

**CUBAN (1962) AND UKRAINIAN CRISIS (2022)
– THE WORLD ON THE VERGE OF NUCLEAR WAR, 60 YEARS LATER**

Abstract

The paper deals with the comparison of two cases when humanity was closest to the outbreak of a world nuclear war - the Cuban missile crisis (1962) and the Ukrainian crisis (2022). First, the basic elements of the term “international crisis” were given, and then, based on selected criteria, the Cuban crisis and the reality that arose from the invasion of the Russian armed forces into Ukraine were analyzed. The international legal aspects of these problems were specially addressed, with the fact that it was pointed out that, unlike the American naval blockade of Cuba, there was nothing illegal in the deployment of Soviet missiles on that island, yet the USA was still ready for war just to remove the threat. In the case of the Ukrainian crisis (2022), everything is much more complicated. Although at first glance, this is a classic case of aggression, Russia invoked the favorite arguments and concepts of the USA, such as humanitarian intervention and preventive self-defense. In the concluding remarks, the authors point out that, according to current international law, all international disputes and crises must be resolved exclusively by peaceful means, that the Ukrainian crisis should not be an exception in this respect, and that, after all, a good example is the Cuban Missile Crisis, which ended with a kind of agreement.

Keywords: Cuban Missile Crisis, International Crisis, International Law, International Relations, Ukrainian Crisis.

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We are living in the time of one of the biggest world crises in history. Never before have such powerful forces opposed each other, with the real chance that if the resulting contradictions are not resolved peacefully, they will destroy the entire planet. Many agree, with reason, that this is the biggest crisis since the Cuban Missile Crisis of 1962 (Ignatius, 2022; Ralston, 2022; Morrison, 2022).

It is interesting that it broke out exactly 60 years later (2022), but that it also brought the world to the brink of nuclear war. In this regard, after a brief overview of what an international crisis is, we will point out the similarities and differences between the Cuban and Ukrainian crises, emphasize some problems from the point of view of international law, and draw the most important conclusions based on all of this.

1. International Crisis

In a broader sense, an international crisis refers to any serious problem that affects the entire world, a large part of the world, a certain region, or even affects the interests and relations of two or more countries. Examples are the economic crisis, environmental crisis, etc., in which cases there is no aggravation of relations and no disputes between states. On the contrary, states often cooperate closely to overcome the crisis. As a recent example, we could mention the crisis caused by the Covid-19 pandemic, which has been going on since November 17, 2019.

In the narrower meaning, which we will use in this paper, an international crisis is the name for a serious dispute, tightening of relations, and confrontation between two or more states in connection with a specific political, military, economic, religious, ideological or similar problem. Many such crises were resolved by peaceful means, but there are also a large number of those that were followed by armed conflicts. The most striking example is the Sarajevo crisis (1914), which arose after the assassination in Sarajevo of the Austro-Hungarian heir to the throne and was the first step towards the outbreak of World War I.

A crisis usually has its own background, which is reflected in the fact that there is a disputed situation, and then one or both parties lead to a worsening of the circumstances with their actions and thus create tension in mutual relations. In this sense, many crises could be described as disputes that got out of control. And yet, a crisis can occur without any dispute, at the initiative of only one actor, and in some cases, even spontaneously.

If it does arise, it is necessary to resolve an international crisis without delay and not to allow its development in the sense of essence (prevent it developing into an open conflict), as well as in scope (preventing the expansion of the circle

of countries affected by it). According to present international law, international crises and disputes can only be resolved by peaceful means.

Here we are particularly interested in the Ukrainian crisis (2022) and its comparison with the famous Cuban Missile Crisis (1962), which broke out exactly 60 years earlier.

Although we will explain it in another place, here we have to immediately note that when we talk about the Ukrainian crisis, we mean that crisis in a narrower sense, i.e., the harshest and most dangerous part of it, which began with Russia's invasion of Ukraine on February 24, 2022.

2. A Comparison of the Cuban and Ukrainian crises

Between what happened with missiles in Cuba in 1962, and what is happening in Ukraine in 2022, there are a number of similarities and differences. They can be considered with regard to various criteria, such as the background of the crisis, the main actors in the crisis, its duration, its nature, etc.

