

Chapter III

PARTICIPATION IN THE PROCEEDINGS OF THE SECURITY COUNCIL

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INTRODUCTORY NOTE

As indicated previously in the *Repertoire*, Articles 31 and 32 of the Charter and rules 37 and 39 of the provisional rules of procedure provide for

of the United Nations brings a dispute or a situation to the attention of the Security Council in accordance with Article 35, paragraph 1 (rule 37);

State which is not a Member of the United Nations (Article 32) (3); and (4) specially affected (Article 31 and rule 37); and (4) where members of the Secretariat or other persons are invited to supply information or give other assistance (rule 39). Of these four categories, only

In extending invitations, the Council, as earlier, has made no distinction between a complaint involving a dispute within the meaning of Article 32, or a situation, or a matter not of such nature.

The classification of material relevant to participation in the proceedings of the Security Council is

adhering where possible to a classification based on Articles 31 and 32 of the Charter and rules 37 and 39 of the provisional rules of procedure. The

largely within a classification derived from the texts of these Articles and rules of procedure, have been set forth in the *Repertoire*, 1946-1951.

The relevant material is assembled under parts I under review there has been no discussion of the there are no entries in part II.

Part I includes a summary account of the proceedings of the Council in the consideration of those proposals to extend an invitation to participate in the discussion where objections or other questions were raised with special emphasis on consideration

to rest. Included also in this part is a tabulation of invitations extended by the Council.

Part III presents a summary account of procedures relating to the participation of invited representatives

Part I

BASIS OF INVITATIONS TO PARTICIPATE

NOTE

Part I includes all instances in which proposals to extend invitations to participate in the discussion

invitations are dealt with in three sections: section B: Invitations to representatives of subsidiary organs or other United Nations organs; section C: Invitations to Members of the United Nations;² section D: Invitations to non-member States and other invitations. Presented in case histories are those instances in which special problems arose regarding a request for an

and the main positions taken in the course of the

In most instances in which Member States submitting matters to the Council in accordance with

¹ See Case 1.

² See tabulations C. 1(a), C. 2(a).

Article 35, paragraph 1, have asked to participate in the deliberations of the Council, the invitations have been extended as a matter of course and without discussion. This has been true also of invitations

their interests were considered by the Council to be specially affected.

Of the two hundred and one instances in which routine invitations were extended by the Security Council, fifty-four have been recorded in tabular form in section C. 1(a), whereas the other one hundred and forty-seven appear in section C. 2(a). As in

thirty-seven African States, in submitting a question to the Council, delegated the President of the Islamic Republic of Mauritania and the Ministers for Foreign Affairs of Sudan, Ethiopia, Nigeria, Liberia and Chad to submit to the Council the concern of all peoples of

Africa about the situation in Namibia.³ One of the

**A. IN THE CASE OF PERSONS INVITED

Article 35 of the Charter.⁴ Two other cases are concerned with the question of extending invitations to States whose interests were claimed to be specially affected by the situation under consideration. They present the proceedings in which the question of the applicability of Article 31 and rule 37 of the provisional rules of procedure was raised in connexion with the request for an invitation from a member

In section D those proceedings are reported which involved the extension of an invitation under rule 39 of the provisional rules of procedure. In the first of three cases presented, the invitation was extended expressly under rule 39⁶ while in the second case its basis was not specified.⁷ In the third case there has been extensive discussion on the applicability of rule 39 in connexion with a request for an invitation; however, no decision of the Council was taken.⁸

CASE 1
At the 1464th meeting on 20 March 1969 in connexion with the situation in Namibia the President (Egypt), informed the members of the Security Council that a request to participate in the debate had been made by the representative of the United Arab Republic in his capacity as President of the

The President stated further "If there is no objection, I shall invite the representative of the United Arab Republic to take a place at the Council table in order to participate, without vote in the Security Council's debate in accordance with the usual practice and with rules of procedure."⁹

At the invitation of the President, the representative of the United Arab Republic took a seat at the Council table.¹⁰

³ S/12206, OR, 26th yr., Suppl. for Jan.-March 1969, p. 64.

⁴ 1464th meeting, President (Egypt).

⁶ See Case 5.

⁷ See Case 6.

⁸ See Case 7.

27 September 1971 (para. 49) the representative of Nigeria, each in his capacity as President of the United Nations Council, were invited to participate in the discussion.

