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LETTER DATED 21 MAY 1980 FROM THE CHARGE D'AFFAIRES A.I. OF THE
PERMANENT MISSION OF CUBA TO THE UNITED NATIONS ADDRESSED TO
THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to write to ask you to
arrange for the attached text of the note verbale of 19 May 1980 to be circulated
as a document of the Security Council.

(Signed) Ernesto LOPEZ PAZ
Chargé d'Affaires a.i.

Annex

Note verbale dated 19 May 1980 from the Government of Cuba addressed
to the Ministry of External Affairs of the Bahamas

The Government of the Republic of Cuba presents its compliments to the Ministry of External Affairs of the Commonwealth of the Bahamas and has the honour to refer to note 179, telexed with number 67, on 15 May 1980.

In reply to that note, the Ministry of Foreign Affairs of the Republic of Cuba wishes to state as follows:

I. The Government of the Republic of Cuba considers that the events which have been the subject of the discussions held by the official delegations of Cuba and of the Bahamas, as well as of the notes exchanged between the Governments of both countries on 11, 13 and 15 May 1980, were originated by the unusual, unjustified and unprovoked aggression to the Cuban fishing boats Ferrocement 54 and Ferrocement 165 perpetrated on 10 May 1980 by a vessel which turned out to be the Coast Guard Patrol boat Flamingo, property of the Government of Bahamas. It was this fact, which has no precedent in the history of Cuban-Bahamian relations and which obviously is a violation of international law, of the United Nations Charter and of the norms of civilized behaviour that have always been observed by Bahamian State crafts when they arrested Cuban fishing boats on nine occasions between August 1962 and March 1980, which caused the regrettable confusion deplored by the Cuban Government, in which the Cuban Air Force mistook the Bahamian vessel for a pirate ship.

II. The Government of Cuba communicated to the Government of the Commonwealth of the Bahamas, through the note of 11 May, the information received at 1700 hours on 10 May that the Cuban fishing vessel Ferrocement 165 was being attacked by an unknown vessel about 20 miles north of Boca de Sama, Holguin Province, and that it was taking in water and in danger of sinking. The causes of the delay in sending that note have been explained on two occasions by the official Cuban delegation to the Minister of External Affairs of the Bahamas, H.E. Paul L. Adderley, and this Ministry feels it is not necessary to insist on that matter.

III. The Government of the Republic of Cuba rejects categorically that the aircraft from the Cuban Air Force invaded Bahamian air space on the two occasions they showed up at the site where the Cuban fishing vessels were attacked by the ship which turned out to be the Bahamian Coast Guard patrol boat Flamingo, as the official Cuban delegation made clear in the two meetings held with the Minister of External Affairs of the Bahamas, H.E. Paul L. Adderly and as is asserted in the note of 14 May 1980, Ferrocement vessel 54 and 165 were about 20 miles north of Boca de Sama, Cuba, in the deep area of the Bahamian Old Channel, a position located between the territorial waters of Cuba and Bahamas. If this position can be regarded as within the fishing area of Bahamas, it also lies, without any doubt, within the Cuban economic zone. Since no agreement exists between the Governments

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of both countries concerning the delimitation of these waters, the aforesaid waters, as well as the corresponding air space, should be considered as either belonging to both parties, to none or to all, but in no way as belonging only to one of these parties.

IV. The Cuban official delegation met on Monday, 12 May in Nassau with the fishermen apprehended by the Bahamian authorities. Absolutely all of them declared that when the distress message was sent to the Frontier Guard Forces of Cuba, on 10 May 1980 at 1700 hours, they did not know the nationality of the vessel that was attacking them or that it was a Bahamian Coast Guard patrol boat. The assertion made by the Bahamian Government that the Cuban fishermen and Air Force knew that the ship which fired on the Cuban fishing boats was a Bahamian Coast Guard patrol boat is wholly groundless and contrary to the facts. Had the Cuban Air Force known that this vessel belonged to the Bahamian Government, it would have never fired on it, and there would have been no concern for the fate of the Cuban fishermen, knowing they were in the hands of the authorities of a responsible and friendly country.

