

Decision of 18 June 1954 (674th meeting): Rejection of the draft resolution submitted by the representative of Thailand

At the 673rd meeting on 16 June 1954, the representative of Thailand*, who was invited by the President (United States) to the Council table, submitted a draft resolution¹¹⁸ to request the Peace Observation Commission to establish a sub-commission of from three to five members, with authority: (1) to dispatch observers to Thailand; (2) to visit Thailand if necessary; (3) to make such reports and recommendations as it deemed necessary to the Peace Observation Commission and to the Security Council; and (4) if the Sub-Commission were of the opinion that it could not adequately accomplish its mission without observation or visit to States contiguous to Thailand, to report to the Commission or to the Council for the necessary instructions.

At the same meeting, the President, speaking as the representative of the United States, requested under rule 38 of the provisional rules of procedure, that the draft resolution be put to the vote at the appropriate time.¹¹⁹

At the 674th meeting on 18 June 1954, the draft resolution submitted by the representative of Thailand was not adopted. There were 9 votes in favour and 1 against (the negative vote being that of a permanent member) with 1 abstention.¹²⁰

The question remained on the list of matters of which the Security Council is seized.

THE GUATEMALAN QUESTION

INITIAL PROCEEDINGS

By cablegram dated 19 June 1954,¹²¹ the Minister for External Relations of Guatemala requested the President of the Security Council urgently to convene a meeting in order that the Council, in accordance with Articles 34, 35 and 39 of the Charter, might take the measures necessary to prevent the disruption of peace and international security in that part of Central America and also to put a stop to the aggression in progress against Guatemala. It was stated in the cablegram that Guatemala had made representations to the Government of Honduras, requesting it to restrain and control expeditionary forces which had been preparing to invade Guatemalan territory from Honduras. Notwithstanding those requests, the expeditionary forces had captured various Guatemalan posts on 17 June and had advanced about fifteen kilometres inside Guatemalan territory. On 19 June, aircraft coming from the direction of Honduras and Nicaragua had dropped bombs on fuel stocks in the port of San José, and attacked Guatemala City and other towns, machine-gunning Government and private buildings and bombing military bases. The cablegram also referred to "aggressor Governments and international provocateurs" respon-

sible for such outrages and acts of aggression and to "the policy of encircling and boycotting" Guatemala, which had been pursued "by United States leaders". It was further stated that the facts cited in the Guatemalan appeal "clearly prove that open aggression has been perpetrated by the Governments of Honduras and Nicaragua at the instigation of certain foreign monopolies whose interests have been affected by the progressive policy" of the Government of Guatemala.

The cablegram was placed on the provisional agenda of the 675th meeting on 20 June 1954. The agenda was adopted.¹²²

After the adoption of the agenda, the President invited the representatives of Guatemala, Honduras and Nicaragua to participate in the discussion.¹²³

The representative of Guatemala* stated that Guatemala had been invaded by expeditionary forces forming part of an "unlawful international aggression" which was the outcome of a vast international conspiracy against his country. The matter had been brought to the Security Council so that the latter might carry out its task of preventing a war which might spread and of preserving world peace and security. On behalf of his Government, the representative of Guatemala made two requests: First, that "an observation commission should be sent to Guatemala to ask questions, to investigate, and to listen to the diplomatic corps". It was the desire of the Guatemalan Government that the Security Council should in the first place send a warning to the Governments of Honduras and Nicaragua, calling upon them to apprehend the exiles and mercenaries who were invading Guatemala from bases of operations in their territories. Secondly, the Guatemalan Government requested that an observation commission of the Security Council should be constituted in Guatemala, and in other countries if necessary, to verify through an examination of the documentary evidence, the fact that the countries accused by Guatemala had connived at the invasion.¹²⁴

The representative of Guatemala stated that the Peace Committee of the Organization of the American States had met the previous day, but the Guatemalan Government, in exercise of its option as a member of that Organization, had officially declined to allow the Organization of American States and the Peace Committee to concern themselves with the situation.¹²⁵

The representatives of Honduras* and Nicaragua* both stated that the matter should be dealt with by the Organization of American States.¹²⁶

The representative of Brazil, drawing attention¹²⁷ to Chapter VIII of the Charter, and particularly to Article 52 (3), introduced a joint draft resolution¹²⁸ sponsored by Brazil and Colombia, to refer the complaint of the Government of Guatemala to the Organiza-

¹²² 675th meeting: p. 1.

