

**Chapter III**

**PARTICIPATION IN THE PROCEEDINGS OF THE SECURITY COUNCIL**

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<u>Question #/</u>	<u>State invited</u>	<u>Initiation by/</u>	<u>Request for invitation</u>	<u>Decision of the Council Invitations extended and renewed</u>
	Congo (Leopoldville)		S/4639, O.R., 16th year, Suppl. for Jan.-Mar. 1961, pp. 59-60	928th mtg. (929th-932nd, 934th-939th, 941st-942nd mtgs.)
	Ghana		S/4660, <u>ibid.</u> , pp. 77-78	928th mtg. (929th-932nd, 934th-939th, 941st-942nd mtgs.)
	Guinea		S/4659, <u>ibid.</u> , p. 77	928th mtg. (929th-932nd, 934th-939th, 941st-942nd mtgs.)
	Libya		S/4666, <u>ibid.</u> , p. 79	928th mtg. (929th-932nd, 934th-939th, 941st-942nd mtgs.)
	Mali		S/4646, <u>ibid.</u> , p. 67	928th mtg. (929th-932nd, 934th-939th, 941st-942nd mtgs.)
	Morocco		S/4664, <u>ibid.</u> , p. 78	928th mtg. (929th-932nd, 934th-939th, 941st-942nd mtgs.)
	Ethiopia		S/4977, O.R., 16th year, Suppl. for Oct.-Dec. 1961, p. 130	973rd mtg. (974th-979th, 982nd mtgs.)
5. Situation in Angola	India		S/4819, O.R., 16th year, Suppl. for April-June 1961, p. 60	950th mtg. (951st-956th mtgs.)
	Ghana		S/4822, <u>ibid.</u> , p. 61	950th mtg. (951st-956th mtgs.)
	Congo (Leopoldville)		S/4825, <u>ibid.</u> , p. 65	950th mtg. (951st-956th mtgs.)
	Nigeria		S/4827, <u>ibid.</u> , p. 65	950th mtg. (951st-956th mtgs.)
	Mali		S/4829, <u>ibid.</u> , p. 66	952nd mtg. (953rd-956th mtgs.)
	Ethiopia		S/4821, <u>ibid.</u> , p. 66	952nd mtg. (954th-956th mtgs.)
	Morocco		S/4832, <u>ibid.</u> , p. 66	953rd mtg. (954th-956th mtgs.)
6. Complaint by Iraq	Iraq		S/4846, O.R., 16th year, Suppl. for July-Sept. 1961, p. 2	957th mtg. (958th-960th mtgs.)
7. Complaint by Tunisia*	Tunisia		S/4868, <u>ibid.</u> , p. 15	961st mtg. (962nd-966th mtgs.)
8. Complaint by Portugal*	Portugal		S/5030, O.R., 16th year, Suppl.	987th mtg. (988th mtg.)
9. India-Pakistan question*	Pakistan		S/5073, O.R., 17th year, Suppl. for Jan-Mar. 1962, p. 63	990th mtg. (1007th-1016th mtgs.)
	India		S/5074, <u>ibid.</u> , p. 63	990th mtg. (1007th-1016th mtgs.)
10. Complaint by Cuba, USSR and USA (22-23 Oct. 1962)	Cuba		S/5185, O.R., 17th year, Suppl. for Oct.-Dec. 1962, p. 149	1022nd mtg. (1023rd-1025th mtgs.)
11. Complaint by Senegal*	Senegal		S/5279, O.R., 18th year, Suppl. for April-June, 1963, pp. 16-17	1027th mtg. (1028th-1033rd mtgs.)
12. Complaint by Haiti*	Haiti		S/5302, <u>ibid.</u> , pp. 38-39	1035th mtg. (1036th mtg.)

<u>Question<sup>a/</sup></u>	<u>State invited</u>	<u>Initiation by<sup>b/</sup></u>	<u>Request for invitation</u>	<u>Decision of the Council Invitations extended and renewed<sup>c/</sup></u>	
13. Situation in territories	Tunisia		S/5351, O.R., 18th year, Suppl.	1040th mtg. (1041st-	
	Liberia		S/5354, <i>ibid.</i> , pp. 16-17	1040th mtg. (1041st- 1049th mtgs.)	
	Sierra Leone		S/5357, <i>ibid.</i> , p. 17	1040th mtg. (1041st- 1049th mtgs.)	
	Madagascar (Malagasy Re- public)		S/5359, <i>ibid.</i> , p. 18	1040th mtg. (1041st- 1049th mtgs.)	
	Madagascar (Malagasy Re- public)		S/5463, O.R., 18th year, Suppl. for Oct.-Dec. 1963, pp. 99- 100	1079th mtg. (1080th- 1083rd mtgs.)	
	Tunisia		S/5472, <i>ibid.</i> , pp. 105-106	1079th mtg. (1080th- 1083rd mtgs.)	
	Liberia		S/5474, <i>ibid.</i> , p. 106	1079th mtg. (1080th- 1083rd mtgs.)	
	Sierra Leone		S/5475, <i>ibid.</i> , p. 107	1079th mtg. (1080th- 1083rd mtgs.)	
14. The question of race con- flict in South Africa	Tunisia		S/5352, O.R., 18th year, Suppl. for July-Sept. 1963, p. 16	1050th mtg. (1051st- 1056th mtgs.)	
	Liberia		S/5354, <i>ibid.</i> , pp. 16-17	1050th mtg. (1051st- 1056th mtgs.)	
	Madagascar (Malagasy Re- public)		S/5359, <i>ibid.</i> , p. 18	1050th mtg. (1051st- 1056th mtgs.)	
	India		S/5459, O.R., 18th year, Suppl. for Oct.-Dec. 1963, p. 93	1073rd mtg. (1074th- 1078th mtgs.)	
	Liberia		S/5462, <i>ibid.</i> , p. 99	1073rd mtg. (1074th- 1078th mtgs.)	
	Madagascar		S/5463, <i>ibid.</i> , pp. 99-100	1073rd mtg. (1074th- 1078th mtgs.)	
	Tunisia		S/5465, <i>ibid.</i> , p. 100	1073rd mtg. (1074th- 1078th mtgs.)	
	Sierra Leone		S/5466, <i>ibid.</i> , pp. 100-101	1073rd mtg. (1074th- 1078th mtgs.)	
	15. Situation in Southern Rhodesia	Mali		S/5417, O.R., 18th year, Suppl. for July-Sept. 1963, p. 160	1064th mtg. (1065th- 1069th mtgs.)
		Tanganyika		S/5419, <i>ibid.</i> , p. 160	1064th mtg. (1065th- 1069th mtgs.)
United Arab Re- public			S/5420, <i>ibid.</i> , pp. 160-161	1064th mtg. (1065th- 1069th mtgs.)	
Uganda			S/5422, <i>ibid.</i> , p. 161	1066th mtg. (1067th- 1069th mtgs.)	
16. Complaint by the Gov- ernment of Cyprus	Cyprus		S/5490, O.R., 18th year, Suppl. for Oct.-Dec. 1963, p. 114	1085th mtg.	

