd meeting: para. 6. See also Case 8.

⁶⁴ S/3376, O.R., 10th year, Suppl. for Jan.-March 1955, pp. 94-95. S/3385, S/3386, O.R., 10th year, Suppl. for April-June 1955, pp. 1-4.

⁶⁵ 697th meeting: para. 3. See also Case 9.

⁶⁶ Of the eleven Member States, Pakistan was a member of the Security Council.

⁶⁷ For consideration of the question of invitation in relation to the inclusion of the item in the agenda, see chapter II, Agenda, Case 7.

⁶⁸ 575th meeting: para. 1.

ber States to come to the table and "exercise their moral right of reply to the allegations made against them by the representative of France".⁶⁹

At the 576th meeting on 14 April 1952, the delegation of Pakistan submitted a draft resolution which read, in part, as follows:⁷⁰

"The Security Council,

"...

"Noting the subsequent communications addressed by the above-mentioned representatives to the President of the Security Council which were read out to the Council by the President in the 575th meeting of the Council held on 10 April 1952,

"Decides to invite those of the above-mentioned representatives who have expressed the hope that the Council will provide them with a suitable opportunity to answer certain remarks made about them by the representative of France in the 574th meeting of the Council held on 4 April 1952, to take part in the proceedings of the Council for that purpose."

In reply to possible contentions that the request would be inadmissible if the item were not included in the agenda, the representative of Pakistan stated that the remarks to which the ten delegations had taken exception had been made by the representative of France during the course of the procedural debate, and that, therefore, it was only in the procedural debate that these ten delegations could be invited to the Council table "for the strict purpose of exercising their moral inalienable right of reply".⁷¹

The representative of the United Kingdom stated that though the rules of procedure of various United Nations organs contained provisions dealing with the right of reply, none of these was applicable to the present case and there was no corresponding rule for the Security Council. The first move in the exchange of reply and counter-reply had been made by the eleven Member States in their letters addressed to the Council, and the representative of France, in his statement before the Council, had himself exercised the right of reply. Irrespective of the question of the inclusion of the item in the agenda, however, the process of exchange of replies could not continue indefinitely. This was in fact a case in which the Council ought to adhere to its normal practice, for it would seem quite wrong to adopt some device which would in fact enable a debate to be continued on a subject which the Council as a whole did not consider suitable for inclusion in its agenda.

The President, speaking as the representative of Pakistan, observed that the representative of the United Kingdom had not argued that an invitation to the ten Member States to participate in the procedural debate would contravene the rules of procedure. He maintained that the Council was the master of its own rules of procedure and could, under rule 37, take such a decision. The ten Member States had made a request to be heard not because the representative of France had touched upon the substance of the complaint during the procedural debate, for in such matters much latitude

should be allowed, but on the ground that the representative of France had made allegations against their good faith and sense of responsibility as Members of the United Nations.

The representative of the Netherlands was of the opinion that the adoption of the draft resolution submitted by Pakistan, and the participation of the ten Member States in the debate before a decision had been reached on the provisional agenda, would hinder direct discussions between the parties concerned.

The representative of Chile maintained that the rules of procedure would allow the Security Council, even during the procedural debate, to invite the representatives of the ten Member States to the Council table.

The representative of the USSR observed that there was nothing in the rules of procedure which would prevent the ten Member States from being heard during the procedural debate. The Council was not entitled to deprive the ten Member States of the opportunity to state their views on the attacks made against them by the representative of France.

The representative of China, while reserving the attitude of his delegation on the applicability of rule 37, supported the draft resolution submitted by Pakistan and maintained that the ten applicant States should be given an opportunity to reply on grounds of equity.⁷²

Decision: At the 576th meeting on 14 April 1952, the draft resolution submitted by Pakistan was rejected by 5 votes in favour, to 2 against with 4 abstentions.⁷³

CASE 19

At the 619th meeting on 26 August 1953, the provisional agenda included a letter,⁷⁴ dated 21 August 1953, from the representatives of fifteen Member States requesting, under Article 35 (1), an urgent meeting of the Council to investigate the "international friction" in Morocco. In another communication,⁷⁵ thirteen sponsors of the complaint, who were not already members of the Council, requested, under rule 37 of the provisional rules of procedure, permission to participate in the discussion of the inscription of the item in the agenda. Two proposals were made in support of this request: one by the representative of Pakistan to invite the thirteen Member States, and the second by the representative of Lebanon to invite the Member States in question to appoint two representatives to make a brief statement on their behalf before the Council.⁷⁶ The second proposal was amended by the representative of Greece to read: "The Security Council would agree to listen to the representatives if they so requested".⁷⁷

⁶⁹ For texts of relevant statements see:

575th meeting: President (Pakistan), paras. 1, 72, 119;

576th meeting: President (Pakistan), paras. 1, 43-44, 72-81.; Brazil, paras. 53-55; Chile, paras. 66-70; China, paras. 98-102; Netherlands, paras. 58, 65; USSR, paras. 93-94; United Kingdom, paras. 48-52.

⁷⁰ 576th meeting: para. 103.

⁷¹ S/3085, *O.R.*, 8th year, *Suppl. for July-Sept. 1953*, p. 51.

⁷² S/3088, *O.R.*, 8th year, *Suppl. for July-Sept. 1953*, pp. 51-52.

⁷³ 619th meeting: para. 65.

⁷⁴ For texts of relevant statements see:

624th meeting: President (Colombia), paras. 35, 40; Greece, para. 42; Lebanon, para. 43.

⁶⁹ 575th meeting: para. 119.

⁷⁰ S/2598, 576th meeting: paras. 3, 103.

⁷¹ 576th meeting: para. 44.

Decision: *The proposal submitted by the representative of Pakistan was rejected by 4 votes in favour, to 5 against, with 2 abstentions.⁷⁸ The proposal submitted by the representative of Lebanon, as amended, was rejected by 5 votes in favour, to 5 against, with 1 abstention.⁷⁹*

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

1. Invitations expressly under Article 32

CASE 20

At the 670th meeting on 4 May 1954, in connexion with the Palestine question, the agenda contained items in which complaints were made by Lebanon, on behalf of the Hashemite Kingdom of the Jordan, against Israel (item *a*) and by Israel against Jordan (item *b*). The President (United Kingdom) proposed to invite the representative of Jordan to the Council table.