C. IN THE CASE OF MEMBERS OF THE UNITED NATIONS

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

(a) A MEMBER IN ACCORDANCE WITH ARTICLE 25, PARAGRAPH 1, OF THE CHARTER

Question ^a	State Invited	Basis of invitation	Decision of the Council: Invitations extended and renewed ^b
1. The situation in the Middle East	Israel	S/9112, OR, 24th yr., Suppl. for Jan.-March 1969, p. 143 S/9115	1466th meeting (1467th-1473rd meetings)
	Lebanon	S/9385, OR, 24th yr., Suppl. for July-Sept. 1969, p. 155 S/9390	1498th meeting (1499th-1502nd, 1504th meetings)
	Lebanon	S/9794, OR, 25th yr., Suppl. for April-June 1970, p. 181 S/9797	1537th meeting (1538th-1542nd meetings)
	Israel	S/9795, OR, 25th yr., Suppl. for April-June 1970, p. 182 S/9796	1537th meeting (1538th-1542nd meetings)
	Lebanon	S/9925, OR, 25th yr., Suppl. for July-Sept. 1970, p. 141 S/9926	1551st meeting

^a Questions entered in this tabulation are arranged under their respective general headings in the order in which they were first discussed in a tabulation entitled "Invitations when the interests of a Member were considered specially affected" as explained in the introductory note (see C.2 below).

^b Invitations extended and renewed are arranged in a tabulation entitled "Invitations when the interests of a Member were considered specially affected" as explained in the introductory note (see C.2 below).

Question ^a	State Invited	Basis of Invitation	Decision of the Council: Invitations extended and renewed ^b
2. Complaint by the Government of Cyprus	Cyprus	S/5488, OR, 18th yr., Suppl. for	1474th meeting
		S/9553	1521st meeting
		S/9828	1543rd meeting
		S/10033	1564th meeting
		S/10208	1567th meeting (1568th meeting)
3. Situation in Southern Rhodesia	Mauritania	S/9227, and Add.1 and 2, OR, June 1969, p. 187	1477th meeting (1478th-1481st meetings)
		S/9257	
		Tanzania S/9260	1477th meeting (1478th-1481st meetings)
		Guinea S/9262	1477th meeting (1478th-1481st meetings)
		Somalia S/9267	1477th meeting (1478th-1481st meetings)
		India S/9261	1478th meeting (1479th-1481st meetings)
		Sudan S/9268	1478th meeting (1479th-1481st meetings)
		Saudi Arabia for S/9269	1478th meeting (1479th-1481st meetings)
		S/9685	
		Senegal S/9689	1521st meeting (1522nd-1525th meetings)
Pakistan S/9690	1531st meeting (1532nd-1535th meetings)		
Yugoslavia S/9697	1532nd meeting (1533rd-1535th meetings)		
Saudi Arabia S/9710	1534th meeting (1535th meeting)		
4. Situation in Namibia	Chile	S/9259, OR, 24th yr., Suppl. for July-Sept. 1969, p. 138	1492nd meeting (1493rd-1497th meetings)
		S/9369	
		India S/9396	1493rd meeting (1494th-1497th meetings)
		S/9616/Add.1-3, OR, 25th yr., Suppl. for Jan.-March 1970, p. 112	1529th meeting
		S/9627	
		Pakistan S/9628	1529th meeting
		Mauritania S/10326, OR, 26th yr., Suppl. for July-Sept. 1971, p. 64	1583rd meeting
		Ethiopia S/10333	1584th meeting (1585th, 1587th-1589th, 1593rd-1595th, 1597th-1598th meetings)
		Cyprus S/10340	1584th meeting (1585th, 1587th-1589th, 1593rd-1595th, 1597th-1598th meetings)
		Liberia S/10339	1584th meeting (1585th, 1587th-1589th, 1593rd-1595th, 1597th-1598th meetings)
		South Africa S/10334	1584th meeting (1585th, 1587th-1589th, 1593rd-1595th, 1597th-1598th meetings)
		Sudan S/10336	1584th meeting (1585th, 1587th-1589th, 1593rd-1595th, 1597th-1598th meetings)
		Nigeria S/10326	1584th meeting (1585th, 1587th-1589th, 1593rd-1595th, 1597th-1598th meetings)
		Mauritius S/10347	1587th meeting (1588th-1589th, 1593rd-1595th, 1597th-1598th meetings)
		Uganda S/10374	1595th meeting (1597th-1598th meetings)
5. Complaint by Senegal	Guinea	S/9528, OR, 24th yr., Suppl. for Oct.-Dec. 1969, p. 147	1516th meeting (1517th-1520th meetings)
	Senegal	S/10251, OR, 26th yr., Suppl. for July-Sept. 1971, p. 28	1569th meeting (1570th-1572nd meetings)
6. Complaint by Guinea	Guinea	S/9528, OR, 24th yr., Suppl. for Oct.-Dec. 1969, p. 147	1522nd meeting (1523rd-1526th meetings)
		S/10280, OR, 26th yr., Suppl. for July-Sept. 1971, pp. 41-42	1573rd meeting (1574th-1576th, 1586th, 1593rd meetings)
7. The Question of Race Conflict in South Africa	Mauritius	S/9867, OR, 25th yr., Suppl. for July-Sept. 1970, p. 106	1559th meeting (1560th-1562nd meetings)
		S/9872	