2.1. *The Background of the Crisis*

The common thing between the Cuban (1962) and Ukrainian (2022) crises is that they both had their own background. They did not appear suddenly, as something that could not be expected.

The Cuban missile crisis, which is also known by other names (for the Russians it is the Caribbean, and for the Cubans it is the October Crisis), began when the Soviet Union installed medium-range ballistic missiles armed with thermonuclear warheads in Cuba.¹ This was in response to the deployment of American medium-range nuclear missiles *PGM-19 Jupiter* near Apulia in southern Italy and near Izmir in Turkey, along the southern flank of the USSR, which, due to their relative proximity, could hit Moscow and other large Soviet cities. Although relatively short-lived, the crisis was remembered as the period of the Cold War when humanity came closest to a new world war (Chayes, 1974; Kahan & Long, 1972, pp. 564-590; White, 1996; Allison & Zelikow, 1999; Sherwin, 2012; Scott & Hughes, 2015). Even though it can be said that it was one event that was a consequence of another, it was actually the culmination of tension that had been growing for a number of years, since the very beginning of the Cold War, which

¹ The Soviets secretly delivered a total of 42 missiles to Cuba, of which they deployed at 6 locations R12 "Dvina" missiles with a blast yield of 2.4 megatons and a range of 2,080 km, and at 3 locations R-14 "Chusovaya" missiles with a blast yield of 2.3 megatons and a range of 4,500 km.

practically means since 1947, when the USA adopted the so-called Truman Doctrine, proclaiming that in the fight against the communist danger they would provide military and financial aid to all, even geographically distant countries.

The international crisis that broke out with the invasion of the armed forces of Russia into Ukraine on February 24, 2022, also has its own background. In fact, it is only the most difficult and intense part of the Ukrainian crisis in a broader sense, which started much earlier. Namely, the term “Ukrainian crisis” has been used for years as a name for the political and armed conflicts on the soil of Ukraine that began on February 7, 2014, with the unconstitutional overthrow of President Viktor Yanukovich, the formation of a new pro-Western parliamentary majority, the removal of all high state officials, etc. This led to a sharp division within society and, what is particularly interesting here, the prohibition of the Russian language and violence against the Russian population.² Contrary to the West, which called the coup d'état in Kiev the Ukrainian Revolution and marked it as a democratic change, Moscow claimed that the US was behind everything, with the aim of taking control of Ukraine and bringing NATO forces to the very border with Russia. As a consequence of the mentioned events, on April 7, 2014, a civil war broke out in the southeast of the country, with the covert participation of foreign powers - Russia in favor of the rebellious pro-Russian population and the USA and its allies on the side of the new government in Kiev. Estimates vary, but it is generally believed that in those 8 years (February 7, 2014 - February 24, 2022), about 14,500 people lost their lives. About 3,500 civilians and 5,800 soldiers died on the Donbas side (the common name for the rebel regions of Lugansk and Donetsk), and about 4,700 soldiers died on the side of the government in Kiev. To this should be added about 15,000 wounded among the civilians and soldiers of Donbas and about 13,000 wounded Ukrainian soldiers.

According to what has been stated, both events had their roots in deep contradictions that accumulated over a number of years - in the case of the Cuban Missile Crisis, practically since the end of the Second World War, and in the case of the Ukrainian Crisis, at least since the collapse of the USSR in 1991, and especially since the coup in 2014.

² Part of the Ukrainian crisis in a broader sense (2014-2022) was the Crimean crisis, which broke out in February 2014, with mass protests by the Russian population of Crimea, after which the local parliament passed a declaration on the separation of Crimea from Ukraine, and a referendum was held, in which 96,77% of voters voted for the annexation of Crimea to Russia. On that basis, on March 18, 2014, the highest representatives of Russia and Crimea signed an agreement on the admission of the Republic of Crimea to the Russian Federation.