<sup>a/</sup> 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

entitled; invitations when the interests of a Member were considered specially affected, as explained in the Introductory Note (see C. 2 below).

\*\*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

<u>Question</u> <sup>a/</sup>	<u>State invited</u>	<u>Initiation by</u>	<u>Request for invitation</u>	<u>Decision of the Council Invitations extended and renewed</u> <sup>b/</sup>
1. The Palestine question	United Arab Republic Israel			845th mtg. 947th mtg. (948th-949th mtgs.)
2. Complaint concerning South Africa	Union of South Africa		S/4280, O.R., 15th year, Suppl. for Jan.-Mar. 1960, p. 59	851st mtg. (852nd, 854th-856th mtgs.)
3. Complaint by Argentina	Israel		S/4338, O.R., 15th year, Suppl. for Apr.-June 1960, pp. 28-	865th mtg. (866th-868th mtgs.)
4. Admission of new Members: Republic of the Congo	Belgium		S/4367, S/4370, O.R., 15th year, Suppl. for July-Sept. 1960, pp. 5-6	872nd mtg.

<u>Question<sup>a/</sup></u>	<u>State invited</u>	<u>Initiation by</u>	<u>Request for invitation</u>	<u>Decision of the Council Invitations extended and renewed<sup>b/</sup></u>
	Congo (Leopoldville)		S/4576, O.R., 15th year, Suppl. for Oct.-Dec. 1960, p. 81	913th mtg. (914th-920th, 928th-932nd, 934th- 939th, 941st-942nd mtgs.)
			S/4980, O.R., 16th year, Suppl. for Oct.-Dec. 1961, p. 131	973rd mtg. (974th-979th, 982nd mtgs.)
	Congo (Brazzaville)		S/4689, O.R., 16th year, Suppl. for Jan.-Mar. 1961, p. 101	934th mtg. (935th-939th, 941st-942nd mtgs.)
	Czechoslovakia		S/4712, <i>ibid.</i> , p. 120	936th mtg. (937th-939th mtgs.)
	Ethiopia		S/4521, O.R., 15th year, Suppl. for July-Sept. 1960, p. 172	906th mtg.
	Gabon		S/4693, O.R., 16th year, Suppl. for Oct.-Dec. 1961, p. 107	944th mtg. (935th-939th mtgs.)
	Ghana		S/4499, O.R., 15th year, Suppl. for July-Sept. 1960, p. 152	897th mtg. (899th-906th mtgs.)
	Guinea <sup>d/</sup>		S/4452, <i>ibid.</i> , pp. 115-116	887th mtg. (888th-889th mtgs.)
			S/4509, <i>ibid.</i> , p. 163	899th mtg. (900th-906th mtgs.)
			S/4575, O.R., 15th year, Suppl. for Oct.-Dec. 1960, p. 81	913th mtg. (914th-920th mtgs.)
	India		S/4587, <i>ibid.</i> , p. 93	914th mtg. (915th-920th mtgs.)
			S/4662, O.R., 16th year, Suppl. for Jan.-Mar. 1961, p. 73	926th mtg. (926th-932nd, 934th-939th, 941st- 942nd mtgs.)
			S/4979, O.R., 16th year, Suppl.	973rd mtg. (974th-979th mtgs.)
	Indonesia		S/4492, O.R., 15th year, Suppl. for July-Sept. 1960, p. 146	896th mtg. (897th, 899th- 906th mtgs.)
			S/4577, O.R., 15th year, Suppl. for Oct.-Dec. 1960, p. 82	913th mtg. (914th-920th mtgs.)
			S/4655, 4658, O.R., 16th year, Suppl. for Jan.-Mar. 1961,	928th mtg. (929th-932nd, 934th-939th, 941st- 942nd mtgs.)
			S/4662, O.R., 16th year, Suppl. for July-Sept. 1960, p. 172	926th mtg. (926th-932nd, 934th-939th, 941st- 942nd mtgs.)
	(Malaysia) <sup>e/</sup>		S/4662, O.R., 16th year, Suppl. for July-Sept. 1960, p. 172	926th mtg. (926th-932nd, 934th-939th, 941st- 942nd mtgs.)
	Mali		S/4574, O.R., 15th year, Suppl.	913th mtg. (914th-920th mtgs.)
	Morocco		S/4513, <i>ibid.</i> , p. 164	899th mtg. (900th-906th mtgs.)
	Nigeria		S/4672, O.R., 16th year, Suppl. for Jan.-Mar. 1961, p. 82	934th mtg. (935th-939th, 941st-942nd mtgs.)
	Pakistan		S/4730, <i>ibid.</i> , p. 140	941st mtg. (942nd mtg.)
	Poland		S/4665, <i>ibid.</i> , pp. 78-79	928th mtg. (929th-932nd, 934th-939th, 941st- 942nd mtgs.)
	Senegal		S/4692, S/4694, <i>ibid.</i> , p. 106, 107	934th mtg. (935th-939th, 941st-942nd mtgs.)
	Sudan		S/4675, <i>ibid.</i> , p. 83	934th mtg. (935th-939th, 941st-942nd mtgs.)
	Sweden		S/4986, O.R., 16th year, Suppl. for Oct.-Dec. 1961, p. 134	974th mtg. (975th-979th, 982nd mtgs.)