Question ^a	State Invited	Basis of invitation	Decision of the Council: invitations extended and renewed ^b
	Lebanon	S/9300	1483rd meeting (1484th-1485th meetings)
	Malaysia	S/9302	1484th meeting (1485th meeting)
	Sudan	S/9304	1485th meeting
	Afghanistan	S/9305	1485th meeting
	Yemen	S/9306	1485th meeting
	Tunisia	S/9307	1485th meeting
	Kuwait	S/9310	1485th meeting
	Israel	S/9425	1507th meeting (1508th-1512th meetings)
	United Arab Republic	S/9438	1507th meeting (1508th-1512th meetings)
	Indonesia	S/9437	1507th meeting (1508th-1512th meetings)
	India	S/9439	1508th meeting (1509th-1512th meetings)
	Somalia	S/9440	1508th meeting (1509th-1512th meetings)
	Jordan	S/9441	1509th meeting (1510th-1512th meetings)
	Saudi Arabia	S/9443	1509th meeting (1510th-1512th meetings)
	Ceylon	S/9442	1510th meeting (1511th-1512th meetings)
	Malaysia	S/9444	1510th meeting (1511th-1512th meetings)
	Lebanon	S/9446	1511th meeting (1512th meeting)
	Tunisia	S/9448	1511th meeting (1512th meeting)
	Saudi Arabia	S/9798	1537th meeting (1538th-1542nd meetings)
	Morocco	S/9799	1537th meeting (1538th-1542nd meetings)
	Israel	S/9927	1551st meeting
	Jordan	S/10314	1579th meeting (1580th-1582nd meetings)
	United Arab Republic	S/10317	1579th meeting (1580th-1582nd meetings)
	Lebanon	S/10322	1580th meeting (1581st-1582nd meetings)
	Morocco	S/10323	1580th meeting (1581st-1582nd meetings)
	Saudi Arabia	S/10324	1580th meeting (1581st-1582nd meetings)
2. Complaint by the Government of Cyprus	Turkey	S/9242	1474th meeting
	Greece	S/9239	1477th meeting
	Turkey	S/9551	1521st meeting
	Greece	S/9547	1521st meeting
	Turkey	S/9829	1543rd meeting
	Greece	S/9830	1543rd meeting
	Turkey	S/10034	1564th meeting
	Greece	S/10035	1564th meeting
	Turkey	S/10207	1567th meeting (1568th meeting)
	Greece	S/10204	1567th meeting (1568th meeting)
	Turkey	S/10447	1612th meeting (1513th meeting)
	Greece	S/10449	1612th meeting (1513th meeting)
3. Complaint by Zambia	Botswana	S/9235	1486th meeting (1487th-1491st meetings)
	Republic	S/9303	1486th meeting (1487th-1491st meetings)
	Liberia	S/9355	1489th meeting (1490th-1491st meetings)
	Madagascar	S/9355	1489th meeting (1490th-1491st meetings)
	Sierra Leone	S/9355	1489th meeting (1490th-1491st meetings)
	Tunisia	S/9355	1489th meeting (1490th-1491st meetings)
	Gabon	S/9356	1489th meeting (1490th-1491st meetings)
	Democratic Republic of the Congo	S/9357	1489th meeting (1490th-1491st meetings)