¹²³ 675th meeting: para. 2. See chapter III, Case 6.

¹²⁴ 675th meeting: paras. 6, 10, 43-46.

¹²⁵ 675th meeting: para. 60.

¹²⁶ 675th meeting: paras. 63, 65.

¹²⁷ 675th meeting: para. 67.

¹²⁸ S/3236, 675th meeting: para. 69. For constitutional considerations advanced in connexion with this resolution, see chapter X, Cases 4, 6, 7, and chapter XII, Case 4.

¹¹⁸ S/3229, 673rd meeting: para. 10. With regard to participation, see chapter III, Case 5. For relations of the Council with the Peace Observation Commission, see chapter VI, Case 6. For discussion relevant to Article 34, see chapter X, Case 5.

¹¹⁹ 673rd meeting: para. 57.

¹²⁰ 674th meeting: para. 71.

¹²¹ S/3232, O.R., 9th year, Suppl. for April-June 1954, pp. 11-13.

tion of American States for urgent consideration, and to request the latter to inform the Council "as soon as possible, as appropriate, of the measures it has been able to take on the matter".

The representative of Colombia referred to the obligation under Article 33 of the Charter to resort to regional agencies or arrangements. He pointed out that "this Article must be read in conjunction with Article 52, paragraph 2 of which says that every effort must be made to achieve pacific settlement of local disputes through such regional arrangements or agencies before referring them to the Security Council". He stressed that the provisions of Article 52 (2) "impose on all members the duty to apply first to the regional organization". This was not "a right which can be renounced because the States which signed the Charter undertook this obligation".¹²⁹

The representative of France proposed addition of a final paragraph to the Brazilian-Colombian joint draft resolution, to call, without prejudice to such measures as the Organization of American States might take, for the immediate termination of any action likely to cause further bloodshed and request all States Members of the United Nations to abstain in the spirit of the Charter from giving assistance to any such action.¹³⁰

The representative of France also stated that he had no particular country in mind in submitting this amendment.¹³¹

The amendment was accepted by both the sponsors of the joint draft resolution.¹³²

The representative of Guatemala, after clarifying that he had not sought to impute connivance either to the people or to the Government of the United States,¹³³ declared that Articles 33 and 52 were inapplicable since the case was not a dispute but "an outright act of aggression". The request of the Government of Guatemala was based on Articles 34, 35 and 39, which gave his country the "unchallengeable right to appeal to the Security Council". Under these Articles, the Council could not deny Guatemala "its right of direct intervention by the Council, not intervention through a regional organization", which was safeguarded by Article 52 (4).¹³⁴

Decision of 20 June 1954 (675th meeting): Rejection of the Brazilian-Colombian joint draft resolution

At the 675th meeting on 20 June 1954, the Brazilian-Colombian joint draft resolution as amended by the representative of France was not adopted. There were 10 votes in favour and one against¹³⁵ (the negative vote being that of a permanent member).

Decision of 20 June 1954 (675th meeting): Calling for the termination of any action likely to cause bloodshed and requesting all Members of the United Nations to abstain from rendering assistance to any such action

¹²⁹ 675th meeting: paras. 72-73.

¹³⁰ 675th meeting: para. 77.

¹³¹ 675th meeting: para. 78.

¹³² 675th meeting: paras. 82, 84.

¹³³ 675th meeting: para. 98.

¹³⁴ 675th meeting: paras. 101-104, 190.

¹³⁵ 675th meeting: para. 194.

The representative of France re-introduced his amendment as a separate draft resolution¹³⁶ reading:

"The Security Council,

"Having considered on an urgent basis the communication of the Government of Guatemala to the President of the Security Council (S/3232),

"Calls for the immediate termination of any action likely to cause bloodshed and requests all Members of the United Nations to abstain, in the spirit of the Charter, from rendering assistance to any such action."

