

CHAPTER

QUESTIONS RELATING TO THE AMERICAS

MATTERS CONCERNING THE SITUATION IN THE CARIBBEAN AREA

CUBA'S COMPLAINT OF
22 FEBRUARY 1962

On 22 February 1962, Cuba asked that an immediate meeting of the Security Council be called to consider its complaint that the United States had promoted the adoption of enforcement action against Cuba at the Meeting of Consultation of Ministers of Foreign Affairs of the American Republics, held at Punta del Este, Uruguay, in January 1962.¹

The enforcement measures, Cuba maintained, were a prelude to an invasion of Cuba planned by the United States and were at variance with the Charters of the United Nations and of the Organization of American States (OAS) and with the Inter-American Treaty of Reciprocal Assistance of 1947 under which the meeting had been called. Furthermore, those measures had been implemented without the authorization of the Security Council, in violation of Article 53 of the United Nations Charter. (This Article states, in part, that "no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council. . .")

Accordingly, Cuba asked the Council to take appropriate measures to end the illegal action of the United States Government and to prevent the development of a situation which endangered international peace and security.

The item was placed on the provisional agenda of the Council's meeting on 27 February 1962. During the debate on the adoption of the agenda, several representatives held the view that the Cuban charges were essentially the same as those which had recently been considered by the General Assembly. The fact that the Assembly had not adopted any resolution was a clear indication that it had found the Cuban charges to be groundless, and, therefore, there was no justification for reopening the debate on the question. As for the relationship of the Security Council to action taken by regional organizations, they pointed out that a

precedent had been established by the Council's resolution of 9 September 1960, which it had adopted in connexion with the action taken by the OAS regarding the Dominican Republic.²

Other representatives favoured the adoption of the agenda on the ground that the present Cuban complaint was different from the one which the General Assembly had considered. Romania and the USSR further observed, among other things, that the meeting at Punta del Este had taken place subsequent to the submission of the complaint by Cuba to the General Assembly and that the OAS decision constituted enforcement action which required authorization by the Security Council.

In connexion with a request by the representative of Cuba that he be invited to participate in the discussion of the adoption of the agenda, some Council members observed that it had been the practice of the Council to invite non-members only after the agenda had been adopted and that that rule had been strictly adhered to by the Council. The USSR representative, among others, maintained that under the Council's provisional rules of procedure Cuba could participate in the consideration of the question as well as in the discussion on the adoption of the agenda, and he moved that the question be put to the vote. It was rejected by a vote of 4 in favour to 0 against, with 7 abstentions. The provisional agenda was then put to the vote and was not adopted, having received 4 votes in favour to 0 against, with 7 abstentions.

In a letter dated 2 March, referring to the Council's decision, Cuba said it had been deprived of its right, under the United Nations Charter, to bring before the Council a situation which created a serious threat to peace. Cuba considered it an infringement of the Council's authority, and a dangerous precedent, that a group of member States could prevent consideration of a matter which was clearly within the Council's competence.

¹ See Y.U.N., 1961, pp. 119-20.

² See Y.U.N., 1960, p. 165.

CUBA'S REQUEST OF 8 MARCH 1962

On 8 March, Cuba again asked for a meeting of the Security Council to consider its request that the Council ask the International Court of Justice to give an advisory opinion on certain legal questions related to the resolutions adopted by the Meeting of American Ministers of Foreign Affairs at Punta del Este.

Cuba also asked that the Security Council, as a provisional measure, call for the suspension of the agreements which had been adopted by the OAS at Punta del Este, and of such measures as might have been ordered in pursuance of those agreements, because the adoption and execution of those agreements constituted illegal acts and because they involved a threat to international peace and security.

On 14 March, the Security Council included the item in its agenda and discussed it at seven meetings held from 14 to 23 March 1962.

On 19 March, the representative of Cuba, who had been invited to participate in the discussion, submitted a draft resolution by which the Security Council would decide to request the International Court of Justice to give an advisory opinion, as a matter of priority, on the following questions: (1) Was the OAS, under the terms of its Charter, a regional agency within the meaning of Chapter VIII of the United Nations Charter (having to do with regional arrangements), and did its activities have to be compatible with the purposes and principles of the United Nations? (2) Under the United Nations Charter, did the OAS have the right, as a regional agency, to take the enforcement action provided for in Article 53 of the United Nations Charter without the authorization of the Security Council? (3) Could the expression "enforcement action" in Article 53 of the United Nations Charter be considered to include the measures provided for in Article 41 of the United Nations Charter? Was the list of those measures in Article 41 exhaustive?³ (4) Did the OAS Charter provide

³Article 41 states: "The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations."

for any procedure for expelling a State member of the organization, in particular because of its social system? (5) Could the provisions of the OAS Charter and the Inter-American Treaty of Reciprocal Assistance be considered to take precedence over the obligations of Member States under the United Nations Charter? (6) Was one of the main principles of the United Nations Charter that membership in the Organization was open to States which met the requirements of Article 4 of the Charter, irrespective of their system?⁴ and (7) In the light of the replies to the foregoing questions, were, or were not, the resolutions adopted at Punta del Este relating to the expulsion of a State member of a regional agency because of its social system and the taking of other enforcement action against it, without the authorization of the Security Council, consistent with the provisions of the United Nations Charter, the OAS Charter and the Treaty of Rio?

