

# ARTICLE 32

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## ARTICLE 32

### 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, Article 32 was rarely used for invitations to Members and only once for a non-member State. However, there has been no constitutional discussion regarding the interpretation and application of the Article. Invitations to non-member States were also extended occasionally under rule 39<sup>1</sup> of the provisional rules of procedure of the Security Council.
3. Since the number of invitations under Article 32 was so small during the period under review, the relevant material is included in the Summary of Practice.

<sup>1</sup>Under rule 39, the Security Council normally extends invitations to representatives of subsidiary and other organs of the United Nations as well as to other persons in their individual capacity. These cases are not dealt with here, since this study is limited to invitations extended to representatives of States under Article 32. For the discussion of the application of rule 39, see this *Supplement* under Article 30.

### SUMMARY OF PRACTICE

4. Only once during the period under review did the Security Council issue an invitation explicitly under Article 32. At its 1900th meeting, on 26 March 1976, it invited the representative of Angola, at that time not yet a Member State, to participate, without vote, in the discussion of the complaint by Kenya, on behalf of the African Group of States at the United Nations, concerning the act of aggression committed by South Africa against the People's Republic of Angola.<sup>2</sup>

5. When the Security Council, at its 1606th meeting, put on its agenda the letter dated 4 December 1971 from the representatives of Argentina, Belgium, Burundi, Italy, Japan, Nicaragua, Somalia, the United Kingdom and the United States regarding the deteriorating situation between India and Pakistan,<sup>3</sup> the Council decided to invite the representatives of India and Pakistan to participate in the debate without the right to vote.<sup>4</sup> The proposal to issue this invitation was made by a member of the Council and supported by several other members, whereas the representatives of the two parties concerned did not submit a written request to be invited.<sup>5</sup> During a brief procedural discussion, the applicability of Article 32 was explicitly stated by one Council member, but the decision of the Council, as suggested by the President, gave no clear indication whether the invitation was issued

under Article 31, Article 32 or rule 37 of the provisional rules of procedure.<sup>6</sup>

6. Note should be taken of a few cases in which non-member States were invited to take part in the proceedings of the Council in which no reference was made either to Articles 32 or 31 or to rules 37 or 39. At the 1846th meeting, on 30 September 1975, while the Council was considering the applications of the Republic of South Vietnam and the Democratic Republic of Viet-Nam for membership in the United Nations, the Council decided, at the request of the representatives of Guyana, Iraq, the United Republic of Cameroon and the United Republic of Tanzania, to afford an opportunity to the Permanent Observers of the Democratic Republic of Viet-Nam and the Republic of South Viet-Nam to present their views on the question under discussion.<sup>7</sup> At the 1932nd meeting, on 23 June 1976, and at the 1974th meeting, on 22 November 1976, in connexion with the application of the People's Republic of Angola for membership in the United Nations, the Council decided, at the request of the representatives of Benin, the Libyan Arab Republic and the United Republic of Tanzania,<sup>8</sup> to afford an opportunity to the representative of the People's Republic of Angola to present the views of his Government on the question under discussion. At the 1972nd meeting,

<sup>2</sup>S C (31), 1900th mtg.: President, paras. 1-3.

<sup>3</sup>S C (26), Suppl. for Oct.-Dec., 1971, S/10411. A report of the Secretary-General (S/10410) was also included in the agenda.

<sup>4</sup>S C (26), 1606th mtg.: President, paras. 43-44.

<sup>5</sup>For the proposal see S C (26), 1606th mtg.: Italy, para. 3. For statements supporting the proposal of Italy, see *ibid.*: Argentina, para. 23; Japan, para. 16; Poland, para. 18; USSR, para. 4. For information that the two parties did not request an invitation to participate, see *ibid.*: President, para. 30.

<sup>6</sup>For the explicit reference to Article 32 see *ibid.*: Japan, para. 31. For the exact wording of the Council's invitation see *ibid.*: President, paras. 30, 43 and 44. During the same meeting, India stated that it took part in the Council's deliberations, not under Article 31 of the Charter, but under rules 37 and 38 of the provisional rules of procedure (*ibid.*, para. 150).

<sup>7</sup>S C (30), 1846th mtg., para. 3.

<sup>8</sup>S C (31), Suppl. for April-June, 1976; S/12211; and *ibid.*, Suppl. for Oct.-Dec., 1976, S/12236.

on 15 November 1976, in connexion with the application of the Socialist Republic of Viet-Nam for membership in the United Nations, the Council decided, at the request of the representatives of Benin, China, France, Guyana, the Libyan Arab Republic, Pakistan, Romania, Sweden, the United Republic of Tanzania and the USSR,<sup>9</sup> to afford an opportunity to the Permanent Observer of the Socialist Republic of Viet-Nam to the United Nations to present the views of his Government on the question under discussion. The study of Article 30 in this Supplement should be consulted for further details regarding these invitations to representatives of non-member States.

7. During the twenty-fifth session of the General Assembly in 1970, a number of representatives invoked Article 32 in connexion with the discussion in the First

Committee of the invitational aspect of the consideration of item 98: Question of Korea. Some representatives argued that the Assembly, like the Security Council, should invite non-member States if they were party to a dispute, whereas others held that the Assembly also had the right to set the conditions for the participation of non-member States along the lines stipulated in Article 32; a third view was that the lack of an equivalent provision for the General Assembly implied that the procedure under Article 32 was not applicable to the General Assembly and its committees.<sup>10</sup>

<sup>9</sup>S C (31), Suppl. for Oct.-Dec., 1976, S/12229.

<sup>10</sup>For the texts of relevant statements, including explicit references to Article 32, see: G A (25), 1st Com., 1741st mtg.: USSR, para. 33; 1744th mtg.: Southern Yemen, para. 16; Ukrainian SSR, para. 28; 1747th meeting: Ceylon, para. 94; Thailand, para. 40; United States, paras. 75 and 122.

1. The first principle of international law is that of the equality of states. This principle is the basis of the entire system of international law. It is the principle that all states are equal in the eyes of the law, and that no state is superior to another. This principle is the foundation of the entire system of international law.

2. The second principle of international law is that of the sovereignty of states. This principle is the basis of the entire system of international law. It is the principle that each state is sovereign and independent, and that no state is subject to the control of another. This principle is the foundation of the entire system of international law.

3. The third principle of international law is that of the non-interference in the internal affairs of states. This principle is the basis of the entire system of international law. It is the principle that each state has the right to determine its own internal affairs without interference from other states. This principle is the foundation of the entire system of international law.

4. The fourth principle of international law is that of the peaceful settlement of disputes. This principle is the basis of the entire system of international law. It is the principle that disputes between states should be settled peacefully, and that the use of force is prohibited. This principle is the foundation of the entire system of international law.

5. The fifth principle of international law is that of the self-determination of peoples. This principle is the basis of the entire system of international law. It is the principle that each people has the right to determine its own destiny, and that no state has the right to interfere in the self-determination of a people. This principle is the foundation of the entire system of international law.

6. The sixth principle of international law is that of the prohibition of the use of force. This principle is the basis of the entire system of international law. It is the principle that the use of force is prohibited, and that states must settle their disputes peacefully. This principle is the foundation of the entire system of international law.

## Chapter VI

### PACIFIC SETTLEMENT OF DISPUTES