Decision: *The proposal of the President was accepted without vote and the representative of Jordan took his seat at the Council table.⁸⁰*

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

3. Invitations not expressly under Article 32 or rule 39

CASE 21

At the 689th meeting on 31 January 1955, the provisional agenda included: as item 2, letter dated 28 January 1955, from the representative of New Zealand concerning the question of hostilities in the area of certain islands off the coast of the mainland of China; and, as item 3, letter dated 30 January 1955, from the representative of the USSR concerning the question of acts of aggression by the United States of America against the People's Republic of China in the area of Taiwan (Formosa) and other islands of China.

By letter dated 31 January 1955, addressed to the President of the Council, the representative of the USSR transmitted a draft resolution which read as follows:⁸¹

"The Security Council

"Decides to invite a representative of the Central People's Government of the People's Republic of China to attend the meetings of the Security Council in order to participate in the discussion of the item 'United States acts of aggression against the People's Republic of China in the area of Taiwan and other islands of China'."

At the same meeting, the representative of New Zealand stated that, once the Council had adopted its agenda, he would propose that an invitation be extended

to the Central People's Government of the People's Republic of China to send a representative to participate in the discussion of the item submitted by New Zealand.

At the 690th meeting on 31 January 1955, the representative of the United Kingdom stated that the Council should include both items in the agenda. In that case, he would propose that the Council give prior consideration to the item submitted by New Zealand and reach a conclusion on it before taking up the item submitted by the USSR. He agreed with the representative of New Zealand concerning the extension of an invitation to the People's Republic of China.

The representative of the USSR proposed that the Council consider first the item submitted by the USSR and, in that connexion, he referred to the draft resolution submitted by his delegation to invite a representative of the People's Republic of China to participate in the discussion of the item.

At the 690th meeting, the item submitted by New Zealand was included in the agenda by 9 votes in favour, to 1 against with 1 abstention. The item submitted by the USSR was included in the agenda by 10 votes in favour to 1 against. The proposal to consider first the item submitted by the USSR was rejected by 1 vote in favour to 10 against. Then the Council decided, by 10 votes in favour to 1 against, to conclude its consideration of the item submitted by New Zealand before taking up the USSR item.⁸²

After the adoption of the agenda, the President, speaking as the representative of New Zealand, proposed that the Council invite a representative of the Central People's Government of the People's Republic of China to participate in the discussion of the item submitted by New Zealand, and that the Secretary-General be requested to convey this invitation to that Government. This proposal was supported by the representatives of France and the United States and opposed by the representative of China.⁸³

Decision: *At the 690th meeting, the proposal of the representative of New Zealand that the Council invite a representative of the People's Republic of China to participate in the discussion of the item submitted by New Zealand and that the Secretary-General be requested to convey that invitation to that Government, was adopted by 9 votes in favour to 1 against with 1 abstention.⁸⁴*

4. Invitations denied

CASE 22

At the 581st meeting on 25 June 1952, after the Council had included in its agenda the item, "Question of a request for investigation of alleged bacterial warfare", submitted by the United States, the President, as the

⁷⁸ 624th meeting: para. 39.

⁷⁹ 624th meeting: para. 44. For the discussion of the proposals, see in this chapter, Case 36.

⁸⁰ 670th meeting: paras. 74, 82. For invitation to Israel, see Case 4.

⁸¹ S/3356, O.R., 10th year, Suppl. for Jan.-March 1955, pp. 28-29.

⁸² For texts of relevant statements see:

689th meeting: President (New Zealand), paras. 38-39.

690th meeting: President (New Zealand), paras. 115-116, 143, 147; China, paras. 127-131; France, paras. 122-124; USSR, paras. 70-71, 132-134; United Kingdom, paras. 26-27, 34-35; United States, paras. 140-142.

⁸⁴ 690th meeting: paras. 143, 147.

representative of the USSR, submitted the following draft resolution:⁸⁵

"The Security Council

"Decides:

"To invite to the meetings of the Security Council at which the question submitted by the delegation of the United States of America is discussed representatives of the People's Republic of China and a representative of the People's Democratic Republic of Korea."

He considered that the Council had on previous occasions decided to invite representatives to take part in the discussion of certain items before that discussion had in fact begun. That was all the more necessary in the present case because of the great distances involved. On these considerations the Soviet delegation proposed that its draft resolution be put to the vote immediately.

The representative of Chile observed that while the Council had on occasions decided to extend an invitation before entering into actual discussion of the item in question, it had never done so when that item was not under consideration.

⁸⁵ S/2674/Rev.1, 581st meeting: para. 53, note 1.

The President replied that, in view of the remarks made by the representative of Chile that the USSR proposal should not be put to the vote until the item to which it related was taken up by the Council, he would not press for a vote at that time.⁸⁶

At the 584th meeting on 1 July 1952, after the Council had adopted the United States proposal to consider first item 3 on the agenda, namely, "Question of a request for investigation of alleged bacterial warfare", the representative of the USSR declared that the Council, before discussing the substance of the item submitted by the United States, should consider and put to the vote the draft resolution which the USSR delegation had submitted at the 581st meeting.⁸⁷

Decision: *At the 585th meeting on 1 July 1952, the USSR draft resolution was rejected by 1 vote in favour to 10 against.*⁸⁸

⁸⁶ For texts of relevant statements see: 581st meeting: President (USSR), paras. 52-54, 60-62, 72; Chile, para. 64.

⁸⁷ For consideration of proceedings at the 584th and 585th meetings, see Case 26.

⁸⁸ 585th meeting: para. 58.

Part II

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

NOTE

CASE 23

Part II presents separately discussion which has taken place in the Council relating to the terms of Article 32, which provide the separate headings of this part of the chapter. In section C is set forth an occasion on which the Council considered whether it was engaged in "discussion" within the meaning of Article 32 and rule 37. Section D.1 includes an instance in which the question arose, for the first time, of the conditions to be laid down for the participation of a non-member State on whose behalf a Member State had brought a complaint to the Council.⁸⁹ The Official Records relating to this case contain a review, by the President of the Council, of the historical development of the question of invitation to non-member States as well as a discussion of possible alternatives available to the Council, under Article 32 or 35 (2), for laying down requisite conditions for the participation of a non-member State in such a case.