		Basis of initiation	Decision of the Council: initiations extended and resumed
3. Complaint by Zambia (cont'd)	Zambia	S/10356	1590th meeting (1591st-1592nd meetings)
	Tanzania	S/10357	1590th meeting (1591st-1592nd meetings)
	Nigeria	S/10359	1590th meeting (1591st-1592nd meetings)
	South Africa	S/10360	1590th meeting (1591st-1592nd meetings)
	Kenya	S/10361	1590th meeting (1591st-1592nd meetings)
	Congo	S/10362	1590th meeting (1591st-1592nd meetings)
	India	S/10370	1591st meeting (1592nd meeting)
	Pakistan	S/10371	1591st meeting (1592nd meeting)
4. Complaint by Senegal	Portugal	S/9519	1516th meeting (1517th-1520th meetings)
	Morocco	S/9529	1516th meeting (1517th-1520th meetings)
	Liberia	S/9531	1517th meeting (1518th-1520th meetings)
	Madagascar	S/9531	1517th meeting (1518th-1520th meetings)
	Sierra Leone	S/9531	1517th meeting (1518th-1520th meetings)
	Tunisia	S/9531	1517th meeting (1518th-1520th meetings)
	Mali	S/9533	1517th meeting (1518th-1520th meetings)
	Saudi Arabia	S/9534	1517th meeting (1518th-1520th meetings)
	Syria	S/9536	1517th meeting (1518th-1520th meetings)
	Yemen	S/9535	1517th meeting (1518th-1520th meetings)
	United Arab Republic	S/9538	1517th meeting (1518th-1520th meetings)
	Mauritania	S/9539	1518th meeting (1519th-1520th meetings)
	Guinea	S/10258	1569th meeting (1570th-1572nd, 1599th-1601st meetings)
	Mali	S/10260	1570th meeting (1571st-1572nd, 1599th-1601st meetings)
	Sudan	S/10262	1570th meeting (1571st-1572nd, 1599th-1601st meetings)
	Mauritania	S/10261	1570th meeting (1571st-1572nd, 1599th-1601st meetings)
	Mauritius	S/10264	1571st meeting (1572nd, 1599th-1601st meetings)
	Zambia	S/10265	1571st meeting (1572nd, 1599th-1601st meetings)
	Senegal	S/10342	1586th meeting (1599th-1601st meetings)
5. Complaint by Guinea	Portugal	S/9555	1522nd meeting (1523rd-1526th meetings)
	Mali	S/9549	1523rd meeting (1524th-1526th meetings)
	Congo	S/9562	1523rd meeting (1524th-1526th meetings)
	Liberia	S/9563	1523rd meeting (1524th-1526th meetings)
	Madagascar	S/9563	1523rd meeting (1524th-1526th meetings)
	Sierra Leone	S/9563	1523rd meeting (1524th-1526th meetings)
	Lesotho	S/9564	1523rd meeting (1524th-1526th meetings)
	Saudi Arabia	S/9565	1523rd meeting (1524th-1526th meetings)
	Libya	S/9566	1524th meeting (1525th-1526th meetings)
	Yemen	S/9567	1524th meeting (1525th-1526th meetings)
	India	S/9568	1524th meeting (1525th-1526th meetings)
	Bulgaria	S/9573	1525th meeting (1526th meeting)
	Senegal	S/9992	1558th meeting (1559th-1563rd meetings)
	Saudi Arabia	S/9994	1558th meeting (1559th-1563rd meetings)
	Mauritania	S/9995	1558th meeting (1559th-1563rd meetings)
	Algeria	S/10010	1559th meeting (1560th-1563rd meetings)
Congo	S/10013	1559th meeting (1560th-1563rd meetings)	
Yugoslavia	S/10015	1559th meeting (1560th-1563rd meetings)	

Question ^a	State invited	Basis of invitation	Decision of the Council: invitations extended and renewed ^b
5. Complaint by Guinea (cont'd)	Mauritius	S/10016	1559th meeting (1560th-1563rd meetings)
	Sudan	S/10017	1559th meeting (1560th-1563rd meetings)
	United Arab Republic	S/10018	1559th meeting (1560th-1563rd meetings)
	Ethiopia	S/10019	1559th meeting (1560th-1563rd meetings)
	Southern Yemen	S/10021	1560th meeting (1561st-1563rd meetings)
	Cuba	S/10022	1560th meeting (1561st-1563rd meetings)
	Uganda	S/10023	1561st meeting (1562nd-1563rd meetings)
	India	S/10025	1561st meeting (1562nd-1563rd meetings)
	Somalia	S/10026	1561st meeting (1562nd-1563rd meetings)
	Haiti	S/10027	1562nd meeting (1563rd meeting)
7. Situation in Namibia	Yemen	S/9788	1536th meeting
	Pakistan	S/9793	1536th meeting
	Saudi Arabia	S/10353	1589th meeting (1593rd, 1595th, 1597th, 1598th meetings)
8. Situation in Southern Rhodesia	India	S/10373	1595th meeting (1597th, 1598th meetings)
	Saudi Arabia	S/10388	1602nd meeting (1603rd-1605th, 1609th, 1622nd-1623rd meetings)
	Tanzania	S/10399	1603rd meeting (1604th-1605th, 1609th, 1622nd-1623rd meetings)
	Kenya	S/10400	1603rd meeting (1604th-1605th, 1609th, 1622nd-1623rd meetings)
	Zambia	S/10404	1604th meeting (1605th, 1609th, 1622nd-1623rd meetings)
	Ghana	S/10407	1604th meeting (1605th, 1609th, 1622nd-1623rd meetings)
	Nigeria	S/10482	1623rd meeting
	Algeria	S/10483	1623rd meeting
9. The situation in the India/Pakistan Subcontinent	India	S/10484	1623rd meeting
	Tunisia	S/10414	1606th meeting (1607th, 1608th, 1611th, 1614th-1617th, 1621st meetings)
	Saudi Arabia	S/10424	1608th meeting (1611th, 1614th-1617th, 1621st meetings)
	Ceylon	S/10454	1615th meeting (1616th, 1617th, 1621st meetings)
	Kuwait	S/10431	1610th meeting
10. Question concerning the Islands of Abu Musa, the Greater Tunb and the Lesser Tunb	Iran	S/10436	1610th meeting
	The United Arab Emirates	S/10439	1610th meeting

