

ARTICLE 31

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TEXT OF ARTICLE 31

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

INTRODUCTORY NOTE

1. There was little significant practice in connexion with the application and interpretation of Article 31 during the period covered by this Supplement. Essentially, the practices described in the corresponding studies in the earlier volumes of the Repertory were continued by the Security Council. The only innovation occurred in connexion with a request of certain Members of the United Nations to participate in the Council's discussion of the Suez Canal question; the Council invited them to submit written statements. The proceedings on that occasion are reviewed in the Analytical Summary of Practice in connexion with the meaning of the term "interests specially affected".

I. GENERAL SURVEY

2. The Security Council continued, in general, to accede to applications from Members of the United Nations to participate in its discussions. During the period covered by this Supplement, it extended invitations on twenty-two occasions to Members of the United Nations: in twenty-one cases, the invitations related to participation in the discussions and, in one case, to the submission of written statements. No invitation was denied. In five cases, invitations to participate in the discussions of the Council were extended to one Member State; in the other cases, to two or more Member States at the same time.

3. The Security Council extended twelve invitations to Members of the United Nations which had brought a matter to its attention, presumably in accordance with Article 35 (1). Invitations were also presumably extended on the basis that the interests of the Member or Members were to be considered as "specially affected" within the meaning of Article 31 though no explicit reference was made to that Article or to rule 37 of the provisional rules of procedure of the Security Council.

4. The invitations extended by the Security Council to Members of the United Nations to participate in the discussions were initiated by the President of the Council; in some cases formal requests to participate were submitted by the Member or Members concerned. The Council continued the practice of acting without the introduction of formal draft resolutions and without taking a vote. The President, in the absence of objection, normally invited the representative of the State or States concerned to the Council table; in some cases he also took the sense of the Council by means of a statement calling the relevant request to its attention.

5. Invitations to submit written statements, which were extended to certain Members of the United Nations whose representatives had asked to take part in the discussion of the Suez Canal question, were initiated by a member of the Security Council.

6. A tabulation of all invitations extended to Members of the United Nations during this period is appended as an annex to the present study. As in previous Repertory studies of this Article, the invitations are classified chronologically under two broad headings, according to the basis on which it is presumed the invitations were extended. Where there were cross-complaints, invitations are listed twice.

7. The invitations included in the tabulation represent the initial decisions of the Security Council which resulted in the invitation. As before, Members of the United Nations, after having been invited to participate in the discussions, continued to be invited to the Council table at subsequent meetings when the item in question was considered.

8. Representatives of Member States invited to the Council table continued to take part in the discussions of the question under consideration in the same manner as members of the Council, subject to the limitations on voting and on submission of proposals and draft resolutions provided for in Article 31 and rule 38 of the provisional rules of procedure of the Security Council. Written statements submitted by Members of the United Nations on the invitation of the Council were circulated as documents of the Security Council.

II. ANALYTICAL SUMMARY OF PRACTICE

9. With regard to questions before the Security Council which concerned complaints and cross-complaints, no clear distinction was made between invitations extended on the basis that the interests of a Member were considered "specially affected" and those

10. In two instances, Article 31 was explicitly invoked in the request for permission to participate. ^{1/} In two other instances, implicit reference to Article 31 was made by Members of the United Nations in their requests. ^{2/} In one instance a Member asked to be heard when a requested meeting should be convened. ^{3/} In another, a Member State directly concerned in a question, submitted to the Council as a situation, asked to be given the opportunity, in accordance with Article 32, to take part in the discussion by the Security Council. ^{4/}

11. The question of the meaning of the term "interests specially affected" in Article 31 was discussed during the proceedings in the Security Council relating to the Suez Canal question. The case is summarized below.

A. The question of the meaning of the term
"interests specially affected"

*Decisions of 26 September and 5 and 13 October 1956
in connexion with the Suez Canal question*

12. At the 734th meeting, on 26 September 1956, the Security Council considered a complaint by France and the United Kingdom against Egypt in connexion with the Suez Canal. At this meeting, the President (Cuba) drew the attention of the Council to a letter ^{5/} dated 26 September 1956 from the representative of Israel, requesting that Israel be given the opportunity to take part, as a Member State with a special interest in the question, in the discussion by the Council of the item submitted by France and the United Kingdom.