In the debate, the Cuban representative said that the Meeting of Consultation held at Punta del Este had been unlawful because it had been convened not in accordance with the terms of the Treaty of Reciprocal Assistance and the OAS Charter but to study hypothetical questions and situations which fell within the domestic jurisdiction of a State, such as the economic and social system which Cuba had chosen in full exercise of its sovereignty. In the absence of a legitimate reason, an attempt had been made to create a threat to peace by alleging that, because the Cuban revolution had proclaimed its affiliation to Marxism-Leninism, its Government had been imposed by the Soviet Union, and that Cuba had thus become a dependency- of the Sino-Soviet system which potentially could threaten the peace and security of America.

The exclusion of Cuba from the OAS because of its social system, he went on, was an arbitrary political act which had violated the principles of non-intervention and self-determination and other provisions of the OAS Charter, as well as those of the United Nations Charter. Furthermore, certain collective coercive measures of an economic nature had been, and were being, carried out against Cuba without the approval of the Security Council, in violation

⁴For text of Article 4, see APPENDIX II.

of Article 53 of the United Nations Charter. He expressed the hope that the Council would suspend those illegal measures and would request an advisory opinion of the International Court of Justice on the questions submitted by his Government.

The United States representative maintained that the Cuban complaint sought to extend the Soviet veto to all regional organizations by way of the Security Council. None of the resolutions adopted at the Punta del Este meeting contravened the United Nations Charter or required Security Council authorization. The exclusion of the present Cuban régime from the OAS was a defensive reaction to Cuba's subversive activities against the free institutions and security of the Americas.

He went on to say that the OAS, as an agency for collective defence for the hemisphere, within the meaning of Article 52 of the United Nations Charter (having to do with regional arrangements),⁵ ought to be able to determine who should participate in its proceedings without being subjected to a veto in the Security Council, for otherwise the independence and effectiveness of regional organizations would be wholly destroyed. The exclusion of the present Cuban régime from the OAS had been not because of its social system but for its violations of the OAS Charter. Moreover, no "enforcement action" within the meaning of Article 53 of the Charter was involved in the suspension of trade in arms with Cuba. It was a step that any State could legally take, independently or collectively, without authorization from anyone. In his view, he concluded, there was no question which merited submission to the International Court of Justice.

The USSR representative, in supporting the Cuban request, declared that the Punta del Este decisions were aimed at changing the social structure of Cuba; the use of a regional agency for aggressive purposes was contrary to the provisions of the OAS Charter, as well as of the United Nations Charter, and represented a new danger to peace. Enforcement measures had been taken by the OAS against Cuba despite the fact that that organization was not empowered to do so without special authorization from the Security Council.

Romania's spokesman, expressing similar views, felt that the Council should examine

the question fully, taking into consideration that international peace and security were threatened by resolutions taken by regional organizations which conflicted with provisions of the United Nations Charter. Support for the Cuban draft resolution was also expressed by the United Arab Republic and Ghana. In the latter's view, there was reasonable legal doubt as to the interpretation of the term "enforcement action" within the meaning of Article 53.

Chile and Venezuela opposed the Cuban request on the ground that it would cast doubt on the competence of a regional body to adopt measures falling within its jurisdiction. The Punta del Este resolutions, said the representative of Venezuela, were fully in keeping with the norms of law and absolutely necessary for the stability of peace and security of the continent and for the defence of the principles and institutions which formed the basis of the inter-American system.

Other Council Members observed that the questions submitted by Cuba in its draft resolution were essentially political and, consequently, outside the purview of Article 96 of the United Nations Charter. (Article 96 states in part that the General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.) They believed that there was no question as to the validity of the OAS resolutions. It was pointed out that the OAS resolutions did not involve the use of armed force, which alone required an authorization of the Security Council.

On 23 March, the USSR representative asked that the Cuban draft resolution be put to the vote. This was in accordance with rule 38 of the Council's provisional rules of procedure, by which proposals may be submitted by non-members invited to participate in the Council's deliberations on a particular matter, but by which such proposals can be put to the vote only at the request of a Council member.

At the request of Ghana, paragraph 3 of the Cuban text was put to the vote separately. It was rejected by a vote of 4 in favour to 7 against. This paragraph would have had the Council ask the International Court of Justice for an advisory opinion as to whether the ex-

⁵ For text of Article 52, see APPENDIX ii.

pression "enforcement action" in Article 53 of the United Nations Charter could be considered to include the measures provided for in Article 41.

After the rejection of paragraph 3, the representative of Cuba sought to withdraw the remainder of the draft resolution. The United States representative, however, objected to this, citing rule 35 of the provisional rules of procedure to the effect that a proposal could not be withdrawn once a vote had been taken on it. A ruling by the President of the Council to the effect that rule 35 was applicable in this case was challenged by the USSR representative but was upheld by the Council by a vote of 7 in favour to 2 against, with 2 abstentions.

The remainder of the draft resolution was then rejected by a vote of 2 in favour to 7 against, with 1 abstention. Ghana did not participate in the vote.

COUNCIL MEETINGS, 23-25 OCTOBER 1962

On 23 October, the Security Council met urgently to consider the crisis which had developed in the Caribbean area. The meeting was requested by the United States and Cuba in separate letters on 22 October and by the USSR on 23 October 1962.