- **A.** "ANY MEMBER OF THE UNITED NATIONS WHICH IS NOT A MEMBER OF THE SECURITY COUNCIL OR ANY STATE WHICH IS NOT A MEMBER OF THE UNITED NATIONS . . ."
- **B.** "... IF IT IS A PARTY TO A DISPUTE UNDER CONSIDERATION BY THE SECURITY COUNCIL . . ."
- C.** "... SHALL BE INVITED TO PARTICIPATE, WITHOUT VOTE, IN THE DISCUSSION RELATING TO THE DISPUTE."

⁸⁹ Case 24.

At the 676th meeting on 25 June 1954, the Security Council had on its provisional agenda communications dated 19 and 22 June 1954⁹⁰ from the Government of Guatemala, bringing to the attention of the Council, under Articles 34, 35 and 39, "the aggression in progress against Guatemala" and requesting an urgent meeting of the Council.

The representative of Brazil, opposing the inclusion of the item on the agenda, stated that the Council should not proceed with the discussion of the question and should wait for the report of the committee of inquiry which was being established by the Inter-American Peace Committee for the purpose of proceeding to Guatemala in order to obtain the necessary information.

The representative of the USSR declared that the representative of Brazil had already entered into the substantive discussion of the question before the Council had adopted its agenda. He maintained that, therefore, it was the duty of the Council, under Article 32, to invite the representative of Guatemala to participate in the discussion. He submitted a proposal to this effect and urged that the Council should not take a decision on the postponement of the consideration of the question without the participation of the representative of Guatemala.

⁹⁰ S/3232, S.3241, O.R., 9th year, Suppl. for April-June 1954, pp. 11-13, 14-15.

The President (United States) maintained that the statement made by the representative of Brazil was within the limitations imposed by the fact that the Council was discussing the adoption of the agenda, and that, in accordance with the established practice, it was not customary to invite non-members of the Council to come to the Council table until the agenda had been adopted.

The representative of the USSR challenged the President's ruling.

The President replied:

“. . . The ruling is that the Security Council is not involved in a discussion relating to the dispute within the meaning of Article 32 and rule 37 of the rules of procedure until the agenda is adopted. The representative of the Soviet Union has challenged the ruling of the President . . .”⁹¹

Decision: *The President put the challenge to his ruling to the vote. There was 1 vote in favour, to 10 against. The President's ruling was maintained.*⁹²

D. “THE SECURITY COUNCIL SHALL LAY DOWN SUCH CONDITIONS AS IT DEEMS JUST FOR THE PARTICIPATION OF A STATE WHICH IS NOT A MEMBER OF THE UNITED NATIONS.”

CASE 24

At the 670th meeting on 4 May 1954, in connexion with the Palestine question, the Council considered complaints submitted by Lebanon on behalf of the Hashemite Kingdom of the Jordan* against Israel* and by Israel against Jordan.⁹³ After the President (United Kingdom) had invited the representatives of Israel and Jordan⁹⁴ to participate in the discussion and the representative of Jordan had been heard, the representative of Israel inquired whether the Security Council, in inviting the representative of Jordan for the purpose of presenting a complaint against Israel, had satisfied itself that the Government of Jordan would accept in advance the obligations of pacific settlement envisaged in the Charter. He recalled that at the 511th meeting on 16 October 1950, when Jordan had brought a complaint against Israel, the President of the Council had

⁹¹ For texts of relevant statements see: 676th meeting: President (United States), paras. 32-34, 61, 63; Brazil, paras. 7, 12, 15-16, 19, 27; USSR, paras. 31, 45-49, 57-58, 60.

⁹² 676th meeting: para. 63.

⁹³ S/3180, S/3180/Add.1 and 2, *O.R.*, 9th year, *Suppl. for Jan.-March 1954*, pp. 8-22.

S/3195, *O.R.*, 9th year, *Suppl. for April-June 1954*, p. 1.

⁹⁴ For invitation to Israel and Jordan, see Cases 4 and 20.

stated that an appropriate document had been filed by Jordan, in conformity with Articles 32 and 35 (2), undertaking the obligations of pacific settlement, and that the filing of such a document was an indispensable condition for the admission of a complaint by Jordan against Israel. The representative of Israel requested, and subsequently repeated that request in a letter, dated 5 May 1954, addressed to the President of the Council,⁹⁵ that the representative of Jordan should be invited to fulfil the conditions referred to in Article 35 (2).

At the 671st meeting on 12 May 1954, the President (United Kingdom) stated that, before inviting the representatives of Israel and Jordan to the table, the Council should consider the request made by the representative of Israel. He observed that the Council had not previously dealt with a complaint brought to its attention by a Member State on behalf of a non-member Government. He enumerated a number of instances wherein non-member States had volunteered or had been invited to assume obligations under Article 35 (2) because they had either brought disputes to the attention of the Council or had been parties to disputes under consideration by the Council. The President further observed that if the Council were to hold that paragraph 1, and not paragraph 2, of Article 35 applied in the present case, since the representative of Lebanon and not the representative of Jordan had brought the complaint to the attention of the Council, the Council might wish to consider whether or not conditions should be laid down for the participation of the representative of Jordan under Article 32. On the other hand, it could be argued that Article 35 (2) was applicable, since a complaint could hardly be brought on behalf of a sovereign State, whether or not it was a Member of the United Nations, without the authority and consent of that State. This line of argument would lead to the conclusion that the particular complaint on the agenda was, in substance, a complaint by Jordan, and that, therefore, the Council should have regard to provisions of Article 35 (2).⁹⁶ Upon the conclusion of the President's statement, a proposal to adjourn was adopted.⁹⁷

By letter dated 26 May 1954, the Ambassador of the Hashemite Kingdom of the Jordan to the United States notified the President of the Security Council that, upon the instructions of his Government, he was not empowered to represent his Government before the Council, or “to take part in its present discussion”.⁹⁸ The question was not further pursued by the Council.

⁹⁵ S/3210, *O.R.*, 9th year, *Suppl. for April-June 1954*, p. 9.