13. The representative of Australia proposed that, since the members of the Council had not had sufficient time to give the matter consideration, the question of an invitation to Israel should be deferred until the following meeting of the Council.

14. One representative considered that the interests of Israel were not specially affected, within the meaning of the Charter. If the representative of Israel were invited, other interested Governments might express a desire to be represented. It was the spirit of the Charter that only the members of the Council should take part in its discussions; as an exceptional measure, when the interests of a Member State were genuinely affected, that Member should be given the right to participate in the Council's proceedings. No legal or political considerations, nor considerations of expediency, justified granting Israel's request. ^{6/}

Decision

In the absence of objection, the proposal of the representative of Australia was adopted without a vote. ^{7/}

^{1/} S C, 13th yr., Suppl. for Jan.-Mar., p. 13, S/3952; *ibid.*, Suppl. for Apr.-June, p. 37, S/4013.

^{2/} S C, 11th yr., Suppl. for July-Sept., p. 48, S/3657, and Suppl. for Oct.-Dec., p. 1, S/3663, *ibid.*, Suppl. for Oct.-Dec., p.1, S/3664.

^{3/} S C, 13th yr., Suppl. for Jan.-Mar., p. 21, S/3963.

^{4/} S C, 11th yr., Suppl. for Oct.-Dec., p. 103, S/3694.

^{5/} *Ibid.*, Suppl. for July-Sept., p. 48, S/3657.

^{6/} For texts of relevant statements, see S C, 11th yr., 734th mtg.: President (Cuba), paras. 145, 147 and 154; Australia, paras. 148 and 149; Iran, paras. 150-153.

^{7/} S C, 11th yr., 734th mtg., para. 154.

15. At the 735th meeting, on 5 October 1956, the President (France) brought to the attention of the Security Council a letter 8/ dated 3 October 1956 from the representative of Israel, which referred to his earlier letter 9/ of 26 September 1956, and expressed the intention of the Israel delegation to limit its intervention in the discussion to the aspects of the problem which arose from the resolution of the Security Council of 1 September 1951. The letter recalled that this resolution had concluded a Security Council discussion, relating to the Suez Canal, in which Israel and Egypt had been invited to participate.

16. The President further referred to a letter 10/ dated 4 October 1956 from the representatives of Iraq, Jordan, Lebanon, Libya, Saudi Arabia, Syria and Yemen requesting permission to participate in the discussion.

17. The representative of Yugoslavia expressed the view that the Security Council should not take an immediate decision on either of the two requests and proposed postponement of the decision until later. In reply to a question by the representative of Cuba as to how long the consideration of the requests should be postponed, the President stated that the Council might take any decision it thought fit at any time. 11/

Decision

In the absence of objection, the proposal of the representative of Yugoslavia was adopted without a vote. 12/

18. At the 742nd meeting, on 13 October 1956, the representative of the United States noted that at a previous meeting of the Security Council, he had suggested that the representative of Israel and the representatives of the Arab States who had asked to be heard should be invited to present their views at a meeting of the Council on the following day. Although it had been the prevailing view in the Council that this would not be convenient, no one seemed disposed to deny in principle the right of these Governments to be heard. Since it appeared that there would be no practical opportunity of hearing the representative of Israel and the representatives of the Arab States at the particular stage of the proceedings, the representative of the United States suggested that the question should be left open for consideration at another stage, and that the Council should invite the representatives of the Governments concerned to present their views to the Council in written statements to be circulated by the President. 13/

Decision

In the absence of objection, the proposal of the representative of the United States was adopted without a vote. 14/

8/ S C, 11th yr., Suppl. for Oct.-Dec., p. 1, S/3663.

9/ Ibid., Suppl. for July-Sept., p. 48, S/3657.

10/ Ibid., p. 1, S/3664.

11/ For texts of relevant statements, see S C, 11th yr., 735th mtg.: President (France), paras. 7, 8, 12 and 14; Cuba, para. 11; Yugoslavia, paras. 9, 10 and 13.