2.2. *The Duration of the Crisis*

Understood in the narrowest sense, the Cuban Missile Crisis lasted only 13 days - from October 16, when US President John F. Kennedy and his closest associates studied the situation and possible options, to October 28, 1962, when Soviet leader Nikita S. Khrushchev accepted Kennedy's proposal and declared that the USSR would withdraw its missiles from Cuba.³

The crisis ended peacefully, with a kind of compromise. As both sides realized that things had gone too far, an agreement was reached based on an exchange of messages between Kennedy and Khrushchev. Kennedy offered to resolve the situation by the Soviets withdrawing missiles from Cuba and the Americans ending the military naval blockade of Cuba and pledging not to attack the island. Khrushchev replied that he accepted the proposal but that he understood it as American consent to the withdrawal of disputed missiles from Turkey. And indeed, soon these solutions were consistently implemented.⁴

The Ukrainian crisis, understood in a narrower sense as an armed conflict that began with the Russian invasion on February 24, 2022, has been going on for more than 7 months as we write this, and still it is not yet clear when and how it will end. Both sides declared that nothing but their victory was out of the question. However, we should expect that at some point, an agreement will be reached, which will most likely be some kind of compromise. The other options are either a complete victory for Russia, with the most likely erasure of Ukraine from the world map (its division between neighboring countries) or a new world war.

2.3. *The Main Actors*

The Cuban crisis, of course, also concerned Cuba, but it actually represented a conflict between two superpowers - the USA and the USSR. For various reasons, including the short duration of the crisis, the rest of the world was basically in the position of an observer.

³ Sometimes this crisis is understood somewhat more broadly, so it is considered that it began on October 14, when the American spy plane U-2 recorded Soviet missiles in Cuba, and lasted until November 20, 1962, when US President Kennedy, having made sure that the Soviets withdrew their missiles, ordered an end to the naval blockade of Cuba. However, even in such a case, the crisis was rather short since it lasted only 38 days.

⁴ The Americans did not publicly commit to removing their missiles. However, just five months after the agreement was reached, as part of *Operation Pot Pie*, lasting from April 1 to April 24, 1963, they removed their *Jupiter missiles* from Turkey and Italy, arguing that they were obsolete. The conclusion that it was not a matter of obsolescence but of the fulfillment of the agreement stems from the simple fact that those rockets were installed only two years before.

At first glance, the Ukrainian crisis (2022) is an armed conflict between only two states - Ukraine and Russia. However, it is only at first glance. Many things indicate that the war is essentially between the NATO alliance led by the USA and Russia, which, however, also has its own allies. One of the interesting things is reflected in the fact that now, on the side of the USA, there are some countries that were members of the Warsaw Pact at the time of the Cuban Missile Crisis (and as such, allies of the USSR), and some were even part of the USSR as its federal republics (after all, Ukraine itself is a former Soviet republic), while now Russia is more or less openly supported by some countries that in the past were traditionally against the Soviet Union, i.e. Russia.

2.4. Geographical Location

There are interesting similarities in terms of geographic location. Both the territories in question (Cuba and Ukraine) have significant strategic importance because they are located in the immediate vicinity of one of the opposing great powers, while at the same time, they are far from the other great power. Cuba is very close to the coast of the USA and on the other side of the world with respect to the former USSR. On the contrary, Ukraine borders Russia but is far from the territory of the USA, which is essentially Russia's main rival.

2.5. The Reason for the Outbreak of the Crisis

In both cases, the reason is the same - the deployment of medium-range missiles (those with a range of 1,000 to 5,500 km) in positions from which they can hit strategic targets on the territory of another great power in a very short time interval.

This moment was key to the outbreak of the Cuban Missile Crisis. Because the Soviet launchers were in the immediate vicinity of the USA, American President John F. Kennedy reacted harshly, declaring that, if necessary, his country would go to war in order to remove the threat in the immediate vicinity of its borders.

In the case of the Ukrainian crisis (2022), there were several reasons at work, including the fact that if Ukraine joins NATO, American medium-range missiles will come to the very border of Russia, with the possibility of hitting Moscow in just a few minutes. Everything was further burdened by the fact that the President of Ukraine, Volodymyr Zelensky, just 4 days before the beginning of the Russian invasion, declared that Ukraine would renew its nuclear weapons program, and the fact is that it has the personnel and all other necessary potential for this.