The United States asked the Council "to deal with the dangerous threat to the peace and security of the world which had been caused by the secret establishment in Cuba by the Union of Soviet Socialist Republics of launching bases and the installation of long-range ballistic missiles capable of carrying thermo-nuclear warheads to most of North and South America." The letter added that the United States had incontrovertible evidence that the USSR had been installing in Cuba a whole series of facilities for launching offensive weapons and installing the weapons themselves. These steps, the letter maintained, were far in excess of any conceivable defence requirements of Cuba. The United States had, therefore, commenced a series of measures designed to halt this offensive build-up. It had called, among other things, for a meeting of the Organ of Consultation of the OAS under the Inter-American Treaty of Reciprocal Assistance of 1947, and it was initiating a strict quarantine of Cuba to prevent the shipping of offensive weapons

to that country.

The United States also submitted a draft resolution by which the Security Council would, among other things: (1) call for the immediate dismantling and withdrawal from Cuba of all missiles and other offensive weapons; (2) authorize and request the United Nations Secretary-General to dispatch to Cuba a United Nations observer corps to assure and report on compliance with the resolution; (3) call for the termination of measures of quarantine directed against military shipments to Cuba upon United Nations certification of compliance with paragraph 1 (above); and (4) urgently recommend that the United States and the USSR confer promptly on measures to remove the existing threat to the security of the Western Hemisphere and the peace of the world and report thereon to the Security Council.

The Cuban letter asked the Council to consider urgently "the act of war unilaterally committed by the Government of the United States in ordering the naval blockade of Cuba." It added that the United States action was in disregard of the international organizations, particularly of the Security Council, and was creating an imminent danger of war.

The USSR letter asked the Council to examine the question of "Violation of the Charter of the United Nations and threat to the peace on the part of the United States of America." An attached statement asserted that the United States was taking a step towards the unleashing of a world thermo-nuclear war and was violating international law and the principles of the United Nations Charter by assuming the right to commit "piracy" on the high seas.

The USSR regarded it as its duty to warn the United States that, in carrying out the measures announced, it was taking on itself "a heavy responsibility for the fate of the world, and recklessly playing with fire." Soviet assistance to Cuba, on the other hand, was designed exclusively to improve Cuba's defensive capacity and was made necessary by the continuous threats and acts of provocation of the United States. The USSR wished to emphasize once again that all its weapons would continue to serve the purpose of defence against aggressors.

On 23 October, the Security Council decided

to consider the three letters simultaneously, and invited the representative of Cuba to participate, without the right of vote, in the debate.

The United States representative declared that the transformation of Cuba into a base for offensive weapons of sudden mass destruction constituted a threat to the peace of the Western Hemisphere and to the peace of the world.

The issue of Cuba was not one of revolution, reform, socialism or dictatorship, he went on. The crucial fact was that Cuba had given the USSR a bridgehead and staging area in the Western Hemisphere, had invited an extra-continental, anti-democratic and expansionist power into the bosom of the American family, and had made itself an accomplice in the communist enterprise of world domination. Cuba, he asserted, was being armed with the deadliest, most far-reaching nuclear weapons, despite assurances given both by Cuba and the USSR that the weapons were defensive in character.

Noting that some had sought to equate the Soviet bases in Cuba with those of NATO in parts of the world near the USSR, he pointed out that missiles which introduced a nuclear threat into an area hitherto free of it, which were clandestinely installed and which resulted in the most formidable nuclear base in the world outside existing treaties had a different purpose from those which had been established in Europe years ago. Moreover, by setting up missiles in Cuba, the USSR was striking at the principle of the territorial integrity of the Western Hemisphere; to let that challenge go unanswered would be to undermine a basic and historic pillar of the hemisphere's security.

Urging the adoption of his delegation's draft resolution, the United States representative said that the Council's action might determine the very future of civilization. He informed the Council that the OAS had that afternoon adopted a resolution calling, among other things, for the immediate withdrawal of all missiles from Cuba and recommending to OAS members that they take all measures, individually or collectively, including the use of armed force, to prevent the receipt by Cuba of further military material.

The Cuban representative stated that the threat of war by American imperialism hung

heavily over Cuba. Cuba had been forced to arm in order to defend itself against the repeated aggressions of the United States. It had not only suffered from the economic boycott and from United States pressures to isolate it within the hemisphere but had been the object of armed attacks and sabotage by agents trained in the United States. All this was being done when no state of war existed between the two countries. The United States, which had accused Cuba of being a threatening base, held the only foreign base in Cuba, at Guantanamo, against the Cuban people's will. Obviously, he said, the United States had reserved for itself the right to decide which bases and rockets were good and which were bad and was pushing the world to the brink of war. It had first sent its ships and planes to and around Cuba and then had consulted its allies and the international organizations. It did not submit the case to the Security Council first because it had no moral or legal reason for its aggressive actions.

Emphasizing that his Government would not accept any observers in matters within its domestic jurisdiction, the Cuban representative said that United Nations observers should be sent instead to places in the United States from which piratical sorties against Cuba were being made. After describing what he called the United States naval blockade as an "act of war," and declaring that Cuba's response to the imminent armed attack by the United States had been general mobilization, he called on the Security Council to ask for the immediate withdrawal of the United States aggressive forces from the coast of Cuba, the ending of the illegal blockade unilaterally established by the United States, and the cessation of provocative acts at Guantanamo and of piratical attacks organized by agents in the service of the United States Government.

