

**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.

for the application of enforcement action against the Trujillo régime including the breaking off of diplomatic relations with the Dominican Republic. It then recommended that the Council should consider the question and endorse the decision of the OAS, which was designed to remove the threat to peace and security created by the actions of the Dominican authorities. In support of this recommendation, the letter cited the provisions of Article 53 of the Charter which provided that the Council should utilize "regional arrangements or agencies for enforcement action under its authority", and that "no enforcement action should be taken under regional arrangements or by regional agencies without the authorization of the Security Council".

At the 893rd meeting on 8 September 1960, the Council decided<sup>348/</sup> without vote to include the question in the agenda. It was considered at its 893rd to 895th meetings held on 8 and 9 September 1960. The representative of Venezuela was invited to take part in the discussions.<sup>349/</sup>

*Decision of 9 September 1960 (895th meeting): Taking note of the report from the Organization of American States transmitting the Final Act of the Sixth Meeting of Consultation of Ministers of Foreign Affairs of the American Republics, especially of the resolution on the application of measures regarding the Dominican Republic*

At the 893rd meeting on 8 September 1960, the President (Italy) called attention to a draft resolution<sup>350/</sup> submitted by the representative of the USSR, and a draft resolution<sup>351/</sup> jointly submitted by Argentina, Ecuador and the United States.

In introducing his draft resolution, under which the Council, in accordance with Article 53<sup>352/</sup> of the Charter, would approve the resolution of the Sixth Meeting of Consultation of Ministers of Foreign Affairs of the American Republics dated 20 August 1960, the representative of the USSR asserted that the Government of the Dominican Republic had committed acts of intervention and aggression against Venezuela, violating the sovereignty of that State, and created a threat to international peace and security. He stated that his Government regarded as appropriate the resolution adopted at the above-mentioned Meeting of Consultation, which condemned the aggressive actions of the Trujillo régime against Venezuela, and felt that the Members of the United Nations could not fail to support the decision of the Organization of American States as to the necessity of taking enforcement action, in fact sanctions, against the Government of the Dominican Republic. The application of such sanctions was fully in accord with Articles 39 and 41 of the Charter. However, since the Charter entrusted the Security Council with the primary responsibility for the maintenance of international peace and security, and provided that no enforcement action should be taken without its authori-

zation, it was necessary for the Council to approve the decision of the Organization of American States.<sup>353/</sup>

The representative of Argentina observed that the USSR note had raised in the Council, for the first time, the question of the interpretation of Article 53 of the Charter in connexion with steps taken by regional agencies. Implied in the Soviet note was the view that the Security Council was entitled to annul or revise measures taken by the OAS regarding one of its members. However, he believed that was not the proper juncture at which to take final decision on that question. In any case, he doubted whether the Soviet interpretation was the correct one. Instead, he favoured the argument that measures taken regionally would be subject to the Council's ratification only if they called for the use of armed force. As to the draft resolution which his delegation co-sponsored, the representative of Argentina stated that such a text showed the Security Council's concern in matters of international peace and security and left the door open for a constructive interpretation of Article 53 of the Charter in circumstances more favourable than those prevailing at that time.<sup>354/</sup>

At the same meeting, the representative of the United States observed that the actions of the Organization of American States had been reported to the Security Council in accordance with Article 54 of the Charter, and he rejected that the contention of the USSR that under Article 53 the decisions of the OAS required any endorsement by the Security Council. He further maintained that no member of the OAS had sought authorization of the Council, under Article 53, for the steps taken in connexion with the decision. The OAS had specifically decided that the resolution should be transmitted to the Council only for its information, as required by Article 54. This Article clearly envisaged the possibility of activities by regional agencies for the maintenance of international peace and security, in regard to which the responsibility of the regional organization to the Security Council was purely that of keeping the Council informed. Moreover, the action taken collectively by members of the OAS could also be taken individually by any sovereign nation on its own initiative. His co-sponsorship of the draft resolution was based on the view that it was entirely proper for the Council, in the instance before it, merely to take note of the resolution adopted by the OAS.<sup>355/</sup>

At the 895th meeting on 9 September the representative of Ecuador requested that priority be given to the draft resolution jointly sponsored with Argentina and the United States, and appealed to the USSR for agreement in this respect.<sup>356/</sup> There was no objection. The Council voted on the draft resolution, which was adopted by 9 votes in favour, none against, with 2 abstentions.<sup>357/</sup> The resolution<sup>358/</sup> read as follows:

"The Security Council,

<sup>348/</sup> 893rd meeting: para. 6.

<sup>349/</sup> 893rd meeting: para. 27.

<sup>350/</sup> S/4481 and S/4481/Rev.1, 893rd meeting: para. 25.

<sup>351/</sup> S/4484, same text as S/4491, see below.

<sup>352/</sup> See chapter XII, Case 25.

<sup>353/</sup> 893rd meeting: paras. 10-26.

<sup>354/</sup> 893rd meeting: paras. 28-43.

<sup>355/</sup> 893rd meeting: paras. 44-54.

<sup>356/</sup> 895th meeting: para. 16.

<sup>357/</sup> 895th meeting: para. 18.