⁹⁶ For texts of relevant statements see:

670th meeting: Israel, paras. 145-152.

671st meeting: President (United Kingdom) paras. 6-17.

⁹⁷ 671st meeting: para. 20.

⁹⁸ S/3219.

Part III

PROCEDURES RELATING TO PARTICIPATION OF INVITED REPRESENTATIVES

NOTE

Part III, concerned with procedures relating to the participation of invited representatives after an invitation has been extended, comprises material on parti-

cipation by Members and non-members of the United Nations. It includes cases illustrating limitations of a procedural nature applicable throughout the process of participation, and limitations connected with aspects

of the business of the Council in which it has been deemed inappropriate that representatives should be invited to participate.

Section A includes proceedings concerned with the related questions of the opportune moment for the Council to invite representatives and the timing of the initial hearing of the invited representatives. Several cases relate to proceedings in which the question arose of not inviting a representative before the inclusion of the particular item in the agenda,⁹⁹ or before the presentation of the case by a member of the Council which had submitted the item.¹⁰⁰ Two other instances are concerned with discussion of the question whether it would be in order for a member of the Council to make a statement before or after representatives had been invited to the Council table.¹⁰¹

No question concerning the duration of participation (section B) has arisen during the period under review. It has been the practice of the President when consideration of a question has extended over several meetings to renew the invitation immediately after the adoption of the agenda.¹⁰²

Section C is concerned with limitations of a procedural nature applicable throughout the process of participation. The instances concerned with the order in which the invited representatives are called upon to speak relate to the Palestine question. On one occasion, a question arose of whether a member of the Council should speak before an invited representative had made his statement.¹⁰³ In three instances the invited representatives were permitted to speak after the Council had taken a vote at the conclusion of its consideration of the item.¹⁰⁴ Section C.3 includes two cases in which the Council has taken action, at the request of a member of the Council, on a proposal or a draft resolution submitted by invited representatives.¹⁰⁵

Section D is related to limitations connected with those aspects of the proceedings in which it has been deemed inappropriate that the invited representatives should participate. The discussion in the cases included in section D.1 has turned principally on the question whether invitations should be extended before the adoption of the agenda.¹⁰⁶

Under section D.3 is included an instance wherein the President of the Council called upon an invited representative to speak on the clear understanding that the latter would not touch upon the procedural question of postponement which was then being debated in the Council.¹⁰⁷ In this connexion, it may be noted that during an earlier period the Council had on two occasions permitted the invited representatives to participate in the discussion of the postponement of a question.¹⁰⁸

⁹⁹ Cases 25 and 28.

¹⁰⁰ Case 26.

¹⁰¹ Cases 27 and 29.

¹⁰² In this connexion, see part II, Case 23.

¹⁰³ Case 30.

¹⁰⁴ Cases 31 and 32.

¹⁰⁵ Cases 33 and 34.

¹⁰⁶ Cases 35 and 36.

¹⁰⁷ Case 38.

¹⁰⁸ *Repertoire of the Practice of the Security Council, 1946-1951, Chapter III, Part III.D.3, Cases 118 and 119, p. 138.*

A. THE STAGE AT WHICH INVITED STATES ARE HEARD

CASE 25

At the 580th meeting on 23 June 1952, the representative of the United States moved the adoption of the provisional agenda, item 2 of which read as follows: "Question of a request for investigation of alleged bacterial warfare".

The President, as the representative of the USSR, submitted a draft resolution¹⁰⁹ to decide, simultaneously with the inclusion in the agenda of the item proposed by the United States,

"To invite to the meetings of the Security Council at which this question is discussed, representatives of the People's Republic of China and a representative of the People's Democratic Republic of Korea."

He stated that the item could not be discussed objectively without the participation of the representatives of the other parties to the dispute, and that his delegation would agree to the inclusion of the item in the agenda and to its discussion provided that both sides were heard, as envisaged in Article 32 of the Charter.

The representative of the United States maintained that the Council had never considered the possibility of deciding whether to invite persons to participate in connexion with the question of the adoption of the agenda, and that it would be impossible for the Council to make that decision intelligently before it had adopted its agenda.

At the 581st meeting on 25 June 1952, when the item submitted by the United States was listed as item 4 on the provisional agenda, the representative of the United Kingdom proposed the adoption of the provisional agenda.

The President, speaking as the representative of the USSR, submitted, under rule 36 of the provisional rules of procedure, the following amendment¹¹⁰ to the proposal to adopt the provisional agenda:

"... and simultaneously to invite a representative of the People's Republic of China and a representative of the People's Democratic Republic of Korea to take part in the discussion of this item of the agenda."

He insisted that the amendment be put to the vote before the proposal submitted by the United Kingdom delegation.

The representative of the United Kingdom, noting that the remarks made by the President related to item 4 on the provisional agenda, stated that it would not be in order to consider the USSR draft resolution, submitted at the 580th meeting, until the Council had put the item on the agenda and heard the case that was to be submitted by the representative of the United States.

The President announced that he would put the amendment to the vote before the proposal to adopt the agenda.

¹⁰⁹ S/2674, 580th meeting: para. 6.

¹¹⁰ 581st meeting: para. 8.

The representative of the United Kingdom challenged the President's ruling.¹¹¹

At the 581st meeting, the Council upheld, by 10 votes to 1, the challenge to the President's ruling that the USSR amendment to the President's proposal to adopt the provisional agenda should be put to the vote first. The Council adopted the United States proposal to include item 4 in the agenda by 10 votes in favour to 1 against.¹¹²

CASE 26

At the 584th meeting on 1 July 1952, after the Council had adopted the United States proposal to consider first item 3 on the agenda, namely, "Question of a request for investigation of alleged bacterial warfare", the representative of the USSR declared that the Council, before discussing the substance of the item submitted by the United States, should consider and put to the vote the draft resolution which the USSR delegation had submitted at the 581st meeting. The draft resolution¹¹³ read as follows:

"The Security Council

"Decides:

"To invite to the meetings of the Security Council at which the question submitted by the delegation of the United States of America is discussed representatives of the People's Republic of China and a representative of the People's Democratic Republic of Korea."

