

The representative of Ghana requested that a separate vote be taken on the operative paragraph of the Cuban draft resolution which referred to the third above-mentioned question.^{489/}

The President (Venezuela) stated that, in view of the fact that it was the USSR which had asked that the draft resolution be put to the vote, he would inquire whether the representative of the USSR had any objection to the separate vote requested by the representative of Ghana.^{490/} After a discussion on whether the representative of Cuba might be heard at that stage and an expression of view by the President, the President, as an exception, called on the representative of Cuba.^{491/} The representative of Cuba merely stated that he had no objection to Ghana's request.^{492/}

The Ghanaian proposal was rejected; there were 4 votes in favour and 7 against.^{493/}

The representative of Cuba stated then that as a result of the vote just taken he would not press for a vote on his draft resolution.^{494/}

The representative of the United States objected to the proposed withdrawal, to avoid a vote on the draft resolution as a whole. Under rule 35, since a vote had been taken in respect of the draft resolution, it could no longer be withdrawn.^{495/}

The President ruled that, under rule 35, the remaining part of the draft resolution would have to be voted upon.^{496/} This ruling was challenged by the representative of the USSR,^{497/} and was upheld by 7 votes in favour to 2 against, with 2 abstentions.^{498/}

The draft resolution, as amended, was rejected by 2 votes in favour and 7 against, with 1 abstention.^{499/}

COMPLAINTS BY REPRESENTATIVES OF CUBA, USSR AND UNITED STATES (22-23 OCTOBER 1962)

INITIAL PROCEEDINGS

By letter ^{500/} dated 22 October 1962, the representative of the United States requested an urgent meeting of the Security Council to "deal with the dangerous threat to the peace and security of the world 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 thermonuclear warheads to most of North and South America". The letter stated that the United States had "incontrovertible evidence" that the USSR had been installing in Cuba a whole series of facilities for launching nuclear missiles and other offensive

^{489/} 998th meeting; paras. 78, 81.

^{490/} 998th meeting; paras. 84-87.

^{491/} 998th meeting; paras. 88-109. For procedural discussion on this matter, see chapter III, Case 16.

^{492/} 998th meeting; para. 110.

^{493/} 998th meeting; para. 113.

^{494/} 998th meeting; para. 123.

^{495/} 998th meeting; paras. 124-125.

^{496/} 998th meeting; paras. 142, 144-145.

^{497/} 998th meeting; paras. 147, 149.

^{498/} 998th meeting; para. 150.

^{499/} 998th meeting; para. 158. The representative of Ghana did not participate in the vote.

^{500/} S/5151, O.R., 17th year, Suppl. for Oct.-Dec. 1962, pp. 146-147.

weapons and installing the weapons themselves. These steps were far in excess of Cuba's defence requirements and had been undertaken some months ago despite repeated assurances, both in public and private, that no offensive weapons were being delivered to Cuba. In the light of this threat, the United States had appealed to the Organization of American States calling for a meeting of the Organ of Consultation invoking articles 6 and 8 of the Inter-American Treaty of Reciprocal Assistance (Rio Treaty) and had initiated a strict quarantine of Cuba to interdict the carriage of offensive weapons to that country. In accordance with its obligation under the Charter of the United Nations and the Council's responsibility for the maintenance of international peace and security, the United States was bringing these facts to the attention of the Council in order that prompt and effective measures might be taken for the immediate dismantling and withdrawal of Soviet offensive weapons from Cuba under the supervision of United Nations observers. Upon fulfilment of these conditions, the quarantine would be lifted. The letter was accompanied by a draft resolution^{501/} under which the Security Council would call, as a provisional measure under Article 40 of the Charter, for immediate dismantling and withdrawal of all missiles and other offensive weapons from Cuba and would authorize and request the Secretary-General to dispatch to Cuba a United Nations observer corps to assure and report on compliance. The draft resolution also recommended 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.^{502/}

By letter ^{503/} dated 22 October 1962, the representative of Cuba requested an urgent meeting of the Security Council to consider "the act of war unilaterally committed by the Government of the United States in ordering the naval blockade of Cuba". The letter stated that the United States, in disregard of the international organizations including the Security Council, was creating an imminent danger of war. This unilateral and direct aggression committed against the Revolutionary Government and the people of Cuba was merely the culmination of a series of aggressive acts which had been reported to and denounced before the United Nations. The request for the meeting was based on Articles 34, 35 (1), 39, 1 (1), 2 (4) and 24 (1) of the Charter and the relevant articles of the rules of procedure of the Council.