At the 675th meeting on 20 June 1954, the draft resolution submitted by the representative of France was adopted unanimously.¹³⁷

Decision of 25 June 1954 (676th meeting): Rejection of the provisional agenda

At the 676th meeting on 25 June 1954, the provisional agenda read:¹³⁸

"1. Adoption of the agenda.

"2. Cablegram dated 19 June 1954 from the Minister for External Relations of Guatemala addressed to the President of the Security Council and letter dated 22 June 1954 from the representative of Guatemala addressed to the Secretary-General."

The President (United States) drew attention to several communications, including a letter dated 22 June 1954¹³⁹ from the representative of Guatemala requesting an urgent meeting of the Council and stating that the resolution adopted on 20 June 1954 had not been complied with, and that due to the reasons therein specified, the Organization of American States could not take action on the question which was under the "full jurisdiction" of the Security Council.

The Council also had before it a cablegram dated 23 June 1954¹⁴⁰ from the Chairman of the Inter-American Peace Committee of the Organization of American States, informing the Council that the Committee had received a Nicaraguan proposal to establish a committee of inquiry to proceed to Guatemala, Honduras and Nicaragua, and that by unanimous decision Guatemala had been so informed and asked to agree to the proposed procedure.

In response to a proposal that the representative of Guatemala be invited to the Council table, the President ruled that it would not be in order to invite the representative of Guatemala, Honduras and Nicaragua until after the adoption of the agenda. The ruling of the President was maintained by the Council, a challenge having been rejected.¹⁴¹

¹³⁶ 675th meeting: para. 200.

¹³⁷ 675th meeting: para. 203.

¹³⁸ 675th meeting: p. 1. For discussion on the adoption of the agenda, see chapter II, Case 22.

¹³⁹ S/3241, O.R., 9th year, Suppl. for April-June 1954, pp. 14-15.

¹⁴⁰ S/3245, O.R., 9th year, Suppl. for April-June 1954, p. 16.

¹⁴¹ 676th meeting: paras. 31-63. For consideration of inclusion of the question in the agenda, see chapter II, Case 20; for proceedings regarding the retention and deletion of the item from the agenda, see chapter II, Case 21; for consideration of the invitation to the representatives of Guatemala, Honduras and Nicaragua, see chapter III, Cases 20, 25.

In the discussion on the adoption of the agenda, the representatives of Brazil and Colombia, with the support of the President, in his capacity as representative of the United States, after referring to the inter-American system in which they participated, contended that since the Organization of American States had already taken the question under consideration, and since the Inter-American Peace Committee of that regional organization was proposing to send a fact-finding committee to the scene of the conflict, the Security Council should not adopt the provisional agenda and should rather wait until it received the report of the fact-finding committee.¹⁴² The representative of the USSR, in opposing these views, referred to the Guatemalan assertion that the decision of the Council calling for a halt to aggression had not been complied with, and stated that the Council was in duty bound to adopt further measures to ensure the fulfilment of that decision. He also stated that since the representative of Guatemala had objected to having the Organization of American States deal with the question, the Council could not, under the provisions of the Charter, impose a procedure for settlement to which one of the parties involved objected.¹⁴³

At the same meeting, the provisional agenda was rejected by a vote of 4 in favour and 5 against, with 2 abstentions.¹⁴⁴

The question remained on the list of matters of which the Security Council is seized.¹⁴⁵

QUESTION OF ALLEGED INCIDENT OF ATTACK ON A UNITED STATES NAVY AIRCRAFT

INITIAL PROCEEDINGS

By letter dated 8 September 1954,¹⁴⁶ the representative of the United States informed the Security Council that on 4 September a United States Navy aircraft, on a peaceful mission over high seas, had been attacked without warning by two MIG-type aircraft with Soviet markings. The plane had been destroyed and not all survivors had been recovered. The United States Government had protested to the Government of the USSR and reserved all rights to claim damages. Believ-

¹⁴² 676th meeting; paras. 11-27, 64-83, 165-181.

¹⁴³ 676th meeting; paras. 138-151, 155-162.