nexion with the situation in the India/Pakistan subcontinent, the President (Sierra Leone) drew attention to a letter¹³ from the representative of Tunisia, requesting that his delegation be allowed to participate in the debate, without the right to vote. The President then said that if there were no objections he would invite the representative of Tunisia to participate in the debate in accordance with rule 37 of the provisional rules of procedure of the Council.

The representative of Italy stated that owing to the urgency of the crisis the Security Council was facing, it should restrict the deliberations to the members of

to the representatives of India and Pakistan.

The representative of the USSR stated that his delegation would be unable to support the Italian proposal. Normally the Security Council did not erect any barriers to the participation of the representatives of any States Members of the United Nations and did not preclude their taking part in the work of the Security Council. That had not happened in the past and it would not be appropriate to establish in the system precedents of that kind for the future.

The representative of Italy, after reiterating his proposal, said that the Security Council should try to restrict deliberations to members of the Council and

¹³ S/10414.

the main parties concerned, "at this preliminary stage, at this first meeting". It could, however, decide later whether to accept participation from other Members of the United Nations in the discussions.¹⁴

followed on previous occasions".

The representative of the United States said that the matter was so urgent that it should be dealt with immediately. He said: "Our own view tentatively remains unchanged. It is in the interest of the United States to support the request of the Italian representative."

The representative of Italy believed that the Council should not be involved with or speak about other requests at that time. He said: "The Council should consider that 'later on in order not to embarrass anybody'".

The representative of the USSR stated that to deprive a delegation of a Member State of its right to take part in the discussion would be unprecedented. All this time in the Security Council the practice had been strictly observed whereby every delegation of a Member State had had the right to participate in the

in mind that established practice of the Council, there were absolutely no grounds whatsoever for depriving

of whether there were any other delegations wishing to speak at the meetings of the Security Council. If there were any requests from other delegations, those delegations could likewise be invited.

The representative of South Africa said that the matter before Article 31 of the Charter said that the matter before

tative of Tunisia and the request of any other delegations. The representative of Tunisia said that the request of the representative of Tunisia to participate in the discussion.¹⁶

CASE 4

At the 1584th meeting on 27 September 1971 in connexion with the situation in Namibia, the representative

the request of South Africa for participation in the Council's discussion and the terminology contained in that request. He stated that the item inscribed on the agenda related to the question of Namibia, not of South West Africa. Therefore, he would like to have some clarification on that point.

¹⁴ For texts of relevant statements see: 1606th meeting: President (Sierra Leone), para. 2; Italy, paras. 3, 13-15; USSR, paras. 9, 32.

¹⁵ For texts of relevant statements, see: 1607th meeting: President (Sierra Leone), para. 4; United States, paras. 5, 6; USSR, paras. 10, 11; Somalia, paras. 12-15.

The representative of the Syrian Arab Republic said that there ought to be uniformity in the terminology used. It was established beyond any doubt that the question under discussion was Namibia not South West Africa. That was true also of the report sub-

working of the agenda and with the report submitted to the Security Council.

The representative of the USSR said that the official positions determined by the Government of the country

The representative of the United Kingdom stated that the question of terminology should not prevent

allowing a Member State to participate in discussions in accordance with Article 31 of the Charter and rule 37 of the Council's provisional rules of procedure. It could not be denied that the interests of South Africa, a Member State, were "especially affected" and it could hardly be imagined that South Africa would not be mentioned in those discussions.

