

In reply, the representative of the United States denied the Cutan allegations and assured the Council that his Government harboured no aggressive intentions against Cuba. It was Cuba, he asserted, that was the source of tensions in the Caribbean area.<sup>320/</sup>

At the same meeting the representatives of Argentina and Ecuador submitted a draft resolution.<sup>321/</sup> In introducing the joint draft resolution, the representative of Argentina expressed the view that analysis of the legal relationship between the OAS and the United Nations was not indispensable. He believed that the Council could agree on the practical proposition that since the OAS had already taken cognizance of the matter, it would be desirable to await the results of its action.<sup>322/</sup>

At the 876th meeting on 19 July 1960, the representative of the USSR objected to the view that, since the matter was at the time being considered by the OAS, consideration of it by the Council should be adjourned. He said that Cuba had brought the matter to the Council, not to the OAS, and proposed certain amendments<sup>323/</sup> to the draft resolution.<sup>324/</sup>

At the same meeting the amendments of the USSR were rejected<sup>325/</sup> by 2 votes in favour, 8 against, and 1 abstention, and the resolution jointly submitted by Argentina and Ecuador was adopted<sup>326/</sup> by 9 votes in favour, none against, and 2 abstentions. The resolution<sup>327/</sup> read:

"The Security Council,

"Having heard the statements made by the Foreign Minister of Cuba and by members of the Council,

"Taking into account the provisions of Articles 24, 33, 34, 35, 36, 52 and 103 of the Charter of the United Nations,

"Taking into account also articles 20 and 102 of the Charter of the Organization of American States of which both Cuba and the United States of America are members,

"Deeply concerned at the situation existing between Cuba and the United States of America,

"Considering that it is the obligation of all Members of the United Nations to settle their international disputes by negotiation and other peaceful means in such a manner that international peace and security and justice are not endangered,

"Noting that this situation is under consideration by the Organization of American States,

"1. Decides to adjourn the consideration of this question pending the receipt of a report from the Organization of American States;

"2. Invites the members of the Organization of American States to lend their assistance towards the achievement of a peaceful solution of the present situation in accordance with the purposes and principles of the Charter of the United Nations;

"3. Urges in the meantime all other States to refrain from any action which might increase the existing tensions between Cuba and the United States of America."

#### COMPLAINT BY THE USSR (RB-47 INCIDENT) INITIAL PROCEEDINGS

By telegram<sup>328/</sup> dated 13 July 1960 to the Secretary-General, the Foreign Minister of the USSR requested an urgent meeting of the Security Council to examine the question of "New aggressive acts by the Air Force of the United States of America against the Soviet Union, creating a threat to universal peace", occurring on 1 July 1960. The need for immediate consideration of the question arose from the fact that United States military aircraft were continuing their "aggressive invasions" of Soviet airspace.

In an explanatory memorandum<sup>329/</sup> of the same date it was stated that this was the second time within a few months that the question of aggressive acts by the United States Air Force had been submitted to the Council. Despite the Council's resolution of 27 May 1960,<sup>330/</sup> appealing to all Governments to respect each other's territorial integrity and political independence and to refrain from acts that might increase tensions, the Government of the United States was openly flouting the appeal and continued to follow its provocative practices of dispatching its military aircraft into the airspace of the USSR. Notwithstanding signals given by a Soviet fighter aircraft to follow it down and make a landing, the violating aircraft penetrated further into Soviet airspace and consequently was shot down over Soviet territorial waters to the east of Cape Svyatoy Nos at 6.30 p.m. Moscow time on 1 July. According to evidence given at their interrogation by two crew members of the aircraft, the aircraft belonged to an air unit of the United States strategic military intelligence service, and had been carrying out special military reconnaissance missions. It was armed with 20-millimetre guns with a full supply of ammunition and had a compartment containing special photographic and radio-electronic reconnaissance equipment.

In addition to lodging a strong protest with the United States, the Soviet Government had also sent protests to the Governments of the United Kingdom and Norway because the aforementioned facts had implicated their countries in the United States aggressive designs.

At the 880th meeting on 22 July 1960, the Council decided<sup>331/</sup> to include the question in its agenda. It was considered at the 880th to 883rd meetings, held between 22 and 26 July 1960.

<sup>320/</sup> 874th meeting: paras. 95-124.

<sup>321/</sup> S/4392, same text as S/4395, see below.

<sup>322/</sup> 874th meeting: paras. 125-143. See chapter X, Cases 2 and 10; see also chapter XII, Case 24.

<sup>323/</sup> S/4394, 876th meeting: paras. 105-107.

<sup>324/</sup> 876th meeting: paras. 6-109.

<sup>325/</sup> 876th meeting: para. 127.

<sup>326/</sup> 876th meeting: para. 128.

<sup>327/</sup> S/4395, O.R., 15th year, Suppl. for July-Sept. 1960, pp. 29-30.

<sup>328/</sup> S/4384, *ibid.*, p. 12.

<sup>329/</sup> S/4385, *ibid.*, pp. 13-15.

<sup>330/</sup> S/4323, O.R., 15th year, Suppl. for April-June 1960, pp. 22-23.

<sup>331/</sup> 880th meeting: preceding para. 1.