By letter ^{504/} dated 23 October 1962, the representative of the USSR requested an immediate meeting of the Security Council to examine the question of "the violation of the Charter of the United Nations and the threat to peace" on the part of the United States. In a statement accompanying the letter, the Government of the USSR noted the United States decree which, it stated, had, in effect, placed the Republic of Cuba under a naval blockade. At the same time, United States troops had been reinforced at the Guantanamo base, situated in Cuban territory, and United States armed forces were being placed in a state of combat readi-

^{501/} S/5152, 1022nd meeting; para. 80.

^{502/} See chapter X, Case 7.

^{503/} S/5183, O.R., 17th year, Suppl. for Oct.-Dec. 1962, p. 148.

^{504/} S/5186, *ibid.*, pp. 149-154.

ness. The Soviet Government had called attention to the serious danger to world peace created by the policy pursued by the United States towards Cuba. The statement questioned the authority assumed by the United States as arbiter of the destinies of other territories and peoples, and referred to the fact that under the Charter of the United Nations all countries, large or small, had the right to organize themselves as they saw fit and to take such measures as they considered necessary to protect their own security. It was further stated that USSR's assistance to Cuba was designed to improve that country's defensive capacity, in response to the continuous threats and provocations by the United States. If the United States were genuinely striving for peace it would accept the Soviet proposal to withdraw its troops and dismantle its military bases in various parts of the world. The USSR Government appealed to all Governments and peoples to protest against the aggressive acts of the United States against Cuba and other States, strongly to condemn such acts and to take steps to prevent the unleashing of a thermonuclear war by the United States.

At the 1022nd meeting on 23 October 1962, the provisional agenda of the Council included the three letters. After the adoption of the agenda,^{505/} the President (USSR) invited,^{506/} without objection, the representative of Cuba to participate in the discussion. He then proposed that the three letters be considered simultaneously. It was so decided.^{507/} The Council considered the question at its 1022nd to 1025th meetings from 23 to 25 October 1962.

Decision of 25 October 1962 (1025th meeting): Adjournment, pending outcome of discussions and negotiations initiated with the assistance of the Acting Secretary-General

At the 1022nd meeting on 23 October 1962, the representative of the United States stated that he had asked for an emergency meeting to bring to the attention of the Council a grave threat to the Western Hemisphere and to the peace of the world. After reading to the Council a report by the President of the United States, broadcast the day before, on "the recent alarming military developments in Cuba", he reiterated the United States assertion that unmistakable evidence had established the fact that a series of offensive missile sites were being prepared in Cuban territory, and that the purpose of these bases was to provide a nuclear strike capability against the Western Hemisphere. Cuba had thus given to the USSR a bridgehead and staging area in this hemisphere. He contended further that missiles which helped a country to defend its independence, which left its political institutions intact, which were not designed to subvert the territorial integrity or political independence of other States, and were installed without concealment or deceit, was a type of assistance consistent with the principles of the United Nations. However, missiles which introduced a nuclear threat to an area heretofore free of it, which were installed by clandestine means, and which resulted in the most formidable

nuclear base in the world outside existing treaty systems, presented a different problem. Despite repeated claims that Soviet arms in Cuba were solely of a "defensive character", the fact remained that the USSR had upset the precarious balance and created a new and dangerous situation in a new area. Cuba was being transformed into a base for "communist aggression" and "for putting all of the Americas under the nuclear gun". The United States could not accept that new phase of aggression without being negligent in its obligations to world peace. To accept that basic disturbance of the world's structure of power would simply be to extend an invitation to a new surge of aggression. In conclusion, the United States representative informed the Council of a decision^{508/} of the Organization of American States calling for the dismantling and withdrawal of all missiles and other offensive weapons from Cuba.^{509/}