V. The penetration of the Cuban Air Force in the Bahamian air space over Ragged Island and the landing of a helicopter on said island took place, as it was also explained by the official Cuban delegation to the delegation of the Bahamas and is stated in the note of 14 May, precisely because the Cuban pilots believed they were pursuing pirates who had kidnapped the fishermen of Ferrocements 54 and 165, as has occurred so many times before in Bahamian waters. As soon as they had reported their location to headquarters, they were ordered to withdraw immediately, because it was not the Cuban Government's intention to violate Bahama's sovereignty or its territorial integrity. This violation, which has been admitted all along by the official Cuban delegation, was not carried out deliberately or with the aim of intimidating the inhabitants of Ragged Island. The Government of Cuba reiterates to the Government of the Commonwealth of the Bahamas the sincere excuses for this unintentional violation of Bahamian sovereignty and territorial integrity which were already expressed to the Minister of External Affairs of the Bahamas, H.E. Paul L. Adderly, by the head of the official Cuban delegation, Dr. Pelegrin Torras de la Luz, Vice-Minister of Foreign Affairs of Cuba.

VI. The assertion that the Cuban fishing boats were never in danger of sinking could only be corroborated ex post facto. The truth is that the message sent by Ferrocement 165 stated that an unknown ship had opened fire upon both fishing boats and that the 165 was taking in water and in danger of sinking. In fact, the skipper of Ferrocement 165 explained to the official Cuban delegation during the meeting at Nassau's Central Station on 12 May that it had been necessary to plug the holes caused by the impact of the 20-mm shots fired upon them by the Coast Guard patrol boat Flamingo on the bow at the water-line level, in order to stop the entrance of water. Ferrocement 54 is, in fact, afloat in Cuban custody, but the bullets shot at it disabled its machinery and, owing to this, was abandoned on the high seas by the Bahamian officers.

VII. The editorial of the newspaper Granma of 13 May 1980 was not drafted with the intention of offending the Bahamian people or Government, for whom the Cuban

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people and Government feel profound respect and friendship. The fact is that in this editorial it is perfectly established that we do not attribute any blame to the Government of Bahamas, a Government which has not practised an unfriendly policy towards Cuba, and which we are convinced has wished, on its part, to develop good relations with this country. It is obvious that the Government of Cuba could not suggest - let alone believe - that criminal elements or agents of a foreign Government rule over the destiny of the Bahamas.

The independent stance of the present Government of Bahamas is internationally known, and the Government of Cuba recognizes and esteems this position. As it is stated in the aforesaid editorial, Cuba would rather be humiliated than humiliate any Caribbean neighbour. If the wording of the editorial has not been sufficiently clear on this respect and the Government of the Bahamas interprets it as detrimental to its national honour and dignity, let it be known that this was not the intention of the newspaper Granma and that the Government of Cuba offers, without any reservations, this clarification to the people whom it holds in true respect and friendship.

VIII. The Government of the Republic of Cuba wishes to express to the Government of the Bahamas how much it deplors these unfortunate events and reiterates its disposition, already expressed, by the official Cuban delegation to the Minister of External Affairs of the Bahamas, H.E. Paul L. Adderly, to compensate the relatives of the missing Bahamian seamen and to offer reparation for the material damages caused to the Bahamian Government by the sinking of the Flamingo, for which purpose it expects to receive, in due time, the estimates of the Bahamian Government regarding the amount of that compensation, determining it, as established by international practice, by the mutual agreement of both parties.

The Government of the Republic of Cuba hopes that these apologies will be acceptable to the Government of the Commonwealth of the Bahamas and reiterates that the respect for sovereignty, independence and territorial integrity of all States is an essential principle of its foreign policy and that, as it has always done, it respects and will respect the sovereignty, the independence and the territorial integrity of the Bahamas.

The Government of the Republic of Cuba awaits the considerations that this note may deserve from the Government of the Commonwealth of the Bahamas, with the purpose of continuing the discussions initiated on Monday, 12 May 1980, in order to reach an honourable and friendly solution, taking into consideration the cordial and respectful relations which have traditionally existed between both peoples and Governments.