CASE 2

that that day's discussion would not be suspended pending the arrival of the representative of the Re-

The representative of the USSR, supported by the  
was another party, the Congolese Government. Should the Council consider it necessary to invite the representative of Belgium, it should also invite a represen-

and the rules of procedure, to invite both to participate in the discussion.

The representative of the United States maintained that the Government of the Republic of the Congo, in its telegram to the Secretary-General, clearly stressed

delay, and did not ask to be invited. He could not understand how the representatives of the USSR and Poland suddenly acquired the right to request an invitation to

critical question.

The representative of Belgium contended that the very first thing the Council should do was to send an invitation to the Government which was most concerned with

"I can say with certainty, understanding the situation in the country, on the basis of the very full reports which we have received, that the Government of the Congo would be the first one to regret if, out of a gesture to them, a decision on their demands would be delayed. . . .

" . . . I ask myself if a decision now on an invitation to the two parties—if we talk about parties—could not be interpreted in this sense: we recognize that one of the parties has no representative here, but the invitation is cabled to the Government on the understanding that in forthcoming meetings of the Council the first decision would be followed up and they would have their place at the table. What would  
through their two cables which are before the Council

opportunity to be heard and to speak at later occasions when the Council is likely to consider the same question."

The President (Ecuador) then asked the Council whether it had any objection to inviting both Belgium

to take part in the Council's discussion but at a later date, so that the representative of Belgium would not  
in the first meeting of the Council dealing

The representative of the United Kingdom stated that it would be unprecedented for the Council to refuse a request from a Member State to be seated at the Council table when the subject under discussion was of such close interest to the Government of a Member

Congo. However, he supported the proposal to invite the Congo provided the business of the Council was not delayed appreciably. The representative of Ecuador

request from the Republic of the Congo.

The President declared:

"The members of the Council appear to be agreed  
is when they should be seated at the Council table."

The representative of Tunisia wished to make a clarification of his proposal. He explained that he did not mean to bar the representative of Belgium from the Council's discussion until the representative of the Congo reached New York, but that, before hearing the representative of Belgium, the Council should be assured that the invitation had reached the Congolese Government. With this clarification, he urged the Council to put his proposal to the vote.

The President then stated that the following information might be helpful in settling the matter:

"At the opening of the meeting, when the representative of Belgium  
Council his request for a hearing, he stated that he wished to speak after all the members of the Council

all the members of the Council had spoken. By that time the Government of the Republic of the Congo will presumably have received the Security Council's invitation, so that the question we are discussing may have become purely academic and in practice the two proposals will have the same result."



The representative of the USSR objected to the extension of an invitation to the representative of Kuwait and said:

"The Soviet delegation considers that in the

Kuwait delegation could hardly act as the representative of a sovereign State, since the real power in that country is exercised by the occupying forces of the United Kingdom. The Soviet delegation is of the opinion that for the representative of Kuwait to take part in the debate in such circumstances would not

question by the Security Council, it therefore believes that the proper course would be to refrain from

the proposal to invite the representative of Kuwait to take a place at the Council table."

The President (Ecuador) declared that all the members of the Council, with the exception of the represen-

Council table.<sup>19/</sup>

*Decision: The President (Ecuador) invited the representative of Kuwait to the Council table.<sup>17/</sup>*

\*\*4. Invitations denied

<sup>16/</sup> For texts of relevant statements, see:

958th meeting, President (Ecuador), para. 21; USSR, paras. 15-16.

## Part II

### UNCONSIDERATION OF THE TERMS AND PROVISIONS OF ARTICLE 29 OF THE CHARTER

## Part III

### PROCEDURES RELATING TO PARTICIPATION OF INVITED REPRESENTATIVES

#### NOTE

Part III is concerned with procedures relating to the participation of invited representatives after an in-

Section A includes proceedings concerned with the

representative. The section includes one instance<sup>18/</sup> in which, as an exception to its usual practice, the Council agreed to hear an invited representative before all Council members had spoken. An instance<sup>19/</sup> is also included when, as an exceptional case, and after discussion, an invited representative was twice allowed to speak on the question of the adoption of the

to invite other non-members of the Council to participate. The section finally includes an instance<sup>21/</sup> concerning the question of admission of new Members, when the invited representative of a non-member of the Council was first allowed to speak, and thereupon the Council agreed to a request to participate by the non-member State whose application for admission was being considered. In a departure from its usual practice, the Council, on three occasions,<sup>22/</sup> allowed invited representatives to speak on the adoption of

scribed. On another occasion, the Council declined to extend an invitation to a non-member to participate in the discussion on the adoption of the agenda.<sup>23/</sup> These instances have been recorded in section D

"1. Adoption of the agenda."