¹⁴⁴ 676th meeting; para. 195. For consideration of the invitation to the representative of Guatemala at the 676th meeting, see chapter III, Case 23.

¹⁴⁵ By letter dated 27 June 1954 (S/3256), the Chairman of the Inter-American Peace Committee transmitted to the Secretary-General copies of various notes and information concerning the Committee's itinerary to Guatemala, Honduras and Nicaragua; by cablegram dated 5 July 1954 (S/3262) the Chairman of the Inter-American Peace Committee notified the Secretary-General that Guatemala, Honduras and Nicaragua had informed the Committee that the dispute between them had ceased to exist; by cablegram dated 9 July 1954 (S/3266), the Minister of External Relations of Guatemala informed the President of the Security Council that peace and order had been restored in his country and the *Junta de Gobierno* of Guatemala saw no reason why the Guatemalan question should remain on the agenda of the Security Council; by letter dated 8 July 1954 (S/3267) the Chairman of the Inter-American Peace Committee transmitted to the Secretary-General a copy of a report of the Committee on the dispute between Guatemala, Honduras and Nicaragua, and copies of all communications exchanged between the Committee and the parties concerned.

¹⁴⁶ S/3287, *O.R.*, 9th year, *Suppl. for July-Sept. 1954*, p. 35.

ing that the incident was of a type which might endanger international peace and security, the United States requested an early meeting of the Council to consider the matter.

After inclusion of the question on the agenda¹⁴⁷ at the 679th meeting on 10 September 1954, the representative of the United States, after recounting the circumstances of this and earlier attacks by Soviet aircraft on United States planes, stated that, while, in the absence of a negotiated settlement, his government believed cases of this kind could be best resolved by the judicial process of the International Court of Justice, the refusal of the Soviet Government to respond to that reasonable proposal had made it essential to lay the problem before the Security Council in order by discussion there to prevent a repetition of such incidents.¹⁴⁸

The representative of the USSR contested the account of these incidents given by the representative of the United States, and asserted that in each case there had been violation by United States aircraft of rules and standards of international law, such as violations of Soviet air space. He attributed the incidents to the policy pursued by the United States military authorities and the State Department, a policy which had nothing in common with the peaceful assurances made by the representative of the United States.¹⁴⁹

At the 680th meeting on 10 September 1954, the President, speaking as the representative of Colombia, stated that he would have favoured, as one of the means of solution, an investigation of the incident in accordance with Article 34 of the Charter.¹⁵⁰

The representative of the USSR remarked that he could not see how Chapter VI of the Charter, and Article 31 in particular, could have any bearing on the incident brought to the attention of the Council. Such an incident could not seriously be considered, in his opinion, as capable of creating a threat to international peace and security. He would, therefore, reject any proposals based on the premise that the incident fell within the jurisdiction of the Security Council.¹⁵¹

At the close of the 680th meeting, the President stated¹⁵² that the list of speakers was exhausted and that the Council would be reconvened if and when any delegation so requested.¹⁵³

QUESTION OF HOSTILITIES IN THE AREA OF CERTAIN ISLANDS OFF THE COAST OF CHINA

INITIAL PROCEEDINGS

By letter dated 28 January 1955,¹⁵⁴ addressed to the President of the Security Council, the representative

¹⁴⁷ 679th meeting; para. 25. On the inclusion of the question in the agenda, see chapter II, Case 10.

¹⁴⁸ 679th meeting; paras. 38-39.

¹⁴⁹ 679th meeting; para. 70.

¹⁵⁰ 680th meeting; para. 63.

¹⁵¹ 680th meeting; paras. 75-78, 87.

¹⁵² 680th meeting; para. 128.

¹⁵³ The Security Council subsequently received the texts of diplomatic notes exchanged between the Governments of the United States and the USSR on various incidents referred to in the Council's discussion (S/3288, 10 September 1954; S/3295, 27 September 1954; S/3304, 12 October 1954; S/3308, 25 October 1954; and S/3391, 13 April 1955).

¹⁵⁴ S/3354, *O.R.*, 10th year, *Suppl. for Jan.-March 1955*, p. 27.