<sup>358/</sup> S/4491, C.R., 15th year, Suppl. for July-Sept. 1960, p. 145.

"Having received the report from the Secretary-General of the Organization of American States transmitting the Final Act of the Sixth Meeting of Consultation of Ministers of Foreign Affairs of the American States (S/4476),

"Takes note of that report and especially of resolution I, approved at the aforesaid Meeting, whereby agreement was reached on the application of measures regarding the Dominican Republic."

The representative of the USSR remarked that, in the light of the discussion and the vote, the majority of the members were not ready at that time to vote for the Soviet draft resolution, although they did not object to its substance. Consequently, he would not press for a vote on his draft resolution. Explaining his vote on the joint draft resolution, he stated that his delegation had abstained because the three-Power draft resolution which proposed that the Council limit itself to taking note of the decision of the OAS was not sufficiently comprehensive. Furthermore, while none of the members objected to the Council noting the action of the OAS, his delegation's draft resolution had expressed that concept more exactly and definitely. He stressed that the decision of the OAS fell completely under Article 53, and that regional agencies might apply sanctions only with the concurrence of the Security Council. However, since no one had challenged that position, although some members tried to evade consideration of the substantive issue, noting that they were not ready to deal with it at that time, the USSR delegation interpreted this to mean that the door was being left open for full support of the Charter provisions in this regard in other circumstances.<sup>359/</sup>

The representative of the United States expressed his disagreement with the Soviet interpretation of the vote, maintaining that the three-Power draft resolution was not submitted under Article 53. Contrary to the contention that the matter was being left open for future consideration by the Council, his delegation regarded the item as completed, and believed that future proposals should be judged on their merits.<sup>360/</sup>

The President stated that the Council should consider examination of the question as completed and, after further discussion, he declared that the Council had disposed of the matter.<sup>361/</sup>

#### COMPLAINT BY CUBA (LETTER OF 31 DECEMBER 1960)

##### INITIAL PROCEEDINGS

By letter<sup>362/</sup> dated 31 December 1960 addressed to the President of the Security Council, the Minister for External Relations of Cuba asserted that the United States, in violation of the United Nations Charter and the most elementary principles of international law, was about to perpetrate "within a few hours" direct military aggression against Cuba, thus

placing in grave peril international peace and security. In justification of these hostile preparations, the United States had invoked the "fraudulent pretext" of "the construction on the island of Cuba of seventeen sites for the launching of Soviet rockets". He noted instances of "psychological warfare" in which the United States had sought to manoeuvre toward the diplomatic isolation of Cuba. The request for an immediate meeting of the Security Council to "examine the situation thoroughly" was based on Articles 24 (1), 31, 32, 34, 35 (1), 52 (4) and 103 of the Charter, and on the relevant rules of procedure of the Council.

At the 921st meeting on 4 January 1961, the Council considered the inclusion of the item in its agenda. The representative of the United States, while describing the item as "totally fraudulent", informed the Council that his delegation would not oppose its inclusion in the agenda.<sup>363/</sup> The agenda was adopted,<sup>364/</sup> and the Council considered the Cuban complaint at its 921st to 923rd meetings held between 4 and 5 January 1961. The President (United Arab Republic) invited the representative of Cuba to participate in the discussion.<sup>365/</sup>

*Decision of 5 January 1961 (923rd meeting): Statement by the President expressing confidence that the debate would help in reducing tensions between the two countries and that nothing would be done to aggravate the situation*

At the 921st meeting on 4 January 1961, before the adoption of the agenda, the representative of the United States rejected the charge of imminent invasion and stated further that it was not the United States which was isolating Cuba, but that by its own actions Cuba was isolating itself. He repeated previous assurances that the United States was not planning to invade Cuba and claimed that any information concerning such a plan was erroneous and without either logic or evidence. It was Cuba, he contended, that was the real attacker, and its targets were not only the United States but all the Governments of the Western Hemisphere with whose policies Cuba did not agree. These were the real threats to the hemisphere and the concern of the Organization of American States, the proper organ to which the Cuban complaint should have been first submitted.<sup>366/</sup>

At the same meeting, the representative of Cuba stated that an invasion was imminent. The initiative taken by the United States in breaking off diplomatic relations with Cuba, in accordance with its "strategic plan", gave this imminence an especially grave character. In support of this allegation, he referred to the arming and financing of the counter-revolutionary mercenary forces by the United States Government and cited certain Press reports concerning the presence of thirteen warships without flags or registration in the Bay of Puerto Barrios, Guatemala, the encampment of hundreds of armed men in the Sierra del Petén near the Mexican frontier, together with the fact that two destroyers had been placed on the alert

<sup>359/</sup> 895th meeting: paras. 21-24.

<sup>360/</sup> 895th meeting: paras. 31-32.

<sup>361/</sup> 895th meeting: para. 33.

<sup>362/</sup> S/4605, O.R., 15th year, Suppl. for Oct.-Dec. 1960, pp. 107-109.

<sup>363/</sup> 921st meeting: para. 36.

<sup>364/</sup> 921st meeting: para. 53.

<sup>365/</sup> 921st meeting: para. 54.

<sup>366/</sup> 921st meeting: paras. 32-34, 41-42, 48-52.