One of the similarities is that in both cases, the crises began when Moscow, concerned about its security, asked the US for certain concessions, and when it did not receive them, it took certain steps on its own. Thus, before deploying its missiles in Cuba, the USSR unsuccessfully requested the withdrawal of American missiles from Turkey and Italy. When it comes to the Ukrainian crisis (2022), on December 17, 2021, 2 months before the outbreak of the conflict, Russia asked the USA and NATO to reach an agreement that would mean legal guarantees for its security. The proposal published by the Russian Ministry of Foreign Affairs stipulated, among other things, a ban on NATO's further expansion to the East, the abandonment of the creation of military bases on the territories of countries that were formerly part of the USSR and are not members of the Alliance, a ban on Ukraine's entry into NATO, and a limitation of the deployment of troops and weapons on NATO's eastern wing, with the return of NATO forces to where they were stationed in 1997, when the Basic Act between Russia and NATO was signed (May 27, 1997). Although Russia underlined that the solution of these issues is of fundamental importance to it, the USA rejected the proposals stating, among other things, that Ukraine, as a sovereign country, is free to join all alliances, including NATO. After the US Ambassador in Moscow handed over to the Ministry of Foreign Affairs of Russia on January 26, 2022, the response of the US and NATO to Russia's request, on February 17, 2022 (a week before the invasion of Russian forces into Ukraine), he was handed a document in which the Kremlin stated that the American side did not give a constructive response to the basic elements of the agreement proposal prepared by Russia, and that due to ignoring its request, Russia would be forced to react, including measures of a military-technical nature.

Thus, in both cases, the reason essentially came down to the determination of a great power (in the first case, the USA, in the second case, Russia) to eliminate challenges to its security. In addition, Russia motivated its action in Ukraine with some other arguments, including the need to protect the Russian population of Ukraine from violence and persecution.

2.6. The Nature of the Crisis

The Cuban missile crisis remained within the framework of what is meant by the term "international crisis". Regardless of several military incidents, it did not develop into an armed conflict and did not result in any casualties or destruction. There was a lot of tension, but no weapons were used in principle, and (apart from the death of the pilot of the American spy plane) there were no casualties.

On the contrary, the Ukrainian crisis (2022) is a real armed conflict from the very beginning. Some estimates suggest that between the beginning of Russia's

invasion of Ukraine and the beginning of October 2022, between 22,000 and 81,000 people died - more than 6,100 civilians and 6,000-15,000 soldiers on the Russian side, and 10,000-60,000 soldiers on the Ukrainian side. Aviation, artillery, rocket systems, tanks, etc. were massively used. This clearly shows that it is a real war, with great sacrifices and great destruction. What is specific to that event is the large involvement of a number of other countries led by the USA, a whole series of measures (sanctions) by the West against Russia and *vice versa*, the polarization of the world towards those who are on the side of Ukraine, the USA, and NATO on the one hand, and those who openly or silently support Russia, on the other hand.

2.7. *The Danger of Nuclear War*

The Cuban missile crisis (1962) and the Ukrainian crisis (2022) are the events that most threatened a new world war after 1945. And that's probably what ties those events together the most. After all, US President Joe Biden also stated that the Ukrainian Crisis (2022) is the biggest nuclear risk after the Cuban Missile Crisis (Rogers & Sanger, 2022).

And indeed, in both cases, the leaders of the leading countries facing each other publicly threatened that they would not shrink from open conflict with each other. If in 1962 Kennedy declared that America was ready to go to war if the missiles were not withdrawn from Cuba, in 2022 Putin publicly said that if Russia considered itself threatened, it would respond with all available means and that if the US crossed certain red lines (interfere more intensively) it would consider that the USA was a participant in the conflict.

In order to better understand how the world was on the edge of the abyss in 1962, we will remind you of four serious incidents that are not well known to the general public and which were such that each of them could have led to the start of a nuclear war between the USA and Russia. To make matters more interesting, practically everything took place within less than 48 hours, and each incident was much more dangerous than the previous one.

First, on October 27, 1962, an American U-2 spy plane was shot down over Cuba, killing the pilot. Just 71 minutes later, over the Soviet Chukotka Peninsula, another US spy plane, the U-2, entered deep into USSR airspace due to an alleged navigation error, causing the Soviets to send MIGs to intercept it, to which the Americans sent fighters F-102, armed with nuclear missiles. Fortunately, the U-2 changed course on time and left Soviet airspace. The third incident happened at the end of that same day and was much more serious. At sea near Cuba, 12 American warships surrounded the Soviet submarine *B-59* and started dropping

signaling depth charges, not knowing that the submarine was armed with nuclear torpedoes. Having not been in radio contact with Moscow for days, the captain thought a war had begun and wanted to respond by firing nuclear missiles. Fortunately, on board the submarine was the Chief of Staff of the Submarine Flotilla, Vasily A. Arkhipov, whose opposition prevented the disaster. The submarine sent the message “Stop the provocation” and surfaced, after which the situation calmed down and the American ships let the submarine sail peacefully (Krivokapić, 2017, pp. 125, 275-276).

