

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-

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.

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.

of New Zealand requested, in the light of his Government's concern for the maintenance of international peace and security, that an early meeting of the Security Council be called to consider the question of the occurrence of armed hostilities between the People's Republic of China and the Republic of China in the area of certain islands off the coast of the mainland of China. As a result of these hostilities, a situation existed, the continuance of which was likely to endanger the maintenance of international peace and security.

By letter dated 30 January 1955,¹⁵⁵ addressed to the President of the Security Council, the representative of the Union of Soviet Socialist Republics requested that the Security Council be convened at once to consider the question of acts of aggression by the United States against the People's Republic of China in the area of Taiwan and other islands of China. It was stated in the letter that the intervention of the United States in the internal affairs of China and the extension of acts of aggression against the People's Republic of China were aggravating tension in the Far East and increasing the threat of a new war. In such circumstances, it was the duty of the Security Council to put an end to the acts of aggression by the United States against the People's Republic of China and to its intervention in the internal affairs of China.

A draft resolution transmitted with the letter proposed that the Council, considering that the unprovoked armed attacks on Chinese towns and coastal areas carried out by armed forces controlled by the United States, constituted aggression against the People's Republic of China in violation of the obligations assumed by the United States under international agreements concerning Taiwan and other Chinese islands, and noting that they constituted intervention in the internal affairs of China, a source of tension in the Far East, and a threat to peace and security in the area, (1) condemn those acts of aggression; (2) recommend that the Government of the United States take immediate steps to put an end to them and to its intervention in the internal affairs of China; (3) recommend that the Government of the United States immediately withdraw all its naval, air and land forces from the island of Taiwan and other territories belonging to China; (4) urge that no military action be permitted in the Taiwan area by either side, so that evacuation from the islands in that area of all armed forces not controlled by the People's Republic of China might be facilitated.

The Security Council after discussing the adoption of the provisional agenda at its 689th and 690th meetings on 31 January 1955, included in its agenda the item proposed by the representative of New Zealand as well as the item proposed by the representative of the USSR; it also decided to conclude its consideration of the New Zealand item before taking up the USSR item.¹⁵⁶

¹⁵⁵ S/3355, O.R., 10th year, Suppl. for Jan.-March 1955, pp. 27-28.

¹⁵⁶ 690th meeting; paras. 111-113. On the inclusion of the matter in the agenda, see chapter II, Case 6; on order of discussion of items on the agenda, see chapter II, Case 13; on proceedings regarding the retention and deletion of items from the agenda, see chapter II, Case 24.

The Security Council considered the New Zealand item at its 690th and 691st meetings on 31 January and 14 February 1955.

Decisions of 31 January 1955 (690th meeting): To invite a representative of the People's Republic of China to attend the Council discussion, and to defer further consideration of the question

At the 690th meeting on 31 January 1955, the President, in his capacity as the representative of New Zealand, proposed that the Council invite a representative of the Central People's Government of the People's Republic of China to participate in the discussion of the New Zealand item and to ask the Secretary-General to convey this invitation to that Government.¹⁵⁷ The proposal was approved by 9 votes in favour and 1 against, with 1 abstention.¹⁵⁸

A motion for adjournment of the discussion until a later date was then submitted by the representative of Belgium. It was adopted by 10 votes in favour and 1 against.¹⁵⁹

On 4 February 1955, the Secretary-General circulated to the members of the Security Council an exchange of cablegrams between himself and the Prime Minister of the State Council and Minister for Foreign Affairs of the People's Republic of China.¹⁶⁰ In a cablegram dated 3 February 1955, the latter informed the Secretary-General that the People's Republic would not be able to send a representative to take part in the discussion of the New Zealand item, and would have to consider all decisions taken by the Council concerning China as illegal and null and void. It could agree to participate in the Council's deliberations only for the purpose of discussing the draft resolution submitted by the USSR, and only when its representative attended in the name of China and the other occupant of China's seat had been expelled.

Decision of 14 February 1955 (691st meeting): Rejection of the USSR motion to proceed to the consideration of the item proposed by the USSR delegation

At the 691st meeting on 14 February 1955, the representative of the United Kingdom, commenting on the cablegram of the Prime Minister of the State Council and Minister for Foreign Affairs of the People's Republic of China, suggested that

"... the Council should not today seek to push matters further forward. It was right that we should meet to consider the reply from Peking to our invitation. But, having done this, the wisest course for us to take now, in the view of my Government, is to adjourn without taking any further decision. The problem itself will, of course, remain under the constant and anxious consideration of the members of this Council."¹⁶¹

¹⁵⁷ 690th meeting; para. 116. For consideration of the proposal to invite a representative of the Central People's Government of the People's Republic of China, see chapter III, Case 21. In connexion with specific duties conferred upon the Secretary-General, see chapter I, part IV, Note, p. 11.

¹⁵⁸ 690th meeting; para. 143.

¹⁵⁹ 690th meeting; para. 149.

¹⁶⁰ S/3358, O.R., 10th year, Suppl. for Jan.-March 1955, pp. 29-31.

¹⁶¹ 691st meeting; para. 35.

The representative of the United States declared:

“... We shall continue our consultations with the members of the Council in an effort to bring about a cessation of hostilities. Until those are completed, therefore, we can adjourn the meeting, subject to the call of the President.”¹⁶²

The representative of the USSR proposed,¹⁶³ on the premise contested by other members of the Council

¹⁶² 691st meeting: para. 66.

¹⁶³ 691st meeting: para. 97.

that consideration of the New Zealand item had been completed,¹⁶⁴ that the Security Council:

“... shall decide to pass to the consideration of the following agenda item entitled ‘The question of acts of aggression by the United States of America against the People’s Republic of China in the area of Taiwan (Formosa) and other islands of China’.”

The USSR proposal was rejected by 1 vote in favour and 10 against.¹⁶⁵

¹⁶⁴ 691st meeting: para. 109.

¹⁶⁵ 691st meeting: para. 134.