At the same meeting, the representative of Cuba* repeated earlier assertions that the weapons were purely defensive and that were the United States to give proof by word and deed that it would not carry out aggression against Cuba, then Cuba's weapons would be unnecessary. However, United States conduct had not fulfilled such expectations. There were frequent acts of sabotage, violations of the territorial waters and airspace, and other provocative and punitive measures which made Cuba's defence vital. The United States had no right to attack another Member State because of its social system. The Charter, which had been signed by States with different social systems, imposed peaceful negotiations on States in the settlement of their disputes. Cuba, for its part, had always been ready to carry out peaceful negotiations with the United States but the latter would rather set might above right. The United States had adopted warlike measures in complete disregard of international organizations, particularly the Security Council. The Cuban representative invoked Article 2 (4) of the Charter and appealed for immediate withdrawal of all ships, troops and planes around Cuba, and the cessation of provocative acts by agents of the United States Government.^{510/}

At the same meeting, the President, speaking as the representative of the USSR, reiterated his assurances that the armaments and military matériel sent to Cuba were only for defensive purposes, and stated that, in initiating a naval blockade against Cuba, the United States had taken a step unprecedented in relations between States not formally at war. That, he said, had created a threat to the peace and a direct challenge to the Security Council as the organ of the United Nations primarily responsible for the maintenance of international peace and security. The Council alone was empowered to carry out any enforcement measures. By throwing its armed forces into the area around Cuba and into Cuban territory, the United States was committing an act of overt aggression. It had openly violated the Charter, which prohibited the threat or use of force in international relations. The United States, by declaring its intention

^{505/} 1022nd meeting: para. 8.

^{506/} 1022nd meeting: para. 9.

^{507/} 1022nd meeting: para. 11.

^{508/} 1022nd meeting: para. 81.

^{509/} 1022nd meeting: paras. 12-14, 58-63, 70-79.

^{510/} 1022nd meeting: paras. 90-93, 107-110, 122-125.

to inspect ships on the high seas, was committing an act of piracy, which led to an intensification of the tension in the international situation, and constituted a step towards the provoking of a world thermonuclear war. The United States had no right to make the demands enunciated by its President concerning shipping, both from the point of view of international law or from the Charter. No State, however powerful, had any right at all to define or determine what form of armaments might be required by another State for its defence. Each State, according to the Charter, had a right of self-defence and the right to the weapons necessary to serve that defence. Thus, the position set out by the United States flagrantly violated international law, which recognized the sovereign equality of all States, and obliged States to base their relations on this principle.^{511/}

In conclusion, the representative of the USSR introduced a draft resolution,^{512/} under which the Security Council would, *inter alia*, condemn the actions of the United States Government, aimed at violating the Charter and increasing the threat of war; insist on the revocation of the order to inspect ships of other States bound for Cuba; and call upon the Governments of Cuba, the United States and the USSR to establish contact and enter into negotiations for the purpose of normalizing the situation and thus removing the threat of war.

At the 1024th meeting on 24 October 1962, the representative of Chile suggested that if the United States resolution were not adopted, the Acting Secretary-General should nominate a commission that would go immediately to Cuba. Should an impasse develop in the Council as a result of the outcome of the vote on the draft resolutions before the Council, he suggested that the Acting Secretary-General should take some initiative and propose measures that might be immediately effective.^{513/}

At the same meeting, the representative of the United Arab Republic stated that the representatives of some fifty Member States, fearful of an armed clash and desirous of finding a peaceful solution, after long deliberations had delegated from among themselves the representatives of Ghana, Cyprus and the United Arab Republic to meet with the Acting Secretary-General in order to convey to him on their behalf their deep concern and anxiety. The United Arab Republic representative then suggested that the Council should concentrate its effort to achieve, among other objectives prescribed in the Charter, the use, by the parties concerned, of whatever assistance the Acting Secretary-General and his office might be able to render in bringing the matter to a peaceful and immediate solution.^{514/}

The representative of Ghana introduced a draft resolution,^{515/} jointly sponsored with the United Arab Republic, under which the Security Council would request the Acting Secretary-General promptly to confer with the parties directly concerned on immediate steps to

remove the threat to world peace and call on the parties to comply with the resolution and assist the Acting Secretary-General in performing his task, and to refrain from any action which might further aggravate the situation.