The representative of the United States pointed out that on the cover of the Advisory Opinion of the International Court of Justice, the words "Namibia (South

West Africa) were used. The opinion of the Court itself used those words.

neither proper, nor desirable, I believe that since the International Court of Justice uses, in parenthesis, the words 'South West Africa' the representative of South Africa should be invited to participate in the debate. If there are any objections to that ruling, I shall put the matter to the vote".

strong reservations concerning the procedure South

of the fact that the Territory of Namibia was clearly within the competence and responsibility of the United Nations. Evidently South Africa did not wish to recognize that fact.¹⁷

After further discussion the President stated that in the verbatim record and invited the representative of South Africa to participate in the Security Council's discussion without the right to vote.¹⁸

** (b) TO SUBMIT WRITTEN STATEMENTS

**3. Invitations denied

¹⁷ For texts of relevant statements see: 1584th meeting: President (Japan), para. 41; Somalia, paras. 3, 5, 7, 42, 43; Syrian Arab Republic, paras. 9, 10; USSR, paras. 12-15; United Kingdom, para. 29; France, para. 31; United States, paras. 22-24; Italy, para. 25.

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

2. Invitations expressly under rule 39

CASE 5

At the 1587th meeting on 30 September 1971 in connexion with the situation in Namibia the President (Japan) informed the Council that he had received a letter¹⁹ from the representatives of Burundi, Sierra Leone and Somalia requesting that Mr. Nujoma, Presi-

zation) be invited to participate in the Council's discussion on the question before it. He said further that, perhaps, the members of the Council would be willing to accept that at the appropriate time in the light of rule 39, of the provisional rules of procedure as requested in the letter from the three members of the

near no objection, he stated, I take it that the

At the 1588th meeting on 1 October 1971, the President reminded the Council that at its meeting on 30 September, it had agreed to invite Mr. Nujoma and he believed that it was appropriate to hear Mr. Nujoma's statement. Accordingly at the invitation of the President, Mr. Nujoma, representative of the South West Africa People's Organization took a seat at the Council table.²¹

CASE 6

At the 1602nd meeting on 25 November 1971 in connexion with the situation in Southern Rhodesia, the representative of the USSR stated that in view of the attitude on the part of the Africans towards the Home-Smith agreement, the Security Council should within its rights to ascertain the views of the people of Zimbabwe and its representatives. The USSR delegation then proposed that the leaders of two parties,

Africa and their appraisal of the Home-Smith agree-

The representative of Somalia supported the USSR proposal and said that a request should be addressed to the United Kingdom Government to invite the leaders of those two political parties.

The President (Poland) stated that he intended to enter into the customary consultations on that subject and he should keep members of the Council informed of the results of those consultations.²²

President (Sierra Leone) stated: "The President promised to hold consultations with his colleagues. These consultations have continued; they have almost reached

¹⁹ 1587th meeting: the President (Japan), paras. 2, 3.

²¹ 1588th meeting, paras. 87-88.

²² For texts of relevant statements, see: 1602nd meeting, President (Poland), para. 144; USSR, paras. 78, 79; Somalia, para. 138.

a conclusion. Up to this date I have heard no objection to the proposal. If as I have stated, there is no objection to this proposal, I suggest that it should be

adopted.

and Mr. N. Sidiqi to appear before it and to state their views on the proposals on Southern Rhodesia.²⁴

CASE 7

At the 1606th meeting on 4 December 1971 in connexion with the situation in the India/Pakistan sub-

the attention of the members of the Security Council to a letter²⁵ from the delegation of Bangladesh, transmitted by the representative of India, proposed that a representative of Bangladesh should be invited to

The representative of Poland supported the USSR proposal and stated that this invitation should be for

The representative of China stated that extending

within East Pakistan would be tantamount to asking the Security Council to interfere in the internal affairs of a sovereign Member State.

The representative of Argentina stated that if the Council were to accept this proposal, it could constitute a precedent which could be invoked in the future by any group from any country, which was a member of the United Nations, whether the group resided in that country or was in exile. He also expressed doubt that this would be in accord with the provisions of rule 39 of the provisional rules of procedure.

The representative of the USSR, after reading out the text of rule 39 of the rules of procedure, stated that attempts to prevent an invitation being issued would not be conducive to a positive discussion of the question. The representative of Bangladesh spoke for the 75 million inhabitants of East Pakistan and those who were trying to prevent them from participat-

The representative of Pakistan said that any move

ran counter to the fundamental principle of the Charter—territorial integrity of Member States was outside the competence of the United Nations and of the Security Council because the Security Council had to interpret its rules in consistence with the fundamental provisions of the Charter. By accepting the proposal to invite representatives of a so-called entity to address the Security Council, the Council would have struck at the territorial integrity of a Member State and would

no meeting to determine a form of recognition of that kind of recognition.