**Decision of 26 July 1960 (883rd meeting): Rejection of the USSR, United States and Italian draft resolutions**

At the 880th meeting on 22 July 1960, the representative of the USSR submitted a draft resolution<sup>332/</sup> according to which the Security Council would: (1) condemn the provocative activities of the United States Air Force and regard them as aggressive acts; (2) insist that the Government of the United States should take immediate steps to put an end to such acts and to prevent their recurrence. He asserted that the incursions by United States aircraft were part of a broad and carefully conceived system of intelligence activities conducted by the United States against the USSR.<sup>333/</sup>

At the same meeting, the representative of the United States maintained that at the time the Soviet Union claimed that the aircraft was brought down in Soviet waters it was actually 50 miles off the Soviet coast, and it was still in the air twenty minutes later, over the high seas 200 miles from the point alleged by the USSR Government, and flying in a northeasterly direction. He claimed, further, that at no time during its flight was the aircraft closer than 30 miles to the Soviet coast. Consequently, the Soviet Union was guilty of a criminal and piratical action against the United States. In its note to the USSR Government, the United States Government had requested the release of the two crew members who were being held. Its representative repeated the request at the Council meeting.<sup>334/</sup>

At the 881st meeting on 25 July 1960, the representative of the United States introduced certain charts in order to describe better the course of the aircraft and to pin-point its location at the time it was brought down. He asserted that, contrary to the Soviet allegation that the aircraft had been on an aggressive mission, it had been on an electro-magnetic observation flight, and it carried no offensive weapons of any kind save two tail guns to protect it from attacks from the rear. With regard to the fate of the two crewmen, the United States representative maintained that international law and custom demanded that they must have the right to communicate with the United States mission in the host country. That right had not yet been honoured, nor had the Soviet Government seen fit to respond to the suggestion of the United States for an on-the-spot search for other missing crew members and the remains of the aircraft. The United States representative observed further that in accordance with the spirit of the Charter, particularly Article 33, the United States would not press for a condemnation of the Soviet Union.<sup>335/</sup> The representative introduced a draft resolution<sup>336/</sup> under which the Council would recommend, *inter alia*, that both countries undertake to resolve their differences arising out of the plane incident of 1 July 1960 either: (a) through investigation of the facts by a commission designated by both parties;<sup>337/</sup>

<sup>332/</sup> S/4406, 880th meeting: para. 58.

<sup>333/</sup> 880th meeting: paras. 2-59.

<sup>334/</sup> 880th meeting: paras. 60-63.

<sup>335/</sup> 881st meeting: paras. 2-33.

<sup>336/</sup> S/4409, 881st meeting: para. 29.

<sup>337/</sup> See chapter X, Case 3.

or (b) through referral of the matter to the International Court of Justice for impartial adjudication.

At the same meeting, the representative of the USSR rejected the United States account of the incident and stated that the USSR Government was categorically opposed to the holding of an investigation and the establishment of any commission.<sup>338/</sup>

The representative of France questioned the note of urgency on which the Soviet Union's request for a meeting had been sounded, and noted that it had waited thirteen days before bringing the incident to the attention of the Council. The matter, he added, should have been settled in the customary manner by negotiation, as recommended in Article 33 (1) of the Charter.<sup>339/</sup>

At the 882nd meeting on 26 July 1960, the representative of Italy expressed the hope that the Soviet Government would allow the International Red Cross to get in touch with the survivors pending any other development or action,<sup>340/</sup> and introduced a draft resolution<sup>341/</sup> to this effect.

At the 883rd meeting on 26 July 1960, the President, speaking as the representative of Ecuador, suggested the addition of a final paragraph to the United States draft resolution to read:

"Requests the parties concerned to report to the Security Council, as appropriate, on the steps taken to carry out this resolution."<sup>342/</sup>

The representative of the United States accepted the Ecuadorian amendment.<sup>343/</sup>

At the same meeting, the USSR draft resolution was rejected<sup>344/</sup> by 2 votes in favour and 9 against. The United States revised draft resolution failed of adoption. There were 9 votes in favour and 2 against (one of the negative votes being that of a permanent member).<sup>345/</sup> The Italian draft resolution failed of adoption.<sup>346/</sup> There were 9 votes in favour and 2 against (one of the negative votes being that of a permanent member).

**LETTER OF 5 SEPTEMBER 1960 FROM THE USSR (ACTION OF THE OAS RELATING TO THE DOMINICAN REPUBLIC)**

**INITIAL PROCEEDINGS**

By letter<sup>347/</sup> dated 5 September 1960 addressed to the President of the Security Council, the First Deputy Minister for Foreign Affairs of the USSR requested an urgent meeting of the Security Council to consider a decision adopted by the Organization of American States on 20 August 1960 concerning the Dominican Republic, as stated in document S/4476. The letter noted that the decision provided

<sup>338/</sup> 881st meeting: paras. 34-43.

<sup>339/</sup> 881st meeting: paras. 73-93.

<sup>340/</sup> 882nd meeting: paras. 18-43.

<sup>341/</sup> S/4411, 882nd meeting: para. 42.

<sup>342/</sup> 883rd meeting: para. 96.

<sup>343/</sup> 883rd meeting: para. 142.

<sup>344/</sup> 883rd meeting: para. 187.

<sup>345/</sup> 883rd meeting: para. 188.

<sup>346/</sup> 883rd meeting: para. 189.

<sup>347/</sup> S/4477, O.R., 15th year, Suppl. for July-Sept. 1960, pp. 134-135.