The representative of the USSR declared that the question could not be discussed with the participation of only one of the parties concerned. He maintained it to be the established practice of the Council that when, in accordance with Article 32, the question of inviting the parties concerned arose, that question was usually decided before the party which had submitted the item made its main statement on the matter. He insisted that the Council ought to decide the question of inviting the other party before proceeding to consider the substance of the matter.

The President (United Kingdom) believed that the correct procedure for the Council would be to hear the representative of the United States first and, immediately after that, to discuss the USSR draft resolution.

The representative of Chile recalled that at the 581st meeting when the USSR draft resolution had been submitted, he had pointed out that there had been no precedent for the discussion of such a proposal when the related item was not yet under consideration. In view of this the representative of the USSR had stated that he would not then press for a vote on the USSR draft resolution. No delegation had made any comment in that connexion at the time. The representative of Chile thought it might be difficult for some members

of the Council to adopt a position regarding the invitation proposed by the USSR without knowing the form in which the representative of the United States was to present his case. He did not feel, however, that the representative of the USSR could be denied the right to request a discussion and a vote on his draft resolution before the United States representative made his statement.

After the President had proposed to put to the vote his view that the Council should allow the representative of the United States to present his case and then proceed to debate the USSR motion, the representative of the United States declared that he had no objection to the USSR draft resolution being voted upon first.

At the 585th meeting on 1 July 1952, the President, having withdrawn his proposal, declared that he would put the USSR draft resolution to the vote before the representative of the United States made his statement of the case.

The representative of France stated that he opposed the USSR draft resolution because the question of invitation, at the present stage of the discussion, was premature and irrelevant to the issue. He declared that what the Council was about to do was not to conduct an investigation, but to take a decision on whether such an investigation was to be conducted and by whom, a decision for which the Council already had sufficient basis in the documents submitted by the Peking and Pyongyang Governments. Only at a later stage, when the international investigation commission had been established and was ready to function, would the question of an invitation, as well as the obligation of the Council to hear both parties, arise.

The representative of Pakistan, supporting the views expressed by the representative of France, stated:

"My delegation considers it sound in principle that when a dispute is before the Security Council, the parties to that dispute should be here to state their case. But in applying this principle we should be careful to determine what the dispute is, what the stage of the dispute is, and what action is likely to be proposed under it. So far as we know, we are discussing this item with a view to deciding whether an investigation should or should not be undertaken, as impartially as possible."

"The situation is that certain charges have been made. They also have been stoutly denied. So far as my delegation is concerned, there is little else it wants to know, not only from one side, but also, if I may say so, from the other . . . For that purpose it is not quite essential at this stage to ask either the representatives of the People's Republic of China or a representative of the North Korean authorities to state their case. Their case has already been stated, namely, that certain charges have been made by them. The other case has also been stated, namely, that they have been denied."

The representatives of Brazil, Chile, the Netherlands and Turkey, as well as the President, speaking as the representative of the United Kingdom, also took the

¹¹¹ For texts of relevant statements see:

580th meeting: President (USSR), paras. 5-14, 27-42, 52-60, 83; United Kingdom, para. 71; United States, paras. 4, 16-22, 62-66. 581st meeting: President (USSR), paras. 2, 7-10, 15-22, 24-26, 32, 34, 37; United Kingdom, paras. 4, 6, 11-14, 23, 31.

¹¹² 581st meeting: paras. 33-34.

¹¹³ S/2674/Rev.1, 581st meeting, para. 53, note 1.

view that it was not necessary to hear the parties at that stage.¹¹⁴

The President put the USSR draft resolution to the vote before the representative of the United States made his statement of the case.¹¹⁵

CASE 27

At the 670th meeting on 4 May 1954, in connexion with the Palestine question, after the Security Council had adopted the agenda by taking a vote, the President (United Kingdom) proposed to invite the representatives of Israel and Jordan to the Council table.

The representative of Lebanon inquired if it would be in order for him to make a statement in explanation of his vote before or after the representatives of Israel and Jordan had been invited to the Council table.

The President stated that if the representative of Lebanon were to confine himself to an explanation of the vote, he should speak before the two representatives were invited to the Council table. However, if his statement were to go beyond an explanation in the accepted sense, it should be made during the general debate.

The representative of Lebanon agreed with the view of the President.¹¹⁶

CASE 28

At the 676th meeting on 25 June 1954, when the provisional agenda included communications dated 19 and 22 June 1954 from the Government of Guatemala,¹¹⁷ the representative of Brazil, in opposing the inclusion of the item in the agenda, proposed that, since a committee of inquiry was being established by the Inter-American Peace Committee for the purpose of proceeding to Guatemala in order to obtain the necessary information, the Council should await the report of that committee and not proceed with the discussion of the question.

The representative of the USSR observed that in view of the statement by the representative of Brazil, discussion of the substance of the question appeared already to have begun. He therefore proposed that the representative of Guatemala be invited to the Council table.

After further discussion, the President (United States) ruled that it was not in order to call the representatives of Guatemala, Honduras and Nicaragua to the Council table until after the agenda had been adopted.¹¹⁸

¹¹⁴ For texts of relevant statements see:

584th meeting: President (United Kingdom), paras. 72-73, 82, 88; Chile, paras. 84-86; USSR, paras. 70-71, 77-80; United States, paras. 90-92;

585th meeting: President (United Kingdom), paras. 17, 32, 55-56; Brazil, paras. 51-53; Chile, paras. 49-50; France, paras. 35-37; Netherlands, paras. 45-46; Pakistan, paras. 39-40; Turkey, para. 54; USSR, paras. 19-23.

¹¹⁵ For the decision taken by the Council, see Case 22.

¹¹⁶ For texts of relevant statements see:

670th meeting: President (United Kingdom), paras. 74, 76, 78-79; Lebanon, paras. 75, 77, 80.

¹¹⁷ S/3232, S/3241, O.R., 9th year, Suppl. for April-June 1954, pp. 11-15.

¹¹⁸ 676th meeting: para. 34. For texts of relevant statements and the decision of the Council, see Case 23.

