

MEMORANDUM

NATIONAL SECURITY COUNCIL

24609
CUBA

~~SECRET/EXDIS~~

ACTION
December 22, 1970

MEMORANDUM FOR DR. KISSINGER

FROM: Annold Nachmanoff 

SUBJECT: Clearance of Cable Containing Note to the Cuban Government
on Hijacking Negotiations

Attached at Tab A is a proposed telegram to Bern for the Swiss Ambassador in Havana containing a note to the Cuban Government which:

- Notes and welcomes the Cuban declaration of willingness to discuss a hijacking agreement, contained in a note received September 29, 1970 (Tab B);
- Reviews our efforts to arrive at an agreement with the Government of Cuba on the disposition of persons (other than those claiming political asylum) who perform aerial and maritime hijacking;
- Recalls the draft Memorandum of Understanding, based on Cuban Law 1226, delivered to the Cuban Government by us last July to which they have thus far failed to respond;
- Emphasizes our concern that so long as the present situation continues there is a risk of an aerial disaster resulting from an attempted hijacking with consequent loss of life to innocent persons;
- Requests a response to our draft Memorandum of Understanding of last July (cable at Tab C).

This proposed cable was drafted and ready for transmission last October when the Costa Rican airliner was hijacked and it was decided to hold it until the outcome of that incident was clear. You will recall that the Castro Government took a punitive attitude toward Costa Rica in this case, apparently due to Castro's anger over statements of Costa Rica's President Figueres, and held the plane longer than has been usual. The Cubans also levied excessive charges for alleged repairs to the aircraft. The incident has since been resolved.

The proposed action at this time is not based on any thought that the Cubans are more willing to come to terms now than they have been in the past, but is intended to keep them under pressure and not allow them the luxury of retaining the initiative with hollow declarations.

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There is some urgency about getting the cable off now because Swiss Ambassador Fischli is leaving his post for reassignment about January 1 and may not be replaced for several months.

RECOMMENDATION:

That you approve clearance of the cable at Tab A.

Approve HK

Disapprove _____

Attachments:

- TAB A -- Cable to Bern for clearance
- TAB B -- Cuban note of Sept. 29, 1970
- TAB C -- U. S. Draft Memo of Understanding 7/70

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Tas R

WHITE HOUSE
SITUATION ROOM

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French

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The Federal Political Department has the honor to inform the Embassy of the United States of America that on September 29, 1970, Mr. Roa, the Cuban Minister of Foreign Affairs, delivered to the Ambassador of Switzerland in Cuba the note transcribed below, which is in reply to the July 11, note from the Embassy of Switzerland containing a draft Memorandum of Understanding concerning the hijacking of airplanes and ships:

"In compliance with instructions from the Revolutionary Government of Cuba, I have the honor to address myself to Your Excellency in your capacity as Representative of the interests of the United States of America in our country in order to give the following reply to the Swiss Embassy's note No. 108-IE dated July 11, 1970:

"The Revolutionary Government of Cuba is willing to discuss an agreement with the Government of the United States of America in accordance with the bases contained in Cuban Law No. 1226, promulgated September 16, 1969. This law, as is known, covers not only the hijacking of airplanes but also of vessels of all types, and other offenses and forms of piracy which violate international rules and international law.

Embassy of the United States of America,
Bern.

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"If the Government of the United States harbors the intention of seriously and definitively facing up to this problem, the Government of Cuba is willing to sign an agreement on the matter immediately, on the terms mentioned above.

"It is essential to specify that the Cuban Government would not accept or respect any international agreement relating to the hijacking of planes that did not specifically include all the offenses set forth in the law enacted for that purpose.

"Lastly, the Government of Cuba does not concede any special importance to publicity about the negotiations for the said agreement.

"We should, however, be willing to have the matter made known if that implies a willingness on the part of the United States Government to discuss the problem on the ^{bases contained in} ~~basis of the provisions of~~ the aforementioned Cuban law, with a genuine intent to arrive at an agreement and not as a mere move for psychological effect.

I avail myself of the opportunity, Mr. Ambassador, to renew to you the assurance of my highest consideration."

During a lengthy discussion, conducted by both sides with deliberate cordiality, Ambassador Fischli tried in vain to ascertain what changes Cuba would like to make in the American draft. To the Ambassador's repeated questions, however, Mr. Roa merely said that "the bases contained in Cuban law" must be understood to mean only the articles of that law, and not its introductory "whereas" clauses, etc.

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According to the Ambassador of Switzerland, this is clearly another step to gain time and yet not have to assume, in the eyes of other countries, the responsibility for prolonging the present unpleasant situation.

Mr. Bwa added that he regretted the exaggerated and premature publicity which had been given to the negotiations in the United States. If an agreement is ever concluded, it should be published by both sides simultaneously and in a concerted manner.

The Department avails itself of this opportunity to renew to the Embassy the assurances of its high consideration.

Bern, September 30, 1970

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