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.<sup>24/</sup>

Section C deals with limitations of a procedural nature affecting invited representatives throughout the process of participation in the proceedings of the

concerning the order in which the invited representatives are called upon to speak. On one occasion<sup>25/</sup> when two members of the Council had asked to speak, the President restated the practice of the Council under which members of the Council spoke before the invited representatives. In two instances<sup>26/</sup> the President, after referring to this practice, stated that he had consulted with the speakers on his list and they had agreed to yield the floor to the invited representatives. In two other instances,<sup>27/</sup> when no

<sup>18/</sup> Case 6.

<sup>19/</sup> Case 7.

<sup>20/</sup> Case 8.

<sup>21/</sup> Case 9.

<sup>22/</sup> See Cases 18, 19, 20.

<sup>23/</sup> See Case 21.

<sup>24/</sup> In this connexion, see tabulation above, part I, C, 1a, foot-note c/.

<sup>25/</sup> Case 10.

<sup>26/</sup> Cases 11 and 12.

<sup>27/</sup> Cases 13 and 14.

called upon the invited representative who had indi-

when a representative who had been invited to par-

On two other occasions questions were raised concerning the limitations affecting the submission of proposals or draft resolutions by the invited representatives. On the first occasion<sup>28/</sup> discussion arose as to who was the sponsor of a draft resolution submitted by an invited representative and put to the vote

invited representative as to whether he was proposing

which it has been deemed inappropriate that invited representatives should participate.

principally with the question of whether the invited representatives may speak on the question of the adoption of the agenda.

Under the sub-heading "Extension of invitations" two instances<sup>32/</sup> are recorded in which invited representatives asked to be heard on the question of the extension of invitations.

Under section E, which has been added to the present Supplement, with the sub-heading "Effect of extension of invitations," three case histories<sup>33/</sup> have been included which indicate that an invited representative has been considered to be free to decide whether or

the proceedings he would cease to participate, once he had made his initial statement.

#### A. THE STAGE AT WHICH INVITED STATES ARE HEARD

##### CASE 6

At the 893rd meeting on 8 September 1960, in con-

Republic), after the adoption of the agenda and the initial statement by the representative of the USSR, the President (Italy) stated that he had received a letter from the representative of Venezuela requesting

on the question before it. In accordance with the

Council, and with its consent, he would invite the representative of Venezuela to take a place at the Council table.

After statements on the substance of the question had been made by the representatives of Argentina,

<sup>28/</sup> Case 15.

<sup>29/</sup> Case 16.

<sup>30/</sup> Case 17.

<sup>31/</sup> Cases 18, 19 and 20.

the United States and Ecuador, the President stated that the representative of Venezuela had asked to speak. The usual practice in the circumstances would

tatives inscribed in the list of speakers and they were willing to yield their turn to speak, he would recognize the representative of Venezuela, unless any objection was raised.<sup>35/</sup>

The representative of Venezuela thereupon made his statement.<sup>36/</sup>

At the 998th meeting on 23 March 1962, in connexion with the letter of 9 March 1962 from the representative of the USSR, requesting the Council to take a vote on the draft resolution<sup>37/</sup> which

Council take a vote on the draft resolution<sup>37/</sup> which had been submitted by the representative of Cuba, who had been invited to participate in the discussion

The representative of Ghana asked the Council to take a separate vote on paragraph 3 of the draft resolution, in accordance with rule 32 of the provisional rules of procedure.

The representative of the United Arab Republic requested that the President first ask whether the mover of the question was agreeable to having a separate vote.

The President (Venezuela) stated that in view of the provisions of rule 32, and of the fact that it was the USSR representative who had asked that the draft resolution be put to the vote, he wished to ask the

the separate vote that had been requested. He said:

"The representative of Cuba has just asked to speak, but at this point, when the debate on the substance of the matter has been closed and statements may only be made on purely procedural questions relating to the voting, I cannot give the floor to the representative of a State which is not a member of the Security Council."

was nothing in the rules of procedure of the Council to the effect that representatives invited to participate "in the entire examination of the question" should cease this participation just at the time when the

to the Council's procedure. He continued:

resolution submitted for consideration by a non-member of the Council may be put to the vote if only one member of the Council so requests. . . A member making such a request does not, however, become

<sup>34/</sup> See also Case 7.

<sup>35/</sup> For texts of relevant statements, see: 893rd meeting: President (Italy), paras. 27, 71.

<sup>36/</sup> 893rd meeting: paras. 71, 72 et seq.

<sup>37/</sup> S/5095, O.R., 17th year, Suppl. for Jan.-March 1962, pp. 96-97.

the sponsor of the draft resolution, as you have just  
ing questions about the text or the procedure for

The President suggested that, in order to avoid a  
procedural discussion, the representative of the USSR,  
who must know the views of the representative of Cuba,

of the draft resolution being put to the vote separately.  
He added:

"With regard to the question whether the repre-  
stage of the proceedings, I do not think it is the time  
for an invited State to intervene in the debate."

The rules made absolutely no provision for the  
procedure to be followed in such cases; the rules  
"merely provide that at the time of voting it is out of  
order to speak on anything that does not relate to the  
conduct of the voting." The representative of Ghana  
had raised a question concerning the conduct of the  
voting, and thus if the representative of Cuba wished  
to make observations concerning the conduct of the  
voting on his draft resolution—of which he remained  
he could do so.

impression that he was trying to impose his views on  
the Council. If there was no objection, he would  
he had reservations about doing so.

The President's interpretation of the rules of  
procedure was supported by the representatives of  
France, the United Kingdom and Chile who also shared  
the President's views that to avoid the impression  
that they were taking a stand against the represen-  
tative of Cuba, he should be allowed to speak with the  
reservation made by the Chair, and only as an excep-  
tional case.

The representative of Ireland and the United Arab  
tative of Cuba permission to speak.