The USSR representative declared that the United States appeal to the Security Council was only an attempt to cover up its aggressive actions against Cuba. As a pretext for those actions, the United States had resorted to the false and slanderous argument that the Soviet Union had allegedly set up offensive armaments in Cuba. After declaring that the Soviet Government had not, and was not, directing any offensive armaments to Cuba, and after quoting

from official USSR statements to that effect, the USSR representative said that the United States delegation was using fabrications for "horrendous" purposes in an attempt to compel the Security Council to approve retroactively the illegal aggressive measures taken by the United States. What he termed the naval blockade of Cuba, imposed without a declaration of war, and the other measures announced by the United States President were a most flagrant violation of the United Nations Charter and the principles of international law and constituted "a step towards the unleashing of a thermo-nuclear war."

The Security Council, he said, would be failing in its direct duty as the principal organ responsible for the maintenance of international peace and security if it were to ignore those aggressive actions.

The USSR delegation then submitted a draft resolution by which the Council would: (1) condemn the actions of the United States Government aimed at violating the United Nations Charter and increasing the threat of war; (2) insist that the United States Government revoke its decision to inspect ships of other States going to Cuba; (3) propose to the United States that it cease any kind of interference in the internal affairs of Cuba and other States which created a threat to peace; and (4) call upon the United States, Cuba and the USSR to establish contact and enter into negotiations for the purpose of restoring the situation to normal and thus of removing the threat of an outbreak of war.

On 24 October, a joint draft resolution was submitted by Ghana and the United Arab Republic by which the Security Council would: (1) request the Acting Secretary-General to confer promptly with the parties directly concerned on the immediate steps to be taken to remove the existing threat to world peace, and to normalize the situation in the Caribbean; (2) call upon the parties concerned to comply forthwith with the resolution and provide every assistance to the Acting Secretary-General in performing his task; (3) request the Acting Secretary-General to report to the Council on the implementation of paragraph 1 (above); and (4) call upon the parties concerned to refrain meanwhile from any action which might directly or indirectly further aggravate the situation.

The representative of Venezuela said that he spoke on behalf of all Latin American countries in voicing their serious concern over the installation of rocket bases and nuclear missiles in Cuba. The OAS had already adopted a resolution which reflected that concern, and he considered it imperative that the Security Council take measures to stop nuclear weapons from arriving in Cuba and to ensure the dismantling of the existing bases.

Expressing similar concern, the representative of Chile gave his delegation's support to the United States draft resolution which, he believed, contained positive elements that could contribute to finding a solution of the present conflict. He stressed the need for the establishment of the United Nations presence in Cuba and appealed to Cuba to accept that procedure or any other initiative which the Acting Secretary-General might take in seeking a peaceful solution of the crisis.

Other Council Members, including the United Kingdom, France, Ireland and China, also expressed support for the United States draft resolution, emphasizing the need to remove as promptly as possible the offensive missiles from Cuba. The representative of Ireland, noting that the two sides had indicated willingness to seek a peaceful solution of the problem, hoped that negotiations would begin while there was still time.

Expressing support for the USSR draft resolution, the representative of Romania said that military preparations for a new invasion of Cuba had been made long in advance of the alleged discovery of certain installations in Cuba. A threat to peace was created by the United States' aggressive actions against Cuba, he said.

The representative of the United Arab Republic, emphasizing his country's advocacy of the principle of non-intervention and self-determination, declared that the imposition of a quarantine in the Caribbean was not only contrary to international law and the accepted norms of freedom of navigation but would lead to a heightening of world tensions and threatened international peace and security. The action had been taken without the authority of the Security Council, which had primary responsibility for the maintenance of international peace and security.

Expressing similar views, the spokesman for

Ghana held that any attempt to attribute an offensive character to military arrangements, such as those adopted in Cuba, must be supported by conclusive proof. His delegation could not apportion blame for the crisis. What was urgently needed was negotiation between the parties concerned to resolve the crisis on the basis of respect for each other's sovereign rights. The joint draft resolution which his delegation had co-sponsored was a "peace resolution," and he appealed for its adoption by the Council.

On the same day, the Acting Secretary-General, U Thant, informed the Security Council that, at the request of a large number of Member States, he had sent identical messages to the President of the United States and to the Chairman of the USSR Council of Ministers, urging the parties concerned to get together with a view to resolving the present crisis peacefully and normalizing the situation in the Caribbean. That involved, on the one hand, the voluntary suspension of all arms shipments to Cuba and, also, the voluntary suspension of the quarantine measures involving the searching of ships bound for Cuba. He believed that such voluntary suspension for a period of two or three weeks would give time to the parties to meet and discuss with a view to finding a peaceful solution of the problem.

In his statement before the Council, the Acting Secretary-General appealed to the Cuban Government to suspend the construction and development of military facilities and installations during the period of those negotiations. He offered to make himself available to all parties for whatever services he might be able to perform. He observed that during the 17 years that had passed since the end of the Second World War there had never been a more dangerous or closer confrontation of the major powers, and he stressed that the path of negotiation and compromise was the only course by which peace could be secured at that critical moment.

On 25 October, the representatives of the United States and the USSR made further statements in the Security Council, in the course of which they apprised the Council of the replies of their respective Heads of State to the Acting Secretary-General's appeal for negotiations. In his reply, President Kennedy reiterated that the existing threat had been created by the secret

introduction of offensive weapons into Cuba and that the solution lay in the removal of those weapons. He said that the United States Ambassador to the United Nations was ready to discuss promptly with the Acting Secretary-General the arrangements that might be made. Chairman Khrushchev, in his reply, welcomed the Acting Secretary-General's initiative and expressed agreement with the proposal made by the Acting Secretary-General which, he said, met the interests of peace.