CASE 29

At the 682nd meeting on 14 October 1954, in connexion with the Palestine question, with special reference to the complaint by Israel against Egypt regarding restrictions on the passage of ships through the Suez Canal, after the President (Denmark) had proposed to invite the representatives of Egypt and Israel to the Council table, the representative of Lebanon inquired if it would be in order for him to make a brief statement before they had taken their seats at the Council table. There was some discussion on whether the statement of the representative of Lebanon would be on the substance or on procedural aspects of the matter. After the representative of Lebanon indicated that it did not matter to him whether he made his statement before or after the representatives were invited, the President invited the representatives of Egypt and Israel to the Council table.¹¹⁹

**B. THE DURATION OF PARTICIPATION

C. LIMITATIONS OF A PROCEDURAL NATURE

1. Concerning the order in which the representatives are called upon to speak

CASE 30

At the 639th meeting on 18 November 1953, in connexion with the Palestine question, after the representatives of Israel and Syria and the Chief of Staff of the United Nations Truce Supervision Organization had been invited to the Council table, the President (France) indicated that, as had been decided at the end of the last meeting, the first speaker on his list of speakers was the representative of Israel.

The representative of Lebanon, a member of the Council, asked permission to speak before the representative of Israel.

The President did not think that the representative of Lebanon had an absolute right to speak before the representative of Israel, who had submitted his name before the representative of Lebanon and had said, at the end of the last meeting, that he wished to reply to the statement made by the representative of Syria.

The representative of Lebanon stated that he had requested to speak for two reasons: first, he did not remember that the Council had taken a decision as to who would be the first speaker at the meeting; second, he believed that it was time for members of the Council to present their own ideas on the matter before them and not to leave it to the two litigating parties.

The President stated:

“ . . . I cannot stop Mr. Malik [*the representative of Lebanon*] as a member of the Council, from using what is not in fact a right—because it is nowhere written in the rules—but has become a custom . . . ”

¹¹⁹ For texts of relevant statements see:

682nd meeting: President (Denmark), paras. 1, 3, 5, 7; Lebanon, paras. 2, 4, 6.

The representative of Lebanon preceded the representative of Israel in making a statement before the Council.¹²⁰

CASE 31

At the 643rd meeting on 25 November 1953, in connexion with the Palestine question, after the Security Council had adopted a resolution,¹²¹ the President (France) stated that the representative of Israel desired to make a short statement to the Council and that if there were no objection, he would invite the representative of Israel to the Council table. The President further remarked that should the representative of Jordan so desire, he would be granted the same privilege.

The representative of Pakistan recalled that, in connexion with the India-Pakistan question, he had been invited to the Council table to participate in the discussion, and that, after a resolution had been adopted, he had requested permission to make a statement before the Council. Then, however, it was ruled that after a resolution had been adopted, only the members of the Council could speak in explanation of their votes and that no other person was entitled to speak on the subject matter.¹²²

The President, observing that there were often two contradictory precedents on a particular matter, pointed out that at the 558th meeting on 1 September 1951, in connexion with the Palestine question, the Council had heard the representative of Israel in a short statement after the resolution had been adopted.

The representative of Lebanon stated that while he had no objection to hearing the representative of Israel again, he wished to observe that the only other precedent which the President had been able to cite was the one related to the representative of Israel in connexion with the Palestine question.¹²³

The President then called upon the representative of Israel who made a statement.¹²⁴

CASE 32

At the 664th meeting on 29 March 1954, in connexion with the Palestine question, after the Security Council had voted in conclusion of the consideration of the item, the representative of Israel* requested permission to speak. The President (Turkey) stated that if there were no objections, he would call on the representative of Israel to make a statement.

The representative of Lebanon expressed his confidence that both the representatives of Israel and Egypt, who had been invited to participate in the discussion without vote, would be accorded equal rights before the Council.

¹²⁰ For texts of relevant statements see:

639th meeting: President (France), paras. 1-2, 4, 6; Lebanon, paras. 3, 5.

¹²¹ S/3139/Rev.2, O.R., 8th year, Suppl. Oct.-Dec. 1953, pp. 57-58.

¹²² For texts of relevant statements see:

540th meeting: President (Netherlands), paras. 3-4, 22; Pakistan, paras. 5-9.

¹²³ For texts of relevant statements see:

643rd meeting: President (France), paras. 1, 5; Lebanon, paras. 7-11; Pakistan, paras. 3-4, 12-13.

¹²⁴ 643rd meeting: para. 13.

The representative of the USSR, noting that the item had been concluded and the vote had been taken, declared that he would not object to statements by the representatives of Israel and Egypt provided that they did not speak in resumption of the debate or in explanation of the votes which they had not cast.

The President stated that, in asking the permission of the Council to call on the representative of Israel, he had acted in accordance with the precedent established at the 558th meeting on 1 September 1951, when the representative of Israel, in connexion with the Palestine question, had been permitted to speak after the Council had adopted a resolution on the item.¹²⁵

The representative of Lebanon stated that, should either or both of the representatives make statements before the Council, he would reserve to himself the right to present his own comments on those statements.¹²⁶

The President called upon the representative of Israel, and then upon the representative of Egypt, to speak.¹²⁷

**2. Concerning the raising of points of order by invited representatives

3. Concerning the submission of proposals or draft resolutions by invited representatives.

CASE 33

At the 633rd meeting on 30 October 1953, in connexion with the Palestine question, when the Security Council considered the complaint by Syria against Israel, the representative of Syria*, who had been invited to participate in the discussion of the item, proposed, under rule 38 of the provisional rules of procedure, that General Bennike, Chief of Staff of the United Nations Truce Supervision Organization in Palestine, appear before the Council in order to answer some questions and elucidate certain points at issue. The representative of Lebanon, as a member of the Council, supported the proposal.¹²⁸

Decision: *The President (Denmark) put to the Council the proposal made by the representative of Syria and supported by the representative of Lebanon, and, as there was no objection, the proposal was accepted without vote.*¹²⁹

CASE 34

At the 673rd meeting on 16 June 1954, in connexion with the Thailand question, the representative of Thailand*, having been invited to participate without vote in the discussion, submitted a draft resolution to request the Peace Observation Commission to establish a sub-commission with authority to dispatch observers to Thailand for study and report.¹³⁰ The President,

¹²⁵ 558th meeting: paras. 7-11.

