

ARTICLE 32

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TEXT OF ARTICLE 32

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, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. 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.

INTRODUCTORY NOTE

1. Article 32 contains provisions for invitations by the Security Council to Members and to States which are not Members of the United Nations, if they are party to disputes under consideration by the Security Council. It is the only Article which provides for the participation of non-member States.

2. During the period under review, no invitation was issued to Members of the United Nations expressly under Article 32. One invitation was extended to a non-member State in accordance with Article 32.

3. Since there was no constitutional discussion regarding the application and interpretation of Article 32, the present study consists only of a summary of practice.

SUMMARY OF PRACTICE

4. During the period under review, from its 2108th meeting, held on 1 January 1979, to its 2565th meeting, held on 14 December 1984, the Security Council extended one invitation to a non-member State, the Republic of Korea, to participate in its discussion of the item relating to the Korean aircraft incident.¹ At its 2470th meeting, held on 1

¹ The title of the item, as included in the agenda of the Security Council, was as follows: "Letter dated 1 September 1983 from the Acting Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council (S/15947); Letter dated 1 September 1983 from the Permanent Observer for the Republic of Korea to the United Nations addressed to the President of the Security Council (S/15948); Letter dated 1 September 1983 from the Chargé d'affaires a.i. of the Permanent Mission of Canada to the United Nations addressed to the President of the Security Council (S/15949); Letter dated 1 September 1983 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council (S/15950); Letter dated 2 September 1983 from the Acting Permanent Representative of Australia to the United Nations addressed to the President of the Security Council (S/15951)".

September 1983, pursuant to the request² made by the Permanent Observer for the Republic of Korea to the United Nations, the President, with the consent of the Council, issued the invitation "in accordance with the provisions of Article 32 of the Charter". The invitation was renewed at subsequent meetings in which the item was discussed.³

5. At its session in 1984, the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization considered a proposal which had a bearing on Articles 31 and 32.⁴

² S C (38), Suppl. for July-Sept. 1983, S/15948, annex.

³ S C (38), 2471st, 2474th and 2476th mtgs.

⁴ For details, see the present *Supplement*, under Article 31, para. 10.