At the same meeting, the Acting Secretary-General stated that at the request of the permanent representatives of a large number of Member States he had sent identical messages to the Governments of the United States and of the USSR, calling upon them to refrain from any action that might aggravate the situation and bring forth the risk of war. A part of the message read as follows:

"... it is important that time should be given to enable the parties concerned to get together with a view to resolving the present crisis peacefully and normalizing the situation in the Caribbean. This involves 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. I believe that such voluntary suspension for a period of two to three weeks will greatly ease the situation and give time to the parties concerned to meet and discuss with a view to finding a peaceful solution of the problem. In this context, I shall gladly make myself available to all parties for whatever services I may be able to perform."

The Acting Secretary-General also appealed to the Government of Cuba to suspend construction of major military facilities during the period of negotiation. He further repeated his appeal to the parties concerned to enter into negotiations at once, and offered to make himself and his office available to all parties.^{516/}

At the 1025th meeting on 25 October 1962, the representative of the United States called attention to the reply by the President of the United States to the appeal of the Acting Secretary-General, in which the President expressed a willingness to begin preliminary talks to determine whether satisfactory arrangements could be assured. The United States asserted its desire to reach a satisfactory and a peaceful solution of the matter.^{517/}

Speaking as the representative of the USSR, the President referred to a letter of 24 October from the USSR Government to Bertrand Russell wherein the Soviet attitude toward the crisis was outlined. In the view of the USSR Government, the question of war and peace was so vital that a meeting on the highest level would be useful in order to discuss the problems that had arisen, and to do everything to remove the danger of unleashing a thermonuclear war. The USSR representative referred also to his Government's reply to the Acting Secretary-General, welcoming his initiative and expressing agreement with his proposal.^{518/}

The representative of Ghana expressed appreciation of the Acting Secretary-General's initiative and the kinds of response his appeals had elicited, and sup-

^{511/} 1022nd meeting: paras. 129-184.

^{512/} S/5187, 1022nd meeting: para. 180.

^{513/} 1024th meeting: paras. 26-59.

^{514/} 1024th meeting: paras. 62-82.

^{515/} S/5190, 1024th meeting: para. 113.

^{516/} 1024th meeting: paras. 116-126. See also chapter I, Case 51.

^{517/} 1025th meeting: paras. 2-23.

^{518/} 1025th meeting: paras. 25-44.

ported a proposal by the United Arab Republic^{519/} for adjournment.^{520/}

The proposal was adopted without objection, and the meeting was adjourned after a statement by the President that, in the light of the results of the discussions which were to take place, he would decide on the future work of the Council on the subject.^{521/}

COMPLAINT BY SENEGAL

INITIAL PROCEEDINGS

By letter^{522/} dated 10 April 1963 to the President of the Security Council, the representative of Senegal requested that "in view of the repeated violations of Senegalese airspace and territory that have taken place", a meeting of the Council should be called to discuss the matter. In the letter it was asserted that on 9 April^{523/} four Portuguese aircraft had violated Senegalese airspace and dropped four grenades on the village of Bouniak. It was also recalled that on 22 December 1961 the Government of Senegal had drawn the attention of the President of the Council to several earlier violations which had taken place on the border between Senegal and "so-called" Portuguese Guinea. The recurrence of such acts had therefore determined the Government of Senegal to appeal to the Security Council.

By letter^{524/} dated 10 April 1963 to the President of the Security Council, the Permanent Representative of Portugal stated that the report by Senegal was "without the slightest foundation" and that "on the day in question, no Portuguese military aircraft flew over that area or any other area along the border with Senegal". Furthermore, all Portuguese forces had "the strictest orders to scrupulously respect the sovereignty, the territorial integrity and the airspace of the Republic of Senegal". The complaints presented by Senegal in 1961, he contended, "either were totally unfounded or originated from a misconstruction of events without any real significance". It was regretted that "old complaints" should have been joined "to a new entirely unfounded allegation in order to create an atmosphere of hostility against Portugal" in spite of "the constant endeavours of the Portuguese Government to adhere to a firm policy of international co-operation and good neighbourliness". The convening of the Security Council, the letter concluded, "would be entirely unwarranted".