¹²⁶ For texts of relevant statements see:

664th meeting: President (Turkey), paras. 117, 126; Lebanon, paras. 118, 131; USSR, paras. 120, 127.

¹²⁷ 664th meeting: paras. 137, 147. In another instance, in connexion with the Thailand question, an invited representative was permitted to make a statement after the Council had voted. 674th meeting: paras. 78-84.

¹²⁸ For texts of relevant statements see:

633rd meeting: Syria, paras. 173, 187; Lebanon, paras. 188-189.

¹²⁹ 633rd meeting: para. 190.

¹³⁰ S/3229, 673rd meeting: para. 10.

speaking as the representative of the United States, requested, under rule 38 of the provisional rules of procedure, that the draft resolution be put to the vote.¹³¹

Decision: *At the 674th meeting on 18 June 1954, the draft resolution submitted by the representative of Thailand was not adopted. There were 9 votes in favour and 1 against, with 1 abstention (the vote against being that of a permanent member).*¹³²

D. LIMITATIONS ON MATTERS TO BE DISCUSSED BY INVITED REPRESENTATIVES

1. Adoption of the agenda

CASE 35

At the 580th meeting on 23 June 1952, the representative of the United States moved the adoption of the provisional agenda, item 2 of which read as follows: "Question of a request for investigation of alleged bacterial warfare".

The President, speaking as the representative of the USSR, submitted a draft resolution¹³³ to decide, simultaneously with the inclusion in the agenda of that item which had been proposed by the United States,

"To invite to the meetings of the Security Council at which this question is discussed, representatives of the People's Republic of China and a representative of the People's Democratic Republic of Korea."

He stated that the item could not be discussed objectively without the participation of the representatives of the other parties to the dispute, and that his delegation would agree to the inclusion of the item in the agenda and to its discussion provided that both sides were heard, as envisaged in Article 32 of the Charter.

The representative of the United States maintained that the Council had never considered the possibility of deciding whether to invite persons to participate in connexion with the question of the adoption of the agenda, and that it would be impossible for the Council to make that decision intelligently before it had adopted its agenda.

At the 581st meeting on 25 June 1952, the item submitted by the United States was listed as item 4 of the provisional agenda.

The representative of the United Kingdom considered that no vote should be taken on the USSR draft resolution until the Council had decided, in principle, to include item 4 in the agenda.

The President, speaking as the representative of the USSR, submitted, under rule 36 of the provisional rules of procedure, the following amendment¹³⁴ to the United Kingdom proposal to adopt the agenda:

". . . and simultaneously to invite a representative of the People's Republic of China and a representative of the People's Democratic Republic of Korea to take part in the discussion of this item of the agenda."

¹³¹ 673rd meeting: paras. 55, 57.

¹³² 674th meeting: para. 71.

¹³³ S/2674, 580th meeting: para. 6.

¹³⁴ 581st meeting: para. 8.

He insisted that the amendment be voted upon before the substantive proposal submitted by the United Kingdom delegation.¹³⁵

Decision: *At the 581st meeting on 25 June 1952, the Council upheld, by 10 votes in favour, to 1 against, the challenge to the President's ruling that the USSR amendment to the proposal to adopt the provisional agenda should be put to the vote first.*¹³⁶

CASE 36

At the 619th meeting on 26 August 1953, the provisional agenda of the Council included a letter,¹³⁷ dated 21 August 1953, from the representatives of Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, Philippines, Saudi Arabia, Syria, Thailand and Yemen, requesting, under Article 35 (1), the President to call an urgent meeting of the Council to investigate the "international friction" in Morocco. By another letter,¹³⁸ dated 25 August 1953, those sponsors of the complaint who were not members of the Security Council requested, under rule 37 of the provisional rules of procedure, that they be allowed to participate in the discussion of the inscription of the item in the agenda, and a motion to that effect was made by the representative of Lebanon, during the discussion on the adoption of the agenda.¹³³

At the 620th meeting on 27 August 1953, the representative of the United Kingdom, opposing the motion by the representative of Lebanon, maintained that it would be contrary to all precedent to extend invitations to non-members of the Council before a decision had been taken on the preliminary question of the adoption of the agenda. On at least three previous occasions—Ukrainian complaint against Greece (59th meeting), Anglo-Iranian Oil Company Case (559th meeting), the Tunisian question (576th meeting)—the Council had not accepted the suggestion that a State or States should be invited to participate before the adoption of the agenda. He had no doubt that, if the representatives of the thirteen Member States were invited to the Council table to make statements, the debate would inevitably be extended far beyond the immediate question of the adoption of the agenda. He found it hard to believe that additional statements by thirteen delegations would produce further substantive arguments, since exhaustive statements had already been made by two of the original fifteen applicant States which were members of the Council.

The representative of Pakistan, in support of the motion put forward by the representative of Lebanon, observed that the States Members which had shown such deep concern in the grave situation in Morocco had a right to convey their points of view to the Security

¹³⁵ For texts of relevant statements see:

579th meeting: United States, paras. 38-40;

580th meeting: President (USSR), paras. 7, 27-42, 52-60, 83; Greece, para. 92; United Kingdom, para. 71; United States, paras. 4, 16, 63-66;

581st meeting: President (USSR), paras. 2, 7-10, 15-22, 24-26, 32, 34, 37; United Kingdom, paras. 4, 6, 11, 23, 31.

¹³⁶ 581st meeting: paras. 33-34, 36-37.

¹³⁷ S/3085, *O.R.*, 8th year, *Suppl. for July-Sept. 1953*, p. 51.

¹³⁸ S/3088, *O.R.*, 8th year, *Suppl. for July-Sept. 1953*, pp. 51-52.

¹³⁹ 619th meeting: para. 65.

Council. In his opinion, the surest way to vitiate the usefulness of the Council would be for its members, especially the permanent members, to allow extraneous circumstances to influence their judgment rather than to decide on the basis of the discussion of a matter in the Council. As to the question of the inclusion of the item in the agenda, obviously a discussion ought to take place before the members made up their minds. He considered this to be one of the fundamental principles of the United Nations, constituting the only realistic and honest approach to the problem. He inquired why the Council should not make the discussion as comprehensive as possible and allow the thirteen Member States to participate in it.