In addition, the United States representative, replying to points raised during the debate, said that his Government had had to act promptly because of the manner and speed with which nuclear missiles had been installed in Cuba; a delay would have meant the nuclearization of Cuba, a risk which the hemisphere was not prepared to take. He showed aerial reconnaissance photographs of the missiles bases which he said afforded incontrovertible proof of the Soviet military build-up in Cuba. In addition to the missiles, he said, the Soviet Union had sent a number of bombers capable of carrying nuclear weapons, which were in the process of being assembled, and had sent a large number of military personnel to Cuba.

The USSR representative questioned the authenticity of the photographs and said that his Government had made it quite clear that the Soviet Union had nuclear weapons of such power that it had no need to seek launching sites for them outside the borders of the Soviet Union. The Government of the United States, he added, had deliberately intensified the crisis and had tried to cover up its aggressive action by means of a discussion in the Security Council.

The representatives of the United Arab Republic, Ghana and Chile welcomed the favourable response from both sides to the appeal by the Acting Secretary-General and felt that the time was propitious for the parties concerned to come together and begin negotiations with the assistance of the Acting Secretary-General.

On a motion by the United Arab Republic, supported by Ghana, the Council adjourned sine die.

COMMUNICATIONS FROM MEMBER STATES

During and subsequent to the discussion in the Security Council, the following series of communications were received by the Acting

Secretary-General: (i) Bulgaria, Czechoslovakia, Hungary and Mongolia, in separate communications dated between 24 and 26 October, denounced what they termed the naval blockade as a flagrant violation of international law and the principles of the Charter, expressed their solidarity with the Government and the people of Cuba, and asked the United Nations to take effective action to stop the aggressive actions of the United States; (ii) the Dominican Republic on 24 October pledged its support to any measures which might be adopted to remove the threat to the world created by the presence of missiles in Cuba; (iii) on 25 October, 12 African countries (the Union of African and Malagasy States) supported the Secretary-General's proposals on the Caribbean crisis and recommended that their implementation be supervised by the United Nations; (iv) Haiti informed the Secretary-General on 29 October that it had placed port and airport facilities at the disposal of the United States naval units involved in the quarantine operation; (v) on 30 October, the President of Yugoslavia praised the Acting Secretary-General for his initiative in finding a peaceful solution to the Caribbean crisis and hoped that an effective international guarantee of the security and independence of Cuba would be a part of the negotiations seeking to resolve the crisis.

COMMUNICATIONS FROM THE ORGANIZATION OF AMERICAN STATES

On 23 October, the Secretary-General of the OAS transmitted to the Security Council the text of a resolution adopted by the Council of the OAS which, in its operative part: (1) called for the immediate dismantling and withdrawal from Cuba of all missiles and other weapons with any offensive capability; (2) recommended that the members of the OAS, in accordance with articles 6 and 8 of the Inter-American Treaty of Reciprocal Assistance, take measures, individually and collectively, including the use of armed force, to ensure that the Cuban Government could not continue to receive military material from the Sino-Soviet Powers, which threatened the peace and security of the hemisphere, and to prevent the offensive missiles in Cuba from becoming an active threat to the peace and security of the continent; (3) ex-

pressed the hope that the Security Council would, in accordance with the draft resolution introduced by the United States, dispatch United Nations observers to Cuba as soon as possible; and (4) requested OAS members to keep the organization informed of measures taken by them in accordance with paragraph 2 (above).

On 29 October, the Secretary-General of the OAS further transmitted to the Acting Secretary-General of the United Nations notes from the Governments of Argentina, Colombia, Costa Rica, the Dominican Republic, Guatemala, Haiti, Honduras, Panama and the United States on the implementation of paragraph 2 of the OAS resolution of 23 October 1962. The United States note contained the text of the proclamation of the President of the United States on the "Interdiction of the Delivery of Offensive Weapons to Cuba." The notes from the other OAS members concerned offers of co-operation of air and naval forces, port and airport facilities, and other installations which, it was stated, were needed to carry out the collective action taken under the Inter-American Treaty of Reciprocal Assistance.

On 8 November, the Secretary-General of the OAS transmitted to the Security Council the text of a resolution adopted on 5 November 1962, whereby the OAS Council took note of the offers made by the Governments of the OAS members and recommended that member States participating with military forces or with other facilities in the defence of the hemisphere should work out among themselves the technical measures for effective action of the "combined forces."

On 14 November, the Secretary-General of the OAS transmitted to the Security Council the following: reports from the Governments of Argentina, El Salvador and Venezuela concerning further offers of military and other assistance for the quarantine operations; a report from the United States which stated that the quarantine had been lifted for a period of 48 hours, beginning at daybreak on 30 October, and that it had been reinstituted beginning at daylight on 1 November; and a joint note from the United States, Argentina and the Dominican Republic stating that, in accordance with the OAS Council resolution of 5 November, the

three countries had established a "combined quarantine force" under United States command.

On 13 December, the Secretary-General of the OAS transmitted to the Security Council further documents relating to the implementation of the OAS resolution of 23 October. One of these contained a proclamation by the President of the United States of 21 November 1962 terminating the naval quarantine operations in the vicinity of Cuba.

DEVELOPMENTS RELATING TO CUBA AFTER THE COUNCIL MEETINGS OF OCTOBER 1962

On 25 October, the Acting Secretary-General sent further messages to President Kennedy and Chairman Khrushchev proposing that, in order to permit discussions leading to a peaceful settlement of the problem, and for a limited time, Soviet ships on their way to Cuba might stay away from the quarantine area and that United States vessels in the Caribbean do everything possible to avoid direct confrontation with Soviet ships in the next few days to minimize the risk of any untoward incident.