The most dramatic was the fourth incident that happened the next day. It was only in 2015, when the US government allowed it to be made public, that it became known that on October 28, 1962, a nuclear world war almost started. On that day, William Bassett, the commander of the American base in Okinawa, was ordered to immediately launch a nuclear attack on targets in the USSR, China, and North Korea with all 32 missiles that were in the base.⁵ Bassett thought it must be a mistake, especially since the threat level listed in the order was DEFCON 2, and the stated condition for the launch was to raise combat readiness to the maximum level (DEFCON 1).⁶ He asked the command to repeat the order, and when he got the same message again, he demanded that either the readiness level be raised to DEFCON 1 or the order be withdrawn. Only then was it discovered that it was a mistake (some major put in the wrong string of codes) and the order for the nuclear attack was immediately withdrawn (Tovish, 2015). Bassett died in 2011 without receiving any recognition for saving the world, and we are left to wonder what would have happened in an atmosphere of extremely strained US-Soviet relations if instead of Bassett there had been an officer who would have followed orders without thinking.

The danger of an outbreak of nuclear war is still present today. Not only is it a matter of great tension in relations between Russia and the US and the NATO alliance, but at the same time, the possibility of using tactical (small-caliber) nuclear weapons is being mentioned more and more often. Although it is claimed that this means is not a weapon of mass destruction, that it has a similar effect to a conventional weapon of similar power, and in particular that it can be directed at military targets only and does not cause much radiation, the fact is that if this weapon were to be used, the existing border would be erased, which

⁵ The total blast yield of all 32 missiles was 35.2 megatons, or about 1,000 times the blast yield of the atomic bombs dropped on Hiroshima and Nagasaki, taken together.

⁶ DEFCON (short for *Defense Readiness Condition*) indicates the degree of combat readiness of the US armed forces, starting from 5 (peacetime state) to 1 (the highest degree of combat readiness, due to the assessment that the USA is on the verge of a major armed conflict with the possible use of weapons of mass destruction).

would lead to the use of increasingly powerful nuclear weapons and a constant escalation of the conflict with unforeseeable consequences.

After all, the dangers are far greater today than they were in 1962, when the USA had over 25,500 nuclear warheads, and the USSR “only” about 3,350. It is believed that there are a total of about 13,080 nuclear warheads in the world today, and they are distributed as follows: Russia - 6,255, USA - 5,550, China - 350, France - 290, United Kingdom - 225, Pakistan - 165, India - 156, Israel - 90, North Korea - 40 to 50 (Global nuclear arsenals grow as states continue to modernize, 2021, p. 14). However, it should be borne in mind that the data on the number of nuclear warheads does not show their individual or total power, and in both cases it has increased a lot in the meantime. They do not show that in our time, missiles and other means (carriers) have been perfected. The accuracy with which nuclear warheads are delivered to the targets has increased, which allows it to be done much faster and much more precisely than before. In particular, it should be borne in mind that if a nuclear war were to break out, all the states that possess them would rely on nuclear weapons, and it is considered that only a third of the existing world arsenal of nuclear weapons is sufficient to wipe out civilization on our planet.

In short, if things were to get out of control, the danger of total destruction is far greater today than it was in 1962 (Korb & Cimbala, 2022).

2.8. The Role of the United Nations

Although created with the primary task of safeguarding world peace and security, the United Nations has shown its impotence in both crises discussed here. Not only did they not manage to prevent the worsening of relations in time or contribute to easing the tension, but they also did not contribute to finding a solution. Among other things, paralyzed by the veto of the permanent members, the Security Council proved incapable of taking any substantial steps, except that it turned into a place for mutual accusations. Of course, when it comes to the Ukrainian crisis, the above assessment refers to what has happened so far, which does not exclude a possible successful role of the UN in the future, although at the moment it seems unlikely.