At the 621st meeting on 31 August 1953, the representative of the USSR, in support of the motion presented by the representative of Lebanon, stated that the participation of the representatives of the applicant States in the discussion of the question in the Security Council would undoubtedly help to clarify the true situation in Morocco. The representative of the USSR, countering the argument of the representative of the United Kingdom that non-members should be invited to participate only in the discussion of the substance of the question, recalled that in connexion with the Iranian question, in 1946, the representative of Iran had been permitted to participate in the discussion on procedure before the Council had commenced a review of the substance of the Iranian complaint. He considered that the representatives of the thirteen Member States should be invited, under rule 37, to participate in the discussion to enable the Council, before deciding on the question of the inclusion of the item in the agenda, to acquaint itself with all the necessary facts which they could impart to it.

Speaking as the representative of China, the President, who supported the inclusion of the item in the agenda, observed that the application of the States to participate was based on rule 37, which could not be interpreted to permit participation in a procedural debate. He did not believe that the Council would in any way do the sponsoring States a gross injustice if it refused to make an exception to the rule. The representatives of Lebanon and Pakistan, as members of the Council, had already spoken freely and substantively for the sponsors of the complaint. He did not feel justified in sacrificing rule 37 for an objective which in fact had been partly achieved and which would be achieved without violation of that rule.

At the 624th meeting on 3 September 1953, the representative of Lebanon, suggesting that his first proposal to invite the thirteen Member States be considered as a proposal by Pakistan, submitted a second proposal that, in the event the original request was not granted, the Council invite the thirteen Member States to appoint two representatives to make a brief statement before the Council. Through an amendment submitted by the representative of Greece the wording of the Lebanese proposal was changed to read: "the Security Council would agree to listen to the representatives if they so requested". The representative of Pakistan moved that the thirteen delegations submitting the request be invited to appear before the Council to explain their case.

The representative of the United States, in explanation of his vote, declared that rule 37 never contemplated the participation of non-members in the Council's consideration of its own procedure. The representative of Greece, while agreeing in principle with that interpretation of rule 37, felt that it was more important to assist in establishing good understanding than to adhere strictly to the rules of procedure.¹⁴⁰

Decision: *At the 624th meeting on 3 September 1953, the proposal submitted by the representative of Pakistan was rejected by 4 votes in favour, to 5 against, with 2 abstentions.¹⁴¹ The proposal submitted by the representative of Lebanon, as amended, was rejected by 5 votes in favour, to 5 against, with 1 abstention.¹⁴²*

2. Extension of invitations

CASE 37

At the 670th meeting on 4 May 1954, in connexion with the Palestine question, after the President (United Kingdom) had invited to the table the representatives of Israel and Jordan and after the latter had been heard, the representative of Israel raised the question of the conditions for the participation of Jordan, as envisaged in Articles 32 and 35 (2) of the Charter.¹⁴³

3. Postponement of consideration of a question

CASE 38

At the 653rd meeting on 22 December 1953, in connexion with the Palestine question, the President (Greece) informed the Security Council that the representative of Israel, who had been invited to participate without vote in the discussion, had asked for permission to speak. The President indicated that he would call upon the representative of Israel on the clear understanding that the representative would not touch upon the procedural question of the postponement of the discussion which was being debated in the Council.

The representative of Israel replied that he fully understood the limitation and that, should the Council wish to discuss the procedural question further, he would delay making his observations.

The representative of Pakistan suggested that the Council should first take a decision on the procedural question and then give the representative of Israel an opportunity to make his statement.

After the Council had voted on the question of postponement, the President called upon the representative of Israel to speak.¹⁴⁴

¹⁴⁰ For texts of relevant statements see:

620th meeting: Pakistan, paras. 36-41; United Kingdom, paras. 28-32;

621st meeting: President (China), paras. 95, 97-99; USSR, paras. 46, 71, 78-82;

622nd meeting: Lebanon, paras. 10-30;

624th meeting: President (Colombia), paras. 26-27, 31-32, 36, 39-40, 44-45; Greece, paras. 42, 55; Lebanon, paras. 19-24, 29-30, 33-35; Pakistan, para. 38; United States, paras. 49-50.

¹⁴¹ 624th meeting: para. 39.

¹⁴² 624th meeting: para. 44.

¹⁴³ For further consideration of proceedings, see Case 24.

¹⁴⁴ For texts of relevant statements see: 653rd meeting: President (Greece), paras. 45, 47, 51, 101; Pakistan, paras. 48, 50; Israel, para. 102.

4. Other matters

CASE 39

At the 632nd meeting on 29 October 1953, in connexion with the Palestine question, when General Bennike, Chief of Staff of the United Nations Truce Supervision Organization in Palestine was at the Council table, the representative of Lebanon observed that the representative of Israel had already asked of General Bennike certain questions, and that the Council ought to invite the representative of Jordan as well because the proceedings affected Jordan. He reserved the right of the Government of Jordan to put its own questions to General Bennike at the next meeting of the Council.

The President (Denmark) observed that the Council would have invited the representative of Jordan to the table had the latter submitted a written request in accordance with the regular procedure.

The representatives of France, Lebanon and the United Kingdom suggested that the representative of Jordan should be asked to submit to the Chief of Staff

in writing any questions he might have before the next meeting of the Council.

The representative of Greece inquired if he correctly understood that the President was applying rule 14 of the provisional rules of procedure and that the Council was inviting the representative of Jordan to the Council table while that representative had not yet submitted a request to that effect.¹⁴⁵

Decision: *The President declared that it was the sense of the Council that the representative of Jordan would be at the Council table at the next meeting, and that in the meantime the representative of Jordan would submit written questions to General Bennike. At the 635th meeting on 9 November 1953, the representative of the Hashemite Kingdom of the Jordan took his seat at the Council table.*¹⁴⁶

¹⁴⁵ For texts of relevant statements see:

632nd meeting: President (Denmark), paras. 61, 65, 73; France, para. 69; Greece, para. 71; Lebanon, paras. 59, 62-64, 70; United Kingdom, para. 67.

¹⁴⁶ 632nd meeting: para. 73.

635th meeting: p. 1.