12/ Ibid., para. 14.

13/ S C, 11th yr., 742nd mtg., paras. 3-5.

14/ Ibid., para. 6. In accordance with this decision, written statements were submitted to the Secretary Council (S C, 11th yr., Suppl. for Oct.-Dec.) by Israel: p. 21, S/3673; Jordan: p. 55, S/3680; Lebanon, p. 61, S/3683; Libya: p. 88, S/3684; Saudi Arabia: p. 48, S/3676; Syria: p. 38, S/3674; and Yemen: p. 59, S/3681.

**** B. The question of invitations to Member States
which have brought a matter to the
attention of the Security Council in accordance with Article 35 (1)**

ANNEX

Tabulation of instances where invitations to participate,
other than those under Article 32, were extended or denied
by the Security Council to Members of the United Nations

A. INVITATIONS EXTENDED

1. Invitations extended on the basis that the interests of a Member
were considered specially affected

a. Invitation to participate without vote in the discussions

<u>Invitation to</u>	<u>Question</u>	<u>Initiation by</u>	<u>Request^{a/}</u>	<u>Decision of the Council: Meeting and date</u>
1. Egypt	Suez Canal: French and United Kingdom complaint against Egypt; Egyptian complaint against France and United Kingdom	France United Kingdom	None	S C, 11th yr., 735th mtg., para. 15; 5 October 1956
2. Israel Jordan	Palestine: Violation of the General Armistice Agreement by Israel; complaint by Jordan; Violation of the General Armistice Agreement by Jordan: complaint by Israel	President (France)	None	S C, 11th yr., 744th mtg., para. 2; <u>b/</u> 19 October 1956
3. Hungary	Situation in Hungary	Request	S/3694	S C, 11th yr., 746th mtg., paras. 36 and 37; 28 October 1956
4. Egypt	Assistance to the rebels in Algeria	President (France)	None	S C, 11th yr., 747th mtg. paras. 10 and 11; 29 October 1956

a/ Formal requests for participation and, in some cases, relevant communications from the Member State concerned.

b/ Reference is to italicized procedural matter that precedes the indicated paragraph.

<u>Invitation to</u>	<u>Question</u>	<u>Initiation by</u>	<u>Request^{a/}</u>	<u>Decision of the Council: Meeting and date</u>
5. Egypt Israel	Palestine: Military action of Israel in Egypt	President (France)	None	S C, 11th yr., 748th mtg., para. 3; <u>b/</u> 30 October 1956
6. India	India-Pakistan: Pakistan letter	President (Philippines)	None	S C, 12th yr., 761st mtg., para. 5; <u>b/</u> 16 January 1957
7. Israel	Palestine: Violation of the General Armistice Agreement by Israel: complaint by Syria	President (United States)	None	S C, 12th yr., 780th mtg., para. 1; <u>b/</u> 23 May 1957
8. Israel Jordan	Palestine: Violation of the General Armistice Agreement by Israel: complaint by Jordan; Violation of the General Armistice Agreement by Jordan: complaint by Israel	President (Cuba)	None	S C, 12th yr., 787th mtg., para. 28; <u>b/</u> 6 September 1957
9. Tunisia	Tunisian question: Tunisian complaint; Sakiet-Sidi-Youssef; French complaint: aid to rebels	Request	S/3952	S C, 13th yr., 811th mtg., para. 6; <u>b/</u> 18 February 1958
10. Egypt	Sudan complaint	President (USSR)	None	S C, 13th yr., 812th mtg., para. 2; <u>b/</u> 21 February 1958
11. United Arab Republic	Lebanon complaint	President (Canada)	None	S C, 13th yr., 818th mtg., para. 8; <u>b/</u> 27 May 1958

a/ Formal requests for participation and, in some cases, relevant communications from the Member State concerned.

b/ Reference is to italicized procedural matter that precedes the indicated paragraph.