The representative of India said that the problem before the Council was essentially an issue between West Pakistan and the people of Bangladesh. There

²³ 1604th meeting, President (Sierra Leone), paras. 43-45.

²⁴ *Ibid.*, para. 48.

²⁵ S/10415, OR, 26th yr., Suppl. for Oct.-Dec. 1971, pp. 89-90.

fore, without the participation of the people of Bangladesh it was impossible to obtain proper perspective. Although the representative of Pakistan had brushed aside those people as groups of either refugees or rebels, they were in reality the elected representatives of 75 million people. It was essential that the representatives of Bangladesh should be present and the Council

The President (Sierra Leone) ruled that that question should be deferred until the next meeting because the application about the invitation had reached him only a few minutes before the meeting and the members of the Security Council could not receive copies of it.²⁶

At the 1607th meeting on 5 December 1971, the representative of the USSR raised again the question of an invitation to a representative of Bangladesh.

The representative of China stated that it was a substantive and not a procedural issue, and that attempts to subvert and dismember a sovereign state are countermissible.

The representative of Bangladesh was a major party to the problem and could supply the Security Council with information and extend

rule 39 of the provisional rules of procedure.

The representative of Pakistan said that such an invitation would contravene not only the fundamental provisions of the Charter but rule 39 itself, because

The representative of Argentina asked whether the intent of the USSR motion was to invite a person or the representative of a Government.

The representative of Italy suggested further consultations on the issue.

The representative of the USSR stated that his delegation had proposed to invite the representative

consideration; and, it was in that connexion that reference to rule 39 had been made. He emphasized that no one would be better able than the representa-

the representative of Italy that consultations

The President adjourned the question to a later date for further consultations.²⁷

At the 1612th meeting on 12 December 1971, the representative of the USSR, speaking on a point of order, held his delegation's proposal that the repre-

²⁶ For texts of relevant statements, see: 1606th meeting: President (Sierra Leone), para. 48; USSR, paras. 5-8, 23-40; Pakistan, para. 14; China, para. 20-21; Argentina, para. 25.

²⁷ 1607th meeting: President (Sierra Leone), para. 49; USSR, paras. 25-27, 71; China, paras. 27-30; India, paras. 37-39; Pakistan, paras. 42-45; Argentina, paras. 64-66.

before the Security Council under rule 39 of the provisional rules of procedure. New changes had taken place in Bangladesh and a third force had arisen there. It would, therefore, be advisable for the Security Council to invite the representative of Bangladesh to hear his views and an assessment of the events which had occurred in East Pakistan.

USSR proposal stated that it would create a bad precedent if representatives of secessionist or subversive movements were allowed a hearing by the Council. It would be a clear case of interference in the internal affairs of a Member State.

The President (Sierra Leone), invoking rule 30 of the Council's provisional rules of procedure pointed out that there was a difference in international law between recognition of a state and recognition of a government and that his opinion on Bangladesh did not possess the necessary criteria for recognition of a state.

He added: "Accordingly, I rule that in accordance with rule 39 of the provisional rules of procedure, the representatives of entities of which have not fully satisfied the conditions of existence of which have not fully satisfied the conditions concerned in the matter before the Council wish to be heard, they cannot be heard in accordance with the provisions of rule 39."

not spoken or inviting representatives of a State but of inviting competent persons under rule 39, who might bring information to the Council and give some useful explanations and information. The ruling related to inviting representatives of a State and therefore was based on a not entirely accurate assumption and gave

The representative of the USSR further raised the question of inviting Justice Abu Sayeed Chowdhury mentioned by the representative of India in his letter to the President of the Security Council, as a person competent to assist the Council in coming to a decision on the matter before it.

The representative of India stated that apart from the armed forces of India and Pakistan engaged in the area, a large number of armed and organized persons who accepted the orders of the government of Bangladesh and participated in partisan activities for maintaining their

area, which would enable the Security Council to

The representative of Poland said that the persons mentioned constituted a political movement and were competent to bring information to the Security Council which could assist it in its work.

The representative of China opposed extending invitations to persons who were not representatives of a national liberation movement.

The representative of Pakistan said that the individuals mentioned did not fall under rule 39. He had described himself as a representative of the government of the so-called

Benelux. As the President had pointed out already, a government and that was covered by another Article of the Charter.