The Cuban missile crisis was resolved in an agreement between its main actors (the USA and the USSR). There is every chance that a way out of the existing Ukrainian crisis (2022) will be found in this way, with the fact that substantive negotiations will be conducted between Russia and the USA. However, considering that various new plot twists and turns are possible, it remains to be seen how the events will unfold. Among the ways to overcome the current situation is

the possible organization of a special international conference, with the participation of major powers and other interested countries, which for now seems to be too early.

2.9. The Reaction of the World Public

One of the common features of the Cuban (1962) and the Ukrainian crisis (2022) is that the world public was divided. By the nature of things, during the Cuban Missile Crisis, the members of the respective part of the divided by the Cold War world, sided with their hegemon - the USA or the USSR, despite the fact that this support was only verbal. Today, the division rests on different foundations, with the fact that one part of the countries is firmly with Ukraine, the USA and NATO, while other countries, and they are the majority at the moment, more or less openly support Russia or at least do not condemn it.

We will return to the reaction of other countries at the place where we analyze the Ukrainian crisis (2022) from the point of view of international law.

2.10. Consequences

The Cuban crisis basically meant competition between the two hegemons of the bipolar world. Fortunately, the tensions were overcome, and the Cold War continued to take place in all fields - political, economic, ideological, informative, sports, etc. but not military (at least not in the sense of direct clashes between the main protagonists).

In the case of the Ukrainian crisis (2022), the political, economic, and every other stake is obviously much higher because in the background of everything is the struggle for what the world order will be. It is a conflict between the efforts of the US to preserve a unipolar world in which it will be the only and undisputed world leader, and the struggle of Russia, but also of some other countries (China, India, etc.), to create a multipolar world, with several equally important centers. It is too early to judge what the world will look like when the conflict in Ukraine ends and whether everything will end only with that conflict. For now, the undoubted consequences are that the biggest loser is the Ukrainian people, over whose backs the spear is breaking in the clash of great powers. The loser is also Western Europe, which brought itself to the brink of the destruction of industry, lack of energy, and even hunger through the unreasonable policy of sanctions against Russia.

3. A View from the Point of International Law

The issue of the qualification of what is happening in Ukraine from the point of view of international law is very complex and requires special attention. This implies adequate space, which we do not have in this paper. Therefore, we will be satisfied here with only basic comparisons and conclusions.

When it comes to the installation of Soviet missiles in Cuba in 1962, from the point of view of international law, the USSR did nothing illegal since the government in Havana voluntarily allowed it to deploy its missiles on Cuban soil. Moreover, Cubans welcomed such a development, considering that it strengthens the position of their independence and provides a guarantee that the US will not attack the island. After all, at that time, the USA itself in a number of countries had its nuclear missiles aimed at the USSR, so no one considered it illegal.

On the contrary, by carrying out the naval blockade of Cuba, the USA violated one of the basic principles of modern international law, which prohibits not only the use of force but also the threat of force in international relations. In addition, the USA disputed the right of Cuba, a sovereign state, to enter into military alliances with other states (specifically, with the USSR). Finally, the USA violated international law every time it violated Cuba's airspace with military aircraft, or in the described case with the spy plane *U-2*, the airspace of the USSR.

When it comes to the action that Russia started against Ukraine on February 24, 2022, it is called and qualified in various ways. The Moscow government and those who support it use the term "special military operation". This should not be surprising, because in our time, when the UN Charter expressly prohibits force in international relations, states tend to use various euphemisms for their armed actions against other countries, such as "military action", "campaign", "intervention", "engagement" and similar, avoiding the words "war" and "armed conflict". They do this in order not to brand themselves as aggressors and to reduce the importance of what is happening in the eyes of the public.

On the other hand, part of the world's public labeled Russia's attack on Ukraine as aggression. Indeed, it can be *prima facie* concluded that Russia violated international law and committed aggression by invading the territory of another state. The basis for such a qualification can be the definition of aggression given in Resolution 3314 (1974) of the UN General Assembly and in the Rome Statute of the International Criminal Court, after its amendments from Kampala (2010).