In replies received on 25-26 October, both Governments accepted the Acting Secretary-General's proposal, for the limited time required for preliminary discussions. On 26 October, the Acting Secretary-General held private and separate meetings with representatives of the United States, Cuba and the USSR with a view to beginning negotiations. Meanwhile, the United States informed the Acting Secretary-General that work on the Soviet missile sites in Cuba was proceeding at a rapid pace, with the apparent objective of achieving full operational capacity. On the same day, the Acting Secretary-General sent a message to Prime Minister Fidel Castro reiterating his earlier appeal for a suspension of the construction and development of major military installations and facilities in Cuba during the period of negotiations.

Prime Minister Castro replied on 27 October that Cuba was prepared to accept the compromises that the Acting Secretary-General had suggested, provided that at the same time, while negotiations were in progress, the United States Government desisted from threats and aggressive actions against Cuba, including what he

termed the naval blockade of his country. The Prime Minister also invited the Acting Secretary-General to come to Cuba, with a view to having direct discussions. He stressed that unreserved respect for the sovereignty of Cuba was an essential prerequisite for any solution of the crisis.

In accepting Prime Minister Castro's invitation, the Acting Secretary-General, in a letter on 28 October, expressed the hope that as a result of the impending discussions a solution would be reached by which the principle of respect for the sovereignty of Cuba would be assured. It might also be possible, he added, for action to be taken which would reassure other countries which felt themselves threatened by recent developments in Cuba.

During this period, there had been an exchange of correspondence between President Kennedy and Chairman Khrushchev while, at the same time, consultations between the Acting Secretary-General and representatives of the three countries had continued.

On 28 October, the Acting Secretary-General received a further message from Prime Minister Castro. The message referred to a statement by President Kennedy in a letter to Chairman Khrushchev to the effect that the United States would agree, after suitable arrangements had been made through the United Nations, to lift the blockade and to give guarantees against an invasion of Cuba; and to a decision announced by Chairman Khrushchev to withdraw strategic defence weapons facilities from Cuban territory. The guarantees given by President Kennedy, Prime Minister Castro said, would be ineffective unless, in addition to the removal of the blockade, the following measures were adopted: (1) cessation of the economic blockade and of all the measures of commercial and economic pressure being carried out by the United States against Cuba; (2) cessation of all subversive activities, including the dropping and landing of weapons by air and sea, the organization of invasions by mercenaries and the infiltration of spies and saboteurs; (3) cessation of "piratical" attacks carried out from bases in the United States and Puerto Rico; (4) cessation of violations of Cuban airspace and territorial waters by United States aircraft and warships; (5) withdrawal of the United

States from its military base at Guantanamo.

In a letter on 28 October, the Acting Secretary-General expressed his satisfaction to Chairman Khrushchev that the USSR had agreed to stop the building of missile bases in Cuba and to dismantle and return them to the Soviet Union and that it was prepared to come to an agreement that representatives of the United Nations verify the dismantling of the bases.

On 30 and 31 October, the Acting Secretary-General, who had flown to Havana with a party of United Nations observers, conferred with the President of Cuba and Prime Minister Castro, and returned to New York on the evening of 31 October. Upon his return, the Acting Secretary-General declared that his discussions with the leaders of Cuba had been fruitful and that there had been agreement for continued United Nations participation in the peaceful settlement of the problem. While in Havana, the Acting Secretary-General said, he had been informed that the dismantling of the missiles and their installations was already in progress and should be completed by 2 November.

Consultations between the Acting Secretary-General and the representatives of the United States, Cuba and the USSR were resumed thereafter with the aim of solving the problem.

In a letter of 15 November to the Acting Secretary-General, Prime Minister Castro restated Cuba's position that it would not allow unilateral inspection, national or international, on Cuban territory and noted that the Soviet Government, carrying out its promise to Mr. Kennedy, had withdrawn its strategic missiles, an action which was verified by United States officials on the high seas. Asserting that the installation of the weapons had been an act of legitimate self-defence against the aggressive policy of the United States, the Prime Minister stated that, despite the removal of the missiles, the United States was continuing to violate Cuba's sovereignty, and he warned that any war plane which violated Cuban airspace would run the risk of being destroyed.

In a letter of 19 November to the Acting Secretary-General, Prime Minister Castro stated that the Cuban Government would not object to a decision by the Soviet Government to withdraw IL-28 medium bombers from Cuba.

On 26 November, in a further communication to the Acting Secretary-General, Cuba,

referring to a statement by President Kennedy in connexion with the lifting of the blockade in return for the withdrawal by the Soviet Union of the intermediate-range ballistic missiles and IL-28 bombers from Cuba, declared that the refusal of the United States to give assurances against an invasion of Cuba on the grounds that the latter had not agreed to international inspection was only a pretext for not carrying out its part of the agreement and for persisting in its policy of aggression against Cuba. At no time had Cuba agreed to inspection of its territory. It reiterated the five points mentioned by Prime Minister Castro on 28 October and said that, if the United States demanded inspection in Cuba, the Cuban Government demanded that the United Nations also inspect points in the United States, Puerto Rico and other places where "attacks on Cuba were in preparation."

On 5 December, Cuba said that members of counter-revolutionary organizations, operating from a base in the United States, had fired on 4 December from a vessel against a town on the Cuban coast.