The President said that he considered the USSR would, in accordance with rule 30, state his ruling. He noted that he was satisfied that the representative of the USSR had named an individual who qualified as a competent person under rule 39 and who should accordingly be invited to address the Council. However, since an objection had been raised to inviting the individual named by the representative of the USSR, thereby constituting a challenge to his ruling,

he would submit his ruling to the Security Council. The representative of the USSR then stated that he would not insist on a vote on his proposal. The President stated that he considered the proposal withdrawn.²⁹

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

****4. Invitations denied**

²⁸ 1613th meeting: President (Sierra Leone), paras. 80-82, 90-94, 115, 119, 120, 133-136; USSR, paras. 77-79; 108-114, 121, 137; Argentina, paras. 83-89; India, paras. 99-100; Poland, paras. 102-104; China, paras. 116-118; Pakistan, para. 128.
²⁹ *Ibid.*, para. 138. See also chapter I, case 28.

****Part II**

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

Part III

PROCEDURES RELATING TO PARTICIPATION OF INVITED REPRESENTATIVES

NOTE

Part III is concerned with procedures relating to the participation of invited representatives after an invitation has been extended to them by the Security Council and non-members of the United Nations.

invited states might be heard (section A), or the (section B) arose during the period under review. The practice has been maintained, however, according to which the President, when consideration of a question has extended over several meetings, has removed the invited states after the adoption of the agenda.³⁰

Section C deals with limitations of a procedural nature affecting invited representatives throughout the process of participation in the proceedings of the Security Council. During the period under review, there was occasion³² a question was raised concerning the limitations affecting the submission of proposals or draft resolutions by the invited representatives. On several occasions the draft resolution.

connected with aspects of the business of the Council in which it has been deemed inappropriate that invited representatives should participate. The discussion in one case³³ dealt principally with the question of whether

³⁰ In this connexion, see tabulation above, part I, C. 1(a),

³² Case 9.
³³ Case 10.

the invited representative may speak on the question of the adoption of the agenda. Under the sub-heading "Extension of invitations" one instance is recorded in which invited representatives asked to be heard on the

***II. THE DURATION OF PARTICIPATION**

C. LIMITATIONS OF A PROCEDURAL NATURE
1. Concerning the order in which invited representatives are called upon to speak

At the 1537th meeting on 12 May 1970 in connexion with the situation in the Middle East, the representative of Israel asked for the floor on a draft resolution put forward by the representative of Spain who requested that it be put to the vote immediately.

order asserted that since the draft resolution was submitted "on an immediate and urgent basis" the Security Council was required to take the draft resolution

The President (France) stated that the Council was not a member of the Security Council or which was not a member of the Security Council could not take part in the vote. But that was a debate which had not been closed and before proceeding to the proposal made on the very substance of the matter, the participants in the debate might speak. He added: "I therefore think that we should hear the representative of

³⁴ Case 11.

Ireland to make a statement to the Council in explanation of his Government's request for the meeting of the Security Council. He stated that in the event the

disposed of the matter without hearing the representative of the Member State which had brought this matter before the Council. It would be a matter of courtesy to let the Minister of Foreign Affairs of Ireland address the Security Council and it could be done in

State the Council before the adoption of the agenda

the Foreign Minister of Ireland would not object to

The President (Spain) stated that the Security Council, before taking a decision on the provisional agenda, agreed to invite the Minister for External Affairs of Ireland to make a statement to the Council in explanation of his Government's request for an urgent meeting of the Security Council.⁴¹

2. Extension of invitations

CASE 11

in connection with the situation in the Middle East and in members of the Security Council to the statement on a procedural matter concerning the invitation of

representative of India to speak on that particular subject.

⁴¹ For text of relevant statements see: 1502nd meeting (FY), President (Spain), p. 7; Finland, pp. 6-7; United Kingdom, p. 7.

The representative of Pakistan stated that the representative of India was out of order when he intervened on that meeting because he was not a member of the Council.

matter.⁴²

At the 1607th meeting on 5 December 1971 the representative of India noted that practically all those who had spoken about the application of the representative of Bangladesh to be heard by the Council had

country, delegations such as his which had been invited

The representative of Pakistan said that he did not

parties not members of the Council and who were invited to speak at the Council table could not participate in a discussion of the kind that had been raised by the representative of the USSR. He was, however, compelled to intervene since the representative of India had been allowed to make statements because he had

The representative of Italy stated that he did not raise a point of order at that time since he assumed that the representatives of India and Pakistan, the main parties concerned, were within their right to speak on

3. Postponement of consideration

⁴² For texts of relevant statements see: 1606th meeting: Italy, para. 52; Pakistan, para. 140.

⁴³ 1607th meeting: India, para. 33; Pakistan, para. 41; Italy, para. 67.