In this light, it should not be surprising that on March 2, 2022, just a little more than a week after the beginning of the Russian invasion, the UN General Assembly by Resolution No. ES-11/1 (Aggression against Ukraine, 2022) qualified

Russia's action as aggression, demanded that Russia immediately stop the use of force against Ukraine and withdraw its armed forces. 141 countries voted for the resolution, i.e., 73% of UN members, 5 members declared against, 35 abstained, and 12 were not present.

However, a closer look shows that things are not as simple as they seem. Russia invoked its right to, if necessary, protect its compatriots by armed means, which is not in accordance with the prohibition of force from the UN Charter, but is also something that is difficult to deny in light of the fact that the USA has given itself the same right by imposing the concept of the right and even the obligation of humanitarian intervention in the event of a serious violation of human rights anywhere in the world (the concept of Responsibility to Protect). Russia also referred to the right of preventive self-defense, which is really represented by the institute of international law, which was once confirmed by UN Secretary-General Kofi Annan in his report (Annan, 2004, par. 188, p. 54). That argument gained even more strength in light of the fact that the United States, based on its so-called Bush doctrine, has empowered itself to use force whenever necessary to protect its security (Krivokapić, 2017, 497). And what is particularly important here, the international community did not have the means and strength to prevent Washington from using force against other countries.

Returning to Resolution No. ES-11/1 dated March 2, 2022, it is interesting to note that only 6 months later, a similar attempt to condemn Russia failed. The new resolution against Russia did not receive sufficient support and was not adopted. It all came down to a joint statement signed by 55 members on August 24, 2022. But the signatory parties compose only 28.5% of the UN membership, or almost 3 times less than the number of those who voted for Resolution ES-11/1 (Joint Statement on Six Months of Russia's Full-Scale Invasion of Ukraine, 2022). At the same time, out of 55 signatories, 1 was directly involved in the conflict (Ukraine), 30 were NATO members opposed to Russia, 2 were candidates for NATO membership (Finland and Sweden), 4 were close military and political allies of the USA (Australia, Japan, New Zealand, and South Korea), while of the remaining 17 countries, only 2 were from Latin America (Guatemala and Colombia) and none from Africa. In other words, after half a year of the conflict, when a more complete picture of everything was gained, 138 out of 193 UN members were not ready to vote against Russia. This means that by not supporting the resolution against it, Russia was supported in a certain way by as many as 71.5% of UN members, led by such important countries as China, India, Pakistan, Brazil, Mexico, Saudi Arabia, Indonesia, etc. It becomes all the more interesting when it is known that many of these countries cannot be considered allies or sympathizers of Russia or countries that Russia could strongly influence.

What exactly is happening in Ukraine, whether it is aggression or preventive self-defense, etc., are very important issues that require a special review, and we will try to give it in a separate paper (new article) dedicated to those problems. Here we have to content ourselves with the statement that, for now, there is no agreement in the international community on how to qualify what is happening in Ukraine. This is especially since it all has a long and complex history, while at the same time, it is easy to understand that we are facing the so-called proxy war between NATO and Russia on the territory of Ukraine. What is indisputable is the fact that the intense tightening of relations between the USA and NATO, on the one hand, and Russia, on the other, followed by the Western sanctions against Russia, fundamentally shook relations in the international community and caused the biggest international crisis in recent history, for which at this moment it is not known when and how it will be resolved.

Regardless of everything that has been said, it can be noted that in connection with the Ukrainian crisis, international law was violated by many states that formally have not been involved in the conflict. Russia also carried out an armed incursion into Ukraine from the territory of Belarus, which puts that country in the position of a participant in the conflict. On the other hand, the extensive measures taken by the USA and other NATO members, which included the massive arming of Ukraine with the most modern weapons, the provision of important intelligence data to the government in Kiev (in particular, data collected by spy satellites), the sending of military instructors, and even the direct participation of military personnel from those countries in the armed conflict on the side of Ukraine (it is covered up in various ways, but it is unquestionable), are incompatible with the status of neutral states in terms of the international law of armed conflicts. Although Russia in principle has the right to treat the mentioned states as participants in the conflict, which means as its enemies, it has not done so so far, aware that this would cause an uncontrolled escalation of the conflict, which, it seems, no one wants.

