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LETTER DATED 15 DECEMBER 1948 FROM THE CHAIRMAN OF THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES TRANSMITTING THE RESOLUTIONS ADOPTED BY THE COUNCIL ON 12 AND 14 DECEMBER 1948 CONCERNING COSTA RICA AND NICARAGUA

Sir,

Article 54 of the Charter of the United Nations provides that "the Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional agreements or by regional agencies for the maintenance of international peace and security".

As Chairman of and being duly authorized by the Council of the Organization of American States, I take the liberty to bring the following events to the attention of the Security Council:

By a note dated 11 December 1948, Ambassador Mario A. Esquivel, the representative of Costa Rica on the Council of the Organization of American States, informed me that on the night of 10 December 1948 the territory of Costa Rica had been invaded by armed forces originating in Nicaragua, that the invasion took place in the La Cruz region near the northern border of Costa Rica, and that a preliminary estimate put the armed forces at about 800 men of various nationalities equipped with modern weapons. In the same note the representative of Costa Rica said that the invasion of Costa Rican territory was the culmination of long preparations carried out openly within the Republic of Nicaragua and that a considerable number of nationals of other countries participated in the movement.

The representative of Costa Rica applied to the Organization of American States for intervention under Article 6 of the Inter-American Treaty of Reciprocal Assistance which is binding on fifteen American States, including Nicaragua and Costa Rica. In accordance with the said Article 6, the representative of Costa Rica requested an immediate meeting of the Organ of Consultation set up under the said Treaty. This is the meeting of Foreign Ministers of the States which have ratified the Treaty and may provisionally be the Council of the Organization of American States pending the summoning of the Organ of Consultation. The Council of the Organization held two meetings (on 12 and 14 December) for the purpose of studying the situation as reported by Costa Rica, and after hearing the explanations and replies of the representative of Nicaragua on the Council resolved, at the first of these two meetings, to make an urgent study, based on adequate information, of the problem presented

the problem presented by the Republic of Costa Rica in order to decide whether or not to summon the Organ of Consultation; in addition the Chairman of the Council was instructed to request data by means of any channels he might deem fit. The Council, having received these data and taken note thereof, took the following decision at the second of these meetings held on 14 December:

1. To summon a meeting of consultation of Foreign Ministers to study the situation existing between Costa Rica and Nicaragua, such meeting to take place as soon as a suitable place and date had been arranged.
2. To constitute itself as a provisional organ of consultation in accordance with Article 12 of the Inter-American Treaty of Reciprocal Assistance.
3. To appoint a commission to investigate on the scene the alleged events and their history.
4. To request all the American Governments and the Secretary-General of the Organization of American States to lend their fullest co-operation to facilitating the work of the Commission which was to begin its task immediately.

This morning I appointed the Commission consisting of the following members:

Ambassador José María Bello, representative of Brazil on the Council of the Organization of American States.

Ambassador Silvio Villegas, representative of Colombia on the Council of the Organization of American States.

Ambassador Paul Daniels, representative of the United States on the Council of the Organization of American States.

Ambassador Luis Quintanilla, representative of Mexico on the Council of the Organization of American States.

Ambassador Juan Bautista de Lavalle, representative of Peru on the Council of the Organization of American States.

The Commission is to proceed as quickly as possible to the territory of Costa Rica and Nicaragua for the purpose of collecting sufficient data to enable the provisional organ of consultation (i.e. the Council of the Organization) to become possessed of enough evidence to decide what measures may be taken to contribute to the best solution of the existing situation.

I have also learned that the representative of Costa Rica on the Security Council has brought the events to which I am referring to the Council's notice, and from the press I gather that the representative of Nicaragua has had an opportunity to be heard on this same subject.

/ Perhaps I ought

Perhaps I ought to add that Article 5 of the Rio de Janeiro Treaty of Reciprocal Assistance provides that "the High Contracting Parties shall immediately send to the Security Council of the United Nations, in conformity with Articles 51 and 54 of the Charter of the United Nations, complete information concerning the activities undertaken or in contemplation in the exercise of the right of self-defence or for the purpose of maintaining Inter-American peace and security".

Article 15 of the same Treaty further provides that the Council of the Organization will act in all matters concerning the Treaty as a liaison organ among the signatory States which have ratified the same and between these States and the Members of the United Nations.

Copies of the documents to which I have referred are sent herewith.

Because of the lack of adequate information it is unforeseeable at this time what measures will have to be considered by the Council of the Organization of American States, acting as provisional Organ of Consultation, or by the meeting of consultation of Foreign Ministers (when it meets) in order to contribute to the maintenance of peace among the States members of the Organization. Accordingly the Council's first decision was to establish this Commission of Inquiry. As soon as the Council receives the results of the Commission's work I shall again communicate with the Security Council and bring these results to its attention.

Lastly, I should like to add that on 3 December 1948 the Secretary-General of the organization of American States requested an interview with the Secretary-General of the United Nations for the purpose of formally depositing the Rio de Janeiro Treaty of Reciprocal Assistance which came into effect on that same day upon being signed by two-thirds of the High Contracting Parties. The Acting Secretary-General of the United Nations communicated with the Secretary-General of the Organization of American States, and I understand that this deposit will actually take place this week.

I have the honour to be, etc.

(signed) Enrique V. Colominas

Chairman of the Council

To the President of the Security Council
of the United Nations
Lake Success, N.Y.

RESOLUTION ADOPTED BY THE COUNCIL
OF THE ORGANIZATION OF AMERICAN STATES
on 12 DECEMBER 1948.

The Council of the Organization of American States

RESOLVES:

1. To make an urgent study, based on adequate information, of the problem presented by the Republic of Costa Rica by its note dated 11 December 1948, in order to decide whether or not to summon a meeting of consultation.
2. To instruct its Chairman to call for ample information through any channels he may deem fit.
3. To convoke the Council of the Organization for a special meeting on Tuesday 14 December at 3 p.m.

THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES

RESOLVES:

1. To convoko a meeting of consultation of Foreign Ministers to study the situation existing between Costa Rica and Nicaragua. The place and date of this meeting will be fixed at a suitable time.
2. To constitute itself as a provisional organization of consultation in accordance with Article 12 of the Inter-American Treaty of Reciprocal Assistance.
3. To appoint a commission to investigate on the scene the alleged events and their history. This Commission will be appointed by the Chairman of the Council.
4. To request all the American Governments and the Secretary-General of the Organization of American States to lend their fullest co-operation to facilitating the work of the Commission which shall begin its task immediately.

Washington, 14 December 1948.