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LETTER DATED 16 JUNE 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

Acting on instructions from my Government, I have the honour to report that the Government of the Republic of Cuba and the Government of the Bahamas have agreed on a formula for solving the problem arising from the unjustified and unprovoked attack of 10 May on the Cuban fishing boats Ferrocemento 54 and Ferrocemento 165 by a vessel which turned out to be the Flamingo, a Coast Guard patrol boat belonging to the Government of the Bahamas.

This action is unprecedented in the history of relations between Cuba and the Bahamas and constitutes a breach of the proper rules of conduct which vessels belonging to the Bahamian State had always observed on the eight occasions between 1971 and March 1980 when they detained Cuban fishing boats; it was the cause of the regrettable occurrence, deplored by the Government of Cuba, in which the Cuban Air Force mistook the Bahamian vessel for a pirate ship.

The formula agreed on by the two Governments is to accept the contents of notes Nos. 803, 184 and 838, together with compensation for the families of the four sailors who were lost and reparations for the boat Flamingo which was sunk, mutually agreed to as an honourable solution acceptable to both Governments.

As confirmation of the position of the Government of the Republic of Cuba, we reproduce below note No. 838:

"The Ministry of Foreign Affairs of the Republic of Cuba presents its compliments to the Ministry of Foreign Affairs of the Commonwealth of the Bahamas and has the honour to refer to note No. 184, which was transmitted by Telex on 21 May 1980.

"The Ministry notes that the Government of the Commonwealth of the Bahamas agrees that it is necessary to give careful consideration to the delimitation of the sea areas of the two countries. The Ministry also notes that the Government of the Commonwealth of the Bahamas recognizes that, if the Cuban Air Force pilots had known that the Flamingo was a Bahamian Government vessel, they would not have fired on it, since the knowledge that the vessel belonged to the Bahamian Government would have made the Cuban authorities realize that there was no reason to be concerned about the fate of the Cuban fishermen.

"The Ministry of Foreign Affairs has the honour to state that the Government of the Republic of Cuba has the following understanding of the contents of note No. 184:

"I. That the Government of the Commonwealth of the Bahamas accepts Cuba's explanation that the events referred to in the notes exchanged by the two Governments resulted from a regrettable misunderstanding when it was not possible for the Cuban fliers to identify the vessel from which the Cuban fishermen had requested protection as the Coast Guard patrol boat Flamingo belonging to the Bahamian Government.

"II. That the Government of the Republic of Cuba has acknowledged the error made by its military forces in not identifying the Flamingo as a Bahamian Government vessel and that it therefore accepts responsibility for this error.

"III. That the Government of the Republic of Cuba has stated that it had no intention of violating the sovereignty or territorial integrity of the Bahamas and accepts responsibility for the actions of its military forces, which inadvertently violated the sovereignty and territorial integrity of the Bahamas in the airspace above Duncan Town, Ragged Island, on Sunday, 11 May 1980.

"IV. That the Government of the Republic of Cuba has given assurances to the Government of the Commonwealth of the Bahamas that the Government of the Republic of Cuba, in keeping with the principles guiding its foreign policy, respects and will continue to respect the sovereignty, independence and territorial integrity of the Commonwealth of the Bahamas.

"V. That the Government of the Republic of Cuba agrees to pay compensation to the families of the four sailors lost on the Flamingo. The amount of this compensation will be agreed upon by our respective Governments.

"VI. That the Government of the Republic of Cuba agrees to make reparation to the Government of the Commonwealth of the Bahamas for the material damage caused to the Government of the Commonwealth of the Bahamas by the loss of the vessel Flamingo. The amount of this reparation will be agreed upon by our respective Governments.

"VII. That the Government of the Republic of Cuba assures the Government of the Bahamas without reservation that the editorial of 13 May 1980 in the newspaper Granma was not intended to give offence to the honour and dignity of the Government and people of the Commonwealth of the Bahamas.

"VIII. That the Government of the Republic of Cuba has apologized to the Government and people of the Commonwealth of the Bahamas for the inadvertent violation of the latter's independence, sovereignty and territorial integrity.

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"The Ministry has the honour to state that the contents of paragraphs I-VIII above of this note reflect the understanding by the Government of the Republic of Cuba of note No. 184 of the Ministry of Foreign Affairs of the Bahamas. The Ministry therefore proposes that the contents of this note and of notes Nos. 803 and 184, as well as a mutually satisfactory agreement on the amount of the compensation and reparation, should constitute an honourable solution acceptable to our Governments.

"The Ministry of Foreign Affairs of the Republic of Cuba takes this opportunity to renew to the Ministry of Foreign Affairs of the Commonwealth of the Bahamas the assurances of its highest consideration."

On instructions from my Government, I have the honour to request that this note be circulated as a Security Council document.

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

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ANNEX

Facts relating to the incident of 10 May 1980. The facts set out below will demonstrate:

1. That the sinking of the Flamingo and the subsequent inadvertent violation of the airspace and territory of Ragged Island were the result of a regrettable error, the Flamingo having been mistaken for a pirate ship as a result of the shelling of the Cuban fishing boats and the fact that there had been a number of pirate attacks on Cuban vessels from Bahamian cays and waters.
2. That the seizure of the fishing boats took place in the waters of the Cuban economic zone and the Bahamian fishing area, which have not yet been delimited.
3. That respect was at all times shown for the Government of the Bahamas.
4. That the Government of Cuba was at all times prepared to arrive at an honourable and mutually satisfactory agreement.