^{519/} 1025th meeting: para. 74.

^{520/} 1025th meeting: paras. 91-94.

^{521/} 1025th meeting: para. 102. In a letter dated 7 January 1963 (S/5227, O.R., 18th year, Suppl. for Jan.-March 1963, p. 85) jointly addressed to the Secretary-General on behalf of their Governments by the representatives of the USSR and the United States, they expressed appreciation to the Secretary-General for his assistance to both Governments in averting a serious threat to world peace and noted that: "in view of the degree of understanding reached between them on the settlement of the crisis and the extent of progress on the implementation of this understanding, it is not necessary for this item to occupy further the attention of the Security Council at this time."

^{522/} S/5279, O.R., 18th year, Suppl. for April-June 1963, pp. 16-17.

^{523/} On 16 April this date was corrected to read 8 April (S/5279/Corr.1).

^{524/} S/5281, *ibid.*, pp. 24-25.

At the 1027th meeting on 17 April 1963, the Council included the item in its agenda.^{525/} The question was considered by the Council at the 1027th to 1033rd meetings held between 17 and 24 April 1963. At the 1027th meeting on 17 April 1963, the representatives of Senegal and Portugal,^{526/} and at the 1028th meeting - on 18 April 1963, the representatives of the Congo (Brazzaville) and Gabon^{527/} were invited to participate in the discussion.

Decision of 24 April 1963 (1033rd meeting): Deploring any incursion by Portuguese military forces in Senegalese territory, and requesting the Government of Portugal to take action to prevent any violation of Senegal's sovereignty and territorial integrity

In his initial statement before the Council, the representative of Senegal* complained that in December 1961 there had been serious incidents along the border between Senegal and "so-called" Portuguese Guinea. Senegal had at that time requested the Security Council to consider these incidents. Senegal had then been persuaded to seek a direct arrangement with Portugal instead of insisting on the initiation of Council proceedings. Two years later, however, the occurrence of even graver incidents "despite the solemn undertakings made by the Portuguese Government at that time" had forced Senegal to appear before the Council. As to the latest incidents, on 8 April, the Senegalese village of Bouniak had been bombed by four aircraft of the Portuguese colonial army. There was also much tension on the border area between the populations residing on both sides, resulting from a systematic division of the border population by the Portuguese authorities, who were massacring and terrorizing the Diolas, who were Africans of Portuguese nationality. In addition to these elements causing tension, there was a network of espionage on Senegal's territory which was operated by the Portuguese. He denied Portuguese charges that Senegal had annexationist aims against Portuguese Guinea and asserted that in questions of decolonization Senegal supported the principle of self-determination and national independence for all dependent peoples. These border incidents were creating "a very tense" and "storm-charged" atmosphere which might explode in an armed conflict, which would be "a real threat to international peace and security", since Senegal had military agreements with other nations in Africa and elsewhere. The Security Council should solemnly condemn Portuguese incursions into Senegalese territory and the aggressions being perpetrated by Portugal against its villages. Later, at the same meeting, in support of his complaint, the representative of Senegal displayed before the Council metal fragments which, he contended, had come from rockets fired by Portuguese planes flying over Senegalese territory.^{528/} Together with the pieces of rockets and bullets found on the ground, he submitted as documentary evidence a report of experts.^{529/}

At the 1028th meeting on 18 April, the representative of Senegal asserted that no negotiation with

^{525/} 1027th meeting: para. 46.

^{526/} 1027th meeting: para. 47.

^{527/} 1028th meeting: para. 26.

^{528/} 1027th meeting: paras. 48-62, 113-117.

^{529/} S/5287, O.R., 18th year, Suppl. for April-June 1963, pp. 26-27.