The President then stated that, as an exception and

agreed to the requested separate vote.

Thereupon, the Cuban\* representative answered in  
the affirmative the question put to him.<sup>39/</sup>

rejected, the President stated:

"I must remind the Cuban representative who has  
just asked for the floor that I cannot give it to him

The representative of the USSR challenged this rul-  
ing, observing that the Council had already once  
allowed the representative of Cuba to speak on the  
conduct of the voting. The representative of Cuba

wished to speak again on the procedure to be followed  
in the voting on his own draft resolution, which he  
had submitted and of which he remained the sponsor

tative, the representative of USSR stated that if given  
the floor, the representative of Cuba would have  
said that, since the key paragraph of his resolution  
had been rejected, he would not insist on a vote on  
the remaining parts of the resolution.

The President stated that when he gave the Cuban  
representative the floor, it was an exception subject  
to certain reservations, and that in the case in point

resolution was to be put to the vote was the represen-  
tative of the USSR. Since, in accordance with rule 38

representative of the USSR, only he was then authorized  
to withdraw the draft resolution and to request that it  
should not be put to the vote. For this reason he had  
decided "that it would be improper to call upon the  
Cuban representative" at that point. He added:

"... since we know what the request will be and  
since the Soviet representative does not wish to  
press for a vote on the draft resolution, if there is  
no objection from the other members I shall make  
an exception as before and ask the Cuban represen-  
tative to confirm what has just been said by the

of the result of the vote which had just been taken, he

#### CASE 8

At the 1028th meeting on 18 April 1963, in connexion  
with the complaint by Senegal, after the adoption of  
the agenda, the Council invited the representatives of  
Senegal and Portugal to take part in the discussion  
on the question.

After a procedural discussion,<sup>42/</sup> the Council also  
decided to invite the representatives of the Republic  
of the Congo (Brazzaville) and of Gabon to participate

then requested permission to make a statement on the  
decision that had just been taken by the Council.

The representative of Ghana questioned whether  
representatives could participate in the discussion of  
a procedural question.

In view of this objection, the President (China) con-  
sidered it preferable that the representative of Por-

the discussion.<sup>43/</sup>

<sup>39/</sup> For texts of relevant statements, see:

998th meeting: President (Venezuela), paras. 85, 86, 91, 92, 97, 102.

Ghana, para. 76; Ireland, para. 101; USSR, paras. 3, 68-69, 94-95,  
117-119; United Arab Republic, paras. 83, 103; United Kingdom,  
para. 100.

<sup>41/</sup> 998th meeting: Cuba\*, para. 123.

<sup>42/</sup> See Case 4.

<sup>43/</sup> For texts of relevant statements, see:

CASE 9

At the 1034th meeting on 7 May 1963, in connexion with the admission of new Members (Application of Kuwait), after the agenda had been adopted, the President (France) stated that the representative of Iraq had addressed a letter <sup>44/</sup> to him requesting an invitation to participate in the Council's discussion of the agenda item. No objection having been expressed, he invited the representative of Iraq to take a seat at the Council table. The President further stated

heard as the first speaker. There was a list of speakers already inscribed and, in accordance with the rules of procedure, the Council members would be consulted as to whether there was any objection to having the representative of Iraq speak first.

In the absence of any objection, the President then gave the floor to the representative of Iraq.

After the statement of the representative of Iraq,\* the President read a letter he had just received from the representative of Kuwait, as follows:

"Mr. President, in view of the statement just

permission to give the views of my Government on some of the matters raised by the representative of

The President stated that if no objection was raised he would invite the representative of Kuwait to take a seat at the Council table. Thereupon, in the absence of any objection, the representative of Kuwait took place at the Council table.

After a statement had been made by the representative of Morocco, the President declared that if there was no objection, the representative of Kuwait to the representative of Kuwait who had asked to be heard. There being no objection, the representative of Kuwait took the floor. <sup>45/</sup>

\*\*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 10

At the 851st meeting on 30 March 1960, in connexion

"We now come to the letter dated 25 March 1960 from the representatives of twenty-nine Member

that they wish to speak. Of course, they will speak before the non-members of the Security Council according to the custom of the Council. I therefore

<sup>44/</sup> S/5305, O.R., 18th year, Suppl. for April-June 1963, p. 40.  
<sup>45/</sup> For texts of relevant statements, see: 1034th meeting: President (France), paras. 4, 6, 16-17, 23; Iraq\*, paras. 7-15; Kuwait\*, paras. 24-27.

nized, and then the non-members who have expressed a wish to participate. That has been the regular practice of the Security Council." <sup>46/</sup>

CASE 11

At the 888th meeting on 21 August 1960, in connexion with the situation in the Republic of the Congo, the President (France) stated:

"The representative of Guinea has asked permission to address the Council at this stage of the discussion. The usual practice of the Security Council has been to give the floor to representatives of States which are invited to participate, but which are not directly concerned in the discussion, after

I have consulted my colleagues and they agree to give up their turn to speak in favour of the representative of Guinea. Therefore, unless there are objections, I shall now ask the representative of Guinea to speak." <sup>47/</sup>

CASE 12

At the 893rd meeting on 8 September 1960, in connexion with the situation in the Dominican Republic, the President (Italy) stated:

"As I informed the Council previously, the representative of Venezuela has asked to be allowed to speak. I am aware that the usual practice in the circumstances would be for members of the Council

representatives whose names are inscribed on the list of speakers for today and they are willing to yield, I shall, if I hear no objection from the Council, now.

CASE 13

At the 929th meeting on 2 February 1961, in connexion with the situation in the Republic of the Congo, the President (United Kingdom), with the permission of the Council, called upon the representative of Mali and subsequently the representative of India as no member of the Council wished to speak. <sup>49/</sup>

CASE 14

At the 973rd meeting on 13 November 1961, in connexion with the situation in the Republic of the Congo, the President (USSR) asked:

"Would any member of the Council like to begin the discussion of this item?" He then stated that no member of the Council wished to

begin the discussion of this item.