On 7 January 1963, a joint letter to the Secretary-General from the United States and the USSR expressed appreciation for the Secretary-General's efforts in assisting the two Governments to avert the serious threat to the peace which had recently arisen in the Caribbean area. It went on to say that, while not all of the related problems in the matter had been resolved, the two Governments believed that, in view of the degree of understanding reached between them on settlement of the crisis and the extent of progress in the implementation of the understanding, it was not necessary for the item to occupy further the attention of the Security Council at that time.

The two Governments hoped that the actions taken in connexion with the crisis would lead towards the adjustment of other differences between them and "the general easing of tensions that could cause a further threat of war."

In his replies to the two Governments on 9 January, the Secretary-General said he shared their hopes for further easing of tensions and was confident that all Governments concerned would refrain from any action which might aggravate the situation in the Caribbean in any way. He also thanked them for their ap-

preciation of his assistance in the matter.

On 7 January, the Secretary-General also received a letter from the representative of Cuba, which expressed the view that the negotiations carried out with the Secretary-General's assistance had not led to an effective agreement capable of guaranteeing, in a permanent way, the peace of the Caribbean and in liquidating existing tensions. The Cuban Government felt that the negotiations had not produced agreements acceptable to Cuba mainly because the United States had not renounced its aggressive and interventionist policy and was maintaining the position of force assumed in flagrant violation of international law.

Specifically, the letter said that Cuba did not consider as effective any agreement that did not take into account the five principles outlined by the Cuban Prime Minister on 28

October 1962 and added that Cuba would accept a system of multiple verification in the Caribbean countries, including the corresponding parts of the United States, provided that the United States, for its part, would agree to the adoption of the five principles. Cuba considered that the best way of solving the crisis was for the Governments concerned to engage in peaceful negotiations and discussion regarding the sovereign rights of each nation and the respect for the rules of international law which governed co-existence among nations.

In his reply of 9 January, the Secretary-General took note of the position of the Cuban Government and added that he would like to express his confidence that all Governments concerned would refrain from any action which might aggravate the situation in the Caribbean in any way.

DOCUMENTARY REFERENCES

SECURITY COUNCIL, meetings 991-998.

S/5080, S/5083, S/5086, S/5088. Letters of 22 February, 2, 8 and 13 March 1962 from Cuba.

S/5081. Report by Secretary-General concerning credentials of representative of Cuba.

S/5085. Summary statement by Secretary-General on matters of which Council is seized and on stage reached in their consideration.

S/5095. Letter of 19 March 1962 from Cuba submitting draft resolution.

Draft resolution, as submitted by Cuba and as amended by Council, rejected by Council on 23 March 1962, meeting 998, by 2 votes to 7, with 1 abstention, as follows:

In favour: Romania, USSR.

Against: Chile, China, France, Ireland, United Kingdom, United States, Venezuela.

Abstaining: United Arab Republic.

[Ghana did not participate in the vote.]

SECURITY COUNCIL, meetings 1022-1025.

S/5181. Letter of 22 October 1962 from United States.

S/5182. United States: draft resolution.

S/5183, S/5185. Letters of 22 and 23 October 1962 from Cuba.

S/5186. Letter of 23 October 1962 from USSR.

S/5187. USSR: draft resolution.

S/5189. Letter of 24 October 1962 from Bulgaria.

S/5190. Ghana and United Arab Republic: draft resolution.

S/5191. Letter of 24 October 1962 from Dominican Republic.

S/5192. Letter of 24 October 1962 from Czechoslovakia.

S/5193. Letter of 23 October 1962 from Secretary-General of Organization of American States (OAS) transmitting copy of resolution adopted by OAS Council on 23 October 1962.

S/5194. Letter of 25 October 1962 from Hungary.

S/5195. Letter of 25 October 1962 from Cameroon, Central African Republic, Chad, Congo (Brazzaville), Dahomey, Gabon, Ivory Coast, Madagascar, Mauritania, Niger, Senegal and Upper Volta.

S/5196. Letter of 26 October 1962 from Mongolia.

S/5198. Letter of 25 October 1962 from Haiti.

OTHER COMMUNICATIONS

SECURITY COUNCIL

S/5197. Letter of 26 October 1962 from United States.

S/5199. Letter of 29 October 1962 from Haiti.

S/5200. Letter of 30 October 1962 from Yugoslavia.

S/5202, S/5206, S/5208, S/5217. Letters of 29 October, 8 and 14 November and 13 December 1962 from Secretary-General of OAS.

S/5210, S/5214. Note verbale of 26 November and letter of 5 December 1962 from Cuba.

S/5227. Letter of 7 January 1963 from Permanent Representative of United States and First Deputy Minister of Foreign Affairs of USSR.

S/5228. Letter of 7 January 1963 from Permanent Representative of Cuba.

S/5229, S/5230. Letters of 8 January 1963 from Secretary-General to Permanent Representatives of United States and to First Deputy Minister of Foreign Affairs of USSR.

S/5231. Letter of 9 January 1963 from Secretary-General to Permanent Representative of Cuba.

GENERAL ASSEMBLY—17TH SESSION

A/5202. Report of Security Council to Assembly, Chapters 6 and 12.
A/5260. Letter of 10 October 1962 from Costa Rica.

A/5261. Letter of 11 October 1962 from United States.
A/5265, A/5266, A/5271. Letters of 18, 19 and 26 October 1962 from Cuba.

