~~SECRET~~ AV 12

Classification

096818

Department of State
TELEGRAM

INDICATE:
☐ COLLECT
☐ CHARGE TO

19 JUN 70 18 33Z

DISTRIBUTION

ACTION: Amembassy BERN

STATE

~~EXDIS~~

REPCU

SUBJECT: U.S. Reply to Cuban response to U.S. proposal for anti-hijacking agreement.

Ref: State 199293 and 3810 to Bern — AV 12

1. There follows below text of a note replying to the Cuban note, dated April 6, 1970, responding to the U.S. proposal for an anti-hijacking agreement with Cuba which the Embassy should request the Federal Political Department to instruct the Swiss Embassy in Havana to deliver to Foreign Minister Roa.

2. Embassy should also request the FPD to inform the Swiss Embassy in Havana that the substance of the proposal does not go beyond that which we communicated to the Cuban Government through Ambassador Fischli in Havana

DRAFTED BY:	DRAFTING DATE	TEL. EXT.	APPROVED BY:
ARA/CCA:RLFunseth:jt L/ARA:MBFeldman	6/16/70	29894	ARA - Robert A. Hurwitch

CLEARANCES:
L - Mr. Salans
E/TT - Mr. Low
S/S - Mr. Brown

~~SECRET~~

Classification

FORM DS-322 4-68

DECLASSIFIED
Authority NND969013
By JW NARA Date 5/28/99

DECLASSIFIED
PA/HO, Department of State
E.O. 12958, as amended
June 22, 2004

DECLASSIFIED
PA/HO, Department of State
E.O. 12958, as amended
June 22, 2004

~~SECRET~~

Classification

Department of State
TELEGRAM

INDICATE:
☐ COLLECT
☐ CHARGE TO

DISTRIBUTION

~~XXXXX~~
on December 5 (State 199293) and clarified on January 14 (State 3810). The substance of the reply and the employment of a "Memorandum of Understanding" as the instrument of reply ~~was~~ were discussed with Ambassador Fischli during his visit to Washington, May 13-15.

3. BEGIN TEXT OF NOTE:

QUOTE The Government of the United States of America has taken note of the disposition of the Cuban Revolutionary Government as expressed in its Note to the Embassy of Switzerland in Havana, dated April 6, 1970, to work out an agreement with the Government of the United States concerning the return of hijackers based on Cuban law 1226 of September 16, 1969. It is the understanding of the United States Government that the Cuban Government is in accord that an agreement between the two governments for the return of hijackers should be given wide publicity

DRAFTED BY:	DRAFTING DATE	TEL. EXT.	APPROVED BY:

CLEARANCES:

~~SECRET~~

Classification

ORM DS-322
- 68

DECLASSIFIED
Authority NND969013
By JW NARA Date 5/28/99

DECLASSIFIED
PA/HO, Department of State
E.O. 12958, as amended
June 22, 2004

~~SECRET~~

Classification

Department of State
TELEGRAM

INDICATE:
☐ COLLECT
☐ CHARGE TO

DISTRIBUTION

~~XXXXX~~ to achieve the maximum deterrent effect.

The Government of the United States welcomes the agreement in principle that has been achieved in this matter, and it hopes that the Government of Cuba will be prepared to conclude a firm understanding as soon as possible. Accordingly, the Government of the United States proposes for the consideration of the Government of Cuba the following exchange of notes with the Embassy of Switzerland setting forth a Memorandum of Understanding between our two governments. If the Government of Cuba agrees, the Memorandum of Understanding can be brought into effect immediately by an appropriate reply of the Foreign Ministry.

BEGIN TEXT OF PROPOSED EXCHANGE OF NOTES

"The Embassy of Switzerland presents its compliments to the Ministry of Foreign Relations and, in its capacity

DRAFTED BY:	DRAFTING DATE	TEL. EXT.	APPROVED BY:

CLEARANCES:

~~SECRET~~

Classification

FORM 4-68 DS-322

DECLASSIFIED
Authority NND 969013
By JW NARA Date 5/28/99

DECLASSIFIED
PA/HO, Department of State
E.O. 12958, as amended
June 22, 2004

~~SECRET~~
Classification

Department of State
TELEGRAM

INDICATE:
☐ COLLECT
☐ CHARGE TO

DISTRIBUTION

~~XXXX~~
as representative of the interests of the United States of America in Cuba, has the honor to refer to recent conversations which have taken place between the Embassy and representatives of the Government of Cuba with respect to the adoption of measures to deter the hijacking of aircraft and other similar acts.

The Embassy also has the honor to set forth below the text of the English and Spanish language versions, which shall be equally authentic, of the Memorandum of Understanding agreed upon in those conversations:

MEMORANDUM OF UNDERSTANDING BETWEEN THE EMBASSY OF SWITZERLAND IN HAVANA, REPRESENTING THE INTERESTS OF THE UNITED STATES OF AMERICA IN THE REPUBLIC OF CUBA, AND THE FOREIGN MINISTRY OF THE GOVERNMENT OF CUBA CONCERNING THE HIJACKING OF AIRCRAFT AND OTHER SIMILAR ACTS

DRAFTED BY:	DRAFTING DATE	TEL. EXT.	APPROVED BY:

CLEARANCES:

~~SECRET~~
Classification

FORM DS-322
4-68

DECLASSIFIED
Authority NND969013
By JW NARA Date 5/28/99

DECLASSIFIED
PA/HO, Department of State
E.O. 12958, as amended
June 22, 2004

~~SECRET~~

Classification

Department of State

TELEGRAM

PAGE TO

DISTRIBUTION

~~ACTION~~ XXXXXX

1. The Government of the United States of America and the Government of Cuba recognize that in order to avoid a tragic accident it is necessary to adopt measures to put an end to the climate of insecurity created in air and ocean navigation by the diversion by force of ships and aircraft from their normal routes and activities, and that such measures should be adopted on a basis of equality and reciprocity.

2. Each Government therefore, upon request, will return to the other, in accordance with the procedures established under the laws of the requested state, persons who by force or threat of force hereafter divert ships or aircraft registered by the requesting state from their normal routes and activities and bring them to the requested state.

DRAFTED BY:	DRAFTING DATE	TEL. EXT.	APPROVED BY:

CLEARANCES:

~~SECRET~~

Classification

FORM DS-322
4 - 68

DECLASSIFIED
Authority NND969013
By JW NARA Date 5/28/99

DECLASSIFIED
PA/HO, Department of State
E.O. 12958, as amended
June 22, 2004

~~SECRET~~
Classification

Department of State
TELEGRAM

INDICATE:
☐ COLLECT
☐ CHARGE TO

DISTRIBUTION

XXXXX

3. Each Government reserves the right not to return (a) its own nationals and (b) persons to whom it grants political asylum.

The Embassy has the honor to propose that, if the Memorandum of Understanding set forth above is acceptable to the Ministry of Foreign Relations, this Note and the Ministry's reply concurring therein shall constitute an agreement between the Government of the United States and the Government of Cuba which shall enter into force as of the date of the Ministry's reply." END QUOTE.

ROGERS

DRAFTED BY:	DRAFTING DATE	TEL. EXT.	APPROVED BY:

CLEARANCES:

~~SECRET~~
Classification

FORM DS-322
4 - 68

DECLASSIFIED
Authority NND969013
By JW NARA Date 5/28/99