<sup>48/</sup> For texts of relevant statements, see: 893rd meeting: President (Italy), para. 71.  
<sup>49/</sup> For texts of relevant statements, see: 929th meeting: President (United Kingdom), paras. 22, 65.  
<sup>50/</sup> For texts of relevant statements, see: 973rd meeting: President (USSR), para. 26.

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

"Before I give the floor to the next speaker, and in order to make this procedure quite clear, I

At the 962nd meeting on 22 July 1961, in connexion with the complaint by Tunisia, when the Council was about to proceed to the vote on a cease-fire draft

statement to mean that he has exercised his right under rule 38 of the provisional rules of procedure to ask that the draft resolution submitted to the

ative of France declared that owing to the political reasons he had explained his delegation would not participate in the voting.

The representative of the USSR replied that the President's interpretation was correct. 55/

The President (Ecuador) stated:

CASE 17

"I have taken note of the French representative's statement. If there is no objection from other members of the Council, I shall consider that the draft resolution would be approved on the conditions already explained, that is, taking note of the statement made by the representative of France."

At the 1005th meeting on 6 April 1962, in connexion with the Palestine question, the representative of Israel\* observed that the draft resolution 50/ submitted that afternoon directly concerned his Government. He asked the Council to take into account, in the organizing of its work and the arranging of its time-table, the fact that he would be unable to make a statement before Monday, 8 April, after consultation with his Government.

The representative of Tunisia,\* who had been invited to participate in the discussion, observed:

The representative of Syria\* said that he had in-

"Since I am not entitled to participate in the vote I do not intend to intervene on this point. I should

might be advisable to hold a formal vote and to

matter under consideration, but we now have before

Decision: *The Liberian draft resolution was voted upon and adopted by 10 votes in favour and none against. France did not participate in the voting.* 53/

tion." Because he was the representative of a Power invited to attend the Council's debate, he would not discuss that procedural point, although his delegation

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

interruption, and voting on the texts which had been submitted to the Council.

CASE 16

At the 995th meeting on 20 March 1962, in connexion with the letter of 8 March 1962 from the representative of Cuba concerning the Punta del Este decisions, the President (Venezuela) called attention

The representative of the United Arab Republic said that it was difficult for him to object when any member asked for a postponement, especially for the purpose of consulting his Government. However, in the case of a non-member of the Council who did not participate in the voting anyhow, it would be very

ance with rule 38 of the Council's provisional rules of procedure."

procedure, the President (Chile) said: "In view of what the representative of Israel has said, would he be so good as to explain whether his remarks con-

At the 996th meeting on 21 March 1962, the repre-

resolution "may be put to a vote only at the request of a representative on the Security Council" and suggested that if Cuba so desired, his delegation would be willing to make the request.

The representative of Ghana said that the representative of Israel should be accorded the courtesy of a postponement. The representative of the United States said that his delegation would not object. The representative of the United Arab Republic said if the

At the 998th meeting on 23 March 1962, the representative reported the draft resolution [S/5095] submitted by Cuba

further objection to postponement

51/ S/4880, 962nd meeting: para. 43.

52/ For texts of relevant statements, see: 962nd meeting: President (Ecuador), paras. 56; France, para. 55; Tunisia, para. 57.

53/ 962nd meeting, para. 58.

55/ For texts of relevant statements, see:

995th meeting: President (Venezuela), para. 3;

996th meeting: United Arab Republic, paras. 51-52;

998th meeting: President (Venezuela), para. 58; USSR, paras. 3, 59.

56/ S/5110 and Corr. 1, see S/5111, O.R., 17th year, Suppl. for



"I journeyed now, and that we should meet again on Monday, if I am wrong, I should like to be so informed." There was no objection.<sup>57/</sup>

#### D. LIMITATIONS ON MATTERS TO BE DISCUSSED BY INVITED REPRESENTATIVES

##### CASE 18

At the 851st meeting on 30 March 1960, the President (United States) stated that he had received a request from the representative of the Union of South Africa<sup>58/</sup> to participate in the discussion of the request for the inclusion in the Council's agenda of the item concerning the Union of South Africa. The President further stated that the representative of

practice of the Council on invitations to non-members, he would like to speak after the vote on the adoption of the agenda.

asked if there was any objection to hearing, at that stage, a statement by the representative of South Africa on the adoption of the agenda. The representatives of Tunisia, Ceylon and the USSR pointed out that the normal procedure would have been to call first on those delegations which had brought the question before the Council and thus give them an opportunity to explain the situation. The representative of Tunisia stated that while he would not formally oppose the request, its acceptance should not be considered as a precedent. The representative of the USSR reserved his position on the matter, and the representative of Ceylon stated that he had no objection.<sup>59/</sup>

*Decision: The President recognized the representative of the Union of South Africa to speak on the matter of the adoption of the agenda.*<sup>60/</sup>

##### CASE 19

At the 943rd meeting on 10 March 1961, in connexion with the situation in Angola, the President (United States) stated that he had received a request<sup>61/</sup> from the representative of Portugal to be heard in the discussion on the inscription of the item on the provisional agenda. Noting that it had been standard Council practice not to permit invited members to participate in the discussion of the adoption of the agenda, the President suggested that the Council should

"follow the Council's procedure at its 851st meeting, when it received a similar request on an item related to the Union of South Africa. Should the Council vote to adopt the agenda, the representative of Portugal would be recognized after the vote to speak in

<sup>57/</sup> For texts of relevant statements, see:

1005th meeting: President (Chile), paras. 81-82, 86; Ghana, para. 83; Israel, para. 75; Syria, para. 76; United Arab Republic, paras. 78, 85;

<sup>59/</sup> For texts of relevant statements, see:

851st meeting: President (United States), paras. 5-6, 33; Ceylon, paras. 40-41; Tunisia, paras. 34-35; USSR, paras. 36-39.