QUESTION OF BOUNDARIES BETWEEN VENEZUELA AND BRITISH GUIANA

On 18 August 1962, Venezuela asked that an item entitled "Question of boundaries between Venezuela and the territory of British Guiana" be included in the agenda of the General Assembly's seventeenth session. An explanatory memorandum said, among other things, that in the period following 1814, when the Netherlands had ceded to Great Britain the settlements of Demerara, Essequibo and Berbice in the territory of Guiana, the British had embarked on a series of operations designed to extend the western boundary of their colony, British Guiana, into Venezuelan territory.

Despite protests by successive Venezuelan Governments, the memorandum went on, the British occupation had extended to the mouth of the Orinoco River. In 1897, a Treaty of Arbitration had been concluded between Great Britain and Venezuela, in circumstances unfavourable to the latter, and an award made in 1899 by an arbitral tribunal had failed to recognize Venezuela's right over territories which had historically been part of Venezuela.

According to the memorandum, a document left in 1949 by a legal adviser to the Venezuelan Government, published six months after his death, had revealed that the arbitral award had been the result of a political deal in which Venezuela's legitimate rights had been sacrificed and that the boundary of British Guiana had been drawn arbitrarily, without regard either to the rules of the Treaty of Arbitration or to the applicable principles of international law.

The Venezuelan Government, the memorandum said, had also approached the United Kingdom with a view to arriving at an amicable solution of the problem before the independence of British Guiana, in order to avoid future controversy with a newly independent State.

On the recommendation of its General Committee, the Assembly decided on 24 September 1962 to place the item on its agenda and referred it to its Special Political Committee for consideration and report.

The Special Committee considered the item at meetings on 12, 13 and 16 November.

The Foreign Minister of Venezuela, after reviewing the historical and legal background of the dispute, said that Venezuela had never recognized the validity of the arbitral award of 1899 since there had, in fact, been no arbitration, but rather a political compromise. This had been made clear by documents of those who had closely followed the proceedings of the arbitration tribunal, principally by a memorandum prepared by a legal adviser, Severo Mallet-Prevost, and published posthumously. The award established a boundary line between Venezuela and British Guiana, by which Great Britain had received 45,000 square miles of the 50,000 square miles in dispute.

The Venezuelan Foreign Minister added that Venezuela was not seeking a decision of the Special Political Committee on the substance of the question, but it had brought the matter before the United Nations in order to inform the world of the powerful reasons which compelled it not to recognize the award as final. Venezuela supported independence for British Guiana and hoped that it would participate in the talks which Venezuela sought with the United Kingdom in the quest for a pacific settlement of the dispute.

The United Kingdom representative said his Government considered that the western boundary of British Guiana with Venezuela had been finally settled by the arbitral award of 1899, which both Governments had accepted. He stressed that the arbitral tribunal had been set up as a result of a treaty which had been freely entered into, and he emphatically rejected Venezuela's assertion that the tribunal had arrived at a decision without reference to the rules of international law and the terms of the Arbitration Treaty. He questioned the accuracy of the Mallet-Prevost memorandum, which had been introduced by Venezuela as the basis for reopening the case.

He reiterated that his Government did not accept the existence of any dispute between the two countries, and expressed the hope that the problem could be disposed of once and for all so that British Guiana could gain independence without any doubt about its frontiers. His Government, with the full concurrence of the Government of British Guiana, was prepared to discuss with the Venezuelan Government, through diplomatic channels, arrangements for a tripartite examination of the relevant documentary material. However, such an offer was in no sense an offer to engage in substantive talks about revision of the frontier.

The representative of Afghanistan said that any consideration of the dispute should be carried out with the participation of British Guiana. The present case showed how, in the past, the colonial powers had used the principles of international law for their own purposes as instruments for domination. He hoped that a just and peaceful solution would be found so that friendly relations could be established between Venezuela and British Guiana, whose speedy independence would be welcomed by all.

The representative of the United States noted the United Kingdom's offer with satisfaction and hoped that a way would be found to solve the dispute amicably. The action of Venezuela in

bringing the matter before the United Nations was in accordance with the Charter and was not intended to hamper the achievement of independence by British Guiana.

On 16 November, after a recess in the discussion, the Committee heard further statements from the representatives of Venezuela and the United Kingdom. The Chairman then informed the Committee that, as a result of conversations held by the United Kingdom and Venezuela—the former acting with the concurrence of the Government of British Guiana—they had agreed that the three Governments would examine the documentary material available to all parties on the question. For that purpose they would proceed to make the necessary arrangements through diplomatic channels. The Chairman added that, in view of the possibility of direct discussions among the parties concerned, the Committee need not proceed further in its discussion of the question and that it was his understanding that the United Nations would be informed of the results of the conversations.

Accordingly, the Special Political Committee adjourned consideration of the question without making any recommendation to the General Assembly. On 11 December, the General Assembly took note of the Committee's report.

DOCUMENTARY REFERENCES

GENERAL ASSEMBLY—17TH SESSION

General Committee, meeting 148.

Special Political Committee, meetings 348-350.

Plenary Meeting 1191.

A/5168 and Add.I. Cablegram of 18 August 1962 from Venezuela requesting inclusion of following item in agenda: "Question of boundaries between

Venezuela and the territory of British Guiana," and explanatory memorandum transmitted by letter of 18 August 1962.

A/SPC/71. Statement by Foreign Minister of Venezuela on 12 November 1962, meeting 348.

A/SPC/72. Statement by United Kingdom representative on 13 November 1962, meeting 349.

A/5313. Report of Special Political Committee.