To all this, we should add the secession and admission to the Russian Federation of parts of Ukraine - Luhansk, Donetsk, and Zaporizhzhia, and Luhansk Oblasts. This was done after referendums were held in which the residents of the mentioned areas overwhelmingly voted for secession from Ukraine and belonging to Russia. However, this added fuel to another problem - the conflict between two basic principles of international law, one of which guarantees the sovereignty and territorial integrity of states and the other recognizes the right of peoples to self-determination (Krivokapić, 2020, pp. 203-256).

The Ukrainian crisis also raised a number of other problems related to international law, such as 1) individual criminal responsibility for war crimes; 2) the

production of several million Ukrainian refugees; 3) enormous damage to nature due to fierce combat operations with the most modern weapons; 4) the problem of hunger in the world (in connection with the export of Ukrainian grain); 5) the problem of supplying a number of countries, especially Western Europe, with gas and other energy products (due to the disastrous backlash of the sanctions introduced against Russia); 6) responsibility for specific illegal acts (mining of gas pipelines Nord Stream 1 and 2); 7) the possibility of the dissolution of the United Nations, etc.

4. Conclusion

According to what has been presented, there are many similarities, but also differences, between the Cuban Missile Crisis (1962) and the Ukrainian Crisis (2022). Still, the dominant impression is that they are united by the fact that these are the two situations in which the world faced the danger of the outbreak of a new world war and one in which nuclear weapons would most likely be used.

On the other hand, although we have compared it here with the events of 1962, the Ukrainian crisis (2022) has a number of similarities with some other important events, such as The Crimean War (1853-1856), in which everything began with Russia's victories over Turkey, only for the Western powers to intervene on the side of the latter, causing a bloody war; The Spanish Civil War (1936-1939), in which a number of countries participated in various ways, etc.

Returning to our time, we must underline the fact that, according to current international law, all international disputes and crises must be resolved without delay and exclusively by peaceful means. The Ukrainian crisis should not be an exception in this respect. After all, even the Cuban Missile Crisis ended, as we know, with a kind of agreement.

At the moment, it seems that we are far from a solution, which is due in large part to the fact that the stakes are extremely high for all parties. The one who manages to win will have the opportunity to preserve the existing or build a new world order, which also means preserving and improving or, on the contrary, changing the current international law.

In the hope that the conflict in Ukraine will be resolved peacefully as soon as possible, we can only conclude that, as always, the only real judge is time. We can analyze, criticize, suggest, etc., but we have no power to influence events. We can only hope that reason will prevail.

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KUBANSKA (1962) I UKRAJINSKA KRIZA (2022) – SVET NA IVICI NUKLEARNOG RATA, 60 GODINA KASNIJE

Sažetak

Rad se bavi poređenjem Kubanske raketne krize (1962) i Ukrajinske krize (2022) kao slučajevima u kojima je čovečanstvo bilo najbliže izbijanju svetskog nuklearnog rata. Prvo je dat osvrt na pojam međunarodne krize, a zatim su sa osloncem na odabrane kriterijume analizirani Kubansku krizu i stvarnost koja je nastala invazijom ruskih oružanih snaga na Ukrajinu 24. 2. 2022. Posebno su obrađeni međunarodnopravni aspekti ovih problema, s tim da je ukazano da za razliku od američke vojnopomorske blokade Kube, u razmeštaju sovjetskih raketa na tom ostrvu nije bilo ničeg protivpravnog, pa su SAD ipak bile spremne da ratuju samo da bi otklonile pretnju. U slučaju Ukrajinske krize (2022) sve je daleko komplikovanije. Premda se na prvi pogled tu radi o agresiji, Rusija se pozvala na omiljene argumente i koncepcije SAD, kao što su humanitarna intervencija i preventivna samoodbrana. U zaključnim razmatranjima istaknuto je da prema važećem međunarodnom pravu svi međunarodni sporovi i krize moraju se rešavati isključivo mirnim sredstvima, da Ukrajinska kriza ne bi smela biti u tom pogledu nikakav izuzetak, te da je, uostalom, dobar primer Kubanska raketna kriza koja je okončana jednom vrstom sporazuma.

Ključne reči: Kubanska raketna kriza, međunarodna kriza, međunarodni odnosi, međunarodno pravo, Ukrajinska kriza.

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