<u>Invitation to</u>	<u>Question</u>	<u>Initiation by</u>	<u>Request^{a/}</u>	<u>Decision of the Council: Meeting and date</u>
12. Tunisia	Tunisian question: Tunisian complaint: acts of armed aggression; French complaint: aid to rebels; disruption of the <u>modus vivendi</u>	Request	S/4013	S C, 13th yr., 819th mtg., para. 3; b/ 2 June 1958
13. United Arab Republic	Palestine: Huleh area: Israel complaint	President (Sweden)	None	S C, 13th yr., 841st mtg., para. 6; b/ 8 December 1958
14. United Arab Republic	Palestine: Ma'ale Habashan: Israel complaint	President (Tunisia)	None	S C, 14th yr., 845th mtg., para. 33; b/ 30 January 1959

b. Invitation to submit written statements

15. Israel Iraq Jordan Lebanon Libya Saudi Arabia Syria Yemen	Suez Canal: French and United Kingdom complaint against Egypt; Egyptian complaint against France and United Kingdom	Request to participate	S/3663 S/3664	SC, 11th yr., 742nd mtg., paras. 3-5; 13 October 1956
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2. Invitations extended on the basis that the Member had brought a matter to the attention of the Security Council in accordance with Article 35 (1)

16. Israel Jordan	Palestine: Violation of the General Armistice Agreement by Israel: . complaint by Jordan; Violation of the General Armistice Agreement by Jordan: complaint by Israel	President (France)	None	S C, 11th yr., 744th mtg., para. 2; b/ 19 October 1956
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a/ Formal requests for participation and, in some cases, relevant communications from the Member State concerned.
b/ Reference is to italicized procedural matter that precedes the indicated paragraph.

<u>Invitation to</u>	<u>Question</u>	<u>Initiation by</u>	<u>Request^{a/}</u>	<u>Decision of the Council: Meeting and date</u>
17. Pakistan	India-Pakistan: Pakistan letter	President (Philippines)	None	S C, 12th yr., 761st mtg., para. 5; b/ 16 January 1957
18. Syria	Palestine: Violation of the General Armistice Agreement by Israel: complaint by Syria	President (United States)	None	S C, 12th yr., 780th mtg., para. 1; b/ 23 May 1957
19. Israel Jordan	Palestine: Violation of the General Armistice Agreement by Israel: complaint by Jordan; Violation of the General Armistice Agreement by Jordan: Complaint by Israel	President (Cuba)	None	S C, 12th yr., 787th mtg., para. 28; b/ 6 September 1957
20. Tunisia	Tunisian question: Tunisian complaint; Sakiet-Sidi-Youssef	Request	S/3952	S C, 13th yr., 811th mtg., para. 6; b/ 18 February 1958
21. Sudan	Sudan complaint	Request	S/3963	S C, 13th yr., 812th mtg., para. 2; b/ 21 February 1958
22. Lebanon	Lebanon complaint	President (Canada)	None	S C, 13th yr., 818th mtg., para. 8; b/ 27 May 1958
23. Jordan	Jordan complaint ^{c/}	President (Colombia)	None	S C, 13th yr., 831st mtg., para. 16; b/ 17 July 1958
24. Israel	Palestine: Huleh area: Israel complaint	President (Sweden)	None	S C, 13th yr., 841st mtg., para. 6; b/ 8 December 1958

^{a/} Formal requests for participation and, in some cases, relevant communications from the Member State concerned.

^{b/} Reference is to italicized procedural matter that precedes the indicated paragraph.

^{c/} Considered by the Security Council together with the complaint of Lebanon, which was already under discussion.

<u>Invitation</u> <u>to</u>	<u>Question</u>	<u>Initiation</u> <u>by</u>	<u>Request</u> ^{a/}	<u>Decision of</u> <u>the Council:</u> <u>Meeting and date</u>
25. Israel	Palestine: Ma'ale Habashan: Israel complaint	President (Tunisia)	None	S C, 14th yr., 845th mtg., para. 33; b/ 30 January 1959

B. INVITATIONS DENIED

None

a/ Formal requests for participation and, in some cases, relevant communications from the Member State concerned.

b/ Reference is to italicized procedural matter that precedes the indicated paragraph.