The facts

1. At 5 p.m. on Saturday, 10 May, the Cuban fishing boat Ferrocemento 165 radioed its base to say that it was being attacked at a point some 20 miles from Boca de Samá by an unknown vessel and had already been hit by several shells.
2. Reconnaissance and fighter planes immediately headed for the spot. At 5.38 p.m., they located a vessel which was proceeding north towing the Ferrocemento 165, which had requested assistance, and the Ferrocemento 54; there was every reason to believe that the two boats were being seized. When the vessel in question failed to halt after the aircraft had flown over it and fired warning shots as a signal that it should identify itself, the Cuban fliers were confirmed in their belief that it was a pirate ship. By that time, contact had been lost with the Ferrocemento 165.
3. Having exhausted their fuel supplies, the aircraft returned to their base. However, since the incident was still regarded as serious and as posing a threat to the lives of our fishermen inasmuch as the latter were thought to be the victims of a pirate attack, the Air Force sent additional planes to the site in an effort to prevent the seizure from being carried out. These planes fired on the supposed pirate ship, damaging it so severely that it sank at 7.19 p.m.
4. The regrettable error made by the Cuban Air Force in the case of the Flamingo resulted from the following events and circumstances:
 - The fishing boats were attacked with shellfire by an unknown vessel, according to a radio message from the Ferrocemento 165 subsequently confirmed by a message from the Ferrocemento 54, which was drifting as a result of the destruction of its engine by a 20-mm shell and had been struck by a total of 12 shells, one of which had destroyed kitchen equipment near which a member of the crew was drinking coffee; when all

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of this happened, it seemed inconceivable that a vessel of the Bahamian Coast Guard was involved, this act of aggression against defenceless fishing boats having been completely unnecessary inasmuch as the Flamingo had a speed of 24 knots and the maximum speed of the fishing boats was 9 knots, so that it would have been easy for the Flamingo to halt and board them. This is shown by past experience, since on the nine occasions on which Bahamian patrol boats had seized Cuban fishing boats - in some cases, as many as four - they had done so by boarding the Cuban boats after taking advantage of their superior speed.

- In addition to the above, it should be pointed out that there have been repeated pirate attacks on our fishing boats in these waters, the most important of those attacks having been the following:

Pirate attacks against Cuba

10 May 1970 - There was an attack on the vessels Plataforma I and Plataforma IV of the Caibarién Fishing Co-operative, whose 11 fishermen were taken to a small island in the Bahamas and held there for a week.

1971 - The village of Samá was attacked by pirate launches sent out by the mother ships Layla Express and Johnny Express from Bahamian waters.

10 October 1972 - Two armed launches boarded the fishing boats Aguja and Plataforma IV, abducted the fishermen and blew up the boats, which sank near the shore of Andros island. A fisherman, Amado Jiménez, was wounded. The 11 Cuban fishermen were rescued by a helicopter on 13 October after being set adrift in a small boat.

28 January 1973 - The fishing boat Plataforma I of the Caibarién Fishing Co-operative, with a crew of six, was attacked by an armed launch while it was engaged in fishing operations in the vicinity of the Bahamas. A member of the crew, Ibrahim Ruiz, was wounded.

6 April 1976 - A pirate launch attacked the Cuban fishing boats Ferro 123 and Ferro 119 while they were in international waters between Anguilla and Cayo Sal. One fisherman, Bienvenido Mauriz Díaz, was killed, and three other members of the crew were wounded.

- What caused the serious error by the Cuban fliers was this long series of pirate attacks under various false flags together with the unusual incident of the unnecessary shelling of the fishing boats.

5. The position of the fishing boats, as communicated by the Ferrocemento 165 and confirmed by the powerful radar equipment at Boca de Samá, was some 20 miles from that Cuban port. Since the distance between Boca de Samá and Santo Domingo cay is approximately 35 miles, the fishing boats were in the intermediate zone between the 12-mile territorial seas of Cuba and the Bahamas, respectively part of Cuba's 200-mile economic zone and of the 200-mile fishing area of the Bahamas,

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which were established under legislation of the two countries and which overlap because of the fact that the waters have not been delimited as Cuba has proposed since 1974. What is involved is thus a sea area belonging to both Cuba and the Bahamas.

The editorial which the Bahamian Government interpreted as an insulting attack on it by our Government, and for which all the requested explanations have been provided, actually stated as follows: "We do not blame the Government of the Bahamas; that Government has not pursued an unfriendly policy towards Cuba, and we are aware that it, too, has sought to develop good relations with our country."

The willingness of the Cuban Government to clarify what had occurred, assume its proper responsibility in the matter and arrive at an honourable, mutually satisfactory solution was made clear at the outset by the prompt dispatch to the Bahamas of a delegation headed by a Deputy Minister for Foreign Affairs and was reaffirmed in the above-mentioned editorial and in note No. 803, which stated as follows: "Cuba cannot and will not take an attitude of arrogance, force and superiority in relation to any of its Caribbean neighbours. In fact, we would rather be humiliated than humiliate any of these fraternal neighbours." This is the spirit that animated notes Nos. 803 and 838, which, together with note No. 184 of the Bahamian Government and the mutually agreed compensation and reparation which our Government was from the outset prepared to grant, constitute what the two Governments regard as an honourable, acceptable solution.