

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.