<sup>60/</sup> 851st meeting: para. 42.

<sup>61/</sup> S/4760, O.R., 16th year, Suppl. for Jan.-March 1961, pp. 227-228.

connexion with the agenda. After that the Council would begin its discussion of the substance of the question before it."

At the 944th meeting on the same date, after the adoption of the agenda, the President proposed to invite the representative of Portugal to the Council

at the Council table and was recognized by the President "to make a statement on the adoption of the agenda."<sup>62/</sup>

##### CASE 20

At the 950th meeting on 6 June 1961, in connexion with the situation in Angola, the President (China)

had asked to be heard in the discussion on the adoption of the agenda. While noting that, in accordance with the general practice of the Council, non-members did not participate in the discussion

that special provisions had been made for that purpose at the 851st meeting and at the 943rd meeting.<sup>64/</sup> He proposed, if it was agreeable to the Council, that after the debate had been opened an opportunity be accorded to the representative of Portugal to make a statement on the adoption of the agenda.

After the adoption of the agenda and after statements on the substance of the question had been made by the representatives of Liberia and the United Arab Republic, the President called on the representative of Portugal "for the specific purpose of submitting a statement on the adoption of the agenda."<sup>65/</sup>

##### CASE 21

At the 991st meeting on 27 February 1962 in connexion with the letter of 22 February 1962 from the representative of Cuba<sup>66/</sup> concerning the Punta del Este decisions, the President (United States) said that the representative of Cuba had requested an invitation under rule 37 of the provisional rules of procedure to participate both in the discussion of the question proposed for the agenda and the discussion on the adoption of the agenda itself. He pointed out, however, that it had been the practice of the Council that matters of procedure such as the adoption of the agenda should be decided by the Council (Council, 1378 Tr. 28, 1217 3 Tr. 30, 9379, 0, TD 3, Tr. 0, 0029, Tr. 37, 5005, 0, TD 3, Tr. 4646, Tr. 25, 3128, 0, TD 8 President after Tr. 30, 9379, 0, TD 3, Tr. 0, 0029, Tr. 37, 5005, 0, TD 3, Tr. 4646, Tr. 25, 3128, 0, TD 8

The representative of the USSR contended that inasmuch as the representative of Cuba had fulfilled all the requirements under rule 37 of the provisional

<sup>62/</sup> For texts of relevant statements, see:

<sup>63/</sup> S/4821, O.R., 16th year, Suppl. for Apr.-June 1961, pp. 60-61.

<sup>64/</sup> See Cases 18 and 19.

<sup>65/</sup> For texts of relevant statements, see:

950th meeting: President (China), paras. 7, 79.

<sup>66/</sup> S/5080, O.R., 17th year, Suppl. for Jan.-March 1962, pp. 82-84.

rules of procedure, the Council should invite him to participate in the discussion on the question of the adoption of the agenda. He maintained further that although there had been cases in which the Council declined to invite non-Council members to participate in the discussion of procedural questions, as indicated

"Normally, on matters of procedure, representatives of States other than members of the Council are not called upon to speak, and I would therefore ask the Council whether there is any objection to the representative of Yugoslavia's doing so on this occasion."

of the question of the Congo an invitation had been

the existing precedent that the representative of Cuba be allowed to participate without vote in the discussion of the adoption of the agenda.

The representative of France stated that:

"It is an established practice that no Member of the United Nations which is not a member of the Security Council can be invited to take a place at the Council table until the agenda has been adopted. There are no exceptions to this rule, which the Council has always interpreted very strictly, even if, in the debate before the adoption or rejection of the agenda, one or more members of the Council

immediately to the substance of the question. Even then the President must strictly adhere to the rule laid down in Article 31 of the Charter and rule 37 of the provisional rules of procedure of the Security Council ..."

The representative of the United Arab Republic, while agreeing that it was not usual for non-members of the Council to be invited during the discussion on the adoption of the agenda, recalled that during the discussion of the Kashmir question, in January 1948, an exception had been made to this practice.<sup>67/</sup>

Decision: *The motion was not adopted having failed to obtain the affirmative vote of seven members.*<sup>69/</sup>

## 2. Extension of invitations

At the 899th meeting on 14 September 1960, in connection with the situation in the Republic of the Congo, the Council discussed the question of the represen-

The President (Italy) observed that he had received non-member of the Council invited to participate in the discussion, "to be allowed to take the floor on this particular point." The President then observed:

<sup>67/</sup> See Case 22 below.

<sup>68/</sup> For texts of relevant statements, see:

991st meeting: President (United States) para. 101; France paras. 108

adoption of the agenda, see chapter II, Case 37.

<sup>70/</sup> S/4504 and Add.1, O.R., 15th year, Suppl. for July-Sept. 1960, pp. 51-52

The President commented:

"As I stated before, it is the practice of the Security Council that non-members of the Council should not participate in the discussion of procedural matters. I should not wish to depart from this practice unless the Council decides otherwise. I feel that members may not have raised objection to having the representative of Yugoslavia take the floor because of the fact that his delegation was one of the two delegations which asked for the meeting. In the case of the request of the representative of the Republic of Guinea, I would like to be guided by

The representative of the United Kingdom stated:

"As I understand the position, it has never been the practice of the Security Council ... to allow non-members to take part in the discussion of pro-

myself with what you yourself said, Mr. President, and would suggest that it would be wise for the Council not to depart from its practice in the present case and to restrict the discussion by non-members of the Security Council to matters of substance."

The representative of Poland stated that:

"neither in rule 37, under which representatives of non-members of the Security Council are invited,

to the participation of non-members of the Security Council in the discussion in the Council. As I understand it, this also covers the question of participation

"There is a further question which results from moment in a procedural debate or not. My delegation feels that we have touched on such important issues that they are certainly not of a procedural character."

The President in reply commented:

"I do not think ... it can be maintained that the

character of the matter that I have invited the opinion of the Council. It is up to the Council to

decide and to come to a conclusion on this particular point."

The representative of Poland suggested that the President should ask the Security Council whether anyone objected to giving the floor to the representative of Guinea.

The representative of the United States observed that the objection which was voiced by the representative of the United Kingdom was that non-members of the Council would not be expected or, in fact, allowed to speak on matters of procedure. He said:

of following our normal customs, and I should like, therefore, to register my own objection on this limited basis. It is not an objection to the Guinean representative's speaking, because I fully expect

that, if he plans to speak on this procedural matter, that should not be allowed."

The representative of Ceylon stated:

I am prepared to concede that there may have been a practice which discriminated between substance and procedure, but it is for that reason that

African State completely inadmissible and formally requests that the representative of the Republic of Guinea should be invited to speak on the question now before us."

At the 900th meeting on the same day, the representative of the United Kingdom, in reply to the suggestion raised by the Ceylonese representative at the previous Council meeting, stated that the admission of non-members to a procedural debate would create a precedent which might lead to a great deal of confusion in the future.

The representative of the United Kingdom stated that he was in agreement with the representative of the United Kingdom with regard to the question of permitting invited representatives to participate in the discussion on purely procedural questions. However, on this question he felt the Council should adopt a policy in order not to create the impression that a distinction was being drawn between one invited Member and another invited Member. He suggested that:

Further, it seems to me that those invited representatives who desire to do so on this occasion may be permitted to participate without creating a pre-

made

5 against, and 2 abstentions. The motion was rejected.<sup>73/</sup>

## CASE 23

invited to the Council table, the President (Ecuador) drew attention to the request<sup>74/</sup> of the representative of Kuwait to take part in the Council's discussion on

had asked to be allowed to speak on the same matter.

The representative of the United Kingdom contended that in accordance with the Council's past practice the representative of Iraq, as a non-member of the Council, could not take part in the discussion on the request by the representative of Kuwait. He would be entitled under the provisional rules of procedure and the Council's practice to comment, but not before any decision had been taken.

In the opinion of the representative of the USSR, the representative of Iraq was justified in asking for permission to speak on a question which affected

of its own procedure, there would be no complications should it agree to this request.<sup>75/</sup>

participate in the Council's discussions was not adopted.

abstentions.

\*2. Postponement of consideration of a question

## (\*E). EFFECT OF THE EXTENSION OF INVITATIONS

## CASE 24

At the 851st meeting on 30 March 1960, in connexion with the complaint concerning South Africa, after the Council had adopted the agenda and agreed to the request of the representative of South Africa to speak

latter made a statement at the end of which he declared that since the question had been placed on the Council's agenda, he was obliged to report to his Government for instructions. He then withdrew from the Council table.

The representative of Tunisia expressed his regret that the representative of South Africa had left the Security Council meeting when he had concluded his

(\*) New sub-heading.

<sup>73/</sup> 900th meeting: para. 38.

<sup>74/</sup> S/4851, O.R., 16th year, Suppl. for July-Sept. 1961, p. 4.

<sup>75/</sup> For a discussion of this request, see Case 5.

paras. 10-11; United Kingdom, para. 4.

<sup>77/</sup> 958th meeting: para. 13.

<sup>78/</sup> See Case 18.

in the maintenance of international peace and security.

At a later stage of the discussion, during the 852nd meeting on the same date, the representative of

Union of South Africa on the agenda of the

Charter. He proposed formally that the President should ask the representative of South Africa, who was then absent from the Council table, whether he

situation, and thereby continue to co-operate with the Council in the discussion which was taking place.

The President (United States), commenting on this proposal, stated:

"The Council has voted to invite the representative of the Union of South Africa to take a place at the Council table, and he, of course, has the right to conduct himself with regard to this Council in any way that he wishes. I would not think that there was any way of avoiding his taking his own decisions on matters involving his own conduct."

The representative of the United Kingdom assumed

ceiving instructions from his Government and would eventually be in a position to answer whether he would return to the Council table.<sup>79/</sup>

Tunisia was not adopted. There were 6 votes in

## CASE 25

At the 887th meeting on 21 August 1960, in connexion

the adoption of the agenda the President (France) stated<sup>80/</sup> that at the 873rd meeting the Council had decided to invite the representatives of Belgium and of the Republic of the Congo to participate in the discussion.<sup>82/</sup> However, he added that the representative of Belgium had indicated that he did not intend to take his place at the Council table during the current debate because of the reasons given in his letter of 19 August 1960. The President then read out the

"Sir,

"The Security Council, at its 873rd meeting, decided, at the request of my Government, to invite the representatives of Belgium and of the Republic of the Congo to participate in the discussion on the Congo.

"As the next Security Council debate will be concerned with aspects of the Congolese problem in which Belgium should not be involved, and as the withdrawal of Belgian troops is well under way

<sup>79/</sup> For texts of relevant statements, see:

851st meeting: President (United States), para. 42; South Africa, para. 80; Tunisia, para. 85;

852nd meeting: President (United States), paras. 169, 170; Tunisia,

<sup>80/</sup> 852nd meeting: para. 174.

<sup>81/</sup> 887th meeting: paras. 1-2.

<sup